



Appeal Decision

Site visit made on 23 January 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 FEBRUARY 2023

Appeal Ref: APP/Y3615/W/22/3301036

The Founders Studio, Millbrook, GUILDFORD, GU1 3UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Emmaus Road Church against the decision of Guildford Borough Council.
 - The application Ref 21/P/02054, dated 23 September 2021, was refused by notice dated 14 December 2021.
 - The development proposed is variation of condition 2 (Plans) of planning application 20/P/00224 approved 17/04/2020.
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Decision

1. The appeal is allowed and the planning permission Ref. 20/P/00224 for the installation of air conditioning units to the rear flat roof with replacement roof with roof lights together with minor changes to the elevation, at the Founders Studio, Mill Brook Guildford, granted on 17 April 2020 by Guildford Borough Council, is varied by amending condition No.2 [plans] to be as follows and adding two additional conditions on the further details needed, and when the work is carried out and its retention.

No. 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 10635-20, FG PL 010, FG PL 011, Unnumbered Proposed Ground Floor Plan and Unnumbered Proposed First Floor Plan received on 07 February 2020; 10635-21 REV D, 10635-22, 10635-23 and 10635-24 received on 24 February 2020; as amended by (a) Details of the increase in the height of the boundary wall as specified in the drawing in Appendix 2 of the appellant's Appeal Statement submitted by Forward Planning and (b) Details of new Timber Lattice Horizontal Screening as specified on the drawing in Appendix 3 of appellant's Appeal Statement submitted by Forward Planning.

No.2A Details of the timber lattice screening and the colour/finish of the wood, shall be submitted to and agreed by the Council before the lattice is put in place.

No.2B The mitigation in the form of the raised wall and timber lattice screening shall be carried out within 3 months of the date of this decision and shall be retained in that form thereafter.

Main Issue

2. The main issue is the effect of the proposed change to the external appearance of the permitted alterations to the Founders Studio, in particular an air

conditioning system, on the character and setting of the Town Centre Conservation Area and other designated heritage assets.

Reasons

Background

3. The appeal site comprises a relatively modern two storey building, which is used as a community centre by a church, and fronts Millbrook from where the land rises steeply to Quarry Street at the rear. To the southern side of the building lies a pedestrian twitten, Rosemary Alley with flights of steps to the higher street. The site and surrounding area lie in the Guildford Town Centre Conservation Area and in close proximity to a number of Listed Buildings including St Mary's Church and its church yard to the north, and the Town Mill and Yvonne Arnauld Theatre to the west. The adjoining properties No's 6, 8 and 8A Quarry Street are all Listed Grade II*.
4. The appeal concerns a proposal to modify the plans agreed as part of a permission to refurbish the building to now include an air conditioning system which has been installed on and alongside the rear facing roof of the building.
5. I note that the Council issued an enforcement notice against the air conditioning apparatus in February 2022 and an appeal against the notice was dismissed in September 2022 under ref. APP/Y3615/C/22/3295054. While the notice was varied in minor terms, the notice was upheld but the period for compliance was increased to 6 months.

Effect on heritage assets

6. In this assessment I have paid special attention to the desirability of preserving or enhancing the setting of the listed buildings mentioned above and the setting of the Conservation Areas and placed great weight on the heritage assets' conservation.
7. The main effect is on the character and appearance of the heritage assets as appreciated from around Rosemary Alley. I noted at my site visit that a small part of the air conditioning unit is seen from part of St Mary's churchyard but even at this time of year when the intervening vegetation is at its least dense views of the apparatus from this area are not significant or material.
8. On the other side of the appeal building the environs of Rosemary Alley make a positive contribution to the character of the conservation area through the narrowness of the space and the presence of enclosing walls mainly constructed in old red brickwork. Where part of the side elevation of the appeal building abuts the Alley the side wall is rendered, painted white and topped with a coping stone and some low railings. However, this enclosure is of a height where the air conditioning apparatus is readily apparent over a short distance to users of Rosemary Alley. Its extensive tubular form wrapped in a shiny grey material as well as the scale of the apparatus makes it an alien and imposing form which detracts the simple form of the roof of the building. Even though the apparatus is not seen from the thoroughfare of Millbrook, the addition harms the character and significance of the conservation area and the wider setting of the other heritages assets including the setting of the adjoining buildings at No's 6, 8 and 8A Quarry Street.

9. The application proposals includes a proposal to mitigate the equipment with the fixing of louvre screening along the railing to a height of 0.9m above the wall. This is shown to be "PVC, Alum or similar", however, I am not satisfied from the details submitted that this is likely to be an acceptable form of screening that is visually attractive to Rosemary Alley and this solution is likely to mitigate one alien feature by adding another. This would result in 'less than substantial harm' as described in paragraph 202 of the National Planning Policy Framework.

Plans to mitigate impact

10. I have considered the appeal scheme as including the alternative means of addressing the visual impact of the air conditioning system as subsequently discussed with the Council. This alternative involves building the existing white rendered wall upwards by 0.8m and topping it with coping stones as well as the introduction of a horizontal timber lattice. I note that the appellant has submitted a new planning application to the Council to include this work in mitigation (22/P/01740), however this is a separate matter to this appeal which has to be considered on its individual merits.
11. The heightened wall would effectively screen virtually any view of the apparatus from a walker on Rosemary Alley and the timber lattice would help preserve the setting of the rear of the properties fronting Quarry Street and maintain the view at an oblique angle downwards out of rear facing windows. On the basis of these plans, I find that the visual effect of the air conditioning unit can be mitigated to the extent that the work would not cause harm to the designated heritage assets described above.
12. I will therefore allow the appeal on the basis that the plans submitted with the original application are amended to include the two drawings now submitted in mitigation. As the timber screen trellis is not fully detailed on the drawing there is also a need to impose a condition so that these further details are submitted to and agreed by the Council before the lattice is put in place. Further, a condition needs to ensure that the mitigation work is implemented in a period of three months and retained thereafter.
13. Finally, the parties' attention is drawn to Section 180 of the Act¹ which deals with the terms of an enforcement notice where there is an inconsistency with a subsequent planning permission.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

¹ The Town and Country Planning Act 1990.