



Appeal Decision

Site visit made on 20 February 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/R3650/W/22/3305064

3 Castle Street Market, Castle Street, Farnham GU9 7LP

- 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 T Lyons (Flavia Estates SARBS Ltd.) against the decision of Waverley Borough Council.
 - The application Ref WA/2022/00513, dated 23 November 2021, was refused by notice dated 31 May 2022.
 - The development proposed is described as 'Extension to the existing A3 kiosk Market Stall, Castle Street, Farnham, revision of WA/2020/1176.'
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Decision

1. The appeal is allowed and planning permission is granted for the extension to the existing A3 kiosk Market Stall, Castle Street, Farnham, revision of WA/2020/1176, at 3 Castle Street Market, Castle Street, Farnham GU9 7LP in accordance with the terms of the application, Ref WA/2022/00513, dated 23 November 2021, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01f, PL-02m and PL-03e.
 3. No development shall take place until details of the design of the glazing frames, connection to the kiosks, any downpipes and roof design including plans/elevations/drawings at scale 1:25 or 1:50 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 4. No external floodlights or other forms of external lighting shall be installed without the prior permission, in writing, of the Local Planning Authority.
 5. Notwithstanding the provisions of The Town and County Planning (Control of Advertisements) (England) Regulations 2007 (as amended), no advertisement of any nature shall be displayed on or within the development hereby permitted without the prior consent of the Local Planning Authority of an application made for that purpose

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Farnham Conservation Area (CA) and whether it would preserve setting of nearby listed buildings.

Reasons

3. The appeal building comprises of one of three retail kiosks sited along Castle Street, a busy and attractive commercial street in the centre of Farnham. The three traditional kiosks are similar in appearance, with a glazed roof lantern, and are set with a consistent gap between them. The kiosk sits within the Farnham CA and is located near to a number of listed buildings, including the Grade II* 76 Castle Street and Grade II listed Lloyds Bank and Town Hall.
4. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and preserving listed buildings and their setting or any features of architectural or historic interest which they possess. The National Planning Policy Framework (the Framework) states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that great weight should be given to the asset's conservation.

Conservation Area

5. The adopted Farnham Design Statement (2010) sets out that the unique character of the CA is as the oldest part of the historic town centre, with many fine buildings and a medieval road system. It states that Castle Street is one of the finest market town streets in the country and an excellent Georgian example of urban space, generous in width, with good variation in scale and some outstanding listed buildings, with the street extending towards Farnham Castle to the north and representing the main thoroughfare in the town. It is the nearest Farnham has to a town centre space, long history as a meeting place, still used for markets and celebrations. Its importance as a focal point for celebrations and market activity continues.
6. The three existing orangery style pavilions/kiosks replaced existing market kiosks and a storage container/cold store in 2006, on a site originally occupied by the Old Market House with space beneath for use on market days, demolished in 1865. The kiosks are, given their roadside siting, visually prominent and contribute to the vitality of the street. Their traditional form and modest scale sit comfortably within the historic surroundings.
7. The proposed extension's extensive use of glazing and frameless design would result in a lightweight structure that would ensure that, whilst there would be some minor reduction in views between the kiosks due to the reflective nature of glass, visibility between the kiosk structures would not be lost. Moreover, visibility through, as I observed on my site visit, is already compromised by the use of the spaces as storage or for tables and chairs. The extension would be of a limited scale and clearly subordinate to the kiosks. The glazed link would contrast with the relative solidity of the kiosks to retain a sense of separation and the original three unit concept, and sense of modest scale, would not be lost. The proposal would therefore preserve the character of the street scene and the wider CA.
8. The existing storage and tables and chairs between units provide a form of barrier to pedestrian permeability. In addition, and notwithstanding the safety aspect of pedestrians emerging onto the road from between two units, I note that the appellant has provided a copy of the approved plans for the 2009

application to change the use of the appeal unit to A1/A3¹. The plans show the installation of a chain padlocked between the two bollards to preventing people entering and accessing between the gap on the roadside of the kiosks. Whilst not in place at the moment, there is no reason why this could not be implemented and provide a clear visual indication that access through between the two kiosks is not permissible. A formal barrier placed in this position would not therefore compromise permeability or cause unwelcome obstruction to pedestrians. This is particularly in the context of the generally unconstrained movement along Castle Street and the nearby pedestrian crossing point at junction with The Borough.

9. Whilst not a common element in the street scene, the transparent and lightweight nature of the proposal as well as its modest scale would mean that the townscape would not be harmed. As such I conclude that the character and appearance of the CA would be preserved.

Listed Buildings

10. The appeal site is surrounded by listed buildings, including, as identified by the Council, the adjacent Grade II* 76 Castle Street and Grade II listed Lloyds Bank and Town Hall.
11. The 3 storey Grade II* 76 Castle Street is a late C18 Georgian town house. Its historic significance derives from being an original C18 building representing the growing affluence of the Georgian town, its architectural significance as an example from that period. Its listing description notes 'brick with moulded eaves cornice. Elegant but plain façade with restrained decoration. Ground floor features including 6 panel door with arched fanlight. Modern shopfronts though sympathetic to character.'
12. The Town Hall building, facing The Borough and forming a block with No 77 Castle Street was completed in stages, the first stage completed in 1932. It was designed by prominent local architects to harmonise with the best of the C17 and C18 character of the area. Its historic significance derives from being part of the C20 'improvements' to the town, and its architectural interest results from being an example of approach to assimilation of built form. Its listing description notes 'Castle Street frontage brick on stone plinth with stone dressings. Tiled roof with central lantern. Ground floor arched treatment to windows/door.'
13. Similarly, the Lloyds Bank building (No 75), opened in 1931, was designed to appear as C18. Again, its historic significance derives from being part of the C20 'improvements' to the town, and its architectural interest results from being an example of approach to assimilation of built form. Its listing description notes 'brick on stone plinth with stone dressings. Pediment with panelled parapet.'
14. There are a range of other Grade II* and Grade II buildings within local area, including on the opposite western side of Castle Street.
15. The setting of 76 Castle Street includes having group value with other buildings on the eastern side of Castle Street, however I consider that the setting also incorporates the southern section of Castle Street to its junction with the

¹ Application reference WA/2009/0250

- Borough. This is due to the general consistency of the period character of this area and the ability to appreciate this by virtue of the generous street width.
16. The recent addition of the kiosks which, whilst of greater solidity and scale than the market stall they replaced, are of a scale and form that is subservient to the backdrop of this listed building and the other substantial properties that form the backdrop of this townscape. They are also of a style that harmonises reasonably well with Georgian character. Kiosk 3 does obscure views of the ground floor of No 76, though the upper floors containing original detailing are still clearly in view.
 17. With regards to the Town Hall and No 77, the setting of this building also extends onto The Borough and have a similar setting to No 76. Kiosks 1/2 do obscure views of the ground floor of No 77, though the upper floors and roof containing the impressive focal point if the decorative lantern is still clearly in view.
 18. The setting of Lloyds Bank is also similar to No 76, and, given its position, the kiosks do not obscure its frontage.
 19. Given its siting, the proposal would have the greatest impact on the setting of No 76. However, as set out above, the lightweight and modestly sized structure would relate to a gap which allows glimpsed views of the ground floor of this building. The reflective nature of glass could mean some modest reduction in the ability to appreciate this visual gap. Nonetheless, it is likely that views through to the ground floor would be largely retained. As such the perception of there being a break between two comparatively solid structures would remain. The extension would not visually compete with the heritage assets, not affect the wider commercial character of the street and would not harm how the heritage assets are experienced and appreciated individually or cumulatively as a group.
 20. The extension would have a broadly neutral impact upon the setting of No 76, in addition to the Town Hall building and No 77 and Lloyds Bank (and other nearby listed buildings), and accordingly I find that their significance would be preserved.
 21. Additionally, the 19th century cast iron lamp post next to the structures are also Grade II listed. The Council have not raised issue with the impact upon these lamp posts and based on the evidence before me and what I observed on site, given the design and scale of the proposed extension, I have no reason to disagree.
 22. Given the above I conclude that, on balance, the proposal would preserve the character and appearance of the Farnham CA and would preserve the special historic interest of the settings of nearby listed buildings. This would satisfy the requirements of the Act, and of the Framework and would not conflict with Policies HA1 and TD1 of the Waverley Borough Local Plan (Part 1) (2018), FNP1, FNP2 and FNP16 of the Farnham Neighbourhood Plan (2020) and saved Policies HE8, TC3 and TC11 of the Local Plan (2002) which collectively seek to ensure that development is high quality, responds positively to an area's character and identity, including the unique character of Castle Street, preserves or enhances conservation areas and that development proposals safeguard or enhance heritage assets, including their settings.

Other Matters

23. I note that letters of objection were submitted. With regards to possible requirements for toilet facilities, or bin storage and further clutter, which could be stored inside, this is not a matter for the appeal before me. Such matters are also controlled by other regulatory regimes. As this is not a personal permission, neither is the current occupancy of the unit. Similarly, references are made to a separate application on this site. This is not a matter for the appeal before me.²
24. Should a similar application be submitted in the future to extend between the other two units or to change its use again, this would be a matter for the Council to assess and determine on its own merits, however, a scheme for extension would be assessed on the basis of its design and the impact on the three kiosk concept. Therefore, the proposal before me does not in my view set a harmful precedent. Given the siting of tables and chairs in this existing gap, there would not be any harmful alteration with regards to views into the central kiosk.
25. With regards to further details of frames and downpipes etc, a condition to secure appropriate details in this regard would be necessary to ensure that the development would have a lightweight appearance.

Conditions

26. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
27. In addition to the standard time limit condition, and those stated above, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
28. Conditions to restrict external lighting and advertisements are appropriate in order to ensure the extension does not detract from the character and appearance of the kiosks and wider CA and listed buildings.
29. Conditions restricting the use and hours of opening of the extension are not necessary as these matters are controlled by previous permissions relating to the kiosk.

Conclusion

30. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

² Application reference WA/2022/00603