



Appeal Decision

Site visit made on 5 September 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/Y3615/W/23/3318370

Ripley Cricket Club, The Green, Ripley, Surrey GU23 6AL

- 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 Ripley Cricket Club against the decision of Guildford Borough Council.
 - The application Ref 22/P/01624, dated 21 September 2022, was refused by notice dated 14 December 2022.
 - The development proposed is removal of existing single glazed windows and doors and replacement with new double glazed A++ high energy efficient PVC windows to match existing in design and colour.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the proposal description from the decision notice and appeal form, as it more accurately reflects the nature of the proposed development.
3. Following the Council's decision, the Guildford Borough Local Plan: Development Management Policies (LPDMP) was adopted on 22 March 2023 and now forms part of the development plan. The Council confirms that Policy HE7 of the Guildford Borough Local Plan January 2003, quoted on the decision notice has been superseded and the reason for refusal is now supported by recently adopted Policies D18 and D20 of the LPDMP. Policy D3 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (LPSS), adopted April 2019 remains applicable. I have determined the appeal on the basis of the development plan at the time of my decision. The appellant has had the opportunity to comment on this matter and I have taken their comments into consideration during my determination of this appeal.
4. Although not a reason for refusal, the Council's delegated report considers that the proposal would not preserve the significance of the adjacent listed building. As a result of the evidence before me, my site visit and my statutory duty under section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving the setting of a listed building during the determination of an appeal, I have considered this matter as part of the main issue. Both parties have had the opportunity to comment on this matter and I have taken all comments received into consideration.
5. The appellant considers that part of the north and east elevations of the appeal property are located outside of the Conservation Area (CA). The CA boundary

shown on the map provided within the appellant's evidence is relatively thick and not precise. The map within the Ripley Conservation Area Appraisal (CAA) July 2017 is clearer and shows the building to be within the CA. I am satisfied that for the purposes of this appeal that the building is within the CA. However, even if the north-eastern corner of the appeal building was to fall outside of the CA, most of the building and therefore the majority of the proposed development would fall within the CA.

Main Issues

6. The main issue is the effect of the proposed replacement windows on the significance of designated heritage assets, having particular regard to the Ripley (CA) and Elm Tree House, which is a Grade II listed building.

Reasons

7. The appeal property relates to a 2 storey, detached building, which is in use as a cricket club. The existing building has white painted brick work, a clay tiled roof and timber windows, which have been painted green. The appeal building occupies a prominent position adjacent to The Green and cricket pitch in Ripley.
8. The building lies within the Ripley CA and falls within the Ripley Green Character Area, as set out in the Ripley CAA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA insofar as it relates to this appeal is derived from the historic open green space, tranquil character and the presence of historic buildings adjacent to The Green, which generally incorporate traditional materials. The appeal property is of historic merit and its design and use of traditional materials makes a positive contribution to the character and appearance of the CA.
9. The appellant states that the appeal property is not identified as a positive building of townscape merit within the CAA. However, the CAA identifies key special features and states that '*the cricket pitch, nets and the adjoining historic cricket pavilion add to the character of the space.*'
10. The appeal property also forms part of the setting of Elm Tree House, which is a Grade II listed building. Elm Tree House lies directly to the south of the site. It is a late 16th century dwelling, which was extended to the rear in the 19th century and restored in the 20th century. The significance of Elm Tree House derives from its architectural features, including timber frame, whitewashed render, with decorative incising and leaded casement windows.
11. I have had regard to the *Catesby Estates Ltd v Steer and Secretary of State for Communities and Local Government v Steer* [2018] EWCA Civ 1697 decision. I appreciate that siting is not a determinative factor in respect to setting. I also acknowledge that the appeal property and Elm Tree House are of different architectural styles, physically separated, not functionally connected and have fenestration of differing materials and colour. The side elevation of the appeal property also has a more functional and utilitarian appearance, with an attached air conditioning unit, with bins and beer kegs stored adjacent to this elevation.

12. No new windows would face Elm Tree House. The proposal would also not affect the front elevation of the listed building. However, the two properties are sited very close to each other and the side elevations of both properties are experienced and seen together in views from the public realm, particularly from the path that runs adjacent to the side of these buildings. As a result, the appeal property has a direct relationship with the adjacent listed building.
13. While Elm Tree House has had recent alterations and additions and incorporates fenestration of differing designs and materials, there is no evidence before me to suggest that the modern interventions incorporate UPVC materials. The fenestration at Elm Tree House primarily consists of leaded casement windows, as opposed to timber. However, it is the presence of traditional and authentic materials that make a positive contribution to the character and appearance of the CA and the significance of the listed building.
14. The proposal seeks to replicate the existing windows in terms of their design, colour, layout of the Georgian style glazing bars and use of mechanical jointing to resemble the timber joinery. A wood foil finish is also proposed externally. While the existing windows may be mass produced and include a variety of styles and designs, they utilise a traditional material, which makes a positive contribution to the character and appearance of the CA. UPVC windows typically have a more uniformed and manufactured finish and would lack the natural appearance of the existing timber joinery. While the appellant considers that the style, colour and depth of the reveals would be maintained, I find that the proposed modern, UPVC windows would appear harmfully out of place in this sensitive location, within the CA and adjacent to a listed building.
15. The appellant surveyed 58 properties around The Green and found 43% of them to contain UPVC windows. The CAA clearly states that UPVC windows are a negative feature within the CA. While the appellant argues that some of these buildings have a higher heritage and townscape status than the appeal property, limited information on the heritage status of these buildings and the circumstances behind the UPVC windows has been provided. I observed on my site visit, that the majority of historic properties in the area surrounding the cricket pitch have timber windows and doors, which contribute to the historic significance of this part of the CA.
16. The appellant has drawn my attention to other properties in the town where UPVC or aluminium replacement windows have been permitted. While the other schemes fall within a CA, they are on different streets and some within different CAs and so the context is materially different. Given that aluminium has a different visual appearance to UPVC, I do not find the example at Ripley Village Hall to be comparable. While I note that 67 The High Street, Ripley Lodge and some of the Island Cottages have UPVC windows, none of these are sited as close to Elm Tree House as the appeal property or form part of the small group of historic properties that are sited immediately adjacent to the cricket pitch. As a result, the other examples are not comparable. In any event, the other examples do not justify the harm that I have identified to the character and appearance of the CA and the significance of the listed building.
17. The appellant argues that replacing the decaying windows, with more thermally efficient double glazed windows would be a positive action for the purposes of Policy D18 of the LPDMP. Given the harm that I have identified above, I do not find that this would be a positive action.

18. As required by the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the harm identified. I find the harm to be less than substantial to the CA and the significance of Elm Tree House, but nevertheless of considerable importance. In accordance with paragraph 202 of the Framework, this harm should be weighed against any public benefits of the proposal.
19. The proposed development would replace existing windows that are in a poor state of repair and would help to tidy up the visual appearance of the building. The proposal would improve the thermal performance and energy efficiency of this building, which would help to mitigate against climate change, provide improved thermal comfort for users of the building and reduce the club's energy bills. Furthermore, the proposal would enable the building to continue to function as an important community sports facility. Overall, I give the public benefits moderate weight in favour of the scheme. I also acknowledge that this is a community-owned building and funds are limited; however, the same benefits could be achieved by the use of high performance timber windows.
20. For the reasons given above, I conclude that the proposal would cause less than substantial harm to the significance of the Ripley CA, as a designated heritage asset and would harm the setting and therefore the significance of Elm Tree House, which is a Grade II listed building. The public benefits of the scheme do not outweigh the harm that I have identified. As a result, the proposal would fail to comply with Policies D18 and D20 of the LPDMP and Policy D3 of the LPSS. These policies among other matters require that developments preserve or enhance the special character and appearance of a CA and a heritage asset. These policies also require that proposals seek to retain architectural details and features of interest that contribute positively to the character and appearance of the area, such as windows and doors.
21. The proposal would conflict with the Framework, which requires a decision maker to take account of the desirability of sustaining and enhancing the significance of heritage assets and that new development makes a positive contribution to local character and distinctiveness.

Other Matters

22. While I note that the Parish Council support the proposal, this does not affect my findings on this appeal.

Conclusion

23. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework that would outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR