



Appeal Decision

Site visit made on 16 January 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/Y3615/D/23/3318044

Velvets Cottage, Brook Lane, Albury, GUILDFORD, GU5 9DH.

- 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 Mrs Clare Dyer against the decision of Guildford Borough Council.
 - The application Ref 22/P/01061, dated 16 August 2022, was refused by notice dated 13 January 2023.
 - The development proposed is the erection of a single storey rear extension, garage conversion, porch extension, two storey side extension, patio/swimming pool and internal alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension, garage conversion, porch extension, two storey side extension, patio/swimming pool, and internal alterations at Velvets Cottage Brook Lane, GUILDFORD, GU5 9DH in accordance with the terms of the application, Ref 22/P/01061, dated 16 August 2022, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: 407-04 Rev G; 407-05 Rev F; 407-06 Rev F; 407-07 Rev F; and 407-09 Rev F.

Preliminary Matters

2. The appellant seeks to amend the proposal and delete the access alterations originally proposed as referred to in the second reason for refusal. Bearing in mind the tests set out in the case of *Holborn*¹ this change would not be unfair to any party and therefore I have deleted the 'driveway alterations' from the proposals to be considered in the appeal.
3. The government issued a revised version of the National Planning Policy Framework (the Framework) on the 19th December 2023. I have considered the changes in relation to the main issue in this appeal but find that the

¹ *Holborn Studios Ltd v Hackney LBC* [2017] EWHC 2823 (Admin)

changes are minor and not material to the decision. The parties were therefore not invited to make submissions on the application of the amended Framework.

4. Although other spellings are given in the evidence submitted I have used the adjacent property names of Chennells East and West as these are the names stated on the formal listing of the properties.

Main Issue

5. The main issue is the effect of the proposal on the setting of the adjacent listed buildings Chennells East and Chennells West (Grade II) and whether this setting would be preserved.

Reasons

Background

6. The appeal site comprises an attractive two storey detached property with a mostly symmetrical front elevation which lies in a frontage of other detached and semi-detached houses within this hamlet near Albury. The site also lies in the Green Belt and the Surrey Hills National Landscape (NL) (previously called Area of Outstanding Natural Beauty).
7. The Council does not raise any objections to the proposal on the grounds of the effect on the Green Belt or NL or on the living conditions of neighbours.

Effect on Listed Buildings

8. In assessing this aspect I have borne in mind the statutory duty to have special regard to the desirability of preserving the setting of the listed buildings or any features of special architectural or historic interest which they possess.
9. The statements submitted include a copy of the listing of East and West Chennells as described by Historic England. Moreover, I agree with the appellant's summary of the significance of the building(s) as 'a fine example of a late 19th century dwelling rebuilt from earlier 17th century origins in local vernacular materials, with a high degree of ornate styling in its external finish'. It is also fair to note that the setting of the building(s) includes adjacent residential properties on both sides. The Council also refers to the significance as including the properties as being underbuilt in red and blue chequer-work brick and the well-balanced symmetry of the two properties when read together.
10. The Council refers to the harm being caused by the scale and bulk of the side extension reducing the visual gap between the appeal site property and Chennells East where the flank wall of an attached single storey garage with a lean to roof sits on the party boundary. There is also a high and well-maintained conifer hedge along or close to this boundary between the two properties at the moment as well as a mature shrub in the front garden of the appeal site. However, I have not placed much weight on their screening effect in the long term as these natural features do not have permanence. In terms of the road frontage there is a hedge along the appeal site but the front space of Chennells East and West is open with a gravelled surface used for parking.
11. When travelling west along Brook Lane the side wall of Chennells East is seen beyond the present end wall of Velvet Cottage but the main frontage elevation is not prominent in the view as shown in the appellant's two 'before and after'

concept images. There would be a slight diminution in the view caused by the proposed side extension but this would be set back from the main elevation and I do not read this as material to the setting of Chennells East or West.

12. In views from about level with the party boundary between the two properties the proposed side extension would not interfere with the setting of the Listed Buildings or diminish their significance when appreciated around the buildings themselves. The key elements of the special architectural and historic interest would not be affected.

Planning and Listed Building balance

13. In assessing the impact of the proposed development on the significance of the heritage asset of the listed buildings I have given weight to the asset's conservation.
14. Although the visual gap between the flank of Velvet Cottage and flank of the garage at Chennells East would be reduced by some 4m this would not harm the significance of these listed buildings but would preserve them. The proposal would therefore not conflict with the provisions of Policy D3 of the Guildford Borough Local Plan or Policies D18 and D19 of the Development Management Policies (June 2022), nor section 16 of the Framework concerning conserving and enhancing the historic environment. This policy compliance and lack of harm is not outweighed by any other factor and therefore the appeal should be allowed.

Conditions

15. The Council recommends that only three 'standard' conditions be imposed concerning timing of the implementation; external materials to match; and accord with approved plans. I agree that these are reasonable and I will impose them and no other conditions are necessary.

Conclusion

16. For the reasons given I conclude that the appeal should succeed.

-*£/-*++*

David Murray

INSPECTOR