



Appeal Decision

Site visit made on 2 July 2024

by J Dowling BA (Hons), M.Phil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/Y3615/W/24/3338207

Manor Barn House, Browns Lane, Effingham, Surrey KT24 5NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs N and R Jubert against Guildford Borough Council.
 - The application Ref 22/P/01220, is dated 12 July 2022.
 - The development proposed is conversion and extension of existing former barn to form a dwelling house and creation of two single-storey, semi-detached dwellings all within the garden curtilage of the existing house.
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Decision

1. This appeal is dismissed.

Procedural Matters

2. I note that during the consideration of the application the Appellant submitted amended plans to the Council to address concerns raised by the Council's Conservation Officer. However, it would appear from the information submitted by the Appellant that the status of these plans is unclear. Therefore, as requested by the Appellant and in the interests of fairness I have considered the appeal based on the original plans.
3. The Council failed to submit an appeal statement. I therefore have very limited information on which to determine this appeal. As a result, I have only been able to consider the effect that the proposal would have on designated and non-designated heritage assets.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Effingham Conservation Area; and
 - whether the proposed development would adversely affect the setting of a listed building

Reasons

5. Manor Barn House is part of an extended barn which has been converted into several houses and forms part of a complex of buildings that originally formed part of Effingham Manor. It is located within Effingham Conservation Area which covers the historic core of the village. Whilst Manor Barn House itself is not listed the 'barn outbuilding' a single storey brick and weatherboarded

- outbuilding at the bottom of the garden and the original flint and brick boundary wall are locally listed.
6. The original manor house of Effingham Manor is now called Brown's and is located immediately to the south of the appeal property. Brown's is a 17th Century timber framed building that has been altered and extended over the centuries as can be seen by the mix of window styles. The building is grade II listed.
 7. I observed on site that levels drop east to west across the site so that the buildings on Brown's Lane including both the appeal property and the adjoining listed building are visible from the Street and the lower part of Crossways, albeit that, due to the existing boundary trees and vegetation, these views are partially screened.
 8. The proposal is for the conversion and extension of the locally listed barn and the erection of two single-storey semi-detached dwellings. The proposal would require the subdivision of the existing garden to create new curtilages for each of the proposed new units with a smaller garden area being retained for Manor Barn House. A new vehicular entrance would be created on Crossways. The new entrance, which would be within the locally listed boundary wall, would require the removal of a protected tree (T15). It would lead to parking areas for each of the proposed new units. The proposal would result in the removal of a number of mature fruit and nut trees and the removal and/or possible relocation of an existing greenhouse.
 9. I accept that in principle the densification of the site to deliver additional housing would be supported by both national and local policy and that the provision of smaller homes and bungalows would meet a need identified by the Council. However, I also recognise that this is a sensitive site given its location adjacent to a designated heritage asset (Brown's), the presence of non-designated heritage assets on the site and the sites location within the Effingham Conservation Area.

Effect on the character and appearance of the Effingham Conservation Area

10. I consider that the proposed conversion of the locally listed barn through the use of materials and design features would be sympathetic and would enable the building to retain and maintain, albeit in an extended form, its current appearance. I note that the Council have questioned whether the building would be capable of conversion without the need to be significantly rebuilt. However, from what I observed on site I am satisfied, even though the building would need to be re-roofed, it should be capable of conversion and that further detail to confirm this and set out how the important historic features would be retained could be managed using an appropriately worded condition.
11. However, the proposal would result in the erection of two new units centrally within the site, the subdivision of the garden to create individual plots and the creation of extensive areas of hard surfacing to provide a driveway and parking areas for the proposed new units. I acknowledge that the new units would be single storey and that the existing locally listed wall, barn and mature trees would provide some screening. However, the proposed semi-detached units would have a considerable bulk and mass, would be located close to the boundary to Brown's. Furthermore, due to the drop in levels and the proposed

- roof form, even with the existing boundary screening, would be visually prominent in views from Crossways and the Street.
12. Whilst I acknowledge that the original historic layout has already been eroded by the earlier conversion of the host property the appeal proposal would result in a further subdivision and the loss of a number of fruit and nut trees which positively contribute to the character and appearance of the site.
 13. Furthermore, the creation of three new curtilages could result in the introduction of domestic paraphernalia and visual clutter such as washing lines, garden furniture and play equipment which would be visually detrimental to the character and appearance of this part of Effingham Conservation Area
 14. I observed on site that the locally listed wall is a prominent feature within the Effingham Conservation Area which positively contributes to the character and appearance of the area. I note that there is a pre-existing opening close to the junction of Browns Lane and Crossways which provides vehicular access for Manor Barn House. However, the remainder of the wall remains largely intact, and I consider that the loss of a further section of this wall would result in the fragmentation of this historic feature which would be detrimental to the character and appearance of this part of the Effingham Conservation Area.
 15. The proposal would also require in the removal of a protected tree, T15 (Caucasian Lime). While I note that the Appellant advocates that the tree is not appropriate to a central village setting, I observed on site that the tree contributes positively to both the setting of Manor Barn House and the Effingham Conservation Area. Furthermore, the removal of this tree and the creation of the opening will open up views into the site which for the reasons I have outlined above would be detrimental to the character and appearance of the host property and the wider conservation area.
 16. As a result I consider that the proposal would be contrary to policies D1 and D3 of the Guildford Borough Local Plan: strategy and sites (2019) (the GBLPSS) and policies D4, D18, D19, D20 and D23 of the Guildford Borough Local Plan: Development Management Policies (2023)(the GBLPDMS) which require new development to respond to distinctive local character and preserve and enhance the character and appearance of conservation areas and designated and non-designated heritage assets and their setting.

Effect on setting of a listed building

17. Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires that when considering a proposal that would affect a listed building or its setting special regard needs to be given to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.
18. The National Planning Policy Framework (the NPPF) defines listed buildings as designated heritage assets and defines the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.'*¹

¹ Annex 2: Glossary of the Framework

19. The Planning Practice Guidance (the Guidance)² provides further clarification by advising that as setting is the surrounding in which an asset is experienced this can be more extensive than its curtilage. However, the Guidance also advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from the significance and ability to appreciate it. Whilst setting is often expressed by reference to visual considerations it can include other factors such as the historic relationship between places.
20. Finally, the NPPF advocates that great weight should be given to the asset's conservation, the more important the asset, the greater the weight it should be given³.
21. Having visited the site I consider that Manor Barn House and its curtilage have a historic relationship with Brown's having previously formed part of the same estate. Whilst this relationship has already been eroded by the conversion of the barn buildings and subdivision of the site the historic relationship of the buildings is still clearly legible. The proposal would result in the further subdivision of the site and erection of new units which I consider would further erode this legibility. Furthermore, the boundary wall which is an important element of the interrelationships between the two properties, would be further fragmented as a result of the creation of a new vehicular entrance.
22. As set out above levels drop across the site. As a result, the proposed semi-detached units would be prominent in views across the site towards Brown's from Crossways and the Street. Furthermore, whilst views into the site are to some extent screened by the current trees and boundary vegetation these would be opened up by the removal of tree T15 and the creation of an additional opening in the wall.
23. As a result, I consider that the proposal would fail to preserve the setting of Brown's. However, I accept that as the proposal would not result on the loss of works to the actual heritage assets this harm would be less than substantial and therefore in accordance with paragraph 208 of the NPPF I need to weigh the harm against any public benefits that the scheme would deliver.
24. Whilst I note that the proposal would deliver three residential units, I do not consider that the public benefit of delivering the additional housing outweighs the harm to the heritage assets I have identified above.
25. The proposal would therefore not comply with the requirements of section 16(2) of the Act, Section 16 of the NPPF, the Guidance, policy D1 and D3 of the GBLPSS and policy D4, D18, D19, D20 and D23 of the GBLPDMS which requires new development to respond to local character and which seeks to protect and enhance heritage assets and their setting.

Other matters

26. I note that there are a number of other issues covered in the appellants statement including highway safety, living conditions for the occupants of neighbouring properties, standard of accommodation, sustainable design and construction, site waste management and renewables and ecology. However,

² Paragraph: 013 Reference IF: 18a-013-20190723

³ Paragraph XXXX

following my findings on the main issues I have no need to consider these issues further.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jo Dowling

INSPECTOR