

Appeal Decision

Site visit made on 19 August 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2024

Appeal Ref: APP/K3605/W/24/3340342

Mimi's, 85 Queens Road, Weybridge, Surrey KT13 9UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Weybridge Property Services against the decision of Elmbridge Borough Council.
 - The application Ref is 2023/2454.
 - The development proposed was described as 'replacement fenestration with safety glass barriers to the 1st and 2nd floor windows located on the south elevation fronting Queens Road'.
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Decision

1. The appeal is allowed and planning permission is granted for replacement fenestration with safety glass barriers to the 1st and 2nd floor windows located on the south elevation fronting Queens Road at Mimi's, 85 Queens Road, Weybridge, Surrey KT13 9UQ in accordance with the terms of the application, Ref 2023/2454, and the plans submitted with it, subject to the conditions in the attached schedule.

Background and Main Issue

2. No.85 is located in the Queens Road shopping parade. It has been refurbished and in part repurposed, with a restaurant use retained on the ground floor and the first and second floors now four residential apartments. As part of these works, fenestration in the building was replaced.
3. The Council does not object to this development, except insofar as wooden sash windows that were in the first and second floor front (south) elevation facing Queens Road, have been removed and replaced by casement windows with safety glass barriers forming Juliette balconies. The proposal is to retain the casement windows but install different safety glass barriers.
4. The Council nominated No.85 as a potential locally listed building (LLB) with the sash windows. It was designated as a LLB and incorporated in the Surrey Historic Environment Record after the refurbishment works were carried out and the casement windows had been installed. This change in circumstances is reflected in the Council's local list description. The main parties agree that this LLB is a non-designated heritage asset.

5. The main issues are, therefore, the effect of the proposal on the significance of No.85 Queens Road LLB and on the character and appearance of the Queens Road shopping parade.

Reasons

No.85 Queens Road LLB

6. A circa 1850 Victorian two-storey building used as a public house (with rendered front elevation, hipped slate roof and narrow, ground and first floor older Georgian style 6-over-6 sliding wooden sash windows) no longer exists on the site. Most notably because No.85 was substantially altered after 1920 or had been rebuilt in a single episode at least by 1931, still as a public house. Wider 6-over-6 floor to ceiling sliding wooden sash windows were incorporated in a new first and second floor front elevation, which is the main façade of the building. They were subsequently replaced with similar wooden sash windows and having been white, were last painted red to match a corporate livery. They were an evident feature of No.85 and conveyed a counterpart presence to the windows in the original Victorian building.
7. The floor to ceiling casement windows have dark grey uPVC frames and fill the same apertures, including where there was a signage panel (false window). The windows are side hinged in pairs and, aside from the two central windows which are fixed shut, inward opening. There has been no loss of historic building fabric but they are plainly different in design, fittings, materials and colour to the previous sash windows and by that comparison out of character.
8. However, the significance of No.85 also includes the third storey with its flat roof and a front elevation in dark buff brick at first and second floor level with three panels below a narrow parapet roofline, lines of vertical red brick quoins or banding and red/orange brick window headers in a fan/sunburst pattern. In addition, robust, angular ground floor cream coloured pilasters and a large circular central decorative plaster plaque, with a scroll or swag design as part of a fully reinstated fascia. The narrow, tall rectilinear proportion of this main façade and the intent of this detailing conveys an attractive, legible Art Deco architectural style commensurate with the circa 1920's or early 1930's genesis of the present building.
9. Although not unfamiliar in transition into and across the Art Deco period, contrasting wooden sash windows were nonetheless not typical and unusual in an Art Deco building of this type. More fashionable by then, contemporary metal crittall casement windows might normally be anticipated. Indeed, though now lost, these were present in the ground floor front elevation by 1931, so wooden sash windows were already out of character in this sense. Although retained thereafter for a long time, the wooden sash windows were not, in my view, harmonious to begin with and jarred with the prevailing, intrinsic Art Deco essence of the main façade.
10. The narrow, tall shape of each half of the casement windows, and of each pair – including relatively slender framing and two horizontal glazing bars giving the look of individual narrow, tall panes – conveys an impression of crittall windows. The two central 'false' windows emphasise a sense of

symmetry and rhythm in the fenestration across the front elevation in these upper parts of the building and reinforces similar proportions and themes in the fabric and design of the front elevation of No.85. In these regards, though a modern in-vogue design, this fenestration is high quality and has been executed well in this case. I consider it to be a better fit (than sash windows) with the main façade of this building as it was otherwise established by 1931.

11. Exterior chrome handles are obvious against the dark grey frames but the slim, vertical profile and pattern of placement of these fittings is in-keeping; albeit reversed, similar in this effect to the dark exterior ground floor light fittings against the cream render pilasters. In a small way these details reinforce the design integrity and regimented impression of the main façade and the otherwise muted window frame colour complements the subtle colour palette of the front elevation. The casement windows also unify this façade because the same basic design has been implemented for the ground floor front entrance doors and flanking windows, in the form of bi-fold doors. The casement windows therefore make a positive contribution to the significance of this LLB.
12. While 4-over-4 sash windows (in the same materials and colour as the casement windows) have been successfully incorporated in other parts of No.85 and maintain a semblance of the fenestration that did exist, those windows do not directly affect the main façade. Even if dark grey, and especially if white, re-instating wooden or uPVC sash windows in the front elevation of No.85 would give a disjointed, disparate look. This would undermine the integrity and cohesiveness of its Art Deco significance.
13. The existing safety glass barriers jut out in front of the casement windows, beyond the vertical plane of the front elevation of the building, rising about halfway up each window. They are fixed in place to the brickwork by conspicuous round stainless steel fittings and overlap the windows, reveals and feature brickwork banding either side with a horizontal proportion and visible edges to the frameless glass thickness. These barriers are a discordant feature across much of this elevated part of the front elevation.
14. Although the same height, the proposed safety glass barriers would be narrower and fixed within the inner, opposing faces of the window reveals. In this position they would not project forward of the plane of the front elevation and have no overlap or discernible edges. Their smaller size would also give a proportion more aligned with that of the casement windows and a less pronounced, recessive impression overall that would not unduly detract from the main façade of No.85. This relatively small change would therefore have a notable positive effect on the significance of this LLB.

Queens Road shopping parade

15. No.85 is located roughly midway in the vibrant Queens Road shopping parade, which runs along one side of this long, straight street on a gateway into this part of Weybridge. It comprises mainly two-storey early to mid-19th century Victorian buildings with pitched roofs, some containing a third floor with dormer windows. The fenestration in many of these buildings has been altered, including to uPVC frames, but some still include upper floor wooden sliding sash windows, mostly painted white. This style and pattern of

windows has a distinct visual presence in the streetscene. Even as proposed, the casement windows would therefore remain at variance with most of this fenestration.

16. However, these other buildings are in the main older, more traditionally scaled or orthodox in detailed design and as such do not exhibit Art Deco influences. They also share the same linear building line at the back edge of the pavement. Albeit observed from within a relatively limited visual envelope at short distances, No.85 is a taller building with a distinct profile and design set further back from the street. It is in striking contrast to these other buildings and prominent, in the sense of important, for these reasons with an individual landmark presence in this streetscene. The casement windows would not, therefore, unduly interfere with the linear continuity and integrity of the shopping parade frontage as a whole or how it is experienced, including a still cohesive sequence of white fenestration including sash windows.

Findings

17. The proposal has, in part, already had a direct effect on the significance of this LLB, as would the proposed safety glass barriers. However, this change has not, and would not, result in harm to this non-designated heritage asset, or to the character and appearance of the Queens Road shopping parade overall. Both features in this townscape would continue to be enjoyed for their contribution to maintaining a distinctive place to work, live or visit and the quality of life of those who would experience it; as such, maintain the public value of the heritage asset, in this case taken in its most relevant historic context.
18. Taking account of all the above, I find that the proposal would not cause harm to the significance of No.85 Queens Road LLB or to the character and appearance of the Queens Road shopping parade. Consequently, it complies with Policies CS4 and CS17 of the Elmbridge Core Strategy July 2011 and with Policies DM2 and DM12 of the Elmbridge Development Management Plan April 2015¹. These policies include that development should be high quality and well-designed, integrate sensitively with locally distinctive townscape and heritage assets and at least preserve or protect local character and the streetscene, including host buildings.

Other Matters

19. The National Planning Policy Framework (NPPF) includes objectives to conserve and enhance the historic environment and achieve well-designed, beautiful buildings and places. It sets out that non-designated heritage assets of local historic value, such as locally listed buildings, are an irreplaceable resource and should be conserved in a manner appropriate to their significance – a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The development plan is broadly consistent with national policy in these respects.
20. Amongst other things, Planning Practice Guidance (PPG) sets out that conservation is an active process of maintenance and managing change and

¹ As informed by the Elmbridge Design and Character Supplementary Planning Document April 2012 and Companion Guide: Weybridge April 2012

requires a flexible and thoughtful approach to get the best out of heritage assets. In the case of buildings, generally the risks of neglect and decay are best addressed through ensuring that they remain in active use consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time². Furthermore, the National Design guide sets out components for good design, including having regard to heritage value and local history, the local character and identity of places and buildings and appropriate built form³.

21. The proposal is a revised scheme after the Council twice refused planning permission for similar proposals, initially against an officer recommendation to grant permission⁴. It is therefore unsurprising that the Council's appeal statement diverges from a previous officer report. Albeit for different development at No.85, the main parties consider paragraph 8, in particular, of a previous appeal decision is relevant to the current appeal⁵. Having given due regard to all these decisions, and notwithstanding that the proposal partly seeks retrospective planning permission, I have determined this appeal on its individual planning merits.
22. Both main parties have also commented on alleged safety and usability of the casement windows compared to sash windows, including as installed elsewhere in No.85, especially for any occupants of the apartments with mobility impairment. There has also been reference to the Building Regulations. The proposal is acceptable for other reasons so I do not need to consider this matter any further. To do so would not make any difference to my decision or therefore alter the outcome of the appeal.

Conditions

23. The Council suggested two conditions if the appeal was allowed. In that case I have considered modified wording in the interests of clarity or precision and have had regard to the relevant tests in the NPPF and PPG, including to keep conditions to the minimum required. I have also taken into account comments received from the appellant on additional conditions that I consider would be justified to make unacceptable development acceptable. No comments were received from the Council.
24. The development has started so the standard time limit condition would not be necessary. A condition to specify the approved plans would give some certainty about the development that would take place. In this case though, the appeal plans essentially only show an indication of the proposed safety glass barriers. There is also no method of attachment or for reinstatement of fabric of the building after removal of the existing barriers or about details of materials. A further condition could ensure that satisfactory details in these respects were agreed by the Council before these alterations were carried out. This would ensure no harm to this LLB or to the Queens Road shopping parade. A companion condition would be required to ensure that the alterations were carried out by a specified time and retained thereafter.

² Paragraph 18a-002-20190723

³ Part 2: The ten characteristics

⁴ Ref 2022/0821 and 2022/3718

⁵ APP/K3605/W/22/3290400

Conclusion

25. Subject to these conditions, the proposal complies with the most relevant policies of the development plan. There are no other material considerations, including provisions of the NPPF, to indicate that the decision should be made other than in accordance with the development plan taken as a whole⁶.
26. Consequently, for the reasons given above the proposal is acceptable so the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (3)

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

HA20-106/25 P205		as proposed floor plans
HA20-106/25 P206	Rev A	as proposed elevations, section A-A & B-B
HA20-106/20		design & access & planning statement
- 2) Notwithstanding condition No.1, not later than 3 calendar months from the date of this permission, details of the proposed safety glass barriers shall be submitted to the Council. The details shall include large scale plans, including cross-sections, and a written specification, including materials, method of attachment to the window reveals and measures to reinstate fabric of the building after removal of all the existing safety glass barriers.
- 3) Works to fully implement the alterations referred to in condition No.2 shall be completed within 3 calendar months from the date of the Council's approval of the details required by condition No.2. The development shall thereafter be retained in accordance with the approved details.

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended)