
Appeal Decisions

Site visit made on 13 March 2017

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd March 2017

Appeal A: APP/T0355/Y/16/3158644

47 Kings Road, Windsor, Berkshire SL4 2AD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr M & Mrs K Corden against Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/01823 is dated 26 May 2016.
 - The works proposed are described as 'three storey rear extension, reduction of lower ground floor front external store and alterations to fenestration'.
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Appeal B: APP/T0355/W/16/3161288

47 Kings Road, Windsor, Berkshire SL4 2AD

- 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 [outline] planning permission.
 - The appeal is made by Mr M & Mrs K Corden against Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/01820/FULL, is dated 26 May 2016.
 - The development proposed is described as 'three storey rear extension, reduction of lower ground floor front external store and alterations to fenestration'.
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Decisions

Appeal A

1. The appeal is dismissed and listed building consent is refused for a three storey rear extension, reduction of lower ground floor front external store and alterations to fenestration.

Appeal B

2. The appeal is dismissed and planning permission for a three storey rear extension, reduction of lower ground floor front external store and alterations to fenestration is refused.

Application for costs

3. An application for costs was made by Mr M & Mrs K Corden against the Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.
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Procedural matters

4. The description of development in the planning application and for the works proposed to the listed building is taken from the original application form which was a combined application for both planning permission and listed building consent. The description differs from that adopted by the Council however there is no material difference in the descriptions and I have used that which the applicant applied for.
5. The appeals are in respect of the Council's failure to issue its decisions within the prescribed time periods. The Council has however provided decision notices indicating the reasons that it would have refused planning permission and Listed building Consent had the appeals not been lodged. The Council has also provided officer reports to set out its reasoning. I have taken the reasons in the notices as putative reasons for refusal.
6. In considering these appeals I have had regard to sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and my statutory duties to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, as the property is located within a conservation area, I have had regard to section 72 of that Act and my statutory duty to preserve or enhance the character or appearance of a conservation area. Section 38(6) of the Planning and Compulsory Purchase Act requires any determination of a planning application to be undertaken in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in the determination of these appeals.

Main Issues

7. On the basis of the above the main issues in these appeals are:
 - The effect of the proposals on the architectural and historic interest of this Grade II listed building, and the setting of the adjoining listed buildings, in relation to appeals A and B; and
 - The effect of the proposed development on the character and appearance of the surrounding area, including the Inner Windsor Conservation Area (IWCA) in relation to appeal B.

Reasons

Listed Building

8. The appeal property, 47 Kings Road, is a mid-terraced town house dating from c1800. The listing description identifies the property in a terrace of 13 town houses of three storeys with basements. The houses are constructed with London stock bricks, slate roofs, behind a raised parapet with stone coping and a front elevation with gauged flat window arches.
9. The building derives its significance from its historic relevance and architectural quality. It is a good example of a Georgian town house and retains much of the internal floor plan and layout and elevational detailing that aids in understanding the historical and social development of housing and the

- architectural quality of the time. There is a later 1940's rear two storey extension which compromises the appearance of the rear elevation.
10. The proposals include the provision of a three storey rear extension to replace the existing half width two storey 1940's extension. The proposed addition would enclose the whole width of the rear elevation of the property and provide additional accommodation at basement, ground and first floor level.
 11. The proposed addition would in effect remove the rear elevation of the existing property, original and previous extension, and move the rear elevation outwards. This would provide for a deeper lower ground floor extension to the kitchen dining area and a less deep but consistent building line at ground and first. This would result in the displacement of historic fabric, although it is suggested much would be reused where possible.
 12. The extension would result in a substantial change to the bulk and mass of the addition and alter significantly the rear elevation of the property. It is contended this would allow a more ordered elevation and fenestration and restore some of the elegance of the elevation which has been lost through the 1940's addition. Whilst this maybe the case there would be significant intervention in the listed building and a significant impact on the historic fabric and integrity of the rear elevation. Whilst there have been previous alterations and interventions this does not justify further such interventions. The proposed extension would have significant implications for the proportions of the rooms and the original floor plan, which have not been substantially altered and this would add to the harm to the significance of the building.
 13. In association with the suggested internal alterations to introduce bathrooms in bedroom 2 and bed room 3 the overall effects of the proposals on the original floor plan of the property would be significant. Much of the original room sizes and proportions would be altered and the integrity and historic arrangement of the internal spaces would be significantly compromised.
 14. The proposed alteration to the front elevation, with the addition of a small bay feature adds an element that distracts from the symmetry and ordering of the fenestration on the front façade. Given its basement location it is not a prominent feature in the street but would still be visible from shorter views and would affect the architectural integrity of the elevation.
 15. I note that there are a number of examples in the area where there have been additions particularly on many of the rear elevations on this terrace. However, that does not justify the further harm that would arise to the significance of this listed building. Similarly, although fewer I noted other examples of bays added to the front basement window however again this does not provide justification for the harm that I have identified.
 16. The further extension of the property would also affect the setting of the other buildings in the terrace which are also listed buildings, as the extension would be viewed in the context of the terrace and in association with the adjacent buildings. In so doing the proposals would harm the significance of the setting of those listed buildings.
 17. For the reasons given above I conclude that the proposals would result in harm to the historic and architectural interest of this listed building and therefore its significance. The proposals would be contrary to policy LB2 of the Royal

Borough of Windsor and Maidenhead Local Plan (incorporating alterations adopted 2003) which seeks to protect listed buildings and their setting by ensuring, amongst other matters, that the character of the building will not be affected, both internally and externally.

Character and appearance

18. The appeal site is located in a terrace of listed properties and lies within the Inner Windsor Conservation Area. The significance of the listed buildings is as in relation to the appeal site as one of the terrace of similar properties and the significance of the conservation area derives from the composition of architectural forms of varying properties in the area, the quality of their design and layout and the relationship with Windsor Castle and its grounds.
19. The proposed external manifestations of the proposals that would have greatest effect are the three storey rear extension and the bay window to the front elevation.
20. The bay window is a relatively minor element and discreetly located at the basement level on the front elevation. It is set back from the street, at a lower level and longer views are obstructed by the intervening boundary treatments and the raised entrance features. As such it would not significantly affect the street scene. I have identified that this would harm the significance of the listed building and in so far as this contributes to the significance of the conservation area there would therefore be some minor harm to the conservation area. However, given the scale and impact in the street this would not be a significant intrusion and would not harm the overall significance of the conservation area.
21. The rear extension would be one of a number of similar alterations or interventions on the rear of this terrace. Architecturally it is of a scale, mass and height that would be comparable to many of the other extensions and would not be unduly prominent on the elevation. In general appearance terms with the reuse of the original materials and appropriate detailing it would not be objectionable. However this is a listed building and its architectural composition and that of the terrace are important contributors to the significance of that building and the conservation area. The further alteration and loss of the original form of the rear of the building would further obscure and confuse the original layout and elevation of the property and this would add to the factors that undermine the significance of the building and the conservation area.
22. For the reasons given above I conclude that the proposed development would harm the character and appearance of the surrounding area, including the Inner Windsor Conservation Area (IWCA) and the setting of the adjoining listed buildings. Consequently the proposal would conflict with policies LB2 and CA2 of the local plan which seek to protect listed buildings, their setting and conservation areas.

Other matters

23. The harm that I have identified to the heritage assets is in my view less than substantial in the context of the National Planning Policy Framework (the Framework) as it does not result in total destruction of significance and only affects specific elements or parts that contribute to the significance of those

assets. I have given this harm significant weight and importance in my decision. The Framework requires that I need to consider this harm against the public benefits of the proposal including the future viable use of the property. The property is currently occupied as a private residential house and there is no suggestion that it would not continue to do so. The internal alterations would improve modern living and the family occupation of the property but this is a private interest. Whilst the provision of reasonable quality sanitary accommodation to enable the use of the building could be a public benefit for the maintained use of the asset, it has not been demonstrated that the proposals are the least intrusive manner in which to achieve this outcome.

24. The appellant has further contended that the architectural improvements and rationalisation of the rear elevation would improve the appearance of the building its contribution to the setting of the rest of the terrace, the conservation area and the setting of the adjacent royal park and Windsor Castle. However I have concluded that the proposals would result in harm to the heritage assets and therefore this is not a benefit that I would accept would derive from the proposals.

Overall conclusions

25. For the reasons given above I conclude that both the appeals should be dismissed.

Kenneth Stone

INSPECTOR