
Appeal Decision

Hearing Held on 28 and 29 July 2020

Site visit made on 29 July 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/T0355/W/19/3223912

Thames Riviera Hotel, 162 Bridge Road, Maidenhead SL6 8DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Arena Racing Company/Galleon Hotels against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/03297, dated 24 October 2016, was refused by notice dated 12 November 2018.
 - The development proposed is change of use and alterations of hotel building to create 15 apartments; demolition of annex and replacement with new residential building containing 11 apartments; alterations to guardhouse building to provide 2 x 2 bed dwellinghouses; and provision of associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's decision notice includes an incorrect list of drawings. The Hearing established the correct reference numbers for the drawings on which the Council based its decision and which are relevant to the appeal under consideration.
3. As submitted, the drawing showing the extent of demolition proposed included areas outside the boundary of the application site, namely an area of decking over part of the River Thames to the east of the site and two areas of public highway to the north of the site. It also inadvertently omitted two small areas of single storey construction attached to the building known as the Guards Club building. During the Hearing a corrected Demolition Plan was submitted (drawing number A-06-001 revision B) on which I have based my decision as nobody would be prejudiced by these corrections which do not alter the substance of what is being proposed.

Main Issues

4. Subsequent to the Council's decision, the main parties reached agreement on two of the three original reasons for refusal. Based on a pragmatic approach to the Sequential Test for flood risk purposes suggested in the appellant's letter of 1 May 2019, the Council is not now pursuing the second reason for refusal, concerning flood risk. A third party continues to pursue the point and I had a minor query relating to the issue, so this matter is discussed under other

issues, below. After consideration of a Report by the District Valuer Service (DVS) on an Assessment of Development Viability, the Council is not now pursuing the third reason for refusal relating to a policy requirement for the provision of affordable housing. I concur with that.

5. That leaves just one main issue with a number of elements. They are;
- the effect of the proposal on the character and appearance of the area;
 - in general terms (the building itself is recognised as a non-designated heritage asset) and
 - in terms of views of the River Thames,
 - in light of the desirability of preserving the setting of the Grade 1 listed Maidenhead Bridge and
 - in light of the desirability of preserving or enhancing the character or appearance of the Maidenhead Riverside Conservation Area.

I deal with each of these in reverse order.

Reasons

Maidenhead Riverside Conservation Area

6. All parties agree, and I concur, that the Council's Maidenhead Riverside Conservation Area Appraisal of 2010 (the Appraisal) accurately captures the special interest of the Conservation Area. The significance of the area is that it retains a character and appearance which is redolent of the period at the turn of the nineteenth and twentieth centuries when Maidenhead's riverside was a leisure resort for the wealthy and famous; "the haunt of the river swell and overdressed female companion, the town of showy hotels, patronized chiefly by dudes and ballet girls," according to Jerome K Jerome. The Thames Riviera Hotel was one of these.
7. The Appraisal recognises five components to the area's special interest:
- The most significant is the River Thames, providing unique views
 - The historical significance of built reminders of the resort's golden age
 - The architectural character; showy, ornate and elaborate
 - Openness and greenery
 - Transport; the Thames (again), the listed rail and road bridges

Two of these elements (views of the river Thames and the setting of the listed Maidenhead road Bridge) are concerns in their own right in this appeal as well as being components of the Conservation Area's special interest.

(i) The architectural character

8. The Conservation Area is so extensive that the Appraisal divides it into different sections for analysis. Paragraph 8.15 of the Appraisal tells us that the area where the appeal is situated is less defined by the buildings of the area than by the unique setting of this area on the Thames. However, the built form is still

- significant and key buildings within the area are the existing hotels (the Thames Hotel, Oldfield (now the River Arts Club) and the Thames Riviera.
9. Buildings are typically Arts and Crafts inspired or Jacobean revival in style and feature detailing such as ornate façades, applied timber framing, carved gables and elaborate cupolas and chimneys. The Appraisal makes frequent mention of clay tiled roofs, gables, turrets and chimneys. The absence of stone and the presence of brick, tile and timber is emphasised. There are flat roofed buildings in the vicinity of the site (e.g the terrace of houses facing the site in Guards Club Road and a block of flats included in the exemplar illustration on page 16 of the appellant's Design and Access Statement) but these are excluded from the Conservation Area. According to paragraph 3.5 of the Conservation Area Appraisal and confirmed by the Council's representative at the Hearing the boundary deliberately excludes buildings thought not to represent its character.
 10. The three existing buildings on site comprise the main building, the southern, detached annexe known as Waterside Lodge and, west of the main building, the Guards Club. None are listed but both main parties recognise the main hotel building and the Guards Club building as non-designated heritage assets. The main building was originally a terrace of four four-storey houses, built in 1883 but converted to a hotel in 1889. Part of the Guards Club building originated as the gatehouse to the estate, then entered from Guards Club Road.
 11. Waterside Lodge is a three-storey building on a rectangular footprint constructed c1985 in a modern version of a boathouse design with arched ground-floor openings. Its structure is a deep red brick, its three large and two small gables and balconies faced with dark brown stained wood. Its roof tiles are of a similar colour. Its architecture is derided by both main parties but is the sort of thing that might well have won awards in its time. Historic England's advice in its letter of 30 March 2017 is that it is not a good building but that the use of a deep red-brown brick and its self-effacing form mean that it is at least inconspicuous; it adopts the same general form as the Victorian and Edwardian buildings that give the Conservation Area much of its charm and melts into the background in riverside views.
 12. Although its inconspicuity lacks the showiness and ornate craft detail typical of the Conservation Area, its boathouse inspiration and its articulated roof structure make it a building consistent with the character and appearance of the Conservation Area. Consequently, its proposed demolition, although not opposed by anybody, including Historic England, would result in a diminution of the character of the Conservation Area, albeit the harm would be small because of its lack of prominence.
 13. It would be replaced by a four storey building with a stepped footprint, widening towards the river. Its three principal floors would have an applied façade comprising a three storey high frame faced in an imitation stone material repeated a number of times across the elevation, each frame enclosing a triptych of openings on each floor randomly filled (to suit the variations of the internal plan) with either a fixed metal rainscreen panel, or an aluminium framed window, some with metal Juliet balconies. There would also be a number of recessed and some projecting balconies.

14. The fourth floor would be set back asymmetrically on three facades, in part behind metal balustrades enclosing roof terraces. Its roof would have a fall but so slight as to appear flat, offering a location for photovoltaic panels. This penthouse structure would be clad in a bronze coloured standing seam metal cladding, punctuated by aluminium windows or sliding doors some with a projecting frame clad with imitation stone material breaking the roofline.
15. To the extent that it would be a showy building with a busy façade and roofscape it would have some resonances with the architectural character of the Conservation Area. Historic England's email of 4 May 2018 advises that it has no objection to this proposal. The use of a vertically proportioned frame to enclose varying types of infill can be read as a modern interpretation of timber framed work but in its flat roof, extensive use of imitation stone (when it is the rarity of stone which is characteristic) and metal as facing materials and lack of ornate craft detail it would be alien to the appearance of the Conservation Area.
16. The Guards Club building is in two parts. The southernmost part is in a style quite different from the main hotel building although built at about the same time and originally acting as its lodge gate. It has a vernacular style of the kind associated with Philip Webb, with steeply pitched roofs, half-timbered gables, ornamental ridge tiles, tile hanging and small-paned casement windows.
17. Its northern half, added by 1906, more or less doubled its footprint. With its two-storey flat roofed porch and sloping buttresses it is more inspired by Voysey than Webb, with render replacing tile hanging. Both parts make a valuable contribution to the character of the Conservation Area.
18. The proposal would be to remove an unsightly external staircase and small modern single storey addition, to repair the building and to convert it into two houses. All parties are agreed, and so do I, that this would be an enhancement entirely in character with the Conservation Area.
19. The main hotel building has a Jekyll and Hyde architectural character. Its southern half is four stories high. Its main elevation faces south. The style is classically-derived with sash windows, seventeenth-century style pedimented doorcases, aprons under the third floor window cills and segmental and triangular pediments to the engaged dormers. There is a pair of bay windows each topped with a balustrade, a two storey rectangular bay window placed at a 45 degree angle across the eastern corner of the building in a manner typical of its time and an octagonal bay window rising the full height of the western corner of the building, topped by a conical "witches hat" roof.
20. Its east elevation has two tall chimney stacks closely framing two columns of narrow and closely-spaced windows, the whole combining to form a vertical thrust which contrasts so memorably with the horizontal leap of Maidenhead Bridge across the river, making it a landmark building. It makes its other great contribution to the character and appearance of the Conservation Area at roof level where its steeply pitched roof, party parapet walls, engaged dormers and tall chimneys provide a lively roofscape.
21. Over the years, the building has been subject to single storey extensions to its west, south and east. The southern extension was removed circa 1985 but scars remain in the form of metal fire escapes. The proposal would remove all

- these extensions and repair and make good the east, west and south elevations. All parties are agreed, and I concur, that this would be an enhancement to the building itself and the Conservation Area. In particular, the removal of the single storey flat roofed 1940s restaurant wing from the east elevation would reveal more of the verticality of the eastern elevation.
22. The northern half of the main block has a different character. It is three storeys high and its floor to ceiling heights are lower than those of the southern half of the main block. The engaged dormers, steeply pitched roof and tall chimneys of the southern half of the main block can be seen rising above and behind it. The explanation is that it was formed from what were two paired and handed rear projecting service wings of the original four houses which were converted to form the hotel. As service wings they were flat roofed, plain, utilitarian, and without architectural pretension.
23. Yet, as the terrace became converted to a hotel, so the rear service wings have taken on a function they were not designed for, as the public façade the hotel presents to the main road. From an early stage in the building's history this aesthetic inadequacy appears to have been realised. Successive makeovers have infilled between the wings, demolished chimneys, and added and subsequently removed, crenellations at roof level. Most recently, circa 1985, a crown roof, a gabled frontispiece and a single storey entrance pavilion with a conical "witch's hat" roof have been added.
24. These latest additions are denigrated by both main parties. There is some justification in that, because they are crudely detailed; the gabled frontispiece can be seen to be a piece of stage scenery because it does not extend back over the northern wing to the body of the main block; likewise, at its eastern end the crown roof does not extend back to meet the façade of the main building. Nevertheless, in townscape terms, all three elements are successful in adding to the northern wing the appearance of pitched roof slopes which match that of the southern half of the main building and so endow it with a character consistent with that of the Conservation Area as a whole.
25. The proposal would strip this northern wing of its 1980s accretions. This would leave it without any feature which would contribute to the character of the Conservation Area. The appellant's heritage expert recognises as much, writing in the Appeal Heritage Statement that "with the exception of the roof, the contribution made by the northern side of the building to the special interest of the conservation area must be considered low." The proposal would not add any feature to give interest at roof level to the northern wing, instead relying on the removal of the crown roof to reveal more of the top floor northern elevation of the southern half of the main building where windows in two of the dormers would be altered to give access to terraces formed on the flat roof of the service wing.
26. Recognising Historic England's advice of 30 March 2017 that "removing the false pitched roof and central gable and replacing them with a very plain elevation [would] make the façade of the building even less attractive than at present," the proposal would also remodel the northern façade of the service wing with an applied design, importing some elements from the design for the replacement building for Waterside Lodge, such as blind openings to accommodate discontinuities between the elevation and internal floor plans and a two storey frame in an imitation stone material enclosing a triptych of

- openings, in this case alternating with a column of traditional sash windows. It would be an elegant, well-proportioned composition but there would be little which would be consistent with, or contribute to, the character of the Conservation Area.
27. At the north-eastern corner of the main hotel building a new three storey extension would be constructed occupying about half of the footprint of the existing single storey restaurant of the 1940s which would be removed. This new extension would be composed entirely of the two-storey frame element used on the refaced northern elevation topped by a clear-glazed penthouse floor under an oversailing flat roof. The overall effect is intended to mimic the appearance of the conservatory with superimposed viewing grandstand which appears in early twentieth century photographs of the hotel.
28. In this aim, it would have some success, as evidenced by Historic England's email of 4 May 2018 which advises that it has no objection to this proposal. Like the replacement for Waterside Lodge it would be a showy building with a busy façade. As in the design of the replacement for Waterside Lodge previously mentioned, the use of a frame to enclose varying types of infill can be read as a modern interpretation of timber framed work but in its flat roof, choice of imitation stone (when the rarity of stone is a characteristic of the Conservation Area) and metal as facing materials and lack of ornate craft detail it would be alien to the appearance of the Conservation Area, even though seeking to evoke historical precedent.
29. Whilst recognising that the repair and restoration works to the Guards Club building and to the west, south and east facades of the main hotel building would preserve, and indeed, enhance the architectural character of the Conservation Area, I conclude that, taken as a whole, the proposal would not preserve the architectural character of the Conservation Area and so would cause harm because of the extent of new work and the flat roofs, choice of materials and lack of ornate craft detail in the new work proposed. It would therefore contravene policies CA2 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted in June 2003 (the Local Plan). Amongst other matters, these require development to preserve or enhance the character of a Conservation Area and to use materials sympathetic to traditional materials.
30. But architectural character is only one element of the Conservation Area's overall character and so although s72(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 an area that conclusion on that element alone is not determinative. I now turn to consider the other elements of the Conservation Area's character.
- (ii) *Historical significance*
31. For many heritage assets, use for the purpose for which they were originally designed is the best way of preserving their significance. But, in this case, the historical significance of the Conservation Area is its role as a leisure resort for the wealthy and famous. The Thames Riviera Hotel was originally built as four houses. But its historical significance is as one of the hotels which supported Maidenhead riverside as a leisure resort. The proposal is to cease operation as a hotel and to convert the site to a residential use.

32. This would inevitably result in a dilution of the historical character of the area and a diminution of its historical values¹. But, as paragraph 6.6 of the Conservation Area Appraisal points out, the Conservation Area as a whole is essentially a residential area. For the particular character area including the site, paragraph 8.20 confirms that "the area has a recreational use, reflected through the number of hotels, public parks, cafes and amenities to be found in the area. However, the area is still primarily residential and is considered to be a highly desirable location."
33. It has to be recognised that reconciliation of the predominantly residential character with the historical element of a leisure resort has practical issues such as noise and disturbance, car parking capacity and traffic growth consequent on unhistorical levels of motor car usage. The current hotel use has inadequate car parking capacity and makes use of overspill arrangements on an adjoining site. Across the river, the comparable situation of the former Skindles Hotel site in Taplow demonstrates the tensions which can result from the inclusion there of a restaurant use within an otherwise residential re-development. The appellant's Transport Statement quantifies the significant reduction in traffic generation which would result from the proposal. In that respect the proposal would comply with those parts of Local Plan policy DG1 which require development to provide adequate off-street parking and not to overload local roads.
34. Both main parties are agreed that neither the adopted Local Plan nor the 2018 submitted Local Plan contains a policy that prevents the principle of the change of use of the site from hotel and related uses to residential. Although a commercial leisure use would cease to be provided on this site, nearby public open space such as Riverside Gardens, Bridge Gardens, Reitlinger Open Space and Guards Club Park would maintain the leisure element of the Conservation Area's character, so the harm to its character caused by the loss of the Thames Riviera Hotel function would only be partial. Nevertheless, it would conflict with policy CA2 of the Local Plan which seeks the preservation of character. I therefore attach more significance to this consideration than do either of the main parties.

(iii) Openness and greenery

35. The Conservation Area Appraisal notes that its boundary has sometimes been chosen to include frontages but not their associated buildings "in order to encompass the remaining mature planting, which is considered a fundamental feature of the riverside". For one Hearing participant, the essence of the Conservation Area is its riverside walk and its buildings do not matter.
36. The site itself has very few trees, as the submitted Arboricultural Impact Assessment records. Most of those of significance are either on the boundaries of the site, in Guards Club Road, or outside the site, on Bridge Road or in Reitlinger Open Space.
37. The existing Waterside Lodge, which would be demolished, sits well within the root protection areas of the trees in Reitlinger Open Space and of one of the trees in Guards Club Road. Its proposed replacement would be positioned further away from the trees in Reitlinger Park and would have few south-facing

¹ As advised in paragraph 45 of Historic England's publication Conservation Principles, Policies and Guidance, English Heritage (now Historic England), 2008

- openings and so would not only have less of an adverse impact on their growth potential but would also restrict likely sources of pressure for their reduction.
38. In relation to the southernmost of the trees in Guards Club Road, the new building would be repositioned to have a different and lesser extent within the tree's root protection area. With the tree protection measures and no dig construction methods for the car parking recommended by the appellant's arboriculturalist, I conclude that potential adverse effects on the trees would be reduced to an acceptable minimum. In that respect the proposal would comply with the relevant part of adopted local plan policy N2 which seeks to retain tree cover.
39. In terms of openness, the demolition of accretions around the main hotel would decrease its footprint somewhat. On the other hand, there would be a greater footprint from the redevelopment of Waterside Lodge. There is no information to quantify these effects but they would appear to balance out.
40. In other respects, the layout of the site would largely re-create the extensive hard surfacing which presently exists, although in different materials. A small area of hard surfacing between the Guards Club building and Bridge Road would be replaced by soft landscaping but for the rest of the site, the area of grassed amenity would be as restricted as now. There would be a reduction in the area of hard surfacing brought about by the increased footprint of the replacement Waterside Lodge building but, for the remainder, the layout would be as inefficient as now.
41. This would result partly from the retention of separate in and out accesses off of Bridge Road, which consumes an area of land on that frontage of the hotel which could otherwise be used for soft landscaping, and partly from the proposed placement of refuse bin storage facing the south-west corner of the main hotel block. The consequent need to bring refuse lorries onto and to turn within the site to service them leads to an inefficient, one-sided parking layout consuming an extensive area of land. But, as this largely replicates the extent of existing hard surfacing, I conclude that it would represent a missed opportunity rather than an act of harm to openness and greenery.

(iv) *Views of the Thames*

42. This is both a concern in its own right and also a component of the character of the Conservation Area.
43. During the Hearing it became apparent that the Council's concern is not so much views of the Thames but views from the Thames or, more specifically, the view from the centre of the bridge over the Thames at the point where the Conservation Area abuts its equivalent in the neighbouring local authority area. In this view, the hotel figures largely. It forms a landmark. Its east elevation is prominent, although its lower parts are obscured by the single storey flat roofed 1940s restaurant extensions. The eastern and northern elevations of the service wing are also in view, their 1985 crown roof and gabled frontispiece complementing the lively roofscape of the main building. Waterside Lodge is visible in longer views from the Taplow side of the bridge (within the Taplow Conservation Area) but disappears behind the main block in closer views (within the Maidenhead Riverside Conservation Area).

44. The proposal would remove the single storey accretions and so reveal the full vertical thrust of the east elevation of the main block, potentially enhancing the view. But the new three storey north-eastern pavilion would project eastwards of that elevation and so, from all positions on the bridge, from which the landmark is seen at an angle, would not only become a part of the landmark view but would also partly obscure three of the four storeys of the original eastern elevation. The roofscape of the southern half of the main block would still be fully visible but the Crown roof and gabled frontispiece of the northern wing would be replaced by the long horizontal edge of a flat roof and a railing enclosing a roof terrace.
45. The extent to which the three lower floors of the eastern façade would be obscured by the new pavilion would vary from a minimal amount at the Taplow end of the bridge (outside the Maidenhead Riverside Conservation Area but within its equivalent in the adjacent local authority area) to about 25% at the viewpoint within the Maidenhead riverside Conservation Area marked on the plan in the Conservation Area Appraisal and a complete concealment on reaching the western shoreline. In parallel to the diminishing dominance of the original eastern elevation in the view, so the new pavilion and the refaced northern elevation of the service wing would become more prominent as the viewpoint approaches closer to the western shore. The top floor and roofscape of the original building would be visible at all times above and behind the flat roof terrace of the reconfigured service wing and new pavilion.
46. The new building replacing Waterside Lodge would be positioned closer to the river and so its disappearance behind the main block would take effect from positions closer to the Maidenhead shore than in the case of the current building but otherwise, its only effect on the view would be that it would be in the view.
47. There are other views on the river and riverside from which views of the hotel may be taken, even if not noted in the Conservation Area Appraisal. Mostly, these lie south of Maidenhead Bridge and are from the Taplow bank, outside the Maidenhead Riverside Conservation Area but within its equivalent designated in the adjoining local authority area, although there is a good view of the hotel and Maidenhead Bridge together from the northern tip of Guards' Club island which is within the Maidenhead Riverside Conservation Area. In these views, the new buildings have varying degrees of presence in the view but they would not obscure the sight of the existing landmark to any degree.
48. The extent to which the new buildings' presence in the views would be harmful, as distinct from their effect in obscuring part of the existing view of the landmark building depends on one's appreciation of their merits as buildings in themselves, an issue which I consider in other sections of this decision. To the extent that the proposal would simultaneously both obscure and reveal different parts of the existing east elevation of the landmark building, I conclude that the overall effect would be neutral, neither harmful nor beneficial either to the view itself or to its contribution to the character of the Conservation Area. The proposal would comply with that part of Local Plan policy DG1 which requires public views of historic townscape to be recognised and retained.
49. Views of the Thames from within the Maidenhead Riverside Conservation Area, as opposed to views from the Thames, can be obtained across the site from

Guards Club Road. The greater footprint of the replacement for the Waterside Lodge building would reduce the extent of the river which can be seen along this stretch of road, although there would be no reduction in the length of road from which the view could be enjoyed. Consequently, I conclude that the harm which would be caused would be minimal, both to the view itself and also to its contribution to the character of the Conservation Area, not sufficient for me to find a conflict with that part of Local Plan policy N2 which requires the protection of important views of the Thames.

(v) *Setting of Maidenhead Bridge*

50. This is both a concern in its own right and also a component of the character of the Conservation Area. At the Hearing it became clear that the Council's concern with the setting of the bridge lies in the effects that the proposal would have on views of the hotel as a landmark when seen from the bridge. This is an issue already discussed.
51. In any event, the setting of a designated heritage asset is important insofar as it illuminates the significance of the asset itself. I concur with the appellant's opinion that the significance of the bridge derives partly from the high quality of its design and execution and also from the fact that it carries an important highway and former coaching route. Neither of those considerations would be affected by the appeal proposal.
52. The hotel building postdates the bridge by a century or more. It is not the destination to which the bridge was intended to lead. They are not a unity of conception. The view of the hotel from the bridge, or from elsewhere, is only relevant to the significance of the bridge insofar as the simple and elegant horizontal leaps of the bridge's arches across the Thames can be appreciated in contrast with the verticality of the hotel's eastern elevation and its busy roofscape.
53. The preceding section of this decision, dealing with views to and from the Thames finds that the proposal would reveal parts of the east elevation previously obscured and conceal parts currently exposed. The following section of this decision examines the effects of the proposal on the non-designated heritage asset itself. It points out that a new extension with an aesthetic different from that of the original east elevation would be introduced. In terms of the setting of the bridge, this would change a simple contrast of bridge and hotel into a more complex three-way contrast between bridge, original hotel and new extension inserted between the two. But there is no information to show that this changed setting would undermine the significance of the heritage asset in any way.

(vi) *The building itself*

54. Waterside Lodge is not recognised as a non-designated heritage asset and so its demolition and replacement needs only to be considered in relation to its effect on the architectural character and appearance of the Conservation Area, its openness and greenery, the views of the river and the setting of the listed building all of which have been previously discussed. But the main hotel building is a non-designated heritage asset in its own right and so the effect of the proposal on its significance is both a concern in its own right and also as a component of the character of the Conservation Area.

55. The removal of the single storey accretions to the west, south and east elevations of the building and their repair and making good have been previously discussed and noted to be beneficial. The removal from the northern elevation of the crown roof, the gabled frontispiece and the witches hat entrance pavilion have also been noted and the consequences recorded as mildly harmful. There are two new interventions proposed; the refacing of the northern elevation of the service wing and the construction of an extension at its north-eastern corner.
56. The appellant's stated intention is to strip back the northern wing to reveal its original building elements and then to reorganise it with respect to its original appearance. But the northern wing was originally four service wings grouped into two handed pairs of volumes with a space between them, at least at upper floor level, subsequently infilled to form the long wing we have today. That paired and handed characteristic is evident in the grouping of the dormers on the northern elevation of the southern half of the main block, visible over the lower service wing.
57. In contrast, although the refacing of the elevation has elements repeated four times, there is no pairing or handing of the elements, nor is there any expression of the former gap between them so that, contrary to the appellant's stated intention, the reorganisation would not respect the original appearance of the service wings and such residual meaning as they had would be lost.
58. Despite that observation, an assessment of the harm that would result must take account of the fact that the service wings are parts of a non-designated heritage asset and that they originally had a plain, utilitarian appearance contributing little to the character of the Conservation Area and little of advantage to the street scene of today. For that reason I conclude that the overall harm which would be caused by the loss of significance resulting from the proposed remodelling of the service wings would be small, although contributing to the proposal's conflict with Local Plan policy CA2 requiring the preservation of Conservation Area character, a matter to which the law directs my special attention, as previously noted.
59. The appellant's architect confirms that the new construction at the north-eastern corner of the hotel building is intended to be seen as an eastwards extension to the north wing rather than as an independently-defined pavilion. Its northern façade would be set back from the footprint of the single storey restaurant which it would replace to align with the elevation of the existing north wing. Its roofline would run through with the roofline of the refaced north wing. Moreover, one of the artificial stone clad frames which organise its façade would partly overlap the fabric of the existing northern wing so as to emphasise the continuity of the façade and the integration of new with old.
60. Historic England advice² is that the authenticity of a place often lies in visible evidence of change as a result of people responding to changing circumstances. Historical values are harmed only to the extent that adaptation has obliterated or concealed them. A desire to retain authenticity tends to suggest that any deliberate change to a significant place should be distinguishable, that is, its extent should be discernible through inspection.³ In the light of this published advice, I am not convinced that the aesthetic elision of the north-eastern

² Paragraph 44 of Conservation Principles, Policies and Guidance, English Heritage (now Historic England), 2008

³ Ibid, paragraph 93

extension into the reorganised façade of the retained north wing of the building and its physical alignment with the elevation and roofline of the retained north wing follow best heritage practice, notwithstanding that Historic England has no objection to the proposals and collaborated in their design. There would be harm caused, both to the authenticity of the non-designated heritage asset as well as to the authenticity of the new extension.

(vii) Conclusions on the Conservation Area

61. In summarising the effects of the proposal on the character or appearance of the Maidenhead Riverside Conservation Area, I find that the demolition of Waterside Lodge would result in a diminution of the character of the Conservation Area, albeit the harm would be small because of its lack of prominence. Its replacement would have some resonances with the architectural character of the Conservation Area but in its flat roof, extensive use of imitation concrete and metal as a facing material and lack of ornate craft detail it would be alien to the appearance of the Conservation Area, with some harmful effect.
62. The proposal to remove an unsightly external staircase and small modern single storey addition from the Guards Club, to repair the building and to convert it into two houses would be an enhancement entirely in character with the Conservation Area. The proposal to remove extensions and repair and make good the east, west and south elevations of the main hotel building would also be an enhancement to the building itself and to the Conservation Area.
63. Stripping the hotel's northern wing of its 1980s accretions would leave it without any feature which would contribute to the character of the Conservation Area and so would be mildly harmful. Its remodelling would produce an elegant, well-proportioned composition but there would be little which would be consistent with, or contribute to, the character of the Conservation Area.
64. The loss of the hotel use would inevitably result in a dilution of the historical character of the area and a diminution of its historical values and cause partial harm to the character and appearance of the Conservation Area. The openness and greenery of the Conservation Area would generally be preserved and protected by the proposal with a small enhancement on Bridge Road, although an opportunity to enhance the greenery by a more efficient layout of the hard surfaced access and parking area has not been realised.
65. Views of the Thames, from Guards Club Road would be marginally reduced, causing minimal harm to the character of the Conservation Area.
66. Views from Maidenhead Bridge would change with a degree of enhancement from the removal of obscuring single storey elements and a degree of harm by partial concealment of the landmark building from a slight intrusion of the new three storey north-eastern extension. These effects on the hotel's historic eastern elevation would largely balance out but the new three storey extension would itself become prominent in the view as it would be in the foreground, in front of the non-designated heritage asset.
67. Like the replacement for Waterside Lodge, it would have some resonances with the architectural character of the Conservation Area but in its flat roof,

extensive use of imitation concrete and metal as a facing material and lack of ornate craft detail it would be alien to the appearance of the Conservation Area and so would be harmful in the view.

68. Overall, the effect of the proposals on the Conservation Area are that it would include substantial benefits in providing for repair, making good and continuing use for the two non-designated heritage assets and so contributing to the preservation of the special interest of the Conservation Area but that there would also be a mixture of mild and more noticeable harms to the character of the Conservation Area, which is a designated heritage asset. These less than substantial harms would be contrary to Local Plan policy CA2.

(viii) Conclusions on setting of the Bridge, views and the non-designated heritage asset

69. The effects on the view from the bridge would change the setting of the bridge in that the new building would introduce a further contrasting element and so would compete with the existing contrast between the bridge and the historic hotel building. As noted in the previous paragraph, this would harm the character of the Conservation Area by introducing a new aesthetic but I am not convinced that the change to the setting would cause any harm to the significance of the bridge itself. There is no information of any Local Plan policy relating to the setting of listed buildings.
70. Many views from the Thames would change by the inclusion of the new buildings within the view. Their contrast with the character of the Conservation Area would be apparent but limited to the extent that the historic southern and eastern facades would be in the foreground and the new buildings would tend to be in the background. Although they would harm the significance of the Conservation Area, I am not convinced that they would harm the view simply by their presence in the view because, whatever their effect on the character and appearance of the Conservation Area, they would be attractive and interesting buildings in their own right. The existence of views would remain, in accordance with Local Plan policies DG1 and N2 which calls for public views of historic townscape to be recognised and retained and for important views to be protected.
71. As distinct from the effects of the proposal on the character and appearance of the Conservation Area, its effects on the significance of the main hotel building as a non-designated heritage asset would be nuanced somewhat differently. The removal of the single storey accretions to the west, south and east elevations of the building and their repair and making good have been previously discussed and noted to be beneficial.
72. The new addition to the north east would project forward from the east elevation of the hotel and would not interfere with its cornice line. Consequently, it would be clearly distinguishable from the east elevation, in accordance with best practice.
73. The proposed changes to the north wing would not respect the original appearance of the service wings and such residual meaning as they had would be lost. To the hotel building as a non-designated heritage asset the adverse effects of these changes would be more significant than their effect on the character and appearance of the Conservation Area overall simply because of the differing extent of the two heritage assets. But there is no information of

any Local Plan policy concerning the protection of non-designated heritage assets and the presumption must be that it carries less weight than the protection of designated assets.

74. As previously noted, the appellant's architect confirms that the new construction at the north-eastern corner of the hotel building is intended to be seen as an eastwards extension to the north wing rather than as an independently-defined pavilion. The ways in which this has been achieved have already been described. They do not allow for a clear distinction to be seen between old and new fabric and so would compound the adverse effects on the significance of the service wings to the non-designated heritage asset which would result from their remodelling.

Overall conclusions on main issues

75. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is one such material consideration. It advises that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay. In this case, the proposal does not clearly accord with the development plan.
76. NPPF then advises that where there are no development plan policies, or those which are most important for determining the application are out of date (as in this case, because a new, more up to date plan has been submitted for examination and in any event because the Council cannot demonstrate a five-year supply of deliverable housing sites) granting permission unless (i) the application of policies in the NPPF that protect areas or assets of particular importance (including those concerning designated heritage assets) provide a clear reason for refusal or, (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole.
77. The relevant NPPF policies that protect designated heritage assets include paragraph 193 giving great weight to conservation, irrespective of the degree of harm involved and paragraph 196 requiring instances of less than substantial harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. For non-designated heritage assets, such as the main hotel building, paragraph 197 applies, calling for a balanced judgement. Both require a balance to be made, so I now turn to consider the benefits of the scheme.

Benefits

78. Most of the benefits which would result from the scheme are set out in the appellant's barrister's closing remarks. They are;
- The renovation and repair of the two non-designated assets (the Guards Club and the main hotel) including the removal of inappropriate accretions
 - A coherent design response to the new interventions on the site
 - A long-term future use secured for the buildings

- The provision of housing in the face of a shortage of deliverable housing sites in the District.
- A reduction in the quantity of traffic generated by the site
- The creation of between 45 and 68 Full Time Equivalent jobs and the generation of some £6.12m direct gross value added from construction employment for the duration of construction (less the effect of the loss of jobs in the hospitality sector resulting from the closure of the hotel)
- Additional consumer expenditure from new residents

The planning balance

79. The proposal has both merit and demerit. As well as benefits to both designated and non-designated heritage assets, there would be harm to both. The English Heritage (now Historic England) publication Conservation Policies and Guidance advises that the assessment of the degree of harm to the significance of a place should consider the place as a whole and in its parts, its setting, and the likely consequences of doing nothing. It deals rhetorically with the scenario in which a viable but modestly damaging proposal might be refused in the hope that a better or less damaging scheme will come forward and advises that hope must be founded on rational analysis.
80. The appellant points out that the present scheme has evolved in participation with Historic England, with design panels and with the support of some of the council's professional planners. The outcome of that process was no objection from Historic England and a recommendation for approval from the Council's Head of Planning.
81. But time has moved on and there is now a much greater understanding of the significance of the north wing of the non-heritage asset. This appeal has also provided me with a deep analysis of the effects of the proposal on the Conservation Area, a designated asset. The benefits of this scheme would not necessarily be unique to this proposal. Its harms are evident and significant. I am not convinced that there is no hope of a better or less damaging scheme coming forward and, on that basis, I conclude that consideration of the heritage balance of paragraphs 196 and 197 of the NPPF weighs against the scheme. The application of these policies provides a clear reason for refusal and so, following the advice set out in NPPF paragraph 11(d(i)), the scheme is dismissed.

Other matters

82. Third parties are concerned with potential loss of light and privacy to properties in Guards Club Road as a result of the replacement for Waterside Lodge. But the new proposal would be placed slightly further away from Guards Club Road than the existing building. A condition could require north facing balconies to be fitted with a screen preventing a view to their west. The distance from a west-facing bedroom window would meet the Council's requirements for privacy and would anyway have its oblique view towards Guards Club Road interrupted by evergreen foliage.
83. The new residential building would be provided with a safe passage at a level of 23.9m above Ordnance Datum (AOD) onto Guards Club Road for use in the event of flooding. Revised Environment Agency modelling received during the

appeal process recalculates the modelled flood level of a 1:100 flood event (with a 35% allowance for climate change) to be 23.98m AOD. The difference between 23.9 and 23.98 is within the tolerances of what would be considered safe based on DEFRA Flood Hazard guidance. The minimum surveyed ground level of Guards House Road is 24.0m AOD. I am therefore satisfied that the escape route proposed would be adequate.

84. These and other matters raised by third parties do not cause me to come to a conclusion other than that which I have reached in considering the main issues in this case.

P. W. Clark

Inspector

APPEARANCES

FOR THE APPELLANT:

Sarah Reid	Of Counsel
Matthew Pardoe MRTPI	Director, WYG
James Weeks BA MA(Hons)	Director, The Built Heritage Consultancy
Max Poole BA(Hons) Dip Arch	Partner, Holder Mathias Architects
RIBA ARB	

FOR THE LOCAL PLANNING AUTHORITY:

Roderick McDonald	Senior Conservation Officer, RBWM
Sarah Harper	Principal Conservation Officer, RBWM
Tony Franklin MRTPI	Development Management Team Manager, RBWM

INTERESTED PERSONS:

Mick Jarvis	Chairman, Boulton's Riverside Community Interest Company
Ian Wallace	Local resident
Martin McNamee	Maidenhead Civic Society
Pat Morrish	Local landowner
Cllr Gurch Singh	St Mary's Ward Councillor