



Appeal Decision

Site visit made on 12 October 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/T0355/W/19/3239148

3 Nicholsons Lane, Maidenhead SL6 1HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Safin Majeed against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 18/02551, dated 31 August 2018, was refused by notice dated 30 May 2019.
 - The development proposed is removal and re-siting of restaurant kitchen and internal alterations to form 1 bed flat. Partial removal of existing conservatory and erection of second floor rear and side extensions including some internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an appeal made under section 78 of the Town and Country Planning Act 1990 against the Council's refusal to grant planning permission. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, 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. Additionally, section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
3. However, an appeal against a refusal of listed building consent has not been made. Therefore, my consideration of the appeal does not extend to section 16(2) of the LBCA, which relates to the grant of listed building consent for any works to the building. This would include works to alter the listed building which do not require planning permission and are therefore outside the scope of this appeal.

Main Issue

4. The effect of the proposal on the significance of the appeal property, which is a grade II listed building, and the character and appearance of the Maidenhead Town Centre Conservation Area (CA).

Reasons

5. The list description describes the building as stables immediately to east of 3 and 5 King Street. The building is an unusual multi storey stables dating from 1870 which served the former Nicholsons Brewery. First floor stables were accessed by a long external stair with a shallow rise. The building's significance is primarily derived from its unusual architectural form as a purpose built stables and its historic associations with the brewery.
6. Access to the building is derived from Nicholsons Lane to the south, and from here the prominent three storey end gable of the building can be easily viewed alongside the glazed structure that encloses the historic yard and horse stair. Although the existing glazed structure is prominent, its contrasting form and materials identify it as a modern addition to the building. Furthermore, its glazed walls allow the formerly external brick wall of the three storey wing and the iron windows to be easily viewed from the public realm. The form and appearance of the principal three storey wing with its hayloft doorway and historic multi pane iron windows on its west elevation, the two storey return to the north and the once open yard area are significant elements of the building that are readily appreciated from Nicholson's Lane.
7. The CA covers the historic core of the town, which developed along the principal coaching route from London to the West Country. It has a busy commercial character. The appeal building fronts onto a modest secondary street. However, it served a substantial brewery building that has been demolished and is therefore directly related to the development of the town which was dominated by coaching inns and breweries. It also has a significant presence on Nicholsons Lane, owing to its prominent south facing gable. It is thus an important contributor to the significance of the CA.
8. The proposed extension would add a further storey to the rear wing and would draw that wing forward towards the lane. It would have an unconventional second floor projection that would extend over part of the covered yard. The south facing elevation of the extension would be almost the same height as the existing principal range and would be finished with an odd roof arrangement which, rather confusingly, is shown differently on the elevation and roof plans.
9. Despite the inconsistency on the drawings it is clear that this would make the principal three storey block less prominent and would introduce a more substantial and visually heavy structure over the enclosed yard. The simple L-shaped form of the building that encloses two sides of the yard area, which is illustrative of the building's historic function, would be less recognisable as a result of the proposal, and there would be a cumbersome relationship between the retained glazed structure and the extension, which would constitute poor design. The proposal would therefore have a harmful impact on the significance of the building and would thus not preserve its special architectural interest.
10. The alterations would be readily seen from the lane to the south, compromising the simple functional appearance of the building and the contribution it makes to the significance of the CA. Therefore, the proposal would also fail to preserve the character and appearance of the CA.
11. The appellant refers to the poor condition and performance of the existing glazed structure, however a significant proportion of the structure would be retained. It is difficult to see how removal of only part of the existing structure

could be considered a benefit of the proposal. Furthermore, the contrasting form of the glazed structure and its transparency allow the historic form and detailing of the building to be easily appreciated. The appellant also refers to the overall investment that would be carried out to the building. At my visit I could see that the fabric of the building is in need of investment. However, it is not clear why this is dependent on the proposed development, and therefore this matter attracts little weight. The benefits of downsizing the commercial Kitchen would free up space on the ground floor only and appear unrelated to the proposed second floor extensions.

12. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 196 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposal would create three new units of residential accommodation and would make use of existing developed land. These are clear public benefits that carry considerable weight.
13. However, as set out above, the proposal would cause harm to both the special architectural interest of the building and the character and appearance of the CA. Paragraph 184 of the Framework states that heritage assets are an irreplaceable resource. Paragraph 193 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.
14. In summary, the proposal would harm the special interest of the listed building and the character and appearance of the CA. This would be contrary to Saved Policies DG1, LB2 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 2003, and Policies SP3 and HE1 of the emerging Borough Local Plan, which together seek to ensure that development proposals secure good design and conserve the area's heritage assets.

Other Matters

15. The Council is of the view that it cannot demonstrate a 5 year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 6 establishes that this includes designated heritage assets. I have found that the proposal would harm the special interest of the listed building and the character and appearance of the CA. It would therefore not accord with the Framework, which gives great weight to the conservation of heritage assets. Consequently the tilted balance does not apply.

Conclusion

16. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR