



Appeal Decisions

Site visit made on 1 December 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal A Ref: APP/T0355/W/20/3258778

Sir Christopher Wren Hotel and Spa, Thames Street, Windsor SL4 1PX

- 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 S Vohra (Sir Christopher Wren Hotel Ltd) against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01900, dated 1 July 2019, was refused by notice dated 21 May 2020.
 - The development proposed is 'Two storey front and rear extension, reconstruction of 1st and 2nd floors, construction of new roof to facilitate bedrooms at third floor level. Construction of two storey rear extension, provision of dormers to front and rear elevations. Erection of glass roof over open courtyard adjacent to gym, removal of single external door and brickwork within existing framed opening and insertion of glass sliding doors, internal alterations including demolition of partitions and erection of new partitions'.
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Appeal B Ref: APP/T0355/Y/20/3258782

Sir Christopher Wren Hotel and Spa, Thames Street, Windsor SL4 1PX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr S Vohra (Sir Christopher Wren Hotel Ltd) against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01901, dated 1 July 2019, was refused by notice dated 11 June 2020.
 - The works proposed are 'Two storey front and rear extension, reconstruction of 1st and 2nd floors, construction of new roof to facilitate bedrooms at third floor level. Construction of two storey rear extension, provision of dormers to front and rear elevations. Erection of glass roof over open courtyard adjacent to gym, removal of single external door and brickwork within existing framed opening and insertion of glass sliding doors, internal alterations including demolition of partitions and erection of new partitions'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The proposed development and works affect listed buildings located in a conservation area, and I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. As both appeals relate to the same site and some of the issues raised are of a similar nature, I shall consider them in a single document, in the interests of brevity.
5. The description of the proposed development and works as detailed on the application form has been amended in subsequent documents. I have adopted the descriptions included on the appeal forms, which reflect accurately and precisely the extent of the proposed development and works.
6. The Council's submissions, including the decision to refuse planning permission for the proposed development, refer to emerging policies from the Borough Local Plan Submission Document, which has been submitted for independent examination. As the Borough Local Plan has yet to be found sound, the emerging policies can only be ascribed limited weight.

Main Issues

7. The appeal scheme would predominantly affect the principal building, which is listed at Grade II* as the Old House Hotel. The appeal site also includes the Grade II listed Swan Public House and nos 50-51 Thames Street, which form part of the wider hotel complex. No concerns have been raised by the Council in respect of the effect of the proposed development and works on the Swan Public House or nos 50-51 Thames Street or their settings, and I see no reasons to take an alternative view, particularly as they are sited further away from the riverside frontage. Consequently, I am satisfied that the proposal would preserve the special architectural and historic interest of the Swan Public House and nos 50-51 Thames Street.
8. Therefore the main issues are:
 - 1) whether the proposed development and works would preserve the special architectural and historic interest of the Grade II* listed Old House Hotel, the Grade I listed Windsor Castle (also a Scheduled Ancient Monument) as derived from its setting, and preserve or enhance the character or appearance of the Windsor Town Centre Conservation Area; and
 - 2) in respect of Appeal A, whether the proposal would increase the risk of flooding.

Reasons

Heritage

9. Located prominently within the Windsor Town Centre Conservation Area, the appeal site comprises a large hotel complex overlooking the River Thames. The Old House Hotel, which is more commonly referred as the Sir Christopher Wren Hotel, is believed to have been originally constructed as a private residence in the latter part of the 17th century or early 18th century. It was subsequently subject to numerous alterations and additions, and appears to have been in use as a hotel since the 20th century.
10. The significance of this listed building does not solely reside in its historic interest, having regard to its surviving fabric, but also from its architectural interest, as derived to some extent from the hierarchy of its design. The elegant and polite façade of the main block, which is set back from Thames Street, is characterised by the strong symmetry of its detailing, with a central

Tuscan porch, three-window range, bracketed cornice and pediment complimented by a lunette attic opening.

11. The listing descriptions refer to the group value which the Old House Hotel, together with the Swan Public House and nos.50-51 Thames Street, hold collectively. This indicates that the significance of these designated heritage assets also derives from the contribution they make to the townscape, and the Windsor Town Centre Conservation Area as a whole. As noted within the Conservation Area Appraisal¹, this designated heritage asset, with its diverse mix of architectural styles, reflects how the town has evolved over the centuries, despite the constraints imposed by the topography and physical limitations of the Royal Parks to the east, the River Thames and Eton to the North. The historic settlement is dominated by the imposing form of Windsor Castle, which makes a substantial contribution to the special interest and thus significance of the Conservation Area as a whole.
12. The appeal site itself contributes to the significance of Windsor Castle, due to its prominence within the setting of this listed building and the wider townscape, along the River Thames. The scale of the appeal buildings is such that one can presently enjoy views of the Castle and the Curfew Tower in particular, from Eton's High Street and the Grade II listed Windsor Bridge. The setting provided by the appeal site is therefore highly sensitive.
13. There is no dispute between the Council and the appellant regarding the partial demolition of the Princess Suite, which was constructed in subsequent phases during the twentieth century and is of limited architectural interest. That said, it presently sits in a relatively unobtrusive fashion in relation to its heritage and riverside setting. The proposed extension would however be taller than the existing addition and the previously permitted scheme². This, together with the additional bulk and massing over the Princess Suite, would significantly increase the overall prominence of the extension on the riverside frontage, thus resulting in a form of development which would stand out as an overly dominant and incongruous addition within such a sensitive setting. By reason of its size and scale, it would also compete with and lack subservience to the historic parts of the hotel complex, to the detriment of the significance of this Grade II* listed building.
14. Furthermore, the appeal scheme would affect views towards Windsor Castle which, as a Grade I listed building and Scheduled Ancient Monument, has to be afforded the highest level of protection. The proposed built form would, because of its size, appear unduly prominent and erode the appreciation of Windsor Castle when observed from Windsor Bridge, by harmfully affecting views of the Curfew Tower in particular. As a result, the appeal proposal would diminish the contribution which the site currently makes to the Windsor Town Centre Conservation Area and the setting of Windsor Castle.
15. It is accepted that the proposed extension has been carefully designed, and no objection has been raised by Historic England on heritage grounds. The neo-Georgian detailing is not objectionable in itself, and attempts have been made to break down the otherwise largely monolithic appearance of the side elevation facing the adjacent car park, with the addition of signage and other features such as blind windows. However, these would do little to conceal the

¹ Windsor Town Centre Conservation Area Appraisal (Adopted November 2009).

² Local Planning Authority References 18/00850/FULL and 18/00851/LBC, granted 16 August 2018.

- excessive scale and massing of the extension, which would not only be highly visible from Windsor Bridge, the River Thames and Eton, but also from Barry Avenue.
16. The Council has raised concerns regarding some of the proposed internal works to the music room, which would require the floor level to be lowered and could affect some of the internal joinery. However, it is apparent that this area has been subject to numerous alterations in the past. Subject to the submission of further details, which could have been required by condition, I am satisfied that these particular works would preserve the significance of the listed building. Had I been minded to allow the appeals, it would have also been considered necessary to impose a number of conditions in respect of other internal works, notably regarding the access to the proposed staff canteen and adjoining room, and the proposed works to the existing toilets.
 17. The proposed development and works would however fail to preserve the special interest of the Grade II* listed Old House Hotel and its setting, and the Windsor Town Centre Conservation Area, as well as the setting of Windsor Castle. The Swan Public House and nos.50-51 Thames Street are further away from the riverside frontage, and the appeal scheme would therefore not negatively impact on the settings of those heritage assets, as the extension would not affect the surroundings in which they are experienced.
 18. Paragraph 193 of the National Planning Policy Framework (the Framework) makes it clear that the more important the asset, the greater the weight should be given to its conservation. As noted above, in addition to its status as a Grade I listed building, Windsor Castle is also designated as a Scheduled Ancient Monument, which is among the designated heritage assets of highest importance nationally. Consequently, I give each incidence of harm considerable importance and weight.
 19. The harm which would be caused to each individual heritage asset would be less than substantial, and therefore has to be weighed against the public benefits of the proposal, in accordance with paragraph 196 of the Framework. There would be a number of public benefits associated with the appeal scheme which, amongst other things, would improve access and circulation within the building, but also existing facilities offered by the hotel. The provision of additional bedrooms would also make a positive contribution to the tourist offer within Windsor, albeit limited. Moreover, some of the works would preserve the significance of the listed buildings, which I have taken into consideration.
 20. However, in view of the harm which I have identified, the appeal scheme would not bring improvements to the townscape and views from the River Thames and Windsor Bridge. These considerations are not therefore regarded as public benefits. Additionally, there is no substantive evidence before me which demonstrates that the proposed development and works are required to sustain the optimum viable use of the designated heritage assets forming part of the hotel complex. Overall, the harm which I have identified for each appeal would not be outweighed by the public benefits derived from the proposal.
 21. By reason of its excessive scale, bulk, massing and height, the appeal proposal would fail to preserve the special architectural and historic interest of the Grade II* listed Old House Hotel, and the significance of the Grade I listed Windsor Castle, as derived from its setting. Furthermore, the appeal scheme

would fail to preserve or enhance the character and appearance of the Windsor Town Centre Conservation Area.

22. The proposed development and works would therefore conflict with Saved Policies DG1, CA2 and LB2 of the Royal Borough of Windsor and Maidenhead Local Plan, emerging Policies SP2 and SP3 of the Borough Local Plan Submission Document, and section 16 of the Framework. These policies notably seek to ensure that development proposals enhance or preserve heritage assets, and that important views of Windsor Castle are recognised and retained.

Flood risk

23. As detailed within the consultation response provided by the Environment Agency, the appeal site lies within Flood Zones 2 and 3, and therefore presents a risk to flooding, due to its proximity to the River Thames. Buildings used as hotels such as the appeal premises are regarded by national planning policy and guidance as a more vulnerable form of development.
24. In accordance with Footnote 50 to the Framework and the details included within the national Planning Practice Guidance³ (the PPG), a site-specific flood risk assessment (FRA) should be provided for all development in Flood Zones 2 and 3. No site-specific FRA was submitted in support of the planning application, and the Council was therefore unable to ascertain how flood risk would be managed over the lifetime of the development, and whether the proposal would increase the risk of flooding.
25. Following the determination of the planning application, an FRA⁴ has however been carried out on behalf of the appellant, and submitted as part of the appeal. The site comprises an existing hotel, and the proposed development includes the reconstruction of an extension, albeit with a larger footprint. In such circumstances, it is therefore accepted that a pragmatic approach should be taken when applying the Sequential Test, as it would be impractical to suggest that there are more suitable alternative locations for the proposed development elsewhere.
26. Turning to the exception test, I am satisfied that the FRA has appropriately considered the various sources of flooding which could affect the proposed development, and includes some measures to mitigate flood risk, as well as safe access and escape routes. Having regard to the available evidence and the particular circumstances of the site, there are no reasons which lead me to believe that the proposed development or mitigation measures would increase the risk of flooding either on site or elsewhere.
27. On this basis, I am satisfied that the appeal proposal would meet the requirements of paragraph 163 of the Framework. However, had the development been considered acceptable in all other respects, it would have been considered necessary to impose a condition requiring the implementation of the development in accordance with the provisions of the FRA.

³ Flood Risk and coastal change.

⁴ RAB Consultants, Flood Risk Assessment dated 03/07/2020, Version 1.0 (RAB: 2451B).

Conclusion

28. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR