



Appeal Decision

Site visit made on 20 October 2021

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/T0355/F/21/3271323

Land at Meat At The Parish, 10 High Street, Windsor SL4 1LD

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Leopard Ventures Ltd against a listed building enforcement notice issued by Council of the Royal Borough of Windsor and Maidenhead.
 - The enforcement notice was issued on 10 February 2021.
 - The contravention of listed building control alleged in the notice is: Without Listed Building Consent:
 1. Without Listed Building Consent, the fixing of a hanging advertisement on the front facing elevation;
 2. Without Listed Building Consent, the fixing of an advertisement of the front facing elevation;
 3. Without Listed Building Consent, the fixing of a menu board on the front facing elevation.
 - The requirements of the notice are:
 1. Remove the hanging advertisement and all associated fixtures and fittings, including but not limited to wiring, from the building, identified in the appended images and further identified with a blue X on the appended plan; and make good any damage resulting, using materials to match existing render;
 2. Remove the advertisement and all associated fixtures and fittings, including but not limited to wiring, from the building, identified in the appended image and further identified with a Red X on the appended plan; and make good any damage resulting, using materials to match existing render;
 3. Remove the menu box and all associated fixtures and fittings, including wiring, from the building from the building, identified in the appended image and further identified with a green X on the appended plan, and make good any damage resulting using materials to match existing render;
 4. Following compliance with steps 1-3 above, paint the areas in Ash Grey/Oyster Grey/Portland (BRITISH STANDARD 4800/5252, Colour Chart Code 00-A-01).
 - The period for compliance with the requirements is 28 days.
 - The appeal is made on the grounds set out in section 39(1) (c) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the listed building enforcement notice be corrected by:
 - deleting the words "Without Listed Building Consent" from the beginning of paragraphs 3.1, 3.2, and 3.3;
 - deleting the repeated words "from the building" from paragraph 5.3.

2. Subject to these corrections, the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Enforcement Notice

3. There is some repetition in the text in paragraphs 3 and 5.3. of the notice. In the interests of precision, I have corrected the notice by deleting the words "Without Listed Building Consent" from the beginning of paragraphs 3.1, 3.2, and 3.3. In addition, I have deleted the repeated words "from the building" from paragraph 5.3. These corrections do not result in any injustice to either of the main parties as the purpose and requirements of the notice remain unchanged, and only typographical errors have been corrected.

Appeal on ground (c)

4. To be successful on this ground of appeal it must be successfully argued that the works carried out, as alleged in paragraph 3 of the notice, do not constitute a contravention of sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act). Section 7 of the Act states that '*Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest unless the works are authorised*'. Section 8 sets out when works to a listed building are authorised.
5. The appeal premises are Grade II listed and comprise an early C19 three-storey building with a painted stucco front with flanking piers. A modern shop front has been installed at ground level for a restaurant use and the floors above each have four window openings, which incorporate timber sash windows. Based on the evidence before me, including the list description and observations on my site visit, the significance of the building as a heritage asset is mainly attributable to the building's simple façade and fine architectural details, including composition of fenestration and timber joinery.
6. Although I appreciate that the appellant believed that his builder had gained the requisite consent, there does not appear to be any dispute that the works the subject of the notice were carried out without listed building consent (LBC). The question is therefore whether the works have affected the character of the listed building, as one of special architectural or historic interest. This is irrespective of whether the works are considered to be harmful to the building.
7. The advertisements, including the menu box have been affixed to the front of the building and as such have altered its appearance. Having seen the signs in situ there is no doubt that the installation of the signage has affected the character of the building as a building of special architectural interest. There is no LBC in place for these works, and it follows therefore, that a contravention of the Act has occurred. The appeal on ground (c) fails.

Appeal on ground (e)

8. Section 16(2) of the Act requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act

requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. The building is situated in Windsor Town Centre Conservation Area (CA), and within the High Street and Historic Core Character Area identified in the Windsor Town Centre Conservation Area Appraisal, adopted November 2009 (CAA). The character and appearance of the area is dominated by the Castle and its setting. The fine collection of historic buildings on Thames Street and High Street, including the appeal premises, with their continuous facades and great architectural variety, create a sense of containment around the Castle perimeter and make an important contribution to the character and appearance of the CA.
10. The sign affixed beneath the first floor windows appears incongruous in this location. In this position it does not relate well to the premises which it is advertising, i.e. the ground floor restaurant. Furthermore, its small size and proportions have a harmful effect on the architectural composition of the building's front façade, in particular its upper floors. Whilst I appreciate that there is a vast array of signage displayed on other premises on High Street, I did not see any signs on my site visit which were fixed to the first floor of premises in the form of the sign the subject of this appeal.
11. The projecting hanging signs that have been erected on metal brackets are a traditional form of signage for commercial premises. However, I agree with the Council that it is not necessary to have two such signs. Considering the small shop frontage with its retractable canopy, the two projecting signs at fascia level add clutter to the shop frontage and detract from the property's original simple and relatively plain façade which is an important characteristic of the building.
12. The menu box has been affixed to one of the building's flanking piers. Its brushed steel casing has a stark appearance which coupled with its size and position on a projecting pier makes it a prominent addition to the building. The overall size, materials of construction and positioning of the menu box detracts from the building's original design and the composition of its front façade, and adds further clutter to the building and the street scene as a whole.
13. I have taken into consideration other advertisements that have been installed on buildings within the CA which have been drawn to my attention, and I observed many of those on my site visit. However, I do not know the exact circumstances of their installation and in some instances, they too fail to preserve the character and appearance of the CA. The existence of other signs which fail to preserve the CA do not set a precedent that should be repeated. In addition, the advertisements that have been erected in this case do not preserve the building's special architectural and historic interest. The considerations of other advertisements on other buildings with different architectural details are not therefore directly comparable to those under consideration in this appeal.
14. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed through alteration or destruction.

15. I appreciate that the Council has fixed some small signs to the front of the building which is unfortunate. I also agree with the appellant that it would be possible to repair those and other small fixings which have damaged the fabric of the building. However, these considerations do not outweigh the harm that I have identified to the significance of the identified heritage assets through the display of the advertisements and works the subject of this appeal.
16. For the reasons given above, the advertisements alleged in the notice do not preserve the special architectural and historic interest of the building. In addition, they detract from the character and appearance of the CA. In the context of the significance and special interest of the assets as a whole, and in the language of the Framework, the harm would be less than substantial. Because the harm is less than substantial, paragraph 202 of the Framework says that this harm should be weighed against the public benefits of the proposal, including securing its optimum use.
17. There are no public benefits which would outweigh the considerable importance and weight to be given to the harm to the heritage assets. As such, the works do not comply with paragraph 202 of the Framework and would conflict with the design and heritage aims of Policies LB2 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999.
18. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal on ground (e) fails and listed building consent is refused.

Overall Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the listed building enforcement notice with corrections.

Elizabeth Pleasant

INSPECTOR