



Appeal Decision

Site visit made on 23 August 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/T0355/W/22/3291223

Unit 10B/10C High Street, Datchet, Slough SL3 9EA

- 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 Uday Thangarajah against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/02584/FUL, dated 21 August 2021, was refused by notice dated 22 October 2021.
 - The development is described as retrospective planning application for installing 2 x front external ventilated roller grilles shutters (at no. 10C & 10B) & installation of new toughened windows and frames at no. 10C.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the Royal Borough of Windsor and Maidenhead Borough Local Plan 2013-2033 (Local Plan) has been adopted (February 2022). As a result, Saved Policies DG1, SF1, SF3 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan (2003), referred to on the Council's decision notice, have been replaced with policies QP3 and HE1 of the Local Plan.
3. The address on the Council's decision notice more accurately reflects the location of the appeal site than that on the application form. I have therefore used it in the banner heading above.
4. I note from the appeal documentation and my site visit that the roller shutters, new windows and frames have been installed in a very similar way to those shown on the plans I am considering in this appeal.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is located within the Datchet Conservation Area. As a result, I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

7. The appeal property is in the commercial part of the High Street characterised partly by a number of traditional shop fronts. These include some bay windows with fabric canopies, ornate and decorative timber detailing, and first floor level balustrades. These, combined with the varied types of commercial premises at ground floor level, provide a welcoming, traditional feel to the street. By contrast, the appeal site, its immediate neighbour and several commercial properties opposite, have a plainer, more simple front elevation and overall appearance. The site may not be within the main focal point and historic core of the Conservation Area, around The Green, but I have to consider the character, appearance and significance of the area as a whole.
8. Given the position of the site at the end of the terrace, combined with the curvature of the street, the shopfront is prominent in views from the nearby train station platforms and overbridge as well as The Green. When open, the roller shutters are not prominent and have a limited impact upon the building or wider area. However, when closed, their solid, dark colour would appear as a harsh feature in these views, dominating the front of the terrace and the streetscene more broadly and reducing the pleasant, welcoming feel of the street.
9. I acknowledge that ventilation holes provide the opportunity to let some light through when the shutters are down. However, given the presence of existing street lighting along the High Street and around the railway crossing, and the existing opaque window stickers, this would have minimal effect. Similarly, any benefit to passers-by from surveillance from residential uses located at first floor level, is limited and does not overcome the overall dominant and unwelcoming effect the shutters have on the attractiveness of the streetscene.
10. Having regard to the advice in the National Planning Policy Framework (Framework), I find the appeal development results in less than substantial harm to the character and appearance of the Conservation Area. As advised in paragraph 202 of the Framework, less than substantial harm should be weighed against the public benefits of the development.
11. I appreciate that roller shutters can have a security benefit. However, the information provided relating to the attempted break-in of the appeal property, after the shutters had been installed, is not sufficiently compelling evidence for me to conclude the lack of roller shutters represents a significant risk to the appeal property. Any indirect public benefits from the economic growth associated with what the appellant considers to be improvements to the appearance and function of the property would also be limited. Additionally, I have limited compelling evidence to determine that a lack of shutters on the property would prevent the existing business from operating.
12. I have had regard to the advice in paragraphs 199 and 200 of the Framework that great weight should be given to an asset's conservation and that any harm to the significance of a designated heritage asset requires clear and convincing justification. The limited public benefits identified above would not amount to a clear and convincing justification, nor outweigh the harm to the significance of the Conservation Area I have identified.
13. For the reasons above, the development would not preserve or enhance the Conservation Area and would cause unacceptable harm to the character and appearance of the area. Therefore, it would be contrary to policies QP3 and HE1 of the Local Plan which, amongst other things, require new development to

contribute to achieving high quality design which preserves or enhances the historic environment. Additionally, I find conflict with the guidance contained within the Datchet Design Guide Supplementary Planning Document (2001) which seeks to maintain the distinctive and attractive character of Datchet.

Other Matters

14. My attention has been drawn to the alterations the appeal property has undergone and the presence of other shopfronts with a modern appearance located nearby. Whilst I am unaware of the particular circumstances of these other shopfronts, as they were not fitted with roller shutters at the time of my site visit, they do not justify the harm I have identified above. Similarly, whilst the appeal property was previously fitted with roller shutters, I have limited details of the status of these shutters and, in the case of those installed at No.10B, were a different type to the appeal development.
15. I note the comments detailing the discussions with Council officers and the Council's handling of this case and an approved advertisement application¹. Notwithstanding the fact that the Council is not bound to accept the recommendations within such discussions, it is not the function of this appeal to comment on procedural matters relating to the determination of an application. Therefore, these comments have not affected my assessment of the planning merits of the case before me.
16. Even if there were no objections to the development, my assessment of the effect of the development would be unchanged and a lack of objections is not a reason in itself to allow development that is unacceptable.

Conclusion

17. As the development would not preserve or enhance the Datchet Conservation Area, it would cause harm to the significance of a heritage asset. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR

¹ Application ref: 20/01945/ADV