
Appeal Decision

Site visit made on 30 January 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/T0355/W/22/3296594

109 High Street, Eton, Windsor SL4 6AN

- 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 R Jagdev against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/02367, dated 30 July 2021, was refused by notice dated 21 January 2022.
 - The development proposed is the part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, single storey rear extension, alterations to fenestration and external alterations, following demolition of the existing single storey side and rear elements.
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Decision

1. The appeal is allowed and permission is granted for the part change of use of the ground floor from A2 (financial and professional services) to residential, part single part two storey side extension, single storey rear extension, alterations to fenestration and external alterations, following demolition of the existing single storey side and rear elements at 109 High Street, Eton, Windsor SL4 6AN, in accordance with the terms of the application, Ref 21/02367, dated 30 July 2021, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr R Jagdev against the Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the viability of the commercial unit and the vitality of Eton High Street.

Reasons

4. The proposal is to amend a previous planning permission¹ for the extension and alteration of No 109, a Grade II listed building, also including the change of use of part of the ground floor of the premises to residential use. The proposal has listed building consent² so there are no objections to the physical changes proposed. Work to implement the first permission has commenced.

¹ Ref 17/02460/FULL & 17/02461/LBC

² Ref 21/02368/LBC

5. The property fronts onto Eton High Street, a busy retail and commercial area, and occupies a prominent position on the corner of Eton Court adjacent to a small area of public open space, Jubilee Square. The late 17th or early 18th century building has two large shop windows facing the High Street either side of a pair of panelled doors and was previously occupied as a photographer's studio with about 214 m² floorspace.
6. The permitted scheme involves part of the rear of the ground floor of the existing building being used for the kitchen/family room of one maisonette and a sideways extension being used for access to a second maisonette upstairs. This would result in a retail/commercial unit fronting the High Street of about 106 m². By contrast, the proposal is for the whole of the rear of the ground floor to be used for the two maisonettes leaving a retail/commercial unit of just 66 m². The Council object to this loss of floorspace, stating that it 'could' be harmful to the viability of the unit and the vitality of the High Street.
7. However, the unit would be reconfigured, increasing the most valuable Zone A space on the High Street frontage. The sideways extension would form part of the unit with an additional shop window, increasing public visibility with a total unit frontage of about 14 m. The space to the rear of the ground floor in the permitted scheme, whilst lost, comprises less valuable, secondary space. The proposed unit would include a small staff/wc area.
8. The appellant has submitted evidence from a local surveyor with experience of letting units in Eton High Street who believes that the changes would actually improve the unit, and states that the demand locally is primarily for visually prominent, smaller units of under 100 m². No 89-90 nearby, about 83 m² in size with an 11.4 m frontage, was successfully let recently and Nos 8-9 and 61 are currently under offer at 57 m² and 36 m² respectively. The proposed unit should therefore be attractive to prospective occupiers.
9. Maintaining the vitality of Eton High Street is an important objective of the Eton and Eton Wick Neighbourhood Plan 2018. To this end Policies BL1 and BL2 seek to limit alterations to the retail footprint of existing shops and resist changes of use from retail to residential on the ground floor. However, these broad principles need to be applied on a case by case basis and in this instance the proposal would at least maintain the viability of the unit and thereby its contribution to the High Street.
10. For these reasons the proposal would not adversely affect the viability of the commercial unit or the vitality of Eton High Street and would comply with the objectives behind Policies BL1 and BL2.

Conclusion

11. The Council has suggested ten conditions should the appeal be allowed which have been considered against the relevant tests. In addition to the standard implementation time limit a condition setting out the approved plans is necessary in the interests of certainty. Further conditions to control the details of the brickwork, roof materials and windows/doors are necessary to ensure the satisfactory appearance of the development and a condition to ensure the provision of refuse/recycling storage for the same reason. Conditions to ensure the provision of car and cycle parking spaces are necessary in the interests of highway safety/sustainable travel. Finally, conditions are necessary to mitigate flood risk and to require a watching brief to protect archaeological remains.

12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be commenced within three years from the date of this permission.
- 2) Prior to the commencement of the first-floor extension a sample panel of brickwork approximately 1m x 1m showing the bricks, method of bonding, colour and mortar mix and jointing shall be prepared on site and approved in writing by the Local Planning Authority. The external surfaces of the building shall thereafter be finished in accordance with these approved details.
- 3) The roof shall be clad in natural slate as approved under condition application 20/02910/CONDIT.
- 4) Prior to their installation, horizontal and vertical sections and elevations of all proposed external windows and doors including surrounding frames, as well as full specifications at a minimum scale of 1:10 with typical moulding details at a scale of 1:1 shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
- 5) The development shall be undertaken in accordance with the flood mitigation measures set out in the 'Design Response to Flood Risk' section of the Flood Risk Statement dated 28th July 2021.
- 6) No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces shall be retained for parking in association with the development.
- 7) No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
- 8) No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
- 9) The development shall be carried out in accordance with the Project Specification of the Archaeological watching brief dated 27th October 2020 approved under conditions application number 20/02910/CONDIT.

10) The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Location Plan B010 00 Received 6.8.21

Site Plan B100 00 Received 30.7.21

Ground floor plan B200 02 Received 2.12.21

First floor plan B201 02 Received 2.12.21

Second floor plan B202 02 Received 2.12.21

Roof Plan B203 01 Received 2.12.21

East Elevations B300 03 Received 2.12.21

South elevation B301 02 Received 2.12.21

West elevation B302 03 Received 2.12.21

Roof junction B410 00 Received 18.11.21

Roof junction B411 00 Received 18.11.21

Roof junction B412 00 Received 18.11.21