



Appeal Decisions

Site visit made on 10 April 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal A Ref: APP/T0355/W/23/3332899

Hardware House (Datchet Grill), The Green, Datchet, Berkshire SL3 9BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Memik Gilgil against the decision of the Council for the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/00374.
 - The development proposed is restoration of the existing shop front, including the modification of the existing front door.
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Appeal B Ref: APP/T0355/H/23/3332990

Datchet Grill, Hardware House, The Green, Datchet, Berkshire SL3 9BJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Memik Gilgil against the decision of the Council for the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02113
 - The advertisement proposed is 2 No externally illuminated fascia signs.
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Decision

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

Preliminary Matters

3. There are two appeals relating to the site, one against the refusal of planning permission and the other against the refusal of advert consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its own merits, I have dealt with both in a single decision letter.
4. With regards to Appeal A, for reasons of clarity, I have used the address on the appeal form in the banner heading above, as this refers to the existing business at the address.
5. It has been put to me by the appellant that it is only the external illumination subject of Appeal B that requires consent and that the fascia signs themselves are permitted. While the letter and email sent to the appellant by the Council's Planning Enforcement Officer may suggest that the fascia signs themselves do not constitute a breach of planning control, this has not been confirmed by the Council as part of the appeal process and there is no further evidence before

me to demonstrate that the fascia signs would be permitted. I must therefore determine the appeal before me, which includes the fascia signs.

6. I saw on site that the alterations to the shop front have been made and the fascia signs and external lighting have been erected. However, I cannot be certain that the alterations to the shop front and fascia signs reflect the submitted plans. I also note that the elevation drawings submitted for Appeal B showing the fascia signage as installed do not include the external lighting. For the avoidance of doubt, I have determined both appeals on the basis of the submitted plans, and in terms of the external lighting, I have used the submitted photographs and details set out in the application form.
7. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to the appeals have not been significantly amended. As a result, I have not sought further submissions. I will refer to the updated paragraph numbers where necessary.

Main Issue

8. The main issue in respect of Appeal A is the effect of the proposed shopfront alterations on the significance of the Datchet Conservation Area.
9. The main issue in respect of Appeal B is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

Appeal A

10. The appeal property is located in the centre of Datchet, within the Datchet Conservation Area (DCA). I have therefore approached Appeal A in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the DCA. In respect of Appeal B, I have taken the same approach, in so far as it relates to my consideration of visual amenity.
11. The centre of Datchet has a vibrant character with frequent pedestrian and vehicular movements during the day and evening. The appeal property forms part of a group of historical commercial buildings fronting the village green in a prominent location within the DCA.
12. The Conservation Area Statement for Datchet (1995) (CA Statement) sets out the significance of the DCA, which derives from the architectural value of the historical buildings and how their layout and composition relates to the evolution of the area as a through route and river crossing to London. The focus of Datchet and the DCA is the village green (The Green) which is now dissected with the main roads which meet there.
13. There is an interesting mix of buildings surrounding The Green, which vary in their style and age. The CA statement identifies the buildings on the south of The Green, which include the appeal property, as an interesting group, which contribute to Datchet's unique character. It refers specifically to the mix of roof lines, varying heights of the buildings and their contrasting styles as creating an aesthetically pleasing group. Thus, the significance of the DCA, in so far as

it relates to the appeals, is the aesthetic value of the appeal property and the wider group of historical commercial buildings on the south side of The Green. Both the CA statement and Datchet Design guide refer to shopfronts within Datchet, namely those that are well-proportioned, detailed and traditional, as a positive feature, with some specifically identified as being of merit to the DCA.

14. The previous shopfront, which has now been altered, used traditional proportions as set out in Diagrams 13 and 14 of the Datchet Design Guide (2021) (Design Guide), including a single fan light above the front door. The recessed front door had a similar form to the neighbouring attached building and the simplicity of the windows moderated the prominence of the white UPVC frames. It blended into the street scene and was in keeping with the traditional and historical character and appearance of its surroundings. The single storey front of the building also included an interesting, stepped gable over the shopfront and, from the evidence before me, the fascia signs sat between traditionally detailed corbels. This added to its visual interest and that of the wider group. Therefore, whether or not the previous shopfront had any appreciable historic value, and while it may have been considered to be in a poor condition, it made a positive contribution to the attractiveness of the wider group of historical commercial buildings on the south side of The Green and the significance of the DCA.
15. In comparison, the new shopfront, subject to appeal A, would be visually intrusive. The repositioning of the front door in line with the front elevation and front windows would not be in keeping with the neighbouring buildings or other buildings around The Green. These buildings typically have more appealing front elevations at ground floor that include recessed front doors, porches, or protruding windows, such as bays or bows. Introducing a largely flat, contemporary ground floor elevation, where all the features are flush, would significantly erode the visual interest of the host building and the attractiveness of the wider group, as well as the significance of the DCA.
16. The loss of the recess and canted returns to the shop windows, would result in the new front door appearing wider than the previous front door. This, together with the two fan lights and the new front door only being half glazed would exacerbate the prominence of the white UPVC frames. The thick-framed fan lights and UPVC lower third of the front door would be obtrusive features, which would undermine the traditional proportions of the shop front, contrary to the advice set out in the Design Guide. In addition, it appears that the lower third of the front door would not fully align with the adjacent windows making it appear discordant.
17. It has been put to me by the appellant that there may be options to paint the door and window frames in black and white to blend with other UPVC doors and windows that overlook The Green. Nonetheless, there are no specific details before me, and while this may reduce the prominence of the UPVC doors and windows to a degree, it would not fully address the harm I have identified.
18. Accordingly, for the reasons above, the proposed shopfront alterations, subject to Appeal A, would significantly erode the aesthetic value of the host building and the wider group of commercial buildings, which would harm the significance of the DCA and would fail to preserve or enhance its character and appearance. The proposal would therefore conflict with Policies QP3 and HE1 of the Borough Local Plan 2013-2033 (2022) (Local Plan), which seek to ensure

that new development achieves a high-quality design, which among other things, respects and enhances the historic environment, including the character and appearance of heritage assets.

19. I find the harm to the significance of the DCA would be less than substantial. As such paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal. In this case, there may be some meaningful and moderate public benefits arising from improvements to the condition of the existing building, which would allow it to be used as a restaurant.
20. The appellant considers that the new shopfront would also address some detriments of the previous recessed front doorway, which attracted leaves and litter, collected rainwater and snow, and was occasionally used as a urinal. However, while this may improve the general attractiveness of the public realm, most of these issues could be addressed by regular and proper maintenance of the recess. I therefore afford these benefits limited weight.
21. The appellant sets out several other benefits that would be provided by the new front door, including better security for the business, public safety, thermal installation, and flood protection. Nonetheless, there is no substantive evidence before me that these benefits could not be achieved while maintaining the previous shop front arrangement or that the appeal proposal would be the only way to secure them. I therefore afford these benefits limited weight.
22. Paragraph 205 of the Framework gives great weight to the conservation of the DCA, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm. The moderate benefits would therefore not outweigh the harm I have identified to the DCA.

Appeal B

23. In terms of advertisements, the area surrounding the appeal property consists predominantly of fascia signs that advertise the businesses within the buildings. The fascia signs are typically conservative in terms of the size of their lettering and overall size, especially within the DCA, and are positioned in a manner that respects the features of the buildings they are attached to. Although not a feature of the area, it is not uncommon for the fascia signs to be lit during the evening using external downlighters.
24. The new fascia signs, subject to Appeal B, would be far less conservative than most other fascia signs in the immediate area. In comparison to the other signs, the letters would be taller and bolder, and the signs themselves would be significantly larger. Overall, they would be a visually intrusive feature in the street scene. Furthermore, the signs would cover the traditionally detailed corbels, which I assume would remain underneath. For these reasons, they would harm the visual amenity of the host building, the wider group of historical commercial buildings and the surrounding area.
25. There are no plans before me setting out the details or design of the external lighting for the fascia sign subject of Appeal B. I saw on site that there is currently a single strip style downlighter positioned above the fascia sign. However, the downlighter had not been turned on during my evening visit. Several businesses within the DCA have similar downlighters to this, including Horler, Spice, Lodge Brothers and Oakwood Estates. The current downlighter is

modest and not appreciably bulkier than others within the DCA. Compared to some, it is slimmer.

26. The centre of Datchet is reasonably well lit during the evening. Light sources include internal lights serving the businesses and houses, the lighting of displays in shop windows and the internal and external lighting of fascia signs even where businesses are closed. There are also regular streetlamps, external lighting serving road signs and a beaconed pedestrian crossing. The external lighting, subject to Appeal B, would not therefore cause any excessive light pollution. It would light the fascia sign of a business that operates during evening hours, and I saw on site that the nearby streetlamp would not be sufficient to fully light the new fascia sign. Given this, the external downlighter, subject to Appeal B, would comply with the guidance set out in the Design Guide and would not in itself result in any harm to visual amenity.
27. Nevertheless, the external lighting would increase the prominence of the new fascia signs during the evening, which would subsequently increase the level of harm arising from them. Thus, overall, the proposed externally lit advertisements would significantly harm the visual amenity of the host building, the wider group of commercial buildings and the surrounding area. I am also mindful that they would not preserve or enhance the character and appearance of the DCA.
28. I have taken into account Policies QP3 and HE1 of the Local Plan, which seek to protect the visual amenity of the area, including heritage assets, and so are material in this case. Given I have concluded that the proposed advertisements would harm the visual amenity of the area, they would conflict with these policies.

Other Matters

29. A Grade II Listed Building, the Morning Star Public House, is located close to the appeal property. Had the scheme been otherwise acceptable then, in accordance with the statutory duty at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I would have sought further comments on whether the appeal scheme would affect the setting of this building. However, given my findings above it has not been necessary to do so in this instance.
30. It has been put to me by the appellant that the alterations to the shopfront, subject of Appeal A, needed to be carried out quickly and urgently to secure the building and protect it internally and externally from the elements. Given this, the appellant could not wait 8-10 weeks for the planning process to take place. While I appreciate that the appellant would want to protect a building that he has invested in, there is no substantive evidence before me that the proposed alterations to the shopfront would be the only way to address this. Furthermore, the appellant's statements suggest that the unauthorised development, subject of Appeal A, was intentional. Given the limited evidence regarding this, I have not considered this in the determination of the appeal. However, intentional unauthorised development can be a material consideration, which would weigh against granting planning permission.
31. The appellant raises similar points regarding the proposed advertisements subject of Appeal B, and the need to install them as quickly as possible to

attract passing trade and customers. Nonetheless, my assessment of the proposed advertisements is limited to matters of amenity and public safety.

32. The appellant also raises some concerns regarding the application process including, with regards to Appeal A, the length of the process and errors in the issuing of a decision notice, and regards to Appeal B, a lack of collaboration during the process to resolve the issues raised. Whether or not this was the case, and while I appreciate the appellant's willingness to work proactively with the Council, any concerns regarding the manner in which the applications were considered by the Council fall outside the scope of these decisions.

Conclusion

33. Overall, I have found that the proposed shopfront alterations, subject to Appeal A, would harm the significance of the DCA, which is not outweighed by public benefits. The moderate benefits arising for the alterations would not outweigh the harm I have identified, and the proposal would conflict with the development plan read as a whole.
34. In respect of Appeal B, while I have not identified any harm in respect to public safety, I have found the proposed advertisements would harm the visual amenity of the area.
35. For the reasons above, and having had regard to all other matters raised, I therefore conclude that the appeals should be dismissed.

Hannah Guest

INSPECTOR