

Appeal Decisions

Site visit made on 28 August 2024

by A Dawe BSc (Hons), MSc, MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2024

Appeal A Ref: APP/T0355/W/24/3338331

2 Spinners Walk, Windsor SL4 3AR

- 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. Paul Langworth against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02020.
 - The development proposed is described as Erection of iron railings to front boundary wall.
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Appeal B Ref: APP/T0355/Y/24/3339599

2 Spinners Walk, Windsor SL4 3AR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr. Paul Langworth against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02021.
 - The works proposed are described as being the same as for Appeal A.
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Decision

1. The appeals are both dismissed.

Preliminary Matters

2. The descriptions of the proposed development and works in the above respective headers for Appeals A and B are taken from the original application forms. However, the Council's decision notices for both applications include the description as 'Erection of railings on top of an existing brick wall and new gate to the front boundary', which more accurately describes the proposals based on the submitted plans and details. I have therefore determined the appeal on that basis.
3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issues

4. The main issues are whether the proposal would preserve the significance of the Grade II listed building known as 2 and 4 Spinners Walk (Ref: 1117705) (the LB), and any of the features of special architectural or historic interest that it possesses, and the extent to which it would preserve or enhance the character or appearance of the Trinity Place Clarence Crescent, Windsor Conservation Area (the CA).

Reasons

5. The LB derives its significance from its historic pair of semi-detached houses dating from circa 1840, comprising painted brick, slate roof, sash windows, and 6 panel front doors albeit of slightly different design and with No 2 retaining a rectangular fanlight. Notwithstanding that small difference in appearance between Nos 2 and 4, together with the different number of window panels of their respective first floor windows, the pair retain a high degree of symmetry which makes a strong contribution to their visual significance. That degree of symmetry extends to the consistent design of the low front boundary wall to each property, matching timber gate posts and similar designed black painted metal gates.
6. The CA's significance is derived from, amongst other things, its formal layout including distinctive 19th century residential properties adjacent to Windsor town centre. The overriding architectural character of the CA relates to early 19th century Regency buildings, albeit also including later Victorian and Edwardian dwellings, some non-residential properties and churches. Although the appeal property is not as large as many of those other properties in the CA, the pair of semi-detached houses forming the LB are consistent with that prominently early 19th century residential character.
7. The proposed iron railings atop the existing front boundary wall of just No 2 would introduce a feature that would create a distinct and dominating imbalance between the visual appearance of Nos 2 and 4 in that prominent frontage position. That effect would significantly disrupt and deflect from the existing high degree of symmetry referred to above.
8. I note that there are varying boundary treatments relating to the different properties in Spinners Walk and in the CA generally. In Spinners Walk, there are no other examples of similar railings atop front boundary walls. However, there are various forms of boundary treatment, including gates in the Spinners Walk frontages of 1 Trinity Place and the abutting Trinity House, of a design similar to the proposed railings. I also note the intention for the design to be similar to that existing between the two gateposts of Nos 2 and 4, and as seen elsewhere in the CA such as nearby relating to 26 Trinity Place and 10 Clarence Place, albeit that such railings are not a consistent feature of the CA.
9. I also saw the asymmetrical features relating to the semi-detached pair of 1 and 3 Spinners Walk, including the roof dormer and low front boundary wall to No 3 and iron gates to No 1, together with contemporary white timber fencing separating the front gardens of the two properties. Some modifications also appear to have occurred to various other frontage boundaries along the street.

10. I have also had regard to the presence, directly opposite the site, of high utilitarian access gates and the associated rear yard area to 14 St. Leonard's Road, which introduces a non-residential element and another variation into the streetscene. Notwithstanding that, those features are clearly seen as relating to the associated commercial property and the proposed addition of railings at No 2 would be unlikely to alter or soften any perception of harshness, being located on the opposite side of the road.
11. In terms of those existing local streetscene variations and instance of asymmetry at Nos 1 and 3, regardless of whether they have been granted planning or listed building consent and in determining this appeal on its own merits, they do not diminish the harm that I have found would be caused by the proposal to the LB itself. Such harm would in turn weaken the integrity and significance of the CA, albeit that it would not be to a high degree in the context of those existing local variations and asymmetry.
12. It is disputed by the main parties as to whether that existing short section of railing in between the front gates of the LB, represents a remnant of railings that previously existed atop the full extent of the front boundary walls. I also note the Appellant's claim that existing marks on the building elevations of 2 Spinners Walk and the abutting No 2A show where such railings were once affixed. There is nevertheless no photographic or other documentary evidence to substantiate that reason for the marks' existence and to clearly show that such railings existed. Furthermore, I do not consider the presence of the short section of railing referred to above to be a strong indication of such past existence, whereby it currently appears to fulfil a function of supporting the timber gate posts. Even if there once were railings atop the wall concerned, there is no evidence to indicate this was just relating to No 2 in isolation from No 4, and does not diminish the harm that would now be caused in respect of asymmetry.
13. My attention is also drawn to the existing section of railing on the front side boundary of No 4, alongside No 6. However, I saw that to be a different design again to that relating to the section between the gateways, and also relating to a lower section of wall. I cannot therefore be certain that this, together the section of similar design fencing photographed by the Appellant in the rear garden of No 4, demonstrates that such railings existed atop the remaining front boundary walls.
14. For the above reasons, the proposals would fail to preserve the special interest of the LB and the significance of the CA. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
15. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
16. Given the relatively small-scale nature of the proposed works in the context of the LB as a whole and the CA generally, the harm caused would be less than substantial in this case. Having regard to paragraph 208 of the

Framework, as I have found there would be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

17. The works concerned would have the likely public benefit of preventing or deterring the anti-social behaviour referred to by the appellant and making it a more private space. In this respect, I acknowledge the current degree of accessibility relating to the existing low front boundary wall, and the proximity to the nearby commercial area of the town centre. However, I have not received any substantive evidence to demonstrate that there are not any other possible solutions in this respect that would be less harmful to the LB than the proposed railings. The Appellant indicates that the front garden area is used by a resident child as a play area. However, there is no substantive evidence of this being a regular and significant use of that space, particularly in light of it being a small area with a mix of hard surfacing and soil beds, or to demonstrate that there is no other outdoor space at the property to enable play.
18. In respect of the claimed screening effect of the proposed railings for recycling bins, whilst only a snapshot observation, I saw there was only a small waste bin in the front garden area which was therefore not a prominent feature and was partially screened by the existing wall. I have no evidence before me to indicate that any other recycling bins would be significantly more conspicuous. In any case I have no substantive evidence to indicate that railings would provide significant additional screening, due to the gaps between them allowing sight into that front garden space. Furthermore, notwithstanding the effect of any anti-social behaviour on the living conditions of occupiers of No 2 and on the surrounding area generally, I have no substantive evidence of the claimed harm caused to the LB as a result of any such activity.
19. I note the Appellant's claims relating to the Conservation Officer's assessment of the application, and to there having been no objections from neighbours. Regardless of this, I have determined the appeal on its own merits and come to my own conclusions based on all the evidence submitted and my observations.
20. For the above reasons, the public benefits would be insufficient to outweigh the less than substantial harm that would be caused to the LB.
21. In light of the above, the proposals would fail to preserve the significance of the LB and features of special architectural and historic interest that it possesses, and would fail to preserve the character and appearance of the CA. The proposals would therefore fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons, they would be contrary to policy HE1 of the Royal Borough of Windsor and Maidenhead Borough Local Plan which, amongst other things, states that the historic environment will be conserved and enhanced in a manner appropriate to its significance; and that heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset or its setting, will not be permitted without a clear justification in accordance with legislation and national policy. The proposals

would also be contrary to paragraph 203 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.

Conclusion

22. For the reasons given above both appeals should be dismissed.

A Dawe

INSPECTOR