

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

11 October 2017

Item: 5

Application No.:	17/02460/FULL
Location:	109 High Street Eton Windsor SL4 6AN
Proposal:	Part change of use of ground floor from A2 (Financial and Professional Services) to residential; part single, part two storey side and rear extensions following the demolition of existing additions.
Applicant:	Mr Shymansky
Agent:	Mr Dan Lewandowski
Parish/Ward:	Eton Town Council/Eton With Windsor Castle Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

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1. SUMMARY

- 1.1 The proposed additions will cause “less than substantial harm” to the architectural significance of the designated heritage assets (Listed building and Conservation Area). There are no public benefits to the scheme that would outweigh the harm caused.
- 1.2 The proposed development will not increase the number of people or properties at risk from flooding and will not increase flood risk elsewhere.
- 1.3 The proposed extensions are set far enough away from neighbouring properties so as to avoid causing a loss of amenity.
- 1.4 There is a car park to the west of the site which has 7 vehicle parking spaces. This is considered acceptable for the proposed use of the building which will not generate a requirement for additional parking spaces.

It is recommended the Panel refuses planning permission for the following reason:

1. **The proposed extensions will cause “less than substantial harm” to the architectural significance of the listed building and the character and appearance of the conservation area. There are no apparent public benefits to the scheme that would outweigh the harm caused and therefore the proposal fails to comply with paragraph 134 of the National Planning Policy Framework (NPPF) as well as core principles 4 and 10 of paragraph 17 of the NPPF, paragraph 64 of the NPPF, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies DG1, CA2 and LB2 of the Local Plan.**

It is recommended the Panel refuses Listed Building Consent for the following

summarised reason:

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| 1. | The proposed works will result in “less than substantial” harm being caused to the architectural significance of the Listed building. There are no apparent public benefits that will outweigh this harm and as such the proposal fails to comply with paragraph 134 of the National Planning Policy Framework (NPPF) as well as core principle 10 of paragraph 17 of the NPPF, sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy LB2 of the Local Plan. |
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2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Alexander in the public interest and at the request of the Eton Town Clerk irrespective of the recommendation of the Head of Planning. This application is accompanied by a Listed Building Consent application (17/02461). As many of the issues between the two applications are the same it is appropriate for the Listed Building Consent to also be considered by the panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is a grade II listed building, and is located on a prominent street corner of the High Street. It is also located within the Eton Conservation Area and within Flood Zones 2 (medium risk) and 3 (high risk), and is surrounded by land within Flood Zone 3. In accordance with guidance on managing flood risk, it must be assessed therefore as being within the higher flood risk, FZ3.
- 3.2 The ground floor of the property is currently within an A2 use (Financial and Professional Services) as a photographic studio occupied by Venture Photography. The first and second floors are within C3 (Residential) use (1 x 1 bedroom and 1 x 3 bedroom) and there is a car park to the west which is shared by all occupants of the building. The building consists of elements dating over several centuries, including the newer existing side and rear extensions which are to be replaced under this application.
- 3.3 109 High Street is a Grade II listed building with a white rendered front facade and brick side and rear elevations. This two storey plus attic building sits on a prominent corner plot fronting Eton High Street. It is located directly to the north of Jubilee Square, a newly redeveloped piece of public urban space which was a joint venture between the Baldwin’s Bridge Trust and Eton Town Council in 2012. A brick hall, The Austen Leigh and Baldwin Institute and designated as an important non-listed building, sits to the south west. The red brick built gable and flank walls and pitched slate roof can be seen from further down the High Street and is an interesting feature. A single storey flat roof extension is located alongside the side wall; hidden behind the modern brick boundary wall at the rear of Jubilee Square. There is a single storey lean-to extension at the rear. The front elevation contains two 19th century timber framed shop fronts with tripartite glazing and a pair of six panelled entrance doors with rectangular fanlights. The shop fronts are identical with scroll corbels sitting atop pilasters supporting a cornice. There are five double-hung 6 over 6 sash windows set within architraves at first floor level set between two projecting platbands at ground and first floor level. The single-storey extension that sits to the south of the main building is of dark red bricks in a stretcher bond. 109 High Street is group listed with 110 and 110A and therefore any alterations to 109 may impact the significance of 110 and 110A.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal seeks to demolish the existing single-storey extensions to the side and rear and replace these with a two-storey and single storey extension at the side and rear. The two-storey extension is proposed to match the existing single storey elevation with facing brick and one black painted sash window is proposed on the first floor of the front, side and rear elevations. The two storey extension is 6.8m tall and will have a flat roof. There are two new entrances proposed, to make the two flats self contained, one fronting the High Street and the other into the rear of the property. The application proposes a partial change of use of the ground floor from A2 (Financial and Professional Services) to C3 (Residential), however, the internal alterations to the existing

building are limited. The application does not propose to increase the number of residential units, only extend and improve the internal accommodation of the existing ones. The parking area and mature trees to the rear of the site are proposed to be retained.

Ref.	Description	Decision and Date
15/03655/FULL	Single storey rear, part two storey, part three storey side extensions.	Withdrawn 16.12.2015
15/03657/LBC	Consent for single storey rear, part two storey, part three storey side extensions, Internal and external refurbishments and associated works following demolition of non-original extensions to existing buildings.	Withdrawn 16.12.2015
16/01097/FULL	Single storey rear and two storey side extensions with amendments to fenestration, following the removal of the existing non-original extensions. Part change of use to Class C3 (residential)	Withdrawn 03.11.2016
16/01098/LBC	Consent for single storey rear and two storey side extensions with internal and external refurbishments and associated works following demolition of non-original extensions to existing buildings	Withdrawn 03.11.2016
17/00928/FULL	Part change of use of ground floor from A2 (Financial and Professional Services) to residential; part single part two storey side and rear extensions following the demolition of existing additions.	Withdrawn 26.06.2017
17/00929/LBC	Consent to construct part single part two storey side and rear extensions following the demolition of existing additions. Internal alterations comprise partial wall removal, blocking-up of openings and replacement windows.	Withdrawn 26.06.2017

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	Highways and Parking	Conservation Area	Listed Building	Flooding
DG1	P4, T5	CA2	LB2	F1

N6?

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to September 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.4 **Other Strategies or publications relevant to the proposal are:**

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Heritage assets
- ii Flooding
- iii Amenity
- iv Parking/Highway safety

Heritage assets

Significance to the Listed Building and within the Conservation Area

6.2 109 High Street is a Grade II listed building located on a prominent corner of the High Street which is itself within the Eton Conservation Area. The Council therefore must give special regard to the desirability of preserving the listed building and its settings and either preserving or enhancing the character of the conservation area as required under sections 16, 66 and 72 of the Planning (listed buildings and conservation areas) Act 1990. Furthermore Local Plan policy LB2 sets out guidance for proposals effecting Listed Buildings, CA2 sets out design guidance for developments affecting conservation areas and DG1 sets out design guidelines for development in general. All of these policies are consistent with the objectives of the National Planning Policy Framework which aims to secure high quality design and the conservation of heritage assets.

6.3 The application site is located directly north of Jubilee Square, an important piece of public space within Eton Town Centre. To the west is the Austen Leigh and Baldwin's Institute which is designated as an important non listed building. Eton Conservation Area has a mix of eclectic architectural styles from the buildings of Eton College down through the commercial buildings of the High Street and up to the Windsor Bridge. The High Street is identified in the Eton

Conservation Area Appraisal as a typically Georgian High Street, although it has continued to develop over time, including the creation of Eton Court and the loss of the southern adjacent building to 109.

- 6.4 109 High Street itself is of architectural merit and the red brick gable, flank wall and pitched slate roof of the south elevation which can be seen from further down the high street is an interesting feature. 109 High Street is group listed with 110 and 110A and therefore any alterations to 109 may impact the significance of 110 and 110A as well. The front elevation of the building contains two 19th Century timber framed shop fronts with tripartite glazing and a pair of six panelled entrance doors with rectangular fanlights. The shop fronts are identical with scroll corbels sitting atop pilasters supporting a cornice. There are five double-hung 6 over 6 sash windows set within architraves at first floor level set between two projecting plat-bands at ground and first floor level.

Impact of the proposal

- 6.5 The proposed extension is designed partly as a pastiche in so much as it would use facing bricks similar to those of the single storey extension it is replacing, timber sash framed windows and a parapet. The roof in contrast is designed as a flat roof which is not in keeping with the host property or with other buildings along the High Street. The proposed first floor extension would be prominent from a distance looking up the High Street back towards the college and as such the impact on the character and appearance of the Conservation Area would be accentuated. The plot is very narrow fronting the High Street (less than 3m wide) with the added constraint of being a corner plot onto a rare piece of public urban space (Jubilee Square). The current design does not properly address the corner plot and creates an awkward, rear elevation with a mixture of flat and pitched roofs that will be seen by those coming from Eton Court. The bathroom at the front on the first floor would have a timber sash window fronting Eton High Street. This would inevitably have to either be frosted glass or obscured in some way to allow privacy, therefore affecting the appearance of the extension onto the High Street. It is considered that the need for a first floor extension is not justified and therefore an unnecessary addition to the building that has a negative impact on the listed building and the conservation area. No details have been provided which show that the proposed extension will not negatively impact upon the tree growing within Jubilee Square to the south. This tree is protected by virtue of being within a conservation area and is an important amenity feature, making a positive contribution to the character and appearance of the area. Overall it is considered that the proposed extension would cause "less than substantial harm" to the significance of the designated heritage assets (listed building and conservation area). There are no public benefits that would outweigh this harm and as such in accordance with the National Planning Policy Framework the application should therefore be refused.
- 6.6 The proposal lies in an area of archaeological importance and has the potential to impact on significant buried remains. It is necessary therefore for a programme of work to be secured which will mitigate the impact of development and record any surviving remains.

Impact on historical significance of the Listed Building

- 6.7 The application proposes to make internal changes to the building. The proposed internal alterations to the existing flats are small scale and would retain, to a large extent, the existing layout of the listed building which has been altered over the years. Where modifications are proposed they are in locations that have far less significance with only very minor changes to what would have been the original building. The alterations improve the existing layout of the two flats as currently the second flat is accessed through the first flat and has no individual access. It is not considered that harm would be caused to the historic fabric of the building as a result of the proposed internal alterations.

Flooding

- 6.8 The application site is surrounded by areas within Flood Zone 3 and is itself partially within Flood Zone 2 and Flood Zone 3. The proposed works constitute minor development and as such it is not necessary for the Sequential or Exception test to be applied, however, it is still necessary for paragraph 103 of the National Planning Policy Framework to be complied with. This paragraph requires that development is located in the areas of lowest flood risk and that development is appropriately flood resilient and resistant, including safe access and escape routes.
- 6.9 The existing building and all proposed extensions will be within Flood Zone 2 with only the very western edge of the site being within Flood Zone 3. The site is surrounded on all sides by flood zone 3 and it is therefore assumed that no safe or low hazard escape route is possible as no information has been submitted by the applicant to suggest otherwise. This is an existing situation, however, and there will be no increase in the number of residential units and no material increase in the level of residential accommodation. Therefore there would be no increase in the number of people or properties therefore at risk from flooding. As a result of the internal alterations there will now be some residential accommodation on the ground floor for flat 2, however, it is not considered that this will pose a significant risk for the future occupiers of the flat and this risk can be satisfactorily managed through the use of flood resistance measures/construction. The flats themselves would be suitably flood resilient and resistant on account of being mostly at first floor and above and a slight reduction in the ground covered area on site will ensure that flood storage capacity is maintained and flood risk is not therefore increased elsewhere.

Amenity

- 6.10 The proposed extensions will be set far enough away from any neighbouring properties to prevent them from causing any loss of amenity. Concerns have been raised that the scale and bulk of the extensions will mean that natural light will be lost to Jubilee Square to the south, however, this is a public open space and not a private amenity area and as such is not afforded the same weight.

Parking/Highway safety

- 6.11 The property currently benefits from a vehicular access off of Eton Court. None of the proposals will affect the existing visibility splays or access arrangements. The proposal does not generate a requirement for additional parking spaces and it is unlikely that the proposal will generate a significant increase in vehicle movements. The application will retain the car park to the rear of the site which can accommodate 7 car parking spaces. This is deemed acceptable.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 21.08.2017

1 letter was received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. The scale and bulk of what is proposed will have a negative impact on Jubilee Square, the historic Baldwin's Institute Building and the established vista to the grade 2 listed church from Eton High Street and Jubilee Square.	Paragraphs 6.2 – 6.6

2.	The existing and proposed drawings fail to take account of the large Sugar Maple tree in Jubilee Square.	Paragraph 6.5
3.	The existing and proposed drawings do not show the 4 large white air conditioning units that have been installed without planning approval. This application should be revised to show their existence and proposed removal, relocation or sympathetic screening as part of this application.	This is a matter for the enforcement team.

Other consultees

Consultee	Comment	Where in the report this is considered
Highways	Recommends approval subject to conditions	Paragraph 6.11
Archaeology	No objections subject to conditions	Paragraph 6.6
Conservation	Recommends refusal as the proposals will cause "less than substantial harm" to the significance of the designated heritage asset (listed building and conservation area) and there are no public benefits to the scheme that would outweigh the harm caused.	Paragraphs 6.2 – 6.6
Parish Council	Eton Town Council writes to support this application. The Council has strong feelings for the more traditional design expressed in this application and believes that it blends in well with the character of the neighbourhood.	Paragraphs 6.2 – 6.6

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

9. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed additions will cause "less than substantial harm" to the architectural significance of the listed building and the character and appearance of the conservation area. There are no apparent public benefits to the scheme that would outweigh the harm caused and therefore the proposal fails to comply with paragraph 134 of the National Planning Policy Framework (NPPF) as well as core principles 4 and 10 of paragraph 17 of the NPPF, paragraph 64 of the NPPF, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies DG1, CA2 and LB2 of the Local Plan.

17/02461/LBC

- 1 The proposed works will result in "less than substantial" harm being caused to the architectural significance of the Listed building. There are no apparent public benefits that will outweigh this harm and as such the proposal fails to comply with paragraph 134 of the National Planning Policy Framework (NPPF) as well as core principle 10 of paragraph 17 of the NPPF, sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy LB2 of the Local Plan.