



# Appeal Decision

Site visit made on 16 February 2024

by **E Catchside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 14<sup>th</sup> March 2024**

---

**Appeal Ref: APP/T0355/W/23/3329117**

**The Arcade, High Street, Cookham, Maidenhead, Windsor and Maidenhead SL6 9TA**

- 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 Jolyon Burgess against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref is 22/03162.
  - The development is use of building for office space.
- 

## Decision

1. The appeal is allowed and planning permission is granted for use of building for office space at The Arcade, High Street, Cookham, Maidenhead SL6 9TA in accordance with the terms of the application, Ref 22/03162, and the plans numbered TQRQM22158113302035, 01, and the unnumbered plan entitled 'Existing and proposed floor plan', subject to the following condition:

- 1) Unless within one month of the date of this decision, details of bicycle parking facilities are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within one month of the local planning authority's approval, the occupation of the development shall cease until such time as details are approved and implemented. Upon implementation, the approved bicycle parking facilities specified in this condition shall be permanently retained.

If no details in accordance with this condition are approved within four months of the date of this decision, the occupation of the development shall cease until such time as details approved by the local planning authority have been implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

## Application for costs

2. An application for costs was made by Mr Jolyon Burgess against The Council of the Royal Borough of Windsor and Maidenhead. The application for costs is the subject of a separate decision.

## **Preliminary Matters**

3. The application form states that the office use commenced on 4 June 2020. However, at the time of my site visit the appeal property appeared to be in use as an artist's studio. I have no evidence as to whether this use is lawful and have therefore made my determination on the basis of the description of development set out on the application form, which is that of a retrospective application for change of use to offices. This is reflected in the banner heading.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

## **Main Issues**

5. The main issues are:
  - whether or not the development preserves or enhances the character or appearance of the Cookham High Street Conservation Area (CA); and
  - the effect of the development on highway safety, with particular regard to on-street parking provision.

## **Reasons**

### *Cookham High Street CA*

6. The appeal site is a single storey building with a flat roof and patio doors. It is located within a fenced-off courtyard to the rear of the Cookham Arcade on Cookham High Street. The neighbouring arcade contains a mix of commercial uses on the ground floor, including shops, services, and a café. The upper floor of the arcade is in residential use and there are other residential properties close to the appeal building.
7. The site lies within the Cookham High Street CA, which covers the core of the medieval and post medieval village, which established near to the river Thames. Its significance lies, partly, in the collection of buildings and spaces that reflect the historic evolution of the village. The Council has also stated in its Officer's Report that the building to which the appeal property is attached is a non-designated heritage asset. I have limited information before me about the non-designated heritage asset. However, I consider its significance to be derived partly from its contribution, as a historical building, to the wider Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a CA.
8. The appellant has not submitted a formal heritage assessment. However, from my observations, the appeal property is a simple structure that is modest in size and has limited architectural merit. Consequently, its design does not align with the general guidance for Cookham's built areas as set out in the Cookham Village Design Statement Supplementary Planning Document (May 2013) and it is of neutral value to the significance of the CA as a designated heritage asset. However, the development has not required any significant alterations to the property's exterior. Therefore, it conserves the appearance of the local area.
9. The use of the building as an office necessitates some activity, particularly when users of the building are arriving at and departing from the site.

However, there is no substantive evidence before me to indicate that the comings and goings associated with the development are materially different from its former use as commercial ancillary storage. Moreover, the use of the building as an office is sympathetic to the mix of uses in the immediate vicinity of the site, including the shops and services in the adjacent Cookham Arcade and along the High Street.

10. The appeal building is well-screened behind fencing and, although some views of the building are available from public vantage points and neighbouring properties, the development is not unduly prominent in those views. Consequently, the development does not detract from the character or appearance of the area and does not cause harm to the significance of the neighbouring locally listed building.
11. I conclude that the development preserves the character and appearance of the Cookham High Street Conservation Area. Accordingly, there is no conflict with Policy HE1 of the Borough Local Plan 2013-2033 (adopted 8 February 2022) (LP) which, amongst other things, expects development proposals to demonstrate how they preserve or enhance the character, appearance and function of heritage assets and their settings, and respect the significance of the historic environment.

#### *On-street parking provision*

12. Amongst other things, Policy IF2 of the LP includes a list of criteria that should, where appropriate, be met by development proposals. The criteria that are relevant to the Council's second reason for refusal are (e), which states that developments should secure measures that minimise and manage demand for travel and parking; and (g) which, amongst other things, expects development to provide cycle and vehicle parking in accordance with the Parking SPD (or the parking standards set in Made Neighbourhood Plans if these are applicable). Criteria (g) states that, prior to the adoption of the Parking SPD, the parking standards in the 2004 Parking Strategy will be used as a guide for determining the appropriate level of parking provision, with consideration also given to the accessibility of the site and any potential impacts associated with overspill parking in the local area.
13. I have not been provided with a copy of a Parking SPD or the 2004 Parking Strategy, nor has the appellant provided me with a technical assessment of the impact of the development on parking and highway safety. However, in its consultation response to the planning application, the Highway Authority stated that, owing to its modest scale, and referring to the Borough's parking standards, the development attracts a maximum parking demand of 0.34 parking spaces. The development does not include any on-site parking. However, given that the parking standard referred to by the Highway Authority is maximum rather than minimum, the development complies with the local parking standard.
14. The application form states that the office is used by two full time equivalent employees. From the evidence, and my own observations of the appeal property, it would not be reasonably practicable for the building to be used by more than two people at any one time. Therefore, in the worst-case scenario, there would be two cars parked near to the appeal site.

15. On my site visit, I observed that cars were parked on the High Street and on surrounding roads. However, there is no substantive evidence before me of parking pressure in the area. Due to its small-scale, the development is unlikely to have caused a significant increase in demand for on-street parking spaces. Moreover, I am not persuaded on the basis of the very limited evidence before me, that there is a shortfall of on-street parking spaces arising from the appeal scheme that has led to unacceptable harm to highway safety. Furthermore, the provision of bicycle parking facilities at the site, which could be secured through a condition, would enable and encourage users of the building to travel by sustainable modes rather than the private car in this accessible location.
16. Taking all of the above into account, I conclude that the development has not caused harm to highway safety, with particular regard to on-street parking provision. Therefore, there is no conflict with Policy IF2 of the LP insofar as it expects developments to minimise and manage demand for travel and parking and to provide cycle and vehicle parking in accordance with local parking standards.

### **Other Matters**

17. The appeal property lies within the setting of the Grade II listed The Royal Exchange Public House (Royal Exchange). The listed building has a white painted brick exterior and red tiled roof with central chimney stack. Based on the evidence, and my observations, its significance is partly derived from its architectural details and its prominent position on the High Street frontage. The rear elevation of the appeal property is visible from the Royal Exchange car park. However, due to the absence of significant external alterations, the development would preserve the setting of the listed building.
18. The application was submitted retrospectively, and concerns have been raised that the development may set a precedent for unauthorised developments to be carried out in the local area. However, each development is necessarily considered on its own merits and there is no substantive evidence before me to suggest that the outcome of this appeal would allow further unauthorised development.
19. The evidence also indicates that previous applications at the appeal site have not been granted permission, but it is unclear whether these were for similar schemes as that before me now. Moreover, I am informed that the Council has refused planning permission for other developments in gardens. However, I have considered the appeal development on its own merits, and with regard to the evidence and my own observations of the site and surroundings. Therefore, these matters have not been determinative in my consideration of the appeal.
20. The appeal building does not have a toilet. However, the appellant has advised that users of the building would have access to toilets within the Cookham Arcade, which I observed on my site visit. I also note concerns raised about fire precautions. However, there is no compelling evidence before me to indicate the building poses a particular fire risk that would cause me to dismiss the appeal.
21. Concerns have been raised by interested parties about potential adverse noise effects and the implications of the site being licensed for the sale of alcohol. However, the use of the building as office space is unlikely to generate

significant noise levels. Moreover, there is no evidence before me that the site is intended for the sale of alcohol which, in any event, would be subject to a separate licensing process.

22. Given that the development involves the use of an existing building, it would be unlikely to cause material harm to biodiversity. Moreover, it would not result in the loss of green space. Therefore, I have not found these concerns to be determinative to my consideration of the appeal.

### **Conditions**

23. The Council suggested a condition to require the development to be carried out in accordance with the submitted plans. However, because the development relates solely to the change of use of an existing building, the suggested condition is unnecessary.
24. I have included a condition requiring the submission, approval and implementation of bicycle parking facilities. This condition is necessary to ensure the development promotes travel by sustainable modes. I have not specified the number of bicycle parking spaces to be provided. This would be a matter for the Council to determine with regard to development plan policy and other guidance documents, including local parking standards.
25. The appellant suggested some alternative wording for the bicycle parking condition. However, the condition has a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the details before the development comes into first use. The timetables incorporated into the condition will ensure the development can be enforced against if the requirements are not met.
26. No other conditions are necessary to make the development acceptable.

### **Conclusion**

27. The proposed development is in accordance with the development plan when read as a whole. Therefore, for the reasons given, I conclude that the appeal should be allowed.

*E Catchside*

INSPECTOR