



Appeal Decision

Site visit made on 24 April 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/R5510/W/19/3220923

Woodland View, Old Mill Lane, Cowley UB8 2JH

- 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 and Mrs S Buck against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 29815/APP/2018/3609, dated 4 October 2018, was refused by notice dated 5 December 2018.
 - The development proposed is the alterations to existing building for use as a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the alterations to existing building for use as a dwelling at Woodland View, Old Mill Lane, Cowley UB8 2JH, in accordance with the terms of the application ref 29815/APP/2018/3609, dated 4 October 2018, subject to the conditions contained within the attached schedule.

Applications for Costs

2. An application for costs was made by Mr and Mrs S Buck against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are:
 - whether or not the proposal would be inappropriate development in the Green Belt; and
 - the effect of the development on the living conditions of intended occupiers, with particular regard to outlook and daylight.

Reasons

Whether Inappropriate Development?

4. The appeal site relates to a rectangular shaped parcel of land located within the Green Belt and the Cowley Lock Conservation Area. The wider area is characterised by its undeveloped nature and its riverside location. However, running in a linear manner on either side of the appeal site, modest scaled dwellings, predominately set back within their spacious plots and with intervening trees and landscaping are found. The access to the site is via the narrow Old Mill Lane.

5. The site contains a single storey shallow pitched building set behind a driveway and turning area fronting towards Old Mill Lane. The site has a large area of open space to its rear, the land is predominately level and contains large areas of hardstanding. There is boundary coverage, including walling, hedging and trees between the application building and Old Mill Lane.
6. It is understood from the appellants Grounds of Appeal Statement and the Council's Planning Officer's Report that the building was formerly used as a cattery/ kennel, but this use ceased some time ago.
7. Policy 7.16 of the London Plan 2016 (the LP) explains that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.
8. Policy EM2 Hillingdon Local Plan: Part One – Strategic Policies 2012 (the HLP) and Saved Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two – Unitary Development Plan Saved Policies 2012 (the UDP), sets out what could be considered as appropriate development within the Green Belt.
9. Policy EM2 of the HLP requires for proposals in the Green Belt to be assessed against national and London Plan policies, the national policies being those within the National Planning Policy Framework 2019 (the Framework).
10. The policies in the UDP are not entirely consistent with those in the Framework. This is on the basis that Policies OL1 and OL4 do not include all of the categories of development listed in Paragraphs 145 and 146 of the Framework, being those which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. I also note that with regard to the appeal proposal before me, being for the adaptations to an existing building without extension, that Policy OL4 of the UDP relates specifically to the replacement or extension of buildings within the Green Belt, which as a result I do not consider is of significant relevance in this case.
11. I must consider the appeal in accordance with the development plan. However, given the above and as the Framework sets out the most recent government policy on this matter, I consider that it carries greater weight in my consideration of the appeal than the extant development plan policies.
12. Of particular relevance to the appeal proposal, Paragraph 146 d) of the Framework explains that the re-use of buildings, provided that the buildings are of permanent and substantial construction, are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
13. The Council submit the appeal proposal would by definition represent inappropriate development in the Green Belt. In their Statement of Case they contend that the Structural Inspection Report¹ submitted by the appellants, does not demonstrate that the appeal building is of a permanent and substantial construction.

¹ Structural Inspection Report in Respect of Woodland View, Old Mill Lane, Cowley UB8 2JH dated September 2018 prepared by the Cox Clifford Partnership (Job No 10420)

14. The Council suggests that there are contradictions in the Structural Inspection Report which invalidate its conclusions. Particular reference is drawn to the Report's exclusions, which in apparent contradiction to the detail in the main body of the Report, which includes photographs and a plan of exposed foundations, specifically state that 'This report is produced on the basis of a visual inspection only, no testing was undertaken and no foundations were exposed.' Furthermore, the Council suggest that, due to the age of the building and apparent lack of recent use, for these reasons alone, the structural integrity of the building has been compromised. Therefore, the Council contend, that the appeal building is not capable of conversion and the proposal should be treated as a new build dwelling in the Green Belt.
15. The discrepancies in the Structural Inspection Report have not been clarified by its author through the appellants appeal submissions. This is unfortunate, but nonetheless, this was a matter that was not introduced by the Council until their Statement of Case. Furthermore, through my reading the Report as a whole it is apparent that the author in reaching their conclusions did visually inspect the foundations to the rear of the property, to such an extent that a plan of the trial hole and the footings to the building was drawn and photographs provided in the Report. Given this, the reference in the exclusions that the Report is based on a visual inspection only, very much appears to be an unfortunate error and does not to my mind, change the validity of the overall conclusions reached in the Report, that being the building is structurally suitable for conversion to residential use and the condition of the building is very good and no structural changes or repairs are necessary. Whilst I acknowledge the passage of time since the building was last used, this does not mean that the building must be structurally unsound. Further, the Council have not provided any substantive evidence for me to conclude contrary to the detailed conclusions of the Structural Inspection Report.
16. As a consequence, based upon the above, alongside my own observations of the structural condition of the building from my site visit, I am satisfied that the building is of a permanent and substantial construction.
17. I therefore find the appeal proposal would not be inappropriate development unless it would have a greater effect on the openness and purposes of the Green Belt.
18. Paragraph 133 of the Framework explains that the Government attaches great importance to the protection of Green Belts. It states that some of the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence.
19. In the case of the appeal proposal, an existing building without extension would be utilised. This would therefore not increase the built mass on the appeal site. Nonetheless, a residential use of the building would also involve associated use of the land for domestic purposes, with associated domestic activities alongside other minor operations, such as the boundary enclosures and refuse/ cycle storage as indicated on the submitted Site Landscaping Plan².
20. From my visit, I noted that the site is not of particular prominence until the point in passing. This is primarily as a result of the buildings that surround the

² Dwg No. 2017/1071/5 Rev B date: Dec 2017

site on either side and the existing boundary and landscape coverage fronting towards Old Mill Lane. However, the current appearance of the building and the large areas of hard surfacing across the site, when visible have a somewhat jarring visual impact which does not contribute positively to the openness of the Green Belt.

21. It is noted that both the Council's Tree and Landscape Officer and Conservation and Urban Design Officer consider that the removal of components of the hardstanding areas and the landscaping of the site, as indicated on the submitted Site Landscaping Plan, would represent improvements to the setting of the building. I agree, whilst the planting would take time to become fully established, the removal of the hardstanding and the provision of soft and subtle hard landscaping measures, would as a whole, visually tidy up the site, increase the boundary screening and re-enforce the landscape planting that already exists in the surrounding area. This would also help to mitigate the domestic activities and operations associated with a residential use of the building which would be predominately located to the rear.
22. As a consequence, I conclude that the proposal would not have a greater visual impact than the existing circumstances, and no greater adverse effect on the openness of the Green Belt would result. Furthermore, as the proposal relates to the conversion of an existing building, situated between existing residential uses, I am satisfied that the proposal would not conflict with the five purposes of the Green Belt policy.
23. The proposal would therefore represent one of the exceptions set out Paragraph 146 of the Framework and is therefore not inappropriate development in the Green Belt, as set out in the Framework. The proposal would also, as a result, align with Policy EM2 of the HLP and Policy 7.16 of the LP. As outlined earlier in my decision, I do not consider that Policy OL4 of the UDP is of particular relevance to the proposal, and as a result I do not identify a conflict with this policy. Whilst there is some conflict with Policy OL1 of the UDP, I found that this policy is not entirely consistent with the Framework and therefore carries less weight. In any event, I consider that any development plan conflict is outweighed by the compliance of the scheme with the Framework as a significant material consideration.

Living Conditions

24. The Council have expressed particular concern regarding the outlook and natural light that would serve one of the bedrooms within the proposal. The Council stating that the room would benefit solely from a single side window within the north-east flank elevation which is approximately 3.5 metres from the side boundary. A point disputed by the appellants who submit that the distance to the boundary is 4.5 metres. Whatever this distance may be, the key matter for me to consider is the adequacy or not of the living environment that would be provided to the future occupants of the room, and whether its proximity to the boundary would be oppressive and of poor quality.
25. From my site visit, I noted that the separation of the proposed window from the boundary would, to my mind, provide a more than adequate outlook to serve a non-communal room such as a bedroom. The distance away from the boundary fencing would not represent an oppressive living environment. Whilst I appreciate the window faces towards the north-east, and light would be reduced as a result. I am satisfied that, due to the width of the proposed

window that would serve the room, an acceptable component of natural light would be achieved for its proposed use. Further, future occupants, apart from sleeping, are unlikely to spend a significant amount of time in the bedroom and the Council has not raised any other concerns with regard to the appropriateness of the living conditions in other rooms.

26. Consequently, I find that the proposal would provide for an acceptable standard of living environment for future occupiers and comply with Policy BE20 of the UDP. This seeks, amongst other matters, to ensure that buildings are laid out so that adequate daylight and sunlight can penetrate into and between them. The proposal would also align with Policy 3.5 of the LP, which seeks, amongst other matters, that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose.
27. In their grounds for refusal, in this regard, the Council refer to a conflict with Policies BE19 and BE21 of the UDP. However, the former relates to matters concerning character and appearance, and the latter relates to the effects of development on existing living conditions. Neither of these matters are relevant to the grounds for refusal, which is specific to the effects that the appeal proposal would have on the future living conditions.
28. The Council have similarly referred to a conflict with Policy 5.3 of the LP. However, this is a policy that refers to Sustainable Design and Construction, rather than living conditions, and I therefore do not consider it is of direct relevance to this main issue.

Conditions

29. I have had regard to the conditions suggested by the Council and the advice in the Government's Planning Practice Guidance. As a result, I have amended, consolidated or omitted some of the conditions so that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
30. In addition to the standard time limit condition, for the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
31. Conditions over the materials, landscaping, including tree protection measures, are necessary in the interests of the character and appearance of the area and the openness and purposes of the Green Belt. I also consider a condition is necessary with regard to provision of a parking and turning area in the interests of highway safety.
32. I have not imposed the condition requested by the Council with regard to the provision and maintenance of a 2.4m by 2.4m visibility splay, as I do not consider such a condition is necessary having regard to the transportation policies in the development plan and the Framework, and the adequacy of the existing access serving the site to accommodate the traffic movements associated with the development, subject to the condition referred to above regarding the provision of a parking and turning area.
33. I also do not consider a condition is necessary requiring the provision of a method statement outlining the sequence of the development. This is based on

the scale of the development proposed and the adequacy of the landscaping condition to address tree protection measures at the site.

Conclusion

34. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2017/1071/1 Rev. B – Original Building (Dec 2017)
 - 2017/1071/5 Rev. B – Site Landscaping (Dec 2017)
 - 2017/1071/6 Rev. A – Location Plan (Dec 2017)
 - 2017/1071/8 – Proposed Conversion to Dwelling (Oct 2018)
 - Tree Constraints Plan (Feb 2018)
3. No development other than demolition works shall take place until details of all external materials of the building and hard surfaced areas have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping in accordance with the Site Landscaping Plan Dwg. No. 2017/1071/5 Rev B Dec 2017 and the Tree Constraints Plan Feb 2018. Such scheme shall include the location of all existing trees and hedgerows on the site and details of those to be retained, including details of how they will be fully safeguarded by protective fencing and ground protection in accordance with British Standard 5837 (2012) during the construction works.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Any trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

5. Prior to the occupation of the development, a parking area shall be provided and shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.