The Planning Inspectorate

Appeal Decision

Site visit made on 4 August 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2020

Appeal Ref: APP/R5510/D/19/3242241
19 Hillingdon Road, Uxbridge, UB10 0AD

- 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 David Ward against the decision of the Council of the London Borough of Hillingdon.
- The application Ref: 36312/APP/2019/788 dated 6 March 2019, was refused by notice dated 12 September 2019.
- The development proposed is described as: retention of a single storey outbuilding was built in the back end of the back garden. The timber framed building has maximum height at the ridge is 3.4m and at the eaves 3.05m.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form states the development commenced on 4 February 2019 and is now complete. The development was present at my visit. Therefore, I have assessed the appeal proposal on the basis it is retrospective.

3. The London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (the Part 2 Local Plan) was adopted by the Council on 16 January 2020. It replaces the 2012 saved Unitary Development Plan polices and now forms part of the statutory development plan. The Council has also withdrawn the Residential Extensions Supplementary Planning Document. Consequently, I have had regard to the newly adopted policies in my decision and appellant has been provided with an opportunity to comment.

Main Issues

4. The main issues are the effect of the development upon: the setting and significance of Nos. 16 – 19 Hillingdon Road as a designated heritage asset; and, the character and appearance of the area.

Reasons

Heritage Asset

5. The appeal site (No. 19) comprises the northern end terrace dwelling of a group of dwellings (Nos. 16 – 19) that are Grade II Listed. The significance of the appeal site is its contribution to the overall listing of four early C19th dwellings that include historic features giving a symmetrical appearance.

These include a central carriage arch, a low pitched historic roof form and pairs of chimneys. The dwellings have been the subject of some alterations. However, the appeal site retains its full stock brick construction, gauged brick flat arches and sash windows to the front. To the rear the appeal site retains its original slanted plot with brick boundary walling, which forms part of the historic character and significance of the heritage asset.

6. The location of the development within the rear garden has an effect upon the setting of the heritage asset. Special regard should be given to the desirability of preserving the setting of a Listed Building under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 193 of the National Planning Policy Framework (2019) (the Framework) requires when considering the impact upon the significance of a heritage asset great weight should be given to the asset's conservation. Paragraph 190 explains that harm to the significance of a designated heritage asset can also derive from development within its setting.

7. The development is not visible from the frontage on Hillingdon Road. The rear garden of the appeal site contributes to the significance as one of the open historic parallel slanted plots with historic boundary walling. The effect on the setting of the heritage asset is partly restricted by tall boundary fencing, a neighbouring brick built outbuilding and vegetation to the south and west. Notwithstanding fencing and mature vegetation in the wider area, the lower historic wall along the depth of the northern boundary affords views and a setting from some nearby properties and gardens.

8. The development introduces a sizeable stained timber building, UPVC single pane windows and doors and a felt roof. The eaves height is considerably higher than the historic boundary wall, which the development is in very close proximity to, for a significant depth. The scale, design and materials are not in keeping with and at odds with the character, appearance and features of the heritage asset. The combination of the height, scale and proximity to the boundary and materials results in the development having an incongruous harmful appearance partly obstructing the views of, and, competing with and drawing attention from the heritage asset. Given the timber construction, the extent of the harmful materials, and the harmful relationship with the northern boundary wall, it appears highly unlikely that any refurbishment of the structure could remedy the harm.

9. For the reasons set out above the development would adversely affect the setting, thereby failing to preserve the setting of, and resulting some limited harm, to the significance of a designated heritage asset. As the harm is limited, it amounts to less than substantial harm. However, the development conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (November 2012), Policies DMHB1, DMHB2 and DMHD1 of the Part 2 Local Plan, and Policy 7.8 of the adopted London Plan (March 2016). Amongst other things the policies require development is constructed to a high standard of design, which conserves and avoids harm to designated heritage assets and their significance by being sympathetic to the form, scale and materials.

10. The Council has referred to Policy DMHB3 of the Part 2 Local Plan. However, as that policy relates to Locally Listed Buildings it is not of direct relevance to the proposal.

Character and appearance

11. The appeal site is surrounded by the verdant rear gardens of a number of other properties. It was possible to see a small number of modestly sized outbuildings in rear gardens constructed in wood or brick. However, those appeared smaller in scale, or of a form and materials in keeping with the character and appearance of their host property. The combination of positioning in relation to the boundary wall, and the scale, depth, height and massing of the flank elevation, results in a small amount of harm to the character and appearance of the area. The existence of a considerably smaller shed in a different position away from the dwelling, does not justify the development. Given the presence of other outbuildings and limited wider visibility, the harm is modest.

12. However, for the reasons set out above the development is harmful to the character and appearance of the area. Therefore, it conflicts with Policies DMHD1, DMHD2, DMHB11 and DMHB12 of the Part 2 Local Plan. In combination and amongst other things these policies require development is constructed to a high standard of design, which is in keeping with and harmonises with its surroundings having regard to scale, height, massing and plot widths.

Other Matters

13. The Council's second reason for refusal refers to the visual amenities of the occupiers of neighbouring properties. In the absence of clarification to the contrary I have taken this to relate to the character and appearance of the area.

Heritage Balance and Conclusion

14. The development would result in limited harm to the character and appearance of the area and to the setting and significance of a designated heritage asset. Paragraph 196 of the Framework advises that where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. The development provides some additional accommodation at the appeal site, but there is no evidence to confirm this is essential to the use of the dwelling. This constitutes a very small public benefit. The benefits of the development do not outweigh the harm to the setting and significance of the Grade II Listed heritage asset. Therefore, the development conflicts with paragraph 196 of the Framework. This conflict attracts great weight.

15. The development is contrary to the development plan and the National Planning Policy Framework and there are no other considerations, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR