
Appeal Decisions

Site visit made on 22 September 2020

by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2020

Appeal A Ref: APP/R5510/W/19/3237808

Woodbine Cottage, Tile Kiln Lane, Uxbridge, West London UB9 6LU

- 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 & Mrs I Cordingley against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 26852/APP/2018/3839, dated 25 October 2018, was refused by notice dated 5 July 2019.
 - The development proposed is demolition of existing conservatory and replacement with oak framed orangery extension.
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Appeal B Ref: APP/R5510/Y/19/3237809

Woodbine Cottage, Tile Kiln Lane, Uxbridge, West London UB9 6LU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs I Cordingley against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 26852/APP/2018/3841, dated 25 October 2018, was refused by notice dated 5 July 2019.
 - The works proposed are demolition of existing conservatory and replacement with oak framed orangery extension.
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Decisions

1. Both appeal A against a refusal of planning permission and appeal B against a refusal of listed building consent are dismissed.

Procedural matters

2. The address for the property has been corrected from "The Kiln Lane", given on the application form, to "Tile Kiln Lane", in accordance with the note in the appellants' grounds of appeal.
3. The submitted existing and proposed ground floor plans show an open plan layout between the rooms indicated as "living" and "hall", which does not reflect what I saw on site. There is no difference in the internal layout between the existing and proposed plans nor is there any suggestion, in the description of works proposed, that there is any intention to alter the existing internal layout of the property. I have not considered that any internal alterations form any part of the proposals before me. The decisions are taken on that basis.

Main Issues

4. There are two. The first main issue is common to both appeals. It is the effect of the proposal on the special architectural or historic interest of the property.
5. The second main issue applies only to appeal A. It has three parts. They are;
 - Whether the proposal would be inappropriate development in the Green Belt and, if so;
 - Its effect on the openness of the Green Belt and;
 - Whether any harm by reason of inappropriateness, together with any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify an inappropriate development in the Green Belt.

Reasons

Special architectural or historic interest

6. The listing description was written in 1974. It describes the property as a house of three periods. That has been overtaken by events. Following an extension built in pursuit of a permission given in 1986, the property is now a house of four periods.
7. The oldest part, reportedly sixteenth century in origin, is a long low building externally finished with white painted plaster, single storey with accommodation in the steeply pitched roofspace. It is quite small scale, with a low ground floor to ceiling height. It has the largest footprint of any of the parts. Neither party gives its size but, using the scaler shown on the submitted plans its footprint (not its floorspace) may be measured at approximately 41.5 sq m. At its north end is a large chimney with offsets, in old brick.
8. Attached to its north end is a conservatory, built of timber and glass. It is of little or no architectural interest. It wraps around and partly obscures the lower part of the large chimney and so detracts from its significance. The demolition of the conservatory, as proposed, would enhance the ability to appreciate the significance of the chimney and so consent for that could be given but there is no suggestion that it be divorced from the totality of the application.
9. Attached to the southern half of the west side of the sixteenth century wing is a two storey orange brick structure with a steeply pitched roof. It has a very elegant west façade, two windows wide with blocked circular openings on either side at each floor which gives it an early eighteenth century appearance. Although its ground floor to ceiling height is greater than that of the sixteenth century wing and so its roof rises much higher, it is still a small building. Neither party states its size but, using the scaler on the submitted plans shows a footprint (not floorspace) of approximately 26 sq m.
10. Attached to its southern end is a further two storey building with a steeply pitched roof, reportedly late seventeenth or early eighteenth century, although plans submitted in 1986 suggest that the interior layout of the eighteenth century wing was altered to accommodate it. It is constructed with flimsy square framing and brick infill. It is considerably lower than the eighteenth century wing and has a smaller footprint. Neither party gives its dimensions

but a scaling is shown on the submitted plans from which its area can be calculated at about 19 sq m.

11. In the south-eastern angle between the older buildings is the twentieth-century wing built of brown brick with orange brick trimmings. Like the contributions of previous centuries, it is modest in size. The Council states that it has a floorspace of 52.5 sq m (over two floors), so its footprint is about 26 sq m, confirmed by the scale shown on the submitted plans. Its extent is therefore similar to that of the eighteenth century wing. Its roof encloses accommodation and is asymmetrical; its western slope pitches into a valley gutter at the height of the eaves of the "seventeenth century" wing, whereas its eastern slope contains dormers and runs down so that its eaves align with those of the sixteenth century wing to which it adjoins on its northern side.
12. All four constructions share two elements in common. They are all gable-ended, with their ridge lines running north-south. Their roofs each span a more or less common dimension, approximately 4.35m wide.
13. In contrast, although the ridge of the new extension proposed would also run north-south, it would span 6m. Its footprint would be a little over 38 sq m, which would rival that of the oldest part of the house and well exceed the individual footprints of all other centuries' contributions to the ensemble. Because of its large span, its roof, steeply pitched to match the others in the complex, would rise as high as that of the sixteenth century wing and so its overall volume, even though it would only be a single-storey building, would compete with that of the oldest part of the house, the significance of which would thereby be diminished.
14. The new extension would be appropriately distanced from the sixteenth century construction by a minimalist, flat-roofed link. Consequently, from the west, the chimney could once again be seen in the round. In contrast, on the east elevation, the fenestration of the link and the extension are run together. This would blur the aesthetic distinction between the link and the extension and so reduce the otherwise good architectural quality of the proposal.
15. The submitted drawings appear to show that the extension proposed would be on a level with that of the existing house. But, in fact, ground levels rise to the north. There is a step up into the existing conservatory, which is slightly cut into the ground. The relationship of the new extension with ground levels is not made clear; its construction would either have to be cut into the ground to a greater degree than the existing conservatory, but that is not shown on the drawings, or it would be elevated to follow the ground levels, which would exacerbate its potential rivalry for dominance with the sixteenth century wing, already noted.
16. Part of the significance and interest of this listed building lies in the way that it is an agglomeration of small-scale structures of different periods. In principle, therefore, the addition of a twenty-first century element could be consistent with that character. Unfortunately, the size and scale of this particular proposal would be disproportionate and would harm the significance of the other elements of the ensemble.
17. I conclude that although the demolition of the conservatory would be beneficial, the new development and the works proposed would harm the special architectural or historic interest of the property. They would therefore

be contrary to policies 7.8C and D of the London Plan 2016, HE1(1) of the Council's Strategic Policies adopted in November 2012 and DMHB 1 and 2 of the Council's Development Management Policies adopted in January 2020. Amongst other matters, these require development to conserve the significance of heritage assets, to avoid harm to the historic environment and be sympathetic in terms of scale, proportion, detailed design, materials and workmanship.

18. Although harm would be caused it would be very much less than substantial in the terms used by the NPPF. But, the law requires special regard to be given to the desirability of preserving a listed building or its setting. Other than the removal of the conservatory, which could be (though is unlikely to be) achieved without the construction of the new extension, there is no public benefit to be weighed in the balance against the harm caused by the new extension and so the appeals are dismissed.

Green Belt

19. The National Planning Policy Framework (NPPF) advises that, by definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt but there are exceptions.
20. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building but I have already concluded that, in this particular case, the extension proposed would be disproportionate, even taking no account of the previously allowed 1986 extension to the original building. A second exception is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. The extension now proposed would have a floorspace of about 38.16 sq m and so would be about three times as large as the existing conservatory of about 12.8 sq m which it would replace so it would be materially larger.
21. I therefore conclude that neither exception would apply and that the proposal would be inappropriate development in the Green Belt. I now go on to consider its effect on openness before considering whether other considerations exist which would overcome any harm from inappropriateness and any other harm and so give rise to the very special circumstances which would justify the proposal.
22. Openness is a mixture of fact; would there be a greater extent of footprint with the development than without it?; and judgement; would the feeling and visual extent of openness be compromised?
23. As a matter of fact, there would be about 25-26 sq m of additional footprint on site if the proposal were to proceed, representing an increase of about 20% in the overall footprint of the house as it now exists. That would be noticeable.
24. The plot on which the dwelling sits is characterised by a cluster of outbuildings to the east and south-east of the house, by a group of buildings around the swimming pool to the north of the plot and it is surrounded on three sides in Tile Kiln Lane and Breakspear Road South by substantial hedgerows, trees and other residential properties which restrict much sense of openness. But, across

the centre of the plot, there is an expanse of openness which extends over the eastern boundary into the field beyond.

25. In contrast to the 1986 extension which filled in a space enclosed by the existing wings of the house, the current proposal would extend the envelope of the house northwards into the open area. That compromise of openness would be visible from the eastern end of Tile Kiln Lane across the open field.
26. I conclude, both as a matter of fact and of judgement, that there would be a noticeable loss of openness if this proposal were to proceed. To that must be added the harm to the heritage asset discussed earlier before I now go on to consider whether there would be other considerations which would overcome those two harms and so give rise to very special circumstances which would justify the proposal.
27. The appellant's Green Belt Case is based on a claim that the proposed extension would not be inappropriate because it would not be disproportionate and so, no argument is put forward to claim very special circumstances. Nevertheless, I am aware of appeal decisions APP/R5510/A/14/3000447, 3000463 and 3000107 which found that there were material considerations which clearly outweighed the totality of harm so that the very special circumstances necessary to justify a development existed in that case.
28. One factor which led to that judgement was consideration of the rights which would have been enjoyed under Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) had Woodbine Cottage not been a listed building. Listed Building Consent is required to ensure that the potential for harm to a listed building can be controlled. It is not to protect the Green Belt.
29. However, in the present case, an examination of Schedule 2, Part 1, Class A of the GPDO shows that the proposal would exceed the height and width restrictions of clause A1(j) of that class. Consequently, I do not find that there are other material considerations which would outweigh the totality of harm and so provide very special circumstances to justify the proposal.
30. I therefore conclude that the proposal would be contrary to London Plan policy 7.16, Hillingdon's Strategic Policy EM2 and its Development Management Policy DMEI 4. These apply national policy on Green Belt to Hillingdon. The planning appeal must therefore be dismissed on Green Belt grounds as well as heritage grounds.

P. W. Clark

Inspector