The Planning Inspectorate

Appeal Decision

Site Visit made on 25 May 2021

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2021

Appeal A Ref: APP/P1940/W/20/3261024
May Cottage, Old Uxbridge Road, West Hyde, WD3 9XP

- 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 McLoughlin against the decision of Three Rivers District Council.
- The application Ref 20/1370/FUL, dated 8 July 2020, was refused by notice dated 4 September 2020.
- The development proposed is single storey side and rear extension.

Appeal B Ref: APP/P1940/Y/20/3261030
May Cottage, Old Uxbridge Road, West Hyde, WD3 9XP

- 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 Paul McLoughlin against the decision of Three Rivers District Council.
- The application Ref 20/1371/LBC, dated 8 July 2020, was refused by notice dated 4 September 2020.
- The works proposed are proposed is single storey side and rear extension.

Decision - Appeal A

1. The appeal is dismissed.

Decision - Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning except where indicated otherwise.

Main Issues

4. The main issues are:

   1) whether the proposed development/works would preserve the grade II listed May Cottage, Old Uxbridge Road or its setting and any features of special architectural or historic interest that it possesses (Appeals A and B).

   2) whether the proposal would be inappropriate development in the Green Belt for the purposes of national and development plan policy and if the

development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development (Appeal A).

Reasons

Heritage

Significance

5. The appeal property is a C17 grade II listed detached dwelling known as May Cottage.

6. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7. May Cottage is two-storey, timber framed with red brick and a plain tiled roof. It has a weatherboarded gable; some timber casement windows and two hipped dormer windows. A modern garage now converted to living accommodation is linked by a modern single storey side extension and the dormer windows are now UPVC.

8. However, notwithstanding these modern additions, original exposed timber framing and the traditional detailing of the original cottage of simple traditional form remain noticeable. Thus, insofar as is relevant to these appeals the significance of the grade II listed building derives from its traditional architectural detailing and simple cottage form.

Effect on the grade II listed May Cottage

9. The plans show that the proposal would involve changing the existing ground floor kitchen to a hallway and a toilet and creating a new opening to connect to the proposed large L-shaped single storey side and rear extension. The proposal would also add new bi-fold doors into the modern additions on the southside of the building. There would be no harm to historic fabric arising from the removal of the modern kitchen fixtures and fittings or the installation of a stud wall and the bi-fold doors.

10. However, there are no details before me which allow me to assess the effect of the works necessary to create the new opening or attach the proposed extension to the listed building. Furthermore, there are also no details as to how the proposed toilet would be connected to services and attached to the listed building. These works would inevitably be close to and could adversely impact on the original timber framing or other features of historic fabric. Such works are essential to implement the proposals, consequently, it would not be appropriate for me to impose a planning condition requiring details to be agreed as overall I cannot be satisfied the scheme could be implemented without harming the historic fabric of the listed building.

11. Furthermore, although joining only a small corner of the listed building, the proposed extension would be wide and deep. Even though it would be single storey with a low roof, through its scale it would dominate and elongate the appearance of the listed building when viewed from its rear garden. Furthermore, when viewed alongside the existing modern extensions to the listed building the proposal would result in a sprawling footprint which would further erode the simple cottage form of the grade II listed building.

12. In reaching these conclusions, I acknowledge the attempt to make the proposal appear subordinate and sympathetic to the original dwelling including the proposed crown roof section, the use of matching materials and ensuring the proposed extension is distinguishable from the original dwelling.

13. However, for the reasons given I find the proposed development/works would fail to preserve the grade II listed May Cottage or its setting and its features of special architectural and historic interest that it possesses, harming its significance. Consequently, the proposal would be in conflict with Policies CP1 and CP12 of the Three Rivers District Council Core Strategy (2011) (CS) and Policies DM1 and DM3 of the Three Rivers District Council Development Management Policies Local Development Document (2013) (LDD) which amongst other things seeks to achieve good design and avoid harm to heritage assets.

14. The harm I have identified to the significance of the designated heritage asset would be less than substantial. In which case paragraph 196 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use. I will return to these matters below.

Green Belt

Inappropriate development

15. Paragraph 145 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It says new buildings within the Green Belt are inappropriate unless, amongst other things they amount to, 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; they represent limited infilling in a village or infilling involving the partial or complete redevelopment of a previously developed site, which would not have a greater impact on the openness of the Green Belt than the existing development.

16. Policy CP11 of the CS, makes clear that there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Moreover, Policy DM2 of the LDD says extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account. Thus, insofar as is relevant to these appeals Policy CP11 of the CS and Policy DM2 of the LDD are broadly consistent with the Framework.

17. I acknowledge, the proposed extension would only attach to a corner of the dwelling, even if I accepted this attachment was limited, it is still an addition to the existing building and paragraph 145 is concerned with whether that addition is disproportionate in size.

18. It is common ground that the proposed extension together with the existing extensions would result in a cumulative increase in floorspace of approximately 108%. Irrespective of any threshold or limit set out in either the development plan or supplementary planning guidance, the proposal would be wide and deep, of significant volume and would represent a large increase in built footprint. Thus, when compared to the relatively modest original dwelling, I find the extensions (that proposed and existing taking account of the shed to be removed) to be of significant volume and floorspace, such that they would represent a disproportionate increase in size.

19. Even if I accepted the proposal would be located in a village, the scheme would need to be infilling and that infilling would need to be limited. The proposal would extend approximately 4 metres to the side and some 11 metres deep into the rear garden. Notwithstanding the building behind Thorwel, the appeal dwelling is within a row of properties which extend along the Old Uxbridge Road east side road frontage. These properties are set-in good-sized plots, before they adjoin woodland and a lake to the east. Thus, the proposed extension of a significant scale, projecting some 11 metres towards woodland and a lake would not fill a gap in built form. I do not regard the proposal as limited or infilling and it therefore does not amount to limited infilling in a village under paragraph 145 (e) of the Framework.

20. Furthermore even if I accepted the appeal scheme was partial redevelopment of previously developed land under paragraph 145 (g) of the Framework, the proposal would also be required to not have a greater impact on the openness of the Green Belt than the existing development. The proposed extension would be wide and deep, introducing a significant bulk of built form to the east of the appeal dwelling which is mainly free from significant built form in the vicinity of the appeal site. I accept it would replace an existing building, but that building is much smaller than the proposed extension. Thus, I find the scheme would therefore have a greater impact on Green Belt openness than the existing development.

21. In reaching these conclusions I have considered the numerous appeal decisions relating to proposals in the Green Belt[1]. However, I have taken account of the existing building to be demolished and the site-specific circumstances of the case before me which cannot be comparable. Overall, I have found the scheme would amount to inappropriate development in the Green Belt which would harm Green Belt openness. Thus, it would be in conflict with paragraph 145 of the Framework and with Policy CP11 of the CS and Policy DM2 of the LDD which seek to avoid inappropriate development in the Green Belt.

Other considerations including public benefits

22. The scheme would result in economic benefits associated with its construction. It would also provide additional living accommodation. I acknowledge the comments about the Council's plans for substantial future development in the

[1] Appeal References APP/J1915/D/19/3222748, APP/Y3615/W/18/3202309, APP/X4725/W/19/3224720 & APP/J1915/D/19/3222748.

vicinity of the appeal site as part of a new Local Plan. However, having regard to the appeal decisions[2] put before me, I find the additional living space is largely a private benefit and there is no evidence to suggest the appeal property would be improved as it is already spacious. Furthermore, any new Local Plan will be subject to public engagement and examination and the site referred to nearby is not yet allocated for development, consequently I afford the matter limited weight. Overall, in any event, even if I accepted all these matters as relevant other considerations and public benefits, they would carry only modest weight in favour of the proposals.

Planning, Heritage and Green Belt Balance

23. I have found the proposed development/works would fail to preserve the grade II listed building or its setting and any of the features of special architectural or historic interest that it possesses, this harm to a designated heritage asset carries great weight. I have also found that the proposal would amount to inappropriate development within the Green Belt and would be harmful to Green Belt openness which carries substantial weight and should not be approved except in very special circumstances.

24. The modest weight I attach to all the other considerations including public benefits are clearly insufficient to demonstrate very special circumstances necessary to justify inappropriate development in the Green Belt or outweigh the harm identified to the designated heritage asset.

Conclusion

25. For the reasons given above and taking into account all other matters raised, I conclude that both appeals would not accord with the development plan or the Framework and should be dismissed.

L Fleming

INSPECTOR

[2] Appeal References APP/F0114/W/15/3133572 & APP/F0114/Y/3133591