



Appeal Decisions

Site visit made on 30 April 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal A Ref: APP/F5540/W/23/3323821

Fawns Manor, Fawns Manor Close, Feltham TW14 8EN

- 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 CGR Invest Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is P/2023/0909 01557/A/P3.
 - The development proposed is the relocation of vehicular access and car parking to Bedfont Green Close.
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Appeal B Ref: APP/F5540/Y/23/3323822

Fawns Manor, Fawns Manor Close, Feltham TW14 8EN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by CGR Invest Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is P/2023/0910 01557/A/L3.
 - The works proposed are the relocation of vehicular access and car parking to Bedfont Green Close.
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Decisions

1. Appeal A is dismissed.
2. In relation to Appeal B, no further action is necessary.

Preliminary Matters

3. The appeals relate to Fawns Manor, a Grade II listed building (List Entry Number: 1188725), which is located within the Bedfont Green Conservation Area (CA). Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out the restrictions on works affecting listed buildings, specifying where it is necessary to seek authorisation. The wording refers to *'any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest'*.
4. There is a definition of what constitutes a listed building within section 1(5) of the Act. It encompasses any object or structure fixed to the listed building and any object or structure within its curtilage which forms part of the land and has done so since before 1st July 1948. The proposals are similar for both appeals and concern the grounds and boundaries of Fawns Manor, namely, to create a vehicular access as well as the provision of car parking. Ostensibly, the measures do not affect the fabric of the manor house or any object or structure

fixed to it, nor any object or structure within its curtilage which has been in place since the requisite date.

5. When questioned on the necessity for listed building consent and Appeal B, neither main party was able to articulate any specific restricted works within the proposals that fall within the definition of the Act. The Council contended¹ that the proposals affect the character and setting of a listed building and the way in which it is appreciated but did not clearly explain how that triggers the need for authorisation within the terms of the Act.
6. Hence, on the balance of evidence before me, the proposals fall outside the scope of restricted works in the Act. It follows that listed building consent is not required. On that basis, I find no further action or consideration is necessary in relation to Appeal B. Nevertheless, in relation to the planning appeal (Appeal A) I have borne in mind my statutory duties in respect of sections 66(1) and 72(1) of the Act.
7. I observed at my site visit that access gates were in situ in a similar position to the proposed access. Moreover, some building materials, a portacabin, a storage container and caravans were being stored on parts of the appeal site. Furthermore, sections of the boundaries were largely devoid of vegetation, instead fencing covered by artificial greenery has been erected. As such, it does not accord with the submitted existing site plan drawing TP/02 in these respects, nor does it entirely match the proposals shown on the proposed site plan drawing TP/586/03 Rev.B. Nevertheless, I have made my determination in relation to the submitted plans.
8. The appellants confirm in their final comments letter that they make no costs application. However, despite electing the written representation method, it is suggested that a hearing may be appropriate. Having regard to the government's planning appeals procedural guide and the circumstances when a hearing would be appropriate, I do not consider that those apply in this instance. As such, I am satisfied that determination by the written representation procedure is suitable.

Main Issues

9. The main issues in relation to Appeal A are:
 - Whether the development would preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and the extent to which the character or appearance of the CA would be preserved or enhanced, and;
 - Whether the proposals would provide suitable and safe access and car parking arrangements having regard to development plan policies.

Reasons

Listed building and CA

10. According to the listed building entry details, Fawns Manor was first mentioned in 1272 in the reign of Edward I, when Richard Foun held lands in Bedfont. The present two storey building is timber framed and dates from the 16th century but was altered externally in 1889.

¹ Email dated 25.4.24

11. The significance and special interest of the listed building is derived from a combination of factors. These include its architectural and aesthetic interest which reflect how the property has evolved from manorial origins. Linked to that, the presence of the manor has been a longstanding feature in the area, and its historic fabric is a tangible connection with the past. It possesses further historic interest owing to its long association with the Sherborn family, and its occupation during the English Civil Wars.
12. The historic maps contained in the Bedfont Green Conservation Area Appraisal, November 2018 (the CA appraisal) show in broad terms the rural character of the grounds and setting to Fawns Manor up until the latter half of the 20th century. They reveal further information about the relationship of the building to the land, the likely status of its occupants, as well as forming an important aesthetic component of how it was experienced. Notwithstanding that some of the surroundings have subsequently altered, the surviving verdant and spacious aspects of the grounds and wider area contribute positively to the heritage value of the listed building. This would have been the case for those areas shown on the existing site plan as communal garden space. It follows that this aspect forms part of the significance of the listed building.
13. The CA covers the main historic core of Bedfont, the heart of which contains the parish church, village greens and surrounding large houses. The appeal site lies within 'The Green' character area of the CA appraisal, which identifies Fawns Manor as an exceptional building comprising one of Bedfont's two surviving manor houses. The configuration of built form and green space at its heart reflects the rural qualities of the settlement which was for a considerable time a village on an important route in Middlesex. As one of the oldest buildings, Fawns Manor is an integral part of the historic core of the CA, and its architecture and layout enriches its character and appearance. Consequently, the appeal site is an important part of the built backcloth that underpins the character and appearance of the CA as a whole.
14. The development would introduce a new gated access, 7 car parking spaces, turning and driveway onto what was formerly communal garden space². This would involve the displacement of former garden land by a considerable area of hardstanding. In combination with the presence of parked vehicles, the appearance of the area would undermine the spacious, verdant qualities of the grounds near the listed building. The amount of hardstanding relative to the remainder of the grounds would appear disproportionate, and the harmful impact would be exacerbated by its prominent location relative to the frontage of the building. Together with the associated vehicular activity, the development would detract from the architectural and aesthetic qualities of the north and western elevations of the building.
15. Moreover, the grounds would be compartmentalised by the proposed internal fencing and a sizeable 'Area for the Fire'. These factors would further dilute spacious and verdant qualities experienced around and near to the listed building. The configuration would weaken the ability to see the grounds as an entity to Fawns Manor, thereby distorting rather than revealing its significance.
16. Although the evidence indicates that much of the boundary vegetation has been removed or reduced, I observed that there were several attractive mature trees within the appeal site which soften the built form, and which can be seen

² Drawing number TP/02

from surrounding roads and the green. Hence, they make a positive contribution to the setting of the listed building as well as the rural qualities of the CA. The proposed parking area would be likely to be within the root protection areas of two oak trees, and therefore could threaten their long-term retention and I have seen no substantive evidence to show otherwise. Accordingly, this probable harm further weighs against the development.

17. There is very little before me to explain how the development would be sympathetic to the composition and significance of the listed building. Even if boundary landscaping and surfacing materials were executed with care and sensitivity, it would not fully overcome the more fundamental concerns I have identified above.
18. Consequently, the development would fail to preserve the special architectural and historic interest of the Grade II listed building, which runs counter to the expectations of section 66(1) of the Act. For similar reasons, the development would weaken the positive contribution made by the listed building to the significance of the CA. It follows that the character and appearance of the CA as a whole would not be preserved or enhanced. Conflict therefore also arises with section 72(1) of the Act.
19. Cognisant of the modest scale of the appeal scheme, the degree of harm to the significance of each designated heritage asset, would, in the terms of the National Planning Policy Framework (the Framework), be less than substantial. In these circumstances, paragraph 208 of the Framework requires the harm to each asset to be weighed against the public benefits.
20. Planning Practice Guidance³ advises that public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. The proposals to provide parking and a new access would primarily be a private benefit for the occupants. General reference is made to the need to clear overgrown shrubbery and maintain the listed building, but neither of these are shown to be contingent upon these specific proposals proceeding and so they are neutral factors. Some economic benefits would probably be derived from the construction process, but these would be minor and so carry little weight.
21. On the other hand, paragraph 205 of the Framework states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Therefore, even less than substantial harm to a designated heritage asset carries considerable importance and weight.
22. Overall, the sum of public benefits is not sufficient to outweigh the great weight that the less than substantial harm to the designated heritage assets carries. Conflict therefore arises with the historic environment protection policies in the Framework.
23. The appellants assert that there are no requirements to retain green open space or to prevent the change of surface⁴. However, no specific fall-back position is presented or established with certainty for comparative purposes. Even so, as the proposals seek to provide car parking, it would be improbable for significant areas of hardstanding to be created in the absence of an access

³ Paragraph: 020 Reference ID: 18a-020-20190723

⁴ Paragraph 2.8, Appellants' Statement of Case

point. Hence, this considerably tempers the favourable weight I give to this matter, and therefore, it would not ultimately lead me to a different finding.

24. It is highlighted that views of Fawns Manor from surrounding roads have in the past been limited owing to overgrown boundary vegetation⁵. Be that as it may, listed buildings are protected for their intrinsic special architectural or historic interest, and I have made my assessment on that basis. Moreover, I am not aware that the statutory duties in the Act are restricted to the consideration of public views.
25. Accordingly, the development would result in unjustified harm to the special interest and significance of the Grade II listed building. It would also fail to preserve or enhance the character and appearance of the CA. Consequently, the proposals would conflict with policies CC1 and CC4 of the London Borough of Hounslow Local Plan 2015-2030, Volume One, September 2015 (LP). Together, these policies, amongst other things, seek to ensure new development conserves and takes opportunities to enhance the special qualities and heritage of the borough, and protect designated heritage assets from harm.

Access and car parking arrangements

26. Policy EC2(d) of the LP states that the car parking standards established in the London Plan specifying a maximum number of spaces will be used. For residential parking these are set out in policy T6.1 and table 10.3 of the London Plan, 2021. These policies seek to carefully control car parking provision as part of a wider transport strategy that maximises opportunities for walking, cycling and using public transport.
27. Taking into account the PTAL rating and size of apartments at the appeal site, the Council confirms that this sets a maximum provision of up to 1 space per dwelling. Given there are six apartments, this equates to an upper limit of 6 spaces. The proposal would provide 7 spaces, one of which is labelled as visitor parking. However, there is nothing before me to show that the policy contains any additional allowance for visitor parking. Hence, the layout proposed ostensibly exceeds, and therefore conflicts with, policies EC2(d) of the LP and policy T6.1 of the London Plan.
28. In addition, the 'Area for the Fire' shown on the proposed site plan broadly correlates with the existing parking area denoted on plan TP/02. Based on the information provided, it is not convincingly explained why such a large and permanent facility would be necessary. Given the retention of the existing access to serve the area⁶, it is probable that when not accommodating fire appliances, the space would continue to be used for car parking. This configuration would therefore further undermine policy EC2(d) of the LP.
29. Policy EC2(e) of the LP requires vehicle crossovers to be consistent with the Council's adopted policy on vehicle crossovers. This is set out in the Residential Crossovers and Off-Street Parking Policy, October 2016 (the crossover policy). The proposals would conflict with the crossover policy in the following respects.
30. Firstly, to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerbside parking, only one vehicle access to the

⁵ Paragraph 4.2, Appellants' Statement of Case

⁶ Shown on drawing TP/586/03 Rev B

public highway is permitted per property⁷. Hence, if there is an existing crossover to the side or rear of the property, applications for additional crossovers will be refused. The appeal site has an existing access to a parking area from Fawns Manor Close. Contrary to the appellant's assertion⁸ that the existing access would be closed, the proposed site plan shows it retained. Consequently, this would run counter to the crossover policy.

31. The additional access would impact upon pedestrians using the adjoining footway, which I observed to be of limited width and with no alternative provision on the other side of Bedfont Green Close. Given the proximity to the historic core of Bedfont Green, the footway likely forms part of a well-used pedestrian route. Therefore, vehicles using the crossover at this point would be likely to interfere with pedestrian convenience.
32. Furthermore, paragraph 3.10 of the crossover policy states that visibility splays that accord with the Manual for Streets must be provided. The speed limit along Bedfont Green Close is 20mph, and as such, visibility of 25m is required in both directions. There is a bend in the road north of the proposed access which restricts visibility to the right for drivers seeking to exit the site. Consequently, I cannot agree with the appellants' description⁹ that the access would have excellent visibility. More notably, the visibility splays denoted on drawing TP/586/03 Rev B do not clearly show that the minimum requirements would be achieved.
33. Paragraph 3.12 of the crossover policy also requires pedestrian visibility splays of 2.4m x 2.4m at the back of the footway on both sides of the crossover. This is not shown on the plans. Consequently, the information provided, combined with my observations raise doubts as to whether the requisite visibility would be achieved at the access. Failure to do so would unnecessarily jeopardise the safety of pedestrians and other users of the highway.
34. Finally, the crossover policy states¹⁰ that the maximum width of a double crossover should be 4.2m. The Council says the crossover would be about 5m wide serving a gated access of 6.4m wide¹¹ and I have not seen evidence to the contrary.
35. It is put to me that concerns could be addressed by imposing planning conditions¹² whereby the visitor space could be removed by agreeing a landscaping condition, requiring visibility splays to be provided and the closure of half of the existing access. However, no specific wording is suggested. Overall, I am not persuaded that my concerns would be fully surmounted by imposing such conditions and so it is not shown that otherwise unacceptable development could be made acceptable through their use.
36. Reference¹³ is made to the absence of a footway serving the existing access, and it being close to a bend with vegetation obstructing visibility. Nevertheless, Fawns Manor Close is a smaller residential cul-de-sac in comparison to Bedfont Green Close. Therefore, it is probable that there would be fewer traffic movements near the existing access. Neither am I convinced that alternative

⁷ Paragraphs 4.1-4.2

⁸ Paragraph 2.4, Appellants' Statement of Case

⁹ Paragraph 5.23, Appellants' Statement of Case

¹⁰ Paragraph 3.23

¹¹ Paragraph 5.12 Council's Planning Report

¹² Pages 3- 4 Appellants' letter dated 18.3.24

¹³ Paragraph 4.4, Appellants' Statement of Case

measures could not be taken to address vegetation restricting visibility. Furthermore, pedestrian access into the site is shown via a gate on the northern boundary towards the green, which would avoid any conflict with vehicle movement in Fawns Manor Close. Overall, I am not persuaded that the existing access configuration is so hazardous that it would justify the appeal proposal. In any event, the plans show the existing access to be retained. The collision statistics for the area do not address or surmount the harm I have identified.

37. Policy EC2 of the LP generally aligns with section 9 of the Framework, which seeks to promote sustainable transport. The Framework¹⁴ stipulates that it should be ensured that proposals achieve safe and suitable access, and that priority should be given to pedestrian movement. Taking the above factors together, the proposal would fail to do so, and in addition it would exceed adopted car parking standards. Therefore, the development would conflict with policy EC2 of the LP.

Other Matters

38. Refusal reason 1 on the Council's decision notice for Appeal A alludes to harm to the living conditions of residents arising from noise and air pollution, as well as a lack of information about waste storage provision. However, given the modest scale and domestic nature of the proposals, there is little basis to find that the proposed access would result in unreasonable noise disturbance or cause poor air quality to nearby residential properties. There is no technical evidence before me to support these generalised assertions. Moreover, given the size of the grounds, I have no reason to find that suitable waste storage could not be provided, even if it were to be relocated. Therefore, these are not factors that weigh against the development.

Conclusion

39. In conclusion, I find that the proposed development conflicts with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as design and heritage policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified. Furthermore, the proposal would not provide a suitable and safe access and it would exceed adopted car parking standards.
40. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have not found material considerations of sufficient weight to indicate that I should make a decision other than in accordance with the development plan.
41. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A should be dismissed.

Helen O'Connor

INSPECTOR

¹⁴ Paragraphs 114 & 116