



Appeal Decisions

Site visit made on 26 February 2024

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal A Ref: APP/R5510/W/23/3330779

Cowley House, 181 Cowley Road, Uxbridge, Hillingdon UB8 2AJ

- 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 Cadent Gas Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 15841/APP/2022/912.
 - The development proposed is described as 'upgrading of the existing gas supply via the installation of external gas pipe apparatus.'
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Appeal B Ref: APP/R5510/Y/23/3330783

Cowley House, 181 Cowley Road, Uxbridge, Hillingdon UB8 2AJ

- 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 Cadent Gas Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 15841/APP/2022/1168.
 - The works proposed are described as 'upgrading of the existing gas supply via the installation of external gas pipe apparatus.'
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023, after the Council made its decisions. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. I have had regard to the revised Framework in my determination of the appeals.
5. The detail of the proposed development and works was revised during the determination of the applications. For the avoidance of doubt, I have determined the appeals having regard to the revised plans and information as stated within the Council's Decision Notices, which relate to 'Design Option 6'.

Main Issues

6. The main issues are: i) whether the proposal would preserve the Grade II listed building known as Cowley House, or any features of special architectural or

historic interest which it possesses; and ii) the effect of the proposal on the character and appearance of the area.

Reasons

Listed Building

Special interest and significance

7. Cowley House is a Grade II listed building¹ dating from the 18th century which was altered and enlarged to the north in the 19th century. It is a substantial detached building, comprising a semi-basement level with 3 storeys above, which has been subdivided into flats. It is set back from the highway, situated within a generous mature garden which is bordered to the front by a brick boundary wall.
8. The building is constructed of mottled brown brick with red brick dressings and, in part, off-white render. Externally, it possesses architectural detailing and features including rendered string courses; moulded cornices at eaves level and around the bay windows; angled rendered pilasters at the corners channelled to the ground floor; and square profile metal downpipes. Internally, the listed building description references additional features of interest, including panelling, decorative plasterwork and chimney pieces.
9. From the submitted evidence and my observations on site, the building's special interest and significance are largely derived from its historic and architectural interests. Elements which make important contributions in these regards which are pertinent to the appeals, comprise its illustration of an 18th century domestic property with a 19th century addition; grand but polite architectural style; and surviving historic fabric, using traditional materials and methods of construction, which incorporates external architectural detailing and internal features of interest.

Proposal and effects

10. The proposal is part of a proactive Gas Mains Replacement Programme currently being undertaken by the appellant. It involves the upgrading of the existing gas supply serving the flats within Cowley House, via the installation of welded metal external gas pipework and associated fixings, which conforms to Gas Industry Regulations.
11. I recognise the technical and physical constraints of the proposed upgrade in relation to the building and site. I also note the lengthy options appraisal process and revisions to the proposal undertaken by the appellant with the aim of achieving a scheme which would both comply with the requirements of IGEM/G/5² and sustain the special interest and significance of this designated heritage asset. Nonetheless, it remains that the number of welded metal pipes and associated clips and fixings, and the extent of pipe runs proposed to be installed on the building as part of Design Option 6, would be considerable.
12. The proposal would result in the irreversible loss of historic fabric as a consequence of the openings created to route the pipes into the separate flats,

¹ List Entry Number: 1080189.

² The current adopted construction standards for such works is presented within IGEM/G/5 Edition 3 For Multi-Occupancy Buildings Engineering Requirements.

albeit of a small amount. Extensive physical intervention into the building's historic fabric would also occur as part of the associated fixings.

13. The starkly functional pipe runs, which would project slightly from the face of the building across all elevations, would cause them to be unduly prominent additions that would detract from the architectural integrity and quality of the asset. Given the variety of colours of the building's fabric across the elevations, including mottled brown, red and off-white, I am not persuaded that colour matching the pipes could successfully be achieved, or that it would satisfactorily mitigate the scheme's adverse effects.
14. Moreover, whilst the appellant asserts that the pipes would not interfere with or disturb existing decorative features and/or cause harm to the interior, the submitted evidence provides little detail and clarity to confirm these claims. Particularly, the submitted plans and information do not illustrate how the pipework would negotiate crossing and/or wrapping round cornices (north facing elevation and bay on west facing elevation); string courses; pilasters; downpipes; and existing vents/pipes. Similarly, there are no plans or images detailing the location of the internal entry point of the pipework and the size, form and fixing of the meter box in relation to any internal features of interest.
15. The lack of detail on these matters is a major deficiency of the proposal and one which limits a thorough assessment. Given the centrality of this information in understanding the effects of the scheme, it would not be appropriate to leave these matters to be controlled by condition.
16. Notwithstanding this, from the details that are before me, whilst some elements of the building's heritage interests would remain unaffected by the proposal, for all of the reasons set out above, the integrity and authenticity of the listed building would be diminished.
17. Although the proposal would, in theory, be reversible, permanent harmful effects would still occur as part of its installation and semi-permanent harmful effects would still transpire while it was in situ. As such, any reversibility of the scheme carries little weight in favour of the appeals.
18. The identified harmful effects would be clearly discernible from adjacent public routes. Even if this were not the case, it would not count in favour of the appeals as listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
19. Accordingly, I find that the proposal would not preserve the Grade II listed building known as Cowley House, or any features of special architectural or historic interest which it possesses, thereby causing harm to the significance of this designated heritage asset.

Public benefits and heritage balance

20. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset and that this should have clear and convincing justification.

21. With reference to Paragraphs 207 and 208, it is common ground between the parties that the proposal would cause less than substantial harm to the significance of Cowley House. Given the nature and extent of the proposal, I agree. Nevertheless, a finding of less than substantial harm does not amount to a less than substantial planning objection and carries considerable importance and weight. In line with Paragraph 208, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
22. The proposal would provide a safe supply of gas to occupiers of Cowley House, which is compliant with the current Gas Industry Regulations and in line with Policy D12 of the London Plan 2021 (the LP 2021) which requires all development proposals to achieve the highest standards of fire safety. This would lessen the potential for catastrophic events, reducing risks to life and injury of occupiers and neighbours, as well as risks to the structural integrity of this designated heritage asset. This would constitute public benefits³ and carries significant weight in favour of the appeals. However, although the scheme before me has been through several options appraisals, I am not satisfied that it has been adequately demonstrated that the only way of securing such public benefits would be via the particular development and works proposed.
23. The appellant highlights their statutory obligation to maintain a safe and reliable supply of gas to consumers and the potential consequences of the appeals failing. I also note the recent grant of listed building consent at the building for emergency works involving a temporary repair following a gas leak⁴. Nonetheless, no substantive evidence has been submitted which verifies that the property would not be useable or viable as flats or that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented. Moreover, my conclusions on the main issues relate solely to the specific particulars and merits of the proposal before me.
24. In all of the above respects, the identified harm to the significance of this designated heritage asset has not been clearly and convincingly justified.
25. On balance, whilst I ascribe significant weight to the public benefits which the proposal would generate, it is not sufficient to outweigh the considerable importance and weight I attach to the harm to the asset's significance.

Conclusion on first main issue

26. Overall, I conclude that the proposal would not preserve the Grade II listed building known as Cowley House, or any features of special architectural or historic interest which it possesses. This would harm the significance of this designated heritage asset, which would not be outweighed by the public benefits that would accrue from the proposal. This would fail to meet the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and the provisions within the Framework which seek to conserve and enhance the historic environment.
27. It would also conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies, 2012 (the HLP-P1) which require development to

³ As set out in the Planning Practice Guidance: Paragraph: 020 Reference ID: 18a-020-20190723.

⁴ Application Ref: 15841/APP/2023/1831.

improve and maintain the quality of the built environment; and conserve and enhance listed buildings. In addition, it would not comply with Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part Two – Development Management Policies, 2020 (the HLP-P2) in so far as they seek development proposals to avoid harm to the historic environment, and retain the significance and value of listed buildings. It would also conflict with Policies D3 and HC1 of the LP 2021 which seek development to respect, enhance and utilise heritage assets and architectural features that contribute towards the local character; and be sympathetic to and conserve the significance of heritage assets.

Character and appearance of the area

28. Cowley House is positioned set back from the highway within a large well-established garden. Notwithstanding the site's enclosure to the front by a brick boundary wall, the building maintains a prominence in the street scene by virtue of its size and scale, along with its distinguishing form and detailing.
29. The surrounding area is predominantly characterised by residential development interspersed by retail or commercial businesses and educational organisations, the majority of which appear to date from the 20th century or later. Residential properties fronting the main routes through the area are mostly detached or semi-detached, two storey houses, constructed of red/brown brick with tiled roofs.
30. As such, whilst the residential occupation of Cowley House reflects the predominant use of buildings within the area, its size, scale, form and detailing do not conform to the general characteristics of the surrounding built environment. Nonetheless, the building's historic and architectural integrity, which is readily apparent when the building is viewed from adjacent public routes, means that it contributes in a positive and meaningful way to the character and appearance of the locale.
31. I note that the area possesses no formal designation(s) and acknowledge the nature and extent of the proposal. However, given Cowley House's positive contribution to the character and appearance of the townscape, it logically follows that the identified harm of the proposal to the significance of the building, would also undermine the quality of the area, albeit in a small way. This harmful effect would be noticeable from nearby public routes and would not be satisfactorily moderated by the proposed mitigating measures or any existing screening of trees and vegetation.
32. Accordingly, I conclude that the proposal would have a harmful effect on the character and appearance of the area. As such, it would conflict with Policy BE1 of the HLP-P1 and Policy DMHB 11 of the HLP-P2 in so far as they require development, including alterations, to improve and maintain the quality of the built environment and to be designed to the highest standards. It would also not accord with Policy D3 of the LP 2021 which, amongst other things, seeks development to respond to the existing character of a place. Additionally, it would conflict with the provisions within the Framework which seek to achieve well-designed and beautiful places.

Other Matters

33. The submitted evidence refers to the presence of Grade II listed buildings in the vicinity of the site, namely Old Vine Cottage and Poplar House. Mindful of

the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving their settings. The special interest and significance of these assets largely stem from their architectural and historic interests, but are also derived, in part, from their urban settings. Given the nature and extent of the proposal, I consider that the settings of these designated heritage assets would be preserved and the significance of the assets' would not be harmed. I note the Council raised no concerns in this regard either.

34. I note the appeal decision concerning the installation of external gas pipe apparatus to a property in a conservation area⁵. In that case the Inspector having found harm, concluded that it would be outweighed by the 'significant public benefits' that would accrue from the safe and proper installation of the gas pipes. However, the building was not statutorily listed, and the Inspector was satisfied that 'in light of the range of options considered by the appellant....the appeal scheme is the best fit solution,' both of which factors are not the case in the appeals before me. As such, this decision carries little weight.
35. The appellant has referenced other schemes where external gas pipework on Grade II listed buildings⁶ has been granted planning permission and listed building consent. There are some similarities between the cited schemes and the appeals proposal. However, from the details provided, the granted schemes at 75 Gloucester Terrace and 5 Lupus Street were lesser in extent, serving fewer flats, resulting in the routing of the pipework being minimal in coverage and detail. As such, they are not directly comparable to the proposed development and works before me. A scheme at Hallfield Estate, stated to be Grade II listed, is also cited, but no details have been submitted and so no meaningful comparisons can be made. In any event, each case is judged on the specific circumstances of the site and the merits of the case. Consequently, I attach little weight to the other schemes referenced and they do not alter my conclusions on the main issues.

Conclusions

36. **Appeal A:** The proposal would conflict with the development plan when taken as a whole. Material considerations do not indicate that the decision should be taken otherwise than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
37. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

F Cullen

INSPECTOR

⁵ Appeal Ref: APP/V5570/W/21/3280342.

⁶ St James's Court, 75 Gloucester Terrace, London, W2 3DH 21/06975/FULL & 21/06976/LBC; 5 Lupus Street, Pimlico SW1V 3AS 20/06635/FULL & 20/06636/LBC; and Hallfield Estate (no details provided).