



**CADENT GAS LTD**

**COWLEY HOUSE, COWLEY ROAD, UXBRIDGE**

**APPEALS UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT  
1990 AND SECTION 20 OF THE PLANNING (LISTED BUILDINGS AND  
CONSERVATION AREAS) ACT 1990**

**STATEMENT OF CASE**

**OCTOBER 2023**

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1990**

**OCTOBER 2023**

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## 1 INTRODUCTION

- 1.1.1 This Statement of Case has been prepared by Wardell Armstrong LLP on behalf of Cadent Gas Limited (“the Appellant”) to support their appeals under Section 78 of the Town and Country Planning Act 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the decision of the London Borough of Hillingdon (“the Council”) to refuse planning permission and listed building consent for the installation of external gas pipe apparatus at Cowley House, Cowley Road, Uxbridge, UB8 2AJ (“the appeal site”) described as:

*“Upgrading of the existing gas supply via the installation of external gas pipe apparatus.”*

- 1.1.2 Applications for planning permission and listed building consent were submitted to the Council on 17<sup>th</sup> March 2022 and validated with application references 15841/APP/2022/912 & 15841/APP/2022/1168.
- 1.1.3 Planning permission and listed building consent for the works described above was refused by the Council on 6<sup>th</sup> April 2023 for the following reason:

*“The proposal would be harmful due to the cluttering of the elevations and disrupting of notable architectural features, in particular the cornice and would not respect the significance of the building and would alter its character and appearance in a detrimental way. There would also be harm to the historic fabric with the fixings and the openings, and no information or floor plans have been provided to demonstrate that there would be no harm to the internal fabric of this statutorily listed building. Therefore the proposal would fail to preserve the significance of the Grade II Listed Building by posing 'less than substantial harm' to the significance of the designated heritage asset, and adversely affect the visual amenity of the street scene and character of the area. Further, the proposed development would not deliver public benefits sufficient to outweigh the harm posed. As such, the proposal is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and HC1 of the London Plan (2021) and Chapters 12 and 16 of the National Planning Policy Framework (2021).”*

- 1.1.4 In summary, the reason for the refusal raises the following issues:

- Whether the proposals would cause harm to the special interest of the Grade II listed building by virtue of cluttering and disrupting architectural features which could alter the character and appearance of the listed building;

- Whether the less than substantial harm is outweighed by the public benefits offered by the proposals;
- Whether the proposal would harm the streetscene and character of the wider area;
- Compliance with adopted Local Development Plan (LDP) policies.

1.1.5 This Statement of Case sets out the context surrounding the applications, outlining the main driver for this proposed development (maintaining the safety of residents in a multi-occupancy building), the constraints of the appeal site and the associated Gas Industry Regulations that need to be fully complied with and which have necessitated the proposed works.

1.1.6 In addition, this Statement of Case reviews the planning policies and guidance referenced under the reasons for refusal and outlines why the proposed development is in accordance with both National and Local Planning Policies.

## 2 THE SITE & SURROUNDINGS

### 2.1 The Site

2.1.1 Cowley House (the appeal site) is located within the jurisdiction of the London Borough of Hillingdon. The appeal site is located on the western side of Cowley Road, which occupies a north to south axis. The exact location of the appeal site is identified on drawing CA12470-001 Site Location Plan which formed part of the original planning and listed building consent submissions.

2.1.2 The appeal site is a Grade II listed building. The listing description provides the following information on the reason for designation:

*C18 house, altered and enlarged C19. Brown brick with red dressings. 3 storeys, 5:3 double hung sashes with flat arches. Pilasters at angles running through 1st and 2nd storeys. Left hand 2-storey splayed bay; right hand C19 stone porch, cement finished 2nd storey, with parapet. Cornice, modern blue pantiles. Inside, decorations have survived from mid C18. On 1st floor, rooms to north-east and south-east have original panelling; one has a box cornice and the other a chimney piece with marble inserts. Similar chimney-piece and panelling in ground floor south-east room; and in south-west room decorative plasterwork and a later marble fireplace of good quality.*

2.1.3 The appeal site is of three-storeys in height with a basement level. Its elevations are of brown brick construction with horizontal channelling at ground floor level and red brick décor. Off-white rendered storey banding is located between ground and first floor levels with angled rendered pilasters at the corners which are channelled to the ground floor.

2.1.4 The original building was constructed in the 18<sup>th</sup> century and later enlarged to the north during the 19<sup>th</sup> century. The original extent of the building is visible by the roof of the building and placement of the chimney stacks; the roof of the original 18<sup>th</sup> century construction is hipped with two tall chimney end stacks to the north and south edges whereas the 19<sup>th</sup> century extension has a parapet roof displaying a flat edge. The addition of a three-storey canted bay window to the main frontage has resulted in the loss of the original 18<sup>th</sup> Century design intention which would have presented a simple symmetrical arrangement with fenestration arranged around a central entrance, now concealed.

2.1.5 In addition to the large, canted bay to the main frontage, a further canted bay is located on west facing elevations of the building. The building is accessed via a

wooden door painted navy with glass panelling with a projecting decorative stone porch located within the 19th Century extension.

2.1.6 As noted within the listing description, the interior of the building offers architectural interest through the retention of original features such as original panelling, a box cornice and a chimney piece with marble inserts. In a south west room decorative plasterwork and later marble fireplace of good quality is noted in the listing description as remaining. Such features are also of historic interest informing on the status and the function of the original spaces with the more important rooms having greater levels of decoration and embellishment and benefitting from fireplaces for heating.

2.1.7 Further photos of the appeal site are included in Appendix 1.

### 3 HISTORY OF DEVELOPMENT & PROPOSED DEVELOPMENT

#### 3.1 Context of Development Proposals Prior to Submissions

3.1.1 Prior to the submission of planning and listed building consent for the works subject to this appeal, the Appellant considered several designs for the replacement gas pipework for the appeal site.

3.1.2 The design options explored prior to the submissions of applications 15841/APP/2022/912 & 15841/APP/2022/1168 are outlined in Table 1 alongside the reason why the design option was not progressed to the submission stage. In the interest of conciseness, each design option is not described in full in this Statement. A full description of each Design Option is outlined in the Design Options Appraisal which was submitted to support applications 15841/APP/2022/912 & 15841/APP/2022/1168 in January 2023.

| Design Option                                                                           | Reason for Not Progressing Design                                                                                                                                                                                                                                                                                                             | Relevant Section in Design Options Appraisal |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>Design Option 1</b> – Internal installations                                         | This solution is <b>not compliant</b> with the adopted Gas Industry Regulations                                                                                                                                                                                                                                                               | See Section 4.2                              |
| <b>Design Option 2</b> – Installation of gas riser pipework within the communal hallway | This solution is <b>not compliant</b> with the adopted Gas Industry Regulations.                                                                                                                                                                                                                                                              | See Section 4.3                              |
| <b>Design Option 3</b> – External gas meter boxes and outlet pipes                      | Design Option 3 <b>adheres</b> to the adopted Gas Industry Regulations however, due to the amount of external copper outlets required, Design Option 3 was considered to have a cluttering effect. Design Option 3 was not progressed to planning due to its potential harmful impact to the character and appearance of the listed building. | See Section 4.4                              |

|                                             |                                                                                                                                                                                                                                                                                      |                 |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Design Option 4 – Gas Riser Option 1</b> | Design Option 4 <b>adheres</b> to the adopted Gas Industry Regulations however, the design team observed improvements could be made to the scheme by aligning the pipework with existing horizontal and vertical features of the building. As such the design was developed further. | See Section 4.5 |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|

*Table 1: Design options explored prior to the submission of applications 15841/APP/2022/912 & 15841/APP/2022/1168*

3.1.3 Following the decision to not progress with Design Option 4, the Appellant sought to revise the scheme to better integrate the pipework with the existing features of the building. As such, Design Option 5 was prepared and planning and listed building consent applications were submitted to the Council for consideration on 17<sup>th</sup> March 2022. Design Option 5 adheres to the adopted Gas Industry Regulations and offers a more sympathetic installation than the proposal of Design Option 4.

3.1.4 The technical and physical constraints of the appeal site which have informed the design are set out in Section 3 of the Design Options appraisal and reference is paid towards the currently adopted Gas Industry Regulations which the Appellant must adhere to.

### 3.2 Applications Subject of Appeal

3.2.1 On 17<sup>th</sup> March 2022, Wardell Armstrong LLP submitted applications for planning permission and listed building consent for the following works at Cowley House, Cowley Road, UB8 2AJ:

*“Upgrading of the existing gas supply via the installation of external gas pipe apparatus”*

3.2.2 The proposal submitted for these works in March 2022 comprised Design Option 5 – Gas Riser Option 2 which is fully outlined in the Design Options Appraisal.

3.2.3 Design Option 5 is compliant with the adopted Gas Industry Regulations and would provide a safe and compliant gas supply to the gas using residents of the appeal site.

Design Option 5 includes the following mitigation measures to minimise any potential harm to the building including:

- Avoiding horizontal and vertical installation across centre of the principal east frontage and the canted bays window additions;
- Aligning proposed installations against existing infrastructure such as downpipes and within basement lightwell where possible to consolidate additions and minimise the appearance of the gas pipework so that it does not disrupt the simple design intentions;
- Aligning the proposed pipework in close proximity to existing vertical and horizontal features present on the building including the angled pilasters, eaves and junctions between projecting elements so as to consolidate the installations and minimise their appearance on the listed building generally so that the installations are integrated sympathetically and do not disrupt the simple design intentions;
- Applying an off-white painted finish to pipework installed against rendered areas of the exterior to match the coloured finish;
- Applying a brown colour painted finish to pipework crossing brickwork to the exterior of the building;
- Avoiding interference with or disturbance to existing decorative features;
- To be reversible and easily removed in the future should they no longer be required.

3.2.4 Taking into account the mitigation proposed, Design Option 5 was assessed to result in less than substantial harm to the significance of the appeal site. It was considered that the public benefit of the scheme, which in this case comprise the safe and compliant gas supply to residents of Cowley House, should be weighed against the less than substantial harm.

3.2.5 On 6th June 2022, an objection from the Council's Conservation Officer was received in respect of the proposals to replace the gas pipe apparatus at Cowley House. In summary, the objection raised concerns in respect of harm to architectural features of the building, in particular, the projecting cornice, as well as the overall impact on the appearance of the building. The conservation officer advised keeping pipework at low level where possible. The correspondence and associated conservation officer comments received on 6th June 2022 are included in Appendix 2 of this statement of case.

3.2.6 While Design Option 5 is compliant with IGEM/G/5 and offers a solution that can be safely installed, revisions to the proposals have been made based on the feedback from the conservation officer and presented to the council for consideration. The amended proposals will be referenced as Design Option 6 in this Statement.

3.2.7 Design Option 6 comprises the proposal for which the planning and listed building consent applications were determined against. The intention of the changes presented within Design Option 6 is to minimise the amount of above ground pipework and, where possible, keep the pipework at low level.

3.2.8 In summary Design Option 6 entails the following proposals:

- Installation of 4 no. subterranean gas connections from the upgraded gas mains;
- 1 no. gas riser will emerge at low level north of the main entrance on the east elevation before wrapping around the north eastern corner of the building to continue on the north elevation. On the north elevation the gas riser travels at ground floor level before descending to basement level to enter into flat 19. The gas riser will connect to a gas meter box located directly on the interior of the elevation to limit the installation of any internal sections of gas riser pipework.
- 1 no. gas riser will emerge above ground to the western side of the north elevation for approximately 9m. The riser will support 3 no. lateral pipes which will travel eastwards from the riser before entering into their respective flat. The lateral pipes will connect to a gas meter box located directly on the interior of the elevation to limit the installation of any internal sections of gas riser pipework. A horizontal gas riser pipe will also extend from the base of the 9m gas riser and wrap around the north western corner of the building to continue on the west elevation.
- Upon reaching the west elevation, the horizontal gas pipe will travel at basement level supporting 2 no. gas risers and a lateral connection to flat 18. The first gas riser will be located close to the junction of the south facing return and the southern section of the west facing elevation. The gas riser will extend from basement level to eaves level supporting 4 no. lateral gas pipes. Three of the four laterals will extend northward wrapping around the outer corner of the south facing return before entering into their respective flats. The lateral at second floor will not cross over the projecting cornice and will be aligned above it as such the cornice would screen views of the pipe

from ground floor level. The fourth lateral will extend southwards entering into first floor level flat. The second gas riser will extend to first floor level supporting 2 no. lateral gas pipes.

- 2 no. gas risers will emerge above ground on the southern extent of the east elevation of the building. 1 no. gas riser will emerge above ground floor level and rise vertically to eaves level supporting 2 no. lateral gas pipes which enter into the building. The lateral gas pipes will connect to a gas meter box located directly on the interior of the elevation to limit the installation of any internal gas riser pipework. The second gas riser will emerge above ground at the south eastern corner of the building before wrapping around that corner and continuing on the south elevation. Upon reaching the south elevation, the gas riser will rise to second floor level supporting 3 no. lateral pipes. The lateral gas pipes will connect to a gas meter box located directly on the interior of the elevation to limit the installation of any internal sections of gas riser pipework.

3.2.9 The Design Options Appraisal submitted to support these applications outlines all design options considered by the Appellant and describes why they were not progressed to planning stage. Appendix 3 shows the key differences between each of the external design options explored in the Design Options Appraisal.

3.2.10 Both planning and listed building consent applications were subsequently refused permission on 26<sup>th</sup> April 2023 by the Council for the following reasons:

*"The proposal would be harmful due to the cluttering of the elevations and disrupting of notable architectural features, in particular the cornice and would not respect the significance of the building and would alter its character and appearance in a detrimental way. There would also be harm to the historic fabric with the fixings and the openings, and no information or floor plans have been provided to demonstrate that there would be no harm to the internal fabric of this statutorily listed building. Therefore the proposal would fail to preserve the significance of the Grade II Listed Building by posing 'less than substantial harm' to the significance of the designated heritage asset, and adversely affect the visual amenity of the street scene and character of the area. Further, the proposed development would not deliver public benefits sufficient to outweigh the harm posed. As such, the proposal is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and HC1 of the London Plan (2021) and Chapters 12 and 16 of the National Planning*

*Policy Framework (2021)."*

3.2.11 The decision notices for applications 15841/APP/2022/912 & 15841/APP/2022/1168 are included within Appendix 4 for completeness.

**3.3 Emergency works to the gas supply at Cowley House following the refusals**

3.3.1 Following the refusals of planning and listed building consent applications 15841/APP/2022/912 & 15841/APP/2022/1168 a gas leak occurred from the gas riser supply at Cowley House resulting in the termination of the gas supply to flats 2, 6, 7, 12, 13, & 17 within the building. Whilst the network was made safe by works undertaken by the qualified gas engineers which involved temporarily terminating the gas supply from the gas riser, the need to re-establish a safe gas supply to the affected units for the well-being of the residents was deemed to be urgently necessary by Cadent.

3.3.2 Qualified gas engineers established that the gas leak occurred within the inground section of gas pipe, as such only this section of pipework required replacement to maintain a gas supply to the affected occupiers. The existing internal pipework supplying gas to the affected flats was tested by qualified gas engineers and is currently of a sufficient condition to safely accommodate the supply gas to the affected flats. A short-term solution to reinstate the gas supply to the affected properties was installed and listed building consent was granted for the minor repair works (application reference: 15841/APP/2023/1831).

3.3.3 This short-term solution is possible as the leak occurred in the external inground gas pipework and as such only external pipework needed to be replaced. Should a future gas leak occur to the existing internal gas pipework, the full external installation would be required in line with the Gas Industry Regulations whereby all new and replacement gas riser pipework should be sited in well-ventilated areas.

3.3.4 This recent gas leak within the existing network suggests that the gas riser pipework supplying gas the Cowley House is deteriorating. For the safety of the residents, it is therefore important that the existing gas supply is upgraded allowing for the gas riser pipework to be sited externally where in the event of a gas leak from the riser, the escaped gas can filter directly into the atmosphere rather than into unventilated areas where a potential build-up of gas could occur.

## 4 LEGISLATION & PLANNING POLICY

4.1.1 These appeals have been made under Section 78 of The Town and Country Planning Act 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This Statement of Case has been prepared to support appeals against the refusal of planning application reference 15841/APP/2022/912 as well as the refusal of LBC reference 15841/APP/2022/1168.

### 4.2 Legislation

4.2.1 Listed Buildings and Conservation Areas are protected under the Planning (Listed Building and Conservation Areas) Act (1990). In relation to development proposals, the legislation states that:

*‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the secretary of state shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ (section 66).*

### 4.3 Adopted Development Plan Policy

London Borough of Hillingdon Local Plan: Part 1 Strategic Policies (adopted November 2012) & Part Development Management Policies (adopted January 2020)

4.3.1 The Local Plan: Part 1 Strategic Policies was adopted in November 2012 and sets out the overall level and broad locations of growth up to 2026. Part 2 of the Local Plan comprises development management policies, site allocations and a policies map. Policies of relevance from the plans are listed below:

- Policy HE1: Heritage
- Policy DMHB1: Heritage Assets
- Policy DMHB2: Listed Buildings

4.3.2 Details of these relevant policies are included in Appendix 5 of this Statement.

London Plan (2021)

4.3.3 The London Plan is the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor’s vision for Good Growth within the region. The London Plan was revised and adopted in March 2021. Relevant policies within the London Plan 2021 are as follows:

- Policy HC 1 – Heritage, Conservation and Growth; and
- Policy D12 – Fire Safety

#### 4.4 Other Material Considerations

##### National Planning Policy Framework (NPPF) (September 2023)

- 4.4.1 NPPF sets out the government’s planning policies for England and how these are expected to be applied. The main paragraphs of relevance are outlined below:

- Chapter 16 Conserving and Enhancing the Historic Environment;  
Paragraphs 194 – 208

##### National Planning Practice Guidance (PPG)

- 4.4.2 In relation to the historic environment, being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. Paragraph: 007 Reference ID: 18a-007-20190723 Revision date: 23 07 2019).

## 5 PRINCIPAL ISSUES

- 5.1.1 The planning and listed building consent applications subject to this appeal (15841/APP/2022/912 & 15841/APP/2022/1168) were refused for the reason set out at para 1.1.3 of this statement. The main issues identified is the compliance with Policies BE1 and HE1 Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and HC1 of the London Plan (2021) and Chapters 12 and 16 of the National Planning Policy Framework (2021). It is noted that the NPPF has since been updated since the refusal however the planning policy advice presented within Chapters 12 and 16 of the 2023 update remains the same.
- 5.1.2 In addition to this, whether the proposals would cause harm to the special interest of the Grade II listed building, the street scene and character of the wider area and whether this harm could be outweighed by the public benefits offered by the proposals is also relevant.
- 5.1.3 This section of the Statement of Case should be read in conjunction with the Design, Access and Heritage Statement and the Design Options Appraisal submitted with the refused applications subject to this appeal.

### ***Potential Harm to the Grade II Listed Building***

- 5.1.4 The Council have determined that the proposed works would harm the external appearance of Cowley House, a Grade II listed building of 18<sup>th</sup> century origin and later 19<sup>th</sup> century alteration. The building was originally constructed to be one house but has since been enlarged and converted into a multi-occupancy building containing 19 flats. The Council agrees with the conclusions of the submitted Design, Access and Heritage Statement that the impact of the proposals would result in less than substantial harm to the significance of the listed building however they do not consider that the public benefits offered by the scheme would outweigh this harm. This is a conclusion that the Appellant respectfully challenges.
- 5.1.5 The Design and Heritage Statement (DAHS) submitted with the planning and LBC applications provides a proportionate assessment of the significance of the Grade II listed building in accordance with para 194 of the NPPF with a focus on the historic and architectural interest of the listed building as well as contribution derived from its setting.
- 5.1.6 The importance of the building is recognised at a national level by its inclusion on the statutory list of buildings of special architectural and historic interest at Grade II. The

listing description focuses on the external and internal architectural features of the building.

- 5.1.7 The significance of the building derives principally from its historic and architectural interests as an example of 18<sup>th</sup> century residential development displaying both early and late Georgian architectural detail through later alterations of the building. The key features of special interest which contribute towards significance include remaining fabric and features of 18<sup>th</sup> century date which are illustrative of the materials and architectural fashions of the time. Later 19<sup>th</sup> century fabric and feature also hold interest in evidencing changing fashions and how properties were improved.
- 5.1.8 Cowley House also holds historic interest in its association with Edward Hilliard, a Member of Parliament for Horsham from 1802 to 1806 and the Hillard family during the 19<sup>th</sup> century who occupied Cowley House until the 1880s. The property was then leased, though J.E. Hilliard, Edward's son, continued to live in the parish as rector until 1902.
- 5.1.9 Architectural interest is expressed principally with the external composition, detailing and pattern of fenestration which inform upon the origins of the building and its development and historic status.
- 5.1.10 Further analysis of the significance of the building is outlined in the DAHS.
- 5.1.11 The DAHS concludes that the proposed installations would not result in the weakening of the overall architectural composition of the 18<sup>th</sup> century building as displayed to the principal east frontage and by the remaining features of the interior. Nor would the proposals result in the loss of the architectural interest of the original design intentions of the property which would remain clearly legible.
- 5.1.12 To minimise impacts to the significance of the listed building, the proposed pipework has been designed in such a way that it presents the minimum extent of pipework necessary to provide agas supply in a safe and compliant way to the occupiers.
- 5.1.13 To further mitigate its appearance on the building, the pipework is proposed to be colour matched to the adjacent material. As shown in the photographs of Appendix 1, the pipework would only be visible in glimpsed sightlines when viewing Cowley House from the public highway.
- 5.1.14 The proposed development seeks to mitigate against potential harm to the heritage significance of the appeal site by:

- Avoiding horizontal and vertical installations across the centre of the principal east frontage and the canted bay window additions;
- Aligning proposed installations against existing infrastructure such as downpipes and within basement lightwell where possible to consolidate additions and minimise the appearance of the gas pipework so that it does not disrupt the design intentions;
- Aligning the proposed pipework in close proximity to existing vertical and horizontal features present on the building including the angled pilasters, eaves and junctions between projecting elements so as to consolidate the installations and minimise their appearance on the listed building generally so that the installations are integrated sympathetically and do not disrupt the simple design intentions;
- Applying an off-white painted finish to pipework installed against rendered areas of the exterior to match the coloured finish;
- Applying a brown colour painted finish to pipework crossing brickwork to the exterior of the building;
- Avoiding interference with or disturbance to existing decorative features;
- To be reversible and easily removed in the future should they no longer be required.

5.1.15 The reason for refusal also draws specific reference to the lack of floor plans and the lack of ability to determine the impact of the works on internal fabric. The installation of internal gas riser pipework is limited to only short sections of pipework required to enable gas flow into the internal gas meter boxes which are to be located inside the building. These sections of pipe will connect directly to a gas meter box to be located immediately on the interior of the elevation at the point where the gas riser pipe punches through the elevation. The installation of internal gas riser pipework is kept to a minimum to ensure the safety of the residents in the building. Impacts to fabric are therefore limited to the external wall the pipe is proposed to be drilled through to connect to the gas meter box. As such, it was not proportionate to submit a floor plan detailing the route of internal installations in view of the description provided and the lack of impact to the interior.

5.1.16 Having considered the nature and extent of the significance of the asset as a house of 18<sup>th</sup> century origin which has since been enlarged and sub-divided into flats and in view of the adopted design approach and mitigation measures, it is considered that

the proposed installations would result in **‘less than substantial harm’** to the significance of the building. This conclusion of harm is accepted by the LPA.

5.1.17 The Design Options Appraisal outlines the extent of the proposed pipework to the exterior has been reduced as far as possible to conserve the character and appearance of the listed building. This is further demonstrated by the images and text in Appendix 3.

5.1.18 Two fully compliant, gas safe designs (outlined in the Design Options Appraisal) were not progressed to the planning submission stage as the appellant was committed to finding the most sympathetic design for the upgraded network. Further to this, following receipt of the Council’s Conservation Officer’s objection in June 2022 (relating to Design Option 5) the appellants design team sought to amend the proposals further to reduce the extent of above ground pipework and to align as much pipework as possible within the basement lightwell. The appellants design team also sought to use existing horizontal and vertical features of the building to further minimise the appearance of the external installations and where possible, reconfigured the design of the pipework to avoid crossing key architectural features of the building.

5.1.19 Design Option 6 presents an option which both adheres to the Gas Industry Regulations and also sustains the special interest of the appeal site. Design Option 6 presents a proposal that meets 21<sup>st</sup> Century safety standards as well as conservation principals allowing the residents of the building to continue benefitting from their preferred energy supply.

5.1.20 The proposed works would not lead to a loss of the key historic and architectural significance of the appeal site as the building’s architectural interest, scale and prominence would be sustained. Further to this, the setting of the listed building and an understanding of the building a 18<sup>th</sup> Century house which has been enlarged and converted to flats would be conserved.

5.1.21 In addition to this, should in future a gas supply to the building not be required, the proposed gas installations are reversable and any redundant above ground pipework could be removed with the building being restored to its existing state.

5.1.22 As such the Appellant respectfully disagrees with the council’s conclusion which states that the works fail to maintain or enhance the character and appearance of the building. With this view, the appellant judges that the proposals subject to this appeal are fully compliant with the requirements set out in Part 1 of Policy HE1 – Heritage of the London Borough of Hillingdon Local Plan Part 1. The proposed works

also adhere to part A)i) and A)ii) of Policy DMHB 1: Heritage Assets and part A), B) and C) of Policy DMHB 2: Listed Buildings of the London Borough of Hillingdon Local Plan: Part 2.

5.1.23 The setting of the Grade II listed building will be sustained a with the proposed installations being designed sympathetically to the composition of the building, representing the minimum amount of pipework necessary. The proposed development is therefore considered to be compliant with Policy HC1 of the London Plan.

#### ***Public Benefits of the Proposals***

5.1.24 It is acknowledged that the proposed works would result in some change to the external appearance of the listed building and minor loss of historic wall fabric where pipework is proposed to punch through the external walls. However, the external pipework, which must be designed in consideration of the applicable gas industry regulations, has been designed to be carefully routed and located in the least visually obtrusive way. This is proposed through aligning and consolidating the proposed pipe installations against existing features of the listed building such as the eaves, angled pilasters, storey banding, down pipes and within junctions with projecting elements to minimise the appearance of the installations. Whilst some harm to the significance of the building would result from the proposals due to their position on the exterior this harm is within the bracket of **‘less than substantial harm’** as established by the NPPF and as accepted by the LPA.

5.1.25 In accordance with the NPPF (paragraph 202), where less than substantial harm has been identified to the significance of a designated heritage asset, this harm should be balanced against the public benefits of the scheme which in this instance would include the following:

- A safe and compliant supply of gas to the affected occupiers of Cowley House and the opportunity to reduce the risk to life and serious injury to the occupiers in the event of a fire;
- Maintaining the sound structural integrity of the building as whole by installing a design that is compliant with the current Gas Industry Regulations, is considered lower risk in respect of the IGEM/G/5 risk hierarchy.

5.1.26 Such benefits would be proportionate to any less than substantial harm, and we would invite you to place significant material weight on the provision of a safe gas supply to the residents of Cowley House. This matter has been recognised by an appeal decision (reference APP/V5570/W/21/3280342) where the inspector found

that there is public benefit from the safe and proper installation of gas pipes to a multiple occupancy building and the works to renew the supply would therefore represent a public benefit in the context of the NPPF. This appeal decision notice is included under Appendix 6.

5.1.27 Policy D12 – Fire Risk Safety is of importance to the consideration of this appeal given that the main driver for the need of external gas pipe apparatus is the safety and well-being of the residents. Policy D12 A 2) states:

“In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure they are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures.”

5.1.28 The proposal put forward represents a design that has been properly assessed by Professional Gas Engineers employed by the Appellant (Cadent Gas). The proposals offer a solution which entails installations in a low-risk area as stipulated by the risk hierarchy in IGEM/G/5, Cadent Gas’ adopted guidance. Measures to reduce the risk of a catastrophic event occurring have been applied to the proposed works such as siting all external gas riser outside and providing easy access to the re-located gas meter boxes so that the residents can cut off their own gas supply in the event of a gas leak.

5.1.29 As mentioned previously in this statement, the Appellant will not install new or replacement gas riser pipework within or through resident’s flats, as residents have no control over the flow of gas within these pipes. If a gas leak were to occur from the gas riser, a resident would not be able to stop the gas supply from leaking without the assistance of a professional gas engineer which may take time. Further information in respect of the Gas Industry Regulations and the risk hierarchy are presented in the DAHS and the Design Options Appraisal (January 2023) submitted to accompany the applications. It is therefore considered, that in the interests of fire safety, that the proposals are in accordance with Policy D12.

#### ***Potential Impact to the Street Scene***

5.1.30 Cowley House is set back from the public highway by approximately 15m. The grounds of the appeal site between the building and Cowley Road comprise a car parking area and a shared garden space. The shared garden space mainly consists of grass with some trees. When observing Cowley House from Cowley Road, only the

east and south facing elevations of the building are visible from the public highway. When walking along Cowley Road, the trees to the east of the building provide partial screening towards the building and intervene in direct views.

- 5.1.31 The external pipework has been carefully designed to sit as discreetly as possible on the building to avoid key features of architectural importance and to be inconspicuous in views towards the building from Cowley Road. Where possible, gas pipework is proposed at low level in the basement lightwell where it would not be visible in views of the building and proposed to be sited adjacent to existing horizontal and vertical features of the building to help consolidate its appearance. The pipework will also be colour matched to the exterior of the building to further reduce its appearance.
- 5.1.32 The proposed pipework would not detract from the scale and prominence of the building as experienced in views from on and along Cowley Road, nor would the works detract from the overall streetscene of Cowley Road.

## 6 PLANNING BALANCE AND CONCLUSIONS

- 6.1.1 Wardell Armstrong LLP has been instructed by Cadent Gas Ltd (“the Appellant”) to appeal against decisions made by London Borough of Hillingdon (“the Council”) to refuse planning permission and LBC on 6<sup>th</sup> April 2023 for a development described as *“Upgrading of the existing gas supply via the installation of external gas pipe apparatus”* at Cowley House, Cowley Road, Uxbridge, UB8 2AJ (“the appeal site”) application references 15841/APP/2022/912 & 15841/APP/2022/1168.
- 6.1.2 Planning and LBC applications application references 15841/APP/2022/912 & 15841/APP/2022/1168 were refused The location of the appeal site is a situation where chapter 16 ‘Conserving and Enhancing the Historic Environment’ of the NPPF takes effect. Notably paragraphs 194 to 202 are relevant which set out advice on proposals affecting heritage assets and the consideration of potential impacts to heritage assets.
- 6.1.3 The design philosophy for the proposed works, which must be informed by the adopted Gas Industry Standards and Regulations and which has evolved where possible to minimise the extent of the proposed pipework and to address conservation officer concerns, is respectful of the Grade II listed designation of the building. The proposals respond to the policy requirements of Policy HE1 of the London Borough of Hillingdon Local Plan Part 1 as well as Policies DMHB 1 and DMHB 2 of London Borough of Hillingdon Local Plan: Part 2.
- 6.1.4 It is acknowledged that harm to the significance of the listed building results from the proposals due to their position on the exterior, however this harm is well within the bracket of ‘less than substantial harm’ as established by the NPPF.
- 6.1.5 The proposed works would not detract from an appreciation of the architectural interest of the building as an example of 18th Century residential development of some status nor would the installation result in the loss of key architectural features which contribute towards the character and appearance and significance of the listed building.
- 6.1.6 In accordance with the NPPF (paragraph 202), where less than substantial harm has been identified to the significance of a designated heritage asset, this harm should be balanced against the public benefits of the scheme which in this instance would include the following:
- A safe and compliant supply of gas to the affected occupiers of Cowley House and the opportunity to reduce the risk to life and serious injury to the occupiers in the event of a fire as required by Policy D12 of the London Plan.

- Maintaining the sound structural integrity of the building as whole by installing a design that is compliant with the current Gas Industry Regulations, is considered lower risk in respect of the IGEM/G/5 risk hierarchy and Policy D12A of the London Plan.

6.1.7 Such benefits would be proportionate to any (less than substantial) harm and we would invite the Inspector to place significant material weight on the measures set out within this application to satisfy Policy D12 of the London Plan and in doing so ensuring that the property benefits from the highest standards of fire safety.

6.1.8 Granting planning permission and LBC for these works would not undermine the planning policies set out within the Council's Local Development Framework. This was the conclusion reached by the Council on similar approved schemes to listed buildings within a conservation area where the driver for the works has been the same and where the level of harm to affected heritage assets has been accepted in view of the benefits offered by the proposals. Examples of approved schemes are included under Appendix 7. Whilst it is recognised that each appeal must be decided on its own merits, it is a conclusion which can also be reached is appropriate in the individual circumstances of this case also.

6.1.9 For all the reasons set out above, the Appellant respectfully submits that planning permission and LBC should be granted in the form in which it has been applied for under application ref. 15841/APP/2022/912 & 15841/APP/2022/1168.

6.1.10 Cadent Gas have a statutory obligation to maintain the safe supply of gas to gas using properties across North London. Cadent Gas are one of four gas transporters in the UK responsible for the gas distribution networks serving gas users in the UK. Within this capacity Cadent are responsible for the maintenance, repair and replacement of gas pipes to ensure the safe and reliable flow of gas.

6.1.11 Section 10 subsection 9 of the Gas Act 1986 Hereafter S.10(9) removes the Appellants duty to supply gas to a property in the below situations:

*(9) Nothing in subsection (2) or (3) above shall be taken as requiring a gas transporter to connect, or to maintain the connection of, any premises if—*  
*(a) he is prevented from doing so by circumstances not within his control;*  
*(b) circumstances exist by reason of which his doing so would or might involve danger to the public, and he has taken all such steps as it was reasonable to take both to prevent the circumstances from occurring and to prevent them from having that effect; or*

*(c) in the case of premises falling within paragraph (b) of subsection (1) above, the pipe supplied and laid by the owner or occupier of the premises is not fit for the purpose.*

6.1.12 The Appellant will only rely on this legislation as an absolute last resort as it is the worst outcome for the residents of the appeal site and it means that all viable options for a gas upgrade/ replacement scheme have been exhausted. In a situation where these appeals for planning permission and LBC are not allowed and a gas leak occurs from the internal gas network, the appellant would need to draw upon the powers of S.10(9) (a).

6.1.13 In this event, the gas supply would be disconnected from the property at the gas mains and above ground pipework would be removed. Residents would be left with no gas fuelled heating, hot water or cooking facilities.

## **APPENDICES**

## **Appendix 1**

### Site Photos of Appeal Site



*Plate 1 : East elevation of Cowley House*



*Plate 2: View of Cowley House from Cowley Road*



*Plate 3: South eastern corner of Cowley House*



*Plate 4: North eastern corner of Cowley House*



*Plate 5: North elevation of Cowley House*



*Plate 6: West elevation of Cowley House*



*Plate 2: Basement level of west facing elevation*

## **Appendix 2**

### Objection From the Council's Conservation Officer



| Planning Specialist Observations |                                                                                                                                                             |      |            |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------|
| Specialism(s)                    | Conservation and Design                                                                                                                                     |      |            |
| Case Officer                     | Nicola Taplin                                                                                                                                               |      |            |
| Site                             | Cowley House, 181 Cowley Road, Uxbridge                                                                                                                     |      |            |
| Proposal                         | Upgrading of the existing gas supply via the installation of external gas pipe apparatus (Applications for Planning Permission and Listed Building Consent) |      |            |
| Planning Ref                     | 15841/APP/2022/912<br>15841/APP/2022/1168 (LBC)                                                                                                             | Date | 15/05/2022 |

| Objection | Harm                  | Comments | Conditions | Approval of Details |
|-----------|-----------------------|----------|------------|---------------------|
| x         | Less than substantial |          |            |                     |

#### 1. Summary of comments: objection

#### 2. Historic Environment Designation(s)

- Grade II Listed Building – Cowley House (NHLE: 1080189)
- Colne Valley Archaeological Priority Zone (APZ)

#### 3. Site visit: 20/04/2022

#### 4. Assessment - background/ significance

- 4.1. Cowley House originates from the 18<sup>th</sup> century however was altered and enlarged in the 19<sup>th</sup> century. The building includes semi-basement level with 3-storeys above.
- 4.2. Externally the elevations are constructed in a brown brick with red brick dressings. The elevations are decorated with double hung timber sash windows with flat headed arches, string course detailing, attractive cornices and roof eaves with dentil detail, bay windows and a stucco parapet. Pilasters frame the corners of the building.
- 4.3. Internally the property retains notable features of interest.
- 4.4. The building has a strong presence within the area, positioned on a spacious plot and enclosed by a historic (curtilage listed) brick boundary wall, all positively and strongly contributing to the building's significance as a designated heritage asset.



- 4.5. It is understood the property is currently subdivided into multiple residential units. It was evident on the site visit that the building has been altered to some degree, notably including the additions of numerous flues and vents without the relevant consent.

## **5. Assessment - impact**

- 5.1. From the submitted information it is unclear how the proposed pipe work arrangement relates to the internal units and what the gas supply is for. Floor plans would need to be submitted depicting what the pipe work relates to and any internal runs.
- 5.2. The proposed placement of gas pipe across all external elevation of the Listed Building would harm the character and appearance of the building. It would disrupt notable architectural features such as the cornice and quoin detailing. It is also likely harm historic built fabric, particularly where the pipe work is fixed and goes into the building. Of notable concern is the relationship between the projecting cornice and proposed pipe work.
- 5.3. The proposed to litter the building's elevations with pipe would be unacceptable. The approach fails to respect the significance of the building particularly when compared to modern buildings which do not have pipework evident externally, a more sensitive approach is expected with a listed building.
- 5.4. If a compromise is to be considered the arrangement of the pipework need to be rethought. Pipe work runs would need to be kept at a low level rather than running along architectural features.

### Harm

- 5.5. As proposed the works would result less than substantial harm the listed building. Paragraph 202 of the National Planning Policy Framework (NPPF, 2021) would be relevant in this case.
- 5.6. Duties under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would need to be considered by the decision maker in determination of this application.

## **6. Conclusion: Objection**

### **Appendix 3**

#### Design Options Elevation Comparison

### East Facing Elevation – Design Option 3



*Plate 1: Design Option 3 East Elevation*



*Plate 2: Design Option 3 East Elevation*



Plate 3: Design Option 3 East Elevation



Plate 4: Design Option 3 East Elevation

East Facing Elevation – Design Option 4



*Plate 5: Design Option 4 East Elevation*

## East Facing Elevation – Design Option 5



Plate 6: Design Option 5 East Elevation

### East Facing Elevation – Design Option 6



*Plate 6: Design Option 6 East Elevation*

| East Facing Elevation – Design Evolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Design Option 3 – Gas meter box & outlets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Design Option 4 – Gas Riser Option 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Design Option 5 – Gas Riser Option 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Design Option 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>3no. gas meter boxes would be installed at ground floor level next to the south eastern corner of the building. 3 no. copper outlet pipes would rise vertically in parallel with one another before wrapping around the south eastern corner of the building on to the southern elevation.</p> <p>A gas riser would also extend vertically to first floor level at the south eastern corner before turning perpendicular to continue on the south elevation.</p> <p>6 no. gas meter boxes would be installed adjacent to the main communal entrance of the building. A copper outlet would derive from the base of each meter box and continue vertically to first floor level. 4 no. copper gas outlets would travel on to the north elevation at first floor level.</p> <p>2 no. outlets would continue southwards at first floor level across the pilaster where one would extend up the elevation to serve flat 10 and the other would descent to basement level to serve flat 16.</p> | <p>A vertical gas riser would extend from basement level to second floor level aligned between two sliding sash windows. The gas riser would support 2 no. lateral pipes (second floor and basement level) and a horizontal section of gas riser which would travel southward from the riser at first floor level, around the projecting bay and on to the south elevation of the building.</p> <p>1 no. gas riser would also emerge at the north eastern corner of the building before wrapping around the corner to continue on the north elevation.</p> | <p>A vertical gas riser would extend from the basement level to second floor level aligned with the vertical pilaster. The vertical gas riser would support 1 no. lateral connection at basement level. At eaves level, the riser would turn perpendicular, travelling horizontally aligned beneath the eaves southwards supporting 1 no. vertical pipe which would connect to a second floor flat. Beyond this, the horizontal gas riser would continue around the south eastern corner of the building on to the south elevation.</p> <p>1 no. gas riser would also emerge above ground level at the north eastern corner of the building before wrapping around the corner to continue on the north elevation.</p> | <p>A total of 3 no. gas pipes would emerge above ground on the east elevation.</p> <p>1 no. gas riser would also emerge at the north eastern corner of the building before wrapping around the corner to continue on the north elevation.</p> <p>1 no. gas riser would extend from the basement level to second floor level aligned with the vertical pilaster. The vertical gas riser would support 1 no. lateral connection at basement level. At eaves level, the riser would turn perpendicular, travelling horizontally aligned beneath the eaves southwards supporting 1 no. vertical pipe which would connect to a second floor flat.</p> <p>1 no. gas riser would extend from basement level to ground floor level adjacent to the south eastern corner of the building before wrapping around the corner and continuing on the south elevation.</p> |
| <p>After considering all potential external design gas replacement options for the east elevation of Cowley House, it is clear that Design Option 6 presents a solution which seeks to minimise the amount of external pipework required for a compliant supply. Design Option 6 also utilises the existing vertical (pilasters) and horizontal (channelling, eaves) features. Design Option 6 also minimises the amount of pipework installed at high level on the building and in line with the comments received from the Council’s Conservation Officer, keeps as much as the installations as possible to the lower basement level.</p>                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

North Facing Elevation – Design Option 3



*Plate 7: Design Option 3 North Elevation*

North Facing Elevation – Design Option 4



Plate 8: Design Option 4 North Elevation

## North Facing Elevation – Design Option 5

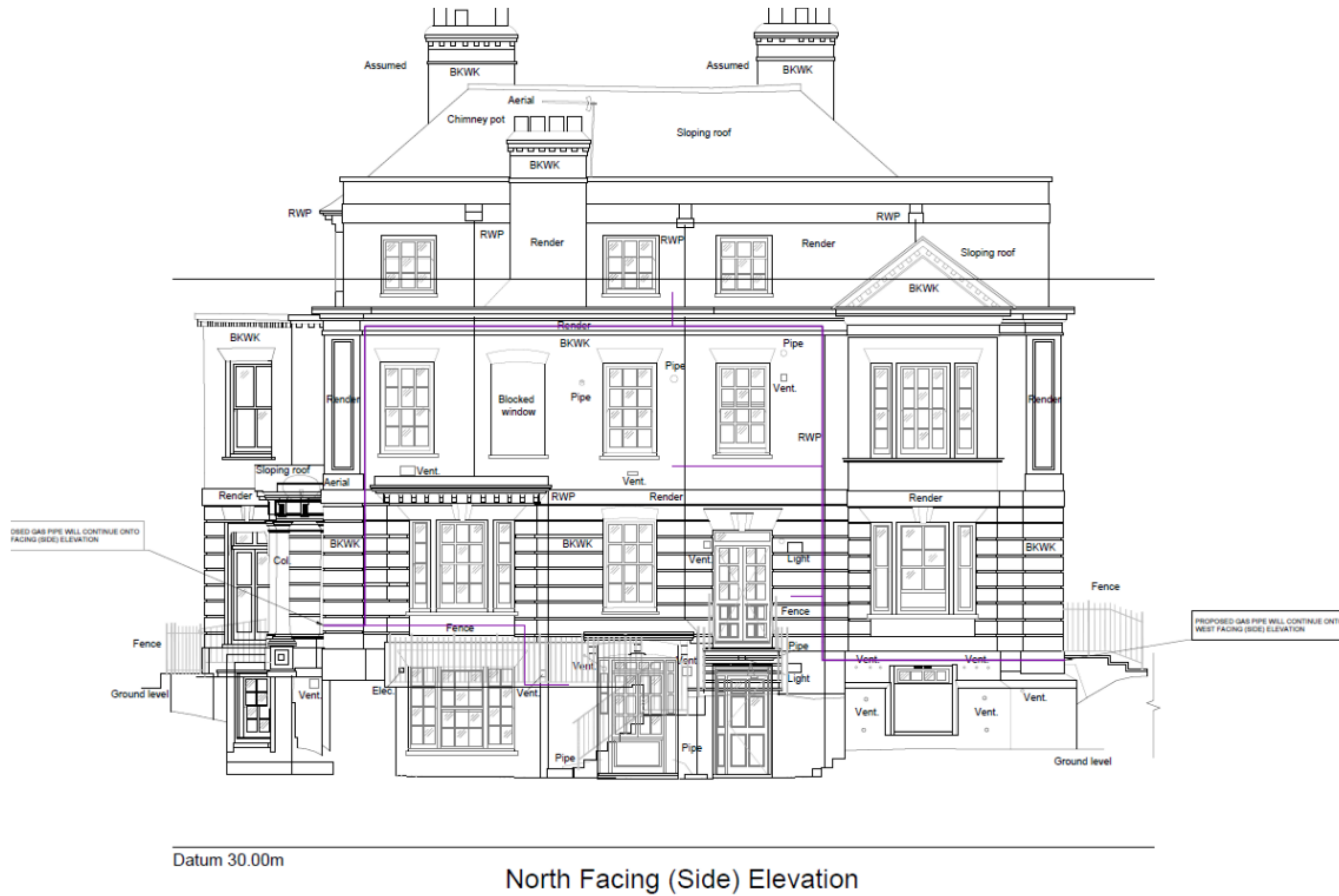


*Plate 9: Design Option 5 North Elevation*

## North Facing Elevation – Design Option 6

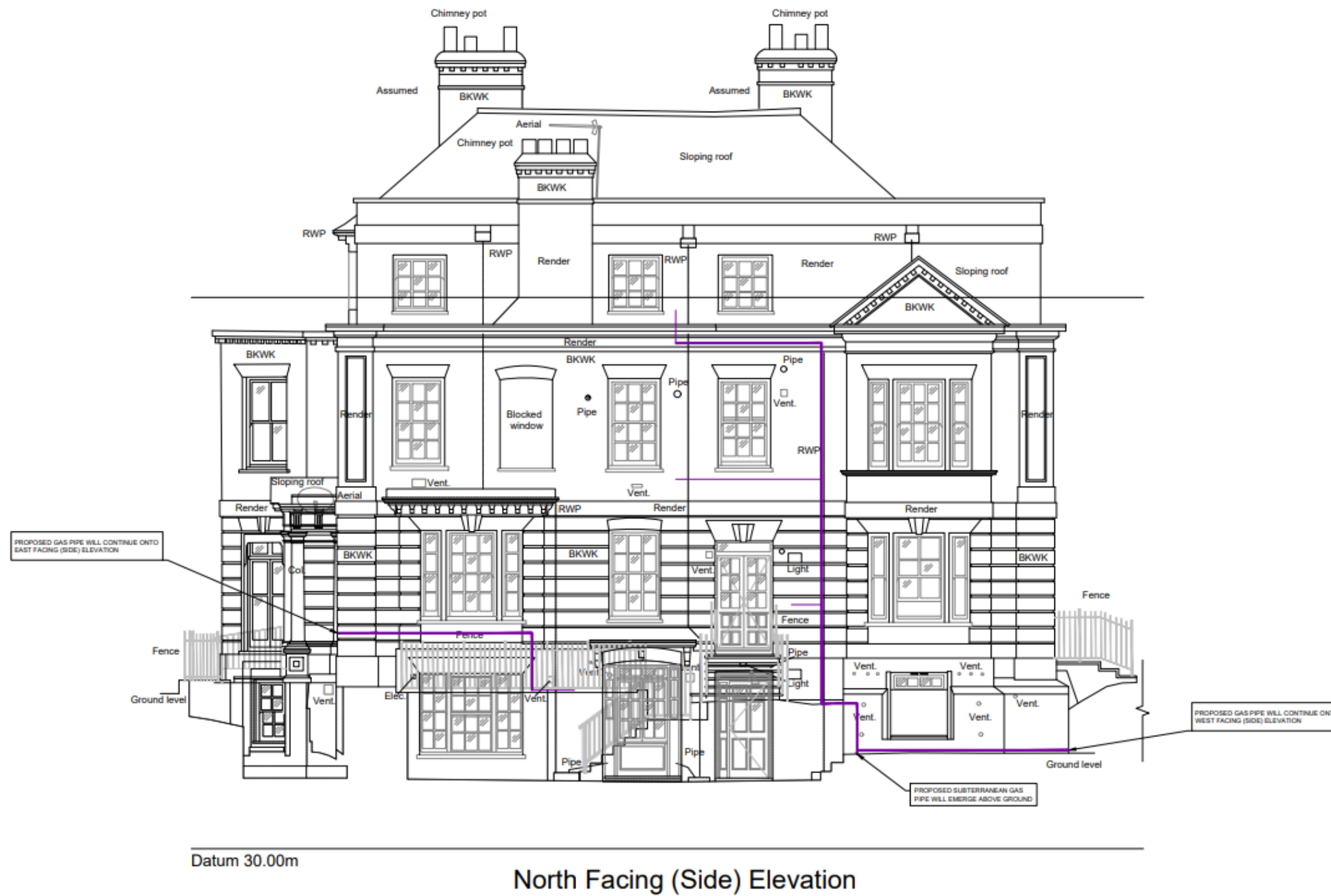


Plate 10: Design Option 6 North Elevation

| North Facing Elevation – Design Evolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| Design Option 3 – Gas meter box & outlets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Design Option 4 – Gas Riser Option 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Design Option 5 – Gas Riser Option 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Design Option 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>4 no. gas outlet pipes would travel horizontally from the east elevation at first floor level in parallel with one another before diverting away from one another to reach their respective entry points.</p> <p>3 no. gas outlet pipes will descend from cornice level to serve flats 4, 9 and 19.</p> <p>1 no. gas outlet pipe would extend up from cornice level to serve flat 15.</p>                                                                                                                                                                                                                                                                                                          | <p>A horizontal gas riser will continue from the east elevation travelling at ground floor level before connecting to a vertical section of gas riser pipework. The vertical gas riser would support lateral connections to flats 19 and 15. A horizontal section of gas riser pipe would extend for 2.5m from the vertical riser at first floor level aligned with the storey banding supporting 1 no. connection to flat 9. At the pipe's terminus, it will connect to another vertical section of pipe which descends to lower ground floor level. The vertical pipe would support 1 no. lateral connection to flat 4. At lower ground floor level the pipe would continue westwards underneath the ground floor level windows onto the west elevation.</p> | <p>A horizontal gas riser will continue from the east elevation and connect to a vertical gas riser which would extend to second floor level. The vertical gas riser would support 1 no. horizontal lateral pipe to serve flat 19.</p> <p>The vertical gas riser would turn perpendicular to continue horizontally westwards aligned below the projecting cornice, avoiding an installation across the middle of the elevation. The horizontal pipe would support 1 no. vertical pipe to serve flat 15. At the terminus of the horizontal pipe, the gas riser will descend vertically to ground floor level support 2 no lateral pipe for flats 4 and 9. At ground floor level the vertical gas riser would turn perpendicular to continue horizontally beneath the ground floor window and on to the west elevation of the building.</p> | <p>A horizontal gas riser will continue from the east elevation travelling at ground floor level beneath a ground floor window before descending to basement level to connect to flat 19.</p> <p>A new inground gas pipe would emerge above ground level at basement level the western section of the elevation. The pipe would rise vertically, aligned as close to the rainwater pipe as possible. The vertical gas riser would support 2 no. lateral pipes serving flats 4 and 9. It is not possible to achieve a connection to flat 9 without crossing the projecting cornice.</p> |
| <p>After considering all potential external design gas replacement options for the north elevation of Cowley House, it is clear that Design Option 6 presents a solution which seeks to minimise the amount of external pipework required for a compliant supply. Design Option 6 also utilises the existing vertical (rain water pipes) and horizontal (base of cornice) features. Design Option 6 also minimises the amount of pipework installed at high level on the building and in line with the comments received from the Council's Conservation Officer, keeps as much as the installations as possible to the lower basement level through the introduction of a new inground gas pipe.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

### West Facing Elevation – Design Option 3

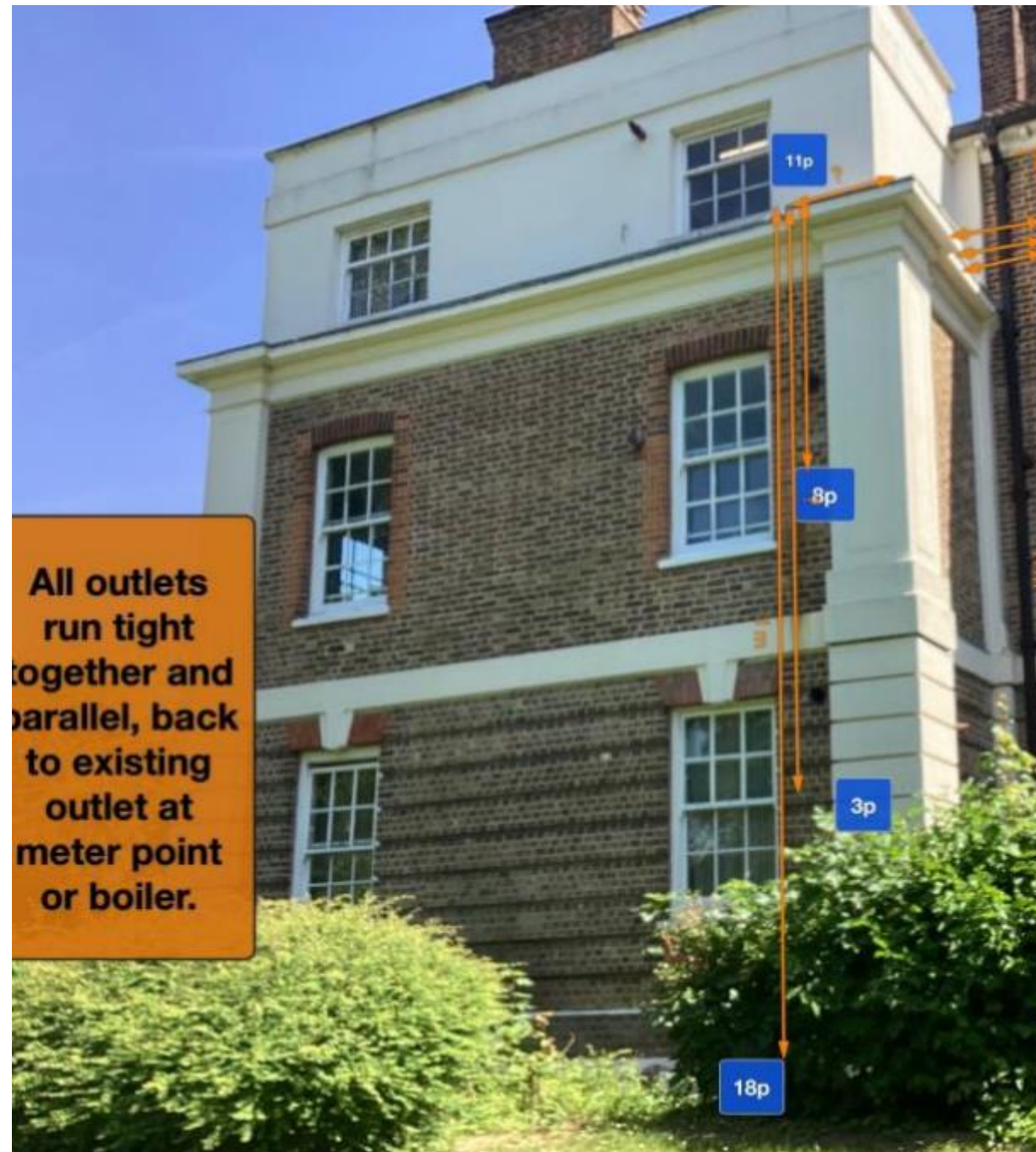


*Plate 11: Design Option 3 West Elevation*



*Plate 12: Design Option 3 West Elevation*

### West Facing Elevation – Design Option 4



*Plate 13: Design Option 4 West Elevation*



*Plate 14: Design Option 4 West Elevation*

## West Facing Elevation – Design Option 5

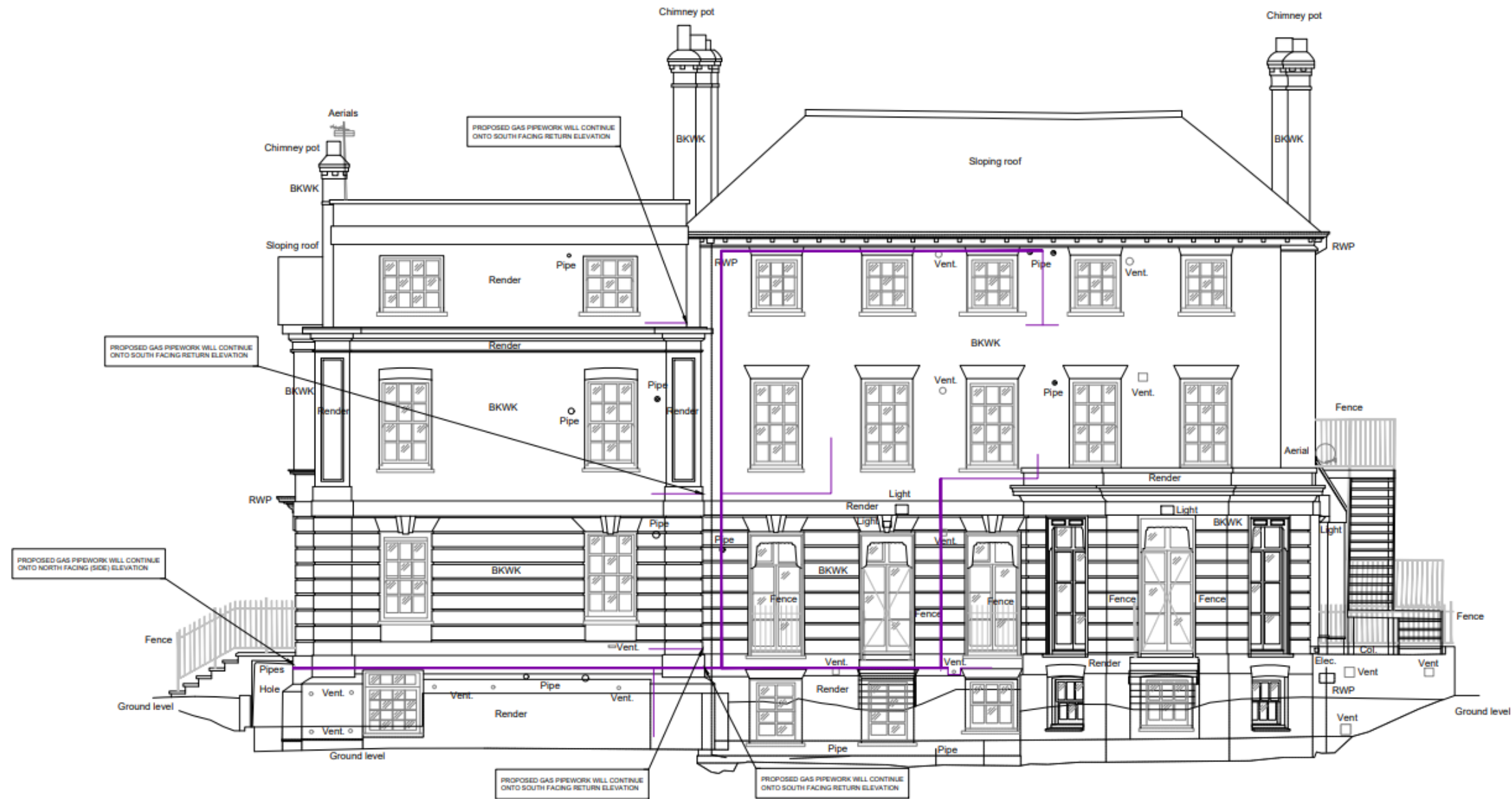
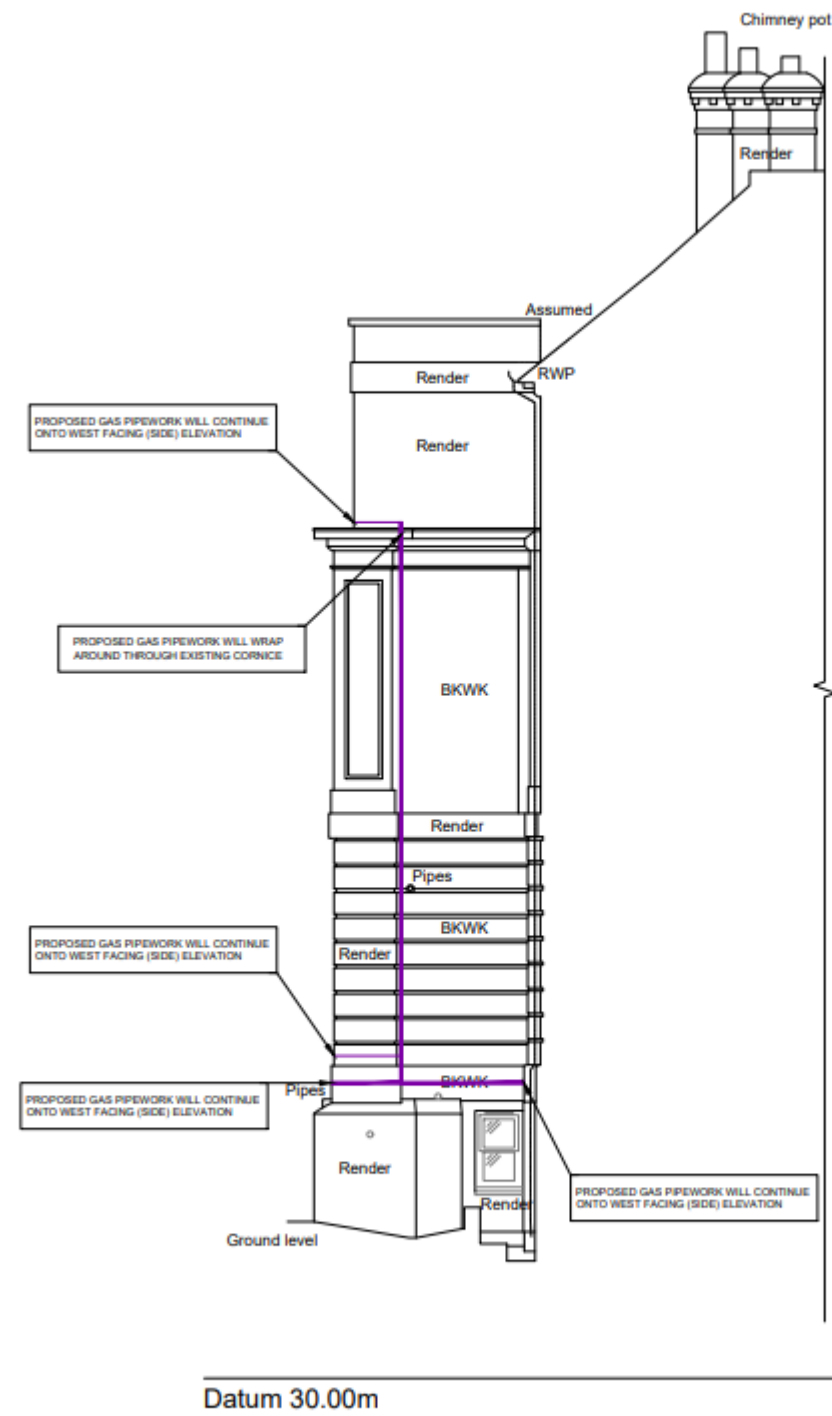


*Plate 15: Design Option 5 West Elevation*



South Facing Return Elevation

Plate 16: Design Option 5 West Elevation

## West Facing Elevation – Design Option 6

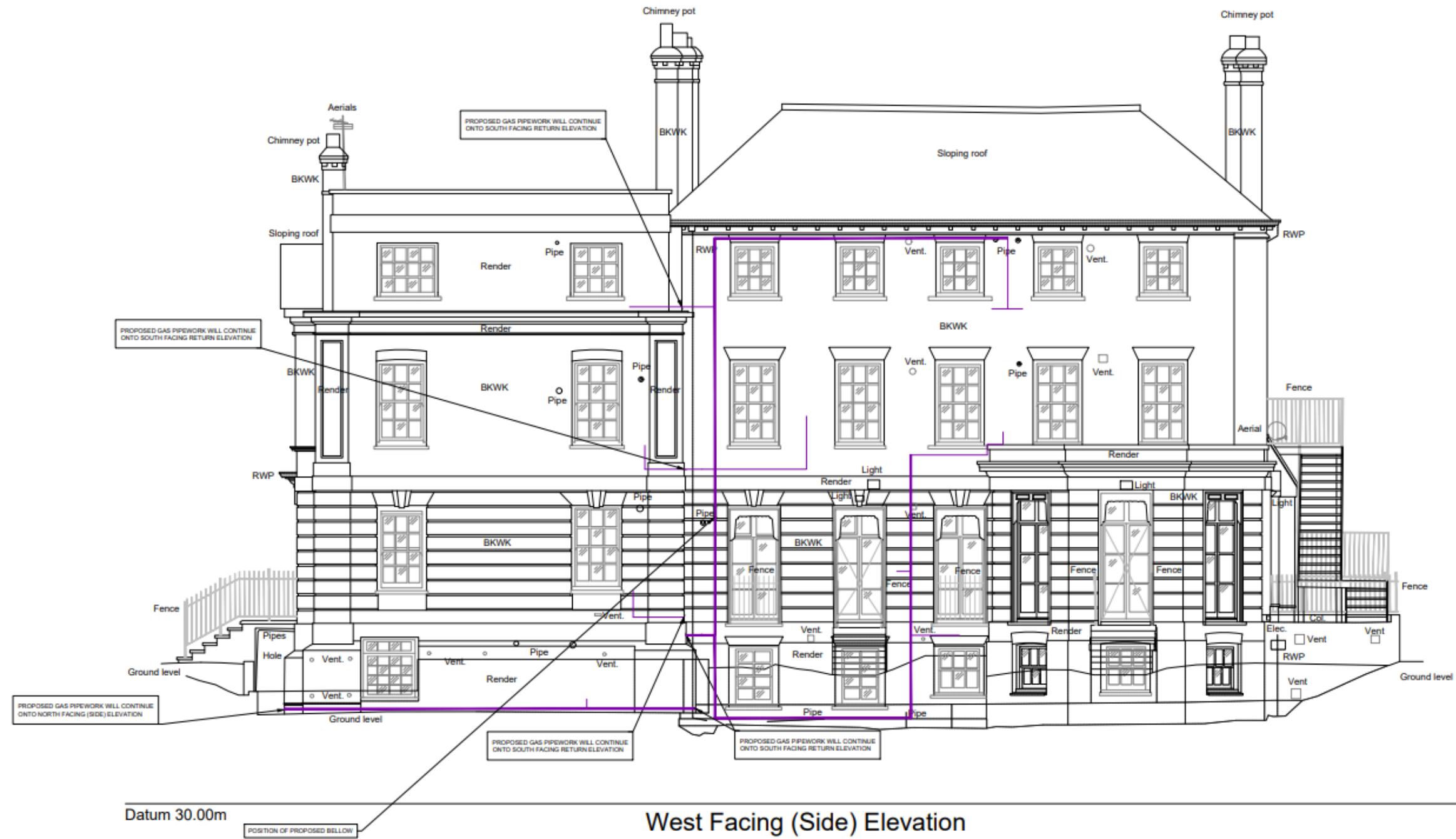


*Plate 17: Design Option 6 West Elevation*

| West Facing Elevation – Design Evolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Design Option 3 – Gas meter box & outlets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Design Option 4 – Gas Riser Option 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Design Option 5 – Gas Riser Option 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Design Option 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>10 no. gas outlet pipes would travel in parallel with one another aligned with buildings eaves at second floor level.</p> <p>3 no. gas outlet pipes would descend in parallel with one another from eaves height. The gas outlets serving flats 12 and 13 would descend to second floor level to serve their respective flats and the gas outlet serving flat 6 would descend to first floor level before entering the building. A further 2 no. gas outlets would descend in parallel with one another from eaves level to ground floor to serve flats 2 and 17.</p> <p>Close to the junction of the south facing return of the elevation, 5 no. gas outlets would descend from eaves level. The gas outlet serving flat 7 would descend to first floor level, turn perpendicular, travel underneath a first floor window, aligned with the storey banding, before rising vertically to enter flat 7 adjacent to the window. The additional 4 no. gas outlet pipes would continue across the south facing return elevation on onto the northern section of the west elevation above the projecting cornice. The individual gas outlets would then</p> | <p>A horizontal gas riser will continue from the north elevation at low ground floor level across the west elevation. On the northern section of the west elevation, the horizontal gas riser would support 1 no. gas riser as well as 1 no. connection to flat 18. The gas riser would extend vertically to second floor level, wrapping around the exterior of the cornice. The gas riser would support 3 no. lateral gas pipes.</p> <p>On the southern section of the west elevation, the horizontal gas riser would support 1 no. gas riser adjacent to the projecting bay window. The gas riser would extend to second floor level before turning perpendicular. The riser would support 6 no connections to individual flats.</p> | <p>A horizontal gas riser will continue from the north elevation at low ground floor level across the west elevation.</p> <p>An individual connection will descend from the horizontal pipe on the north section of the west elevation to serve flat 18.</p> <p>1 no. gas riser would rise from the horizontal gas riser to second floor level on the south facing return elevation. The gas riser would support 3 no. lateral pipes which would wrap around the outer corner of the return elevation and continue on to the northern elevation before entering their respective flats.</p> <p>The horizontal gas riser will support 2 no. vertical gas risers on the southern section of the west elevation. The first gas riser would be located close to the inner corner on the south facing return elevation. This riser would extend to eaves height supporting 3 no. individual connections to flats, one at first floor level and another two at second floor level. The second gas riser would be located north of the projecting bay and would extend</p> | <p>A horizontal gas riser will continue from the north elevation at low ground floor level across the west elevation.</p> <p>An individual connection will rise from the horizontal pipe on the north section of the west elevation to serve flat 18.</p> <p>The horizontal gas riser will support 2 no. vertical gas risers on the southern section of the west elevation. The first gas riser would be located close to the inner corner on the south facing return elevation. This riser would extend to eaves height before turning perpendicular. From here a lateral pipe would descend supporting individual connections to flats 12 and 13. The vertical gas riser would support an additional 4 no lateral pipes. 1 no. pipe would extend southward at first floor level to enter flat 7. The remaining 3 no. lateral pipes would extend northwards across the south facing return elevation and on to the northern section of the west elevation. The lateral serving flat 14 would be aligned above the cornice and therefore not disturb the feature.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                           |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------|--|
| descend to enter into flats 11, 8, 3 and 18.                                                                                                                                                                                                                                                                                                                                                                                                                                |  | to first floor level supporting 1 no. lateral connection. |  |
| After considering all potential external design gas replacement options for the west elevation of Cowley House, it is clear that Design Option 6 presents a solution which seeks to minimise the amount of external pipework required for a compliant supply. Design Option 6 minimises the amount of pipework installed to the building and in line with the comments received from the Council's Conservation Officer and seeks to avoid crossing the projecting cornice. |  |                                                           |  |

South Facing Elevation – Design Option 3



Plate 17: Design Option 3 South Elevation



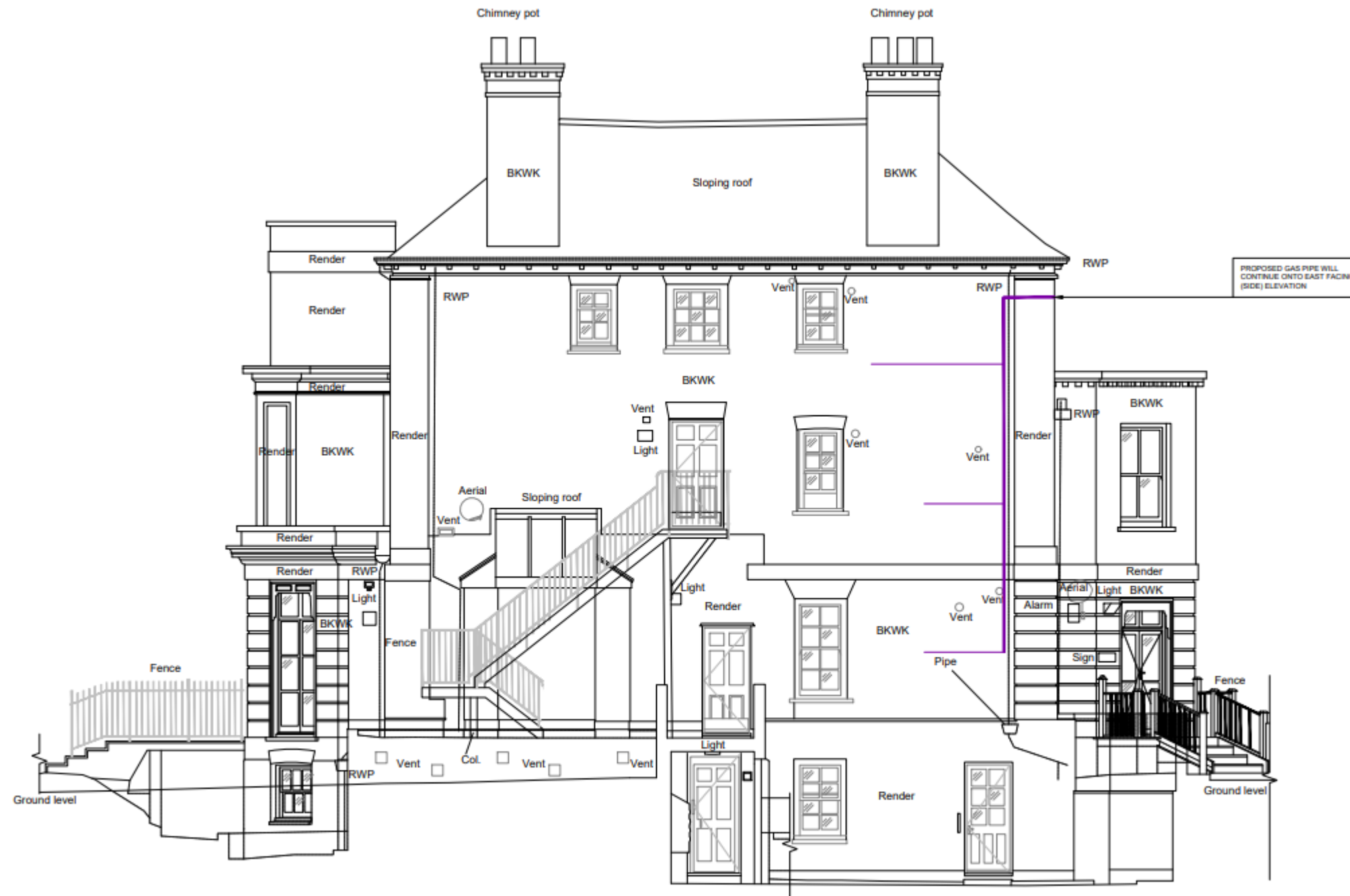
Plate 18: Design Option 3 South Elevation

South Facing Elevation – Design Option 4



*Plate 19: Design Option 4 South Elevation*

## South Facing Elevation – Design Option 5

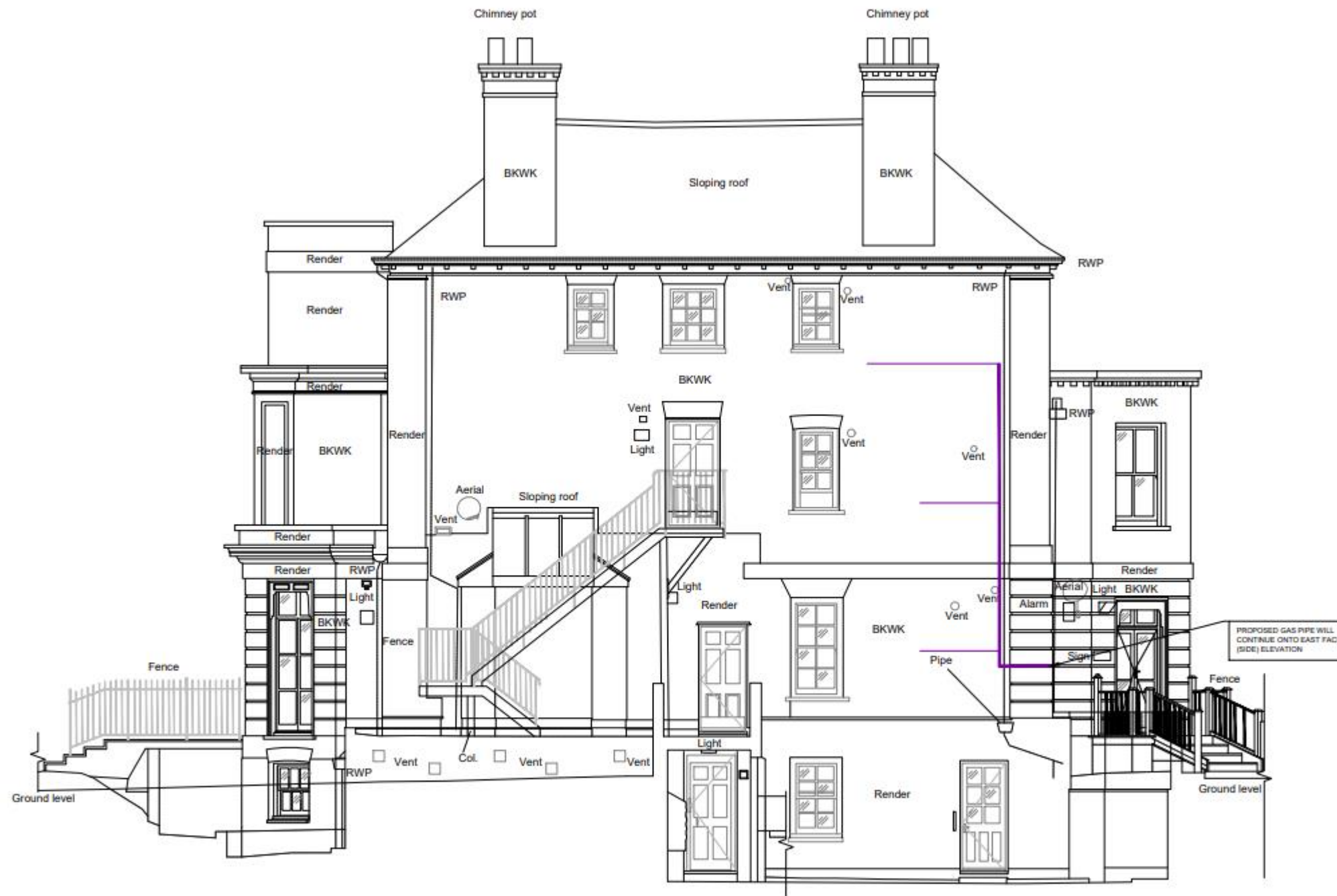


Datum 30.00m

South Facing (Side) Elevation

Plate 20: Design Option 5 South Elevation

## South Facing Elevation – Design Option 6



Datum 30.00m

South Facing (Side) Elevation

Plate 21: Design Option 6 South Elevation

| South Facing Elevation – Design Evolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Design Option 3 – Gas meter box & outlets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Design Option 4 – Gas Riser Option 1                                                                                                                                                                                                                                                              | Design Option 5 – Gas Riser Option 2                                                                                                                                                                                                                                                               | Design Option 6                                                                                                                                                                                                                                                                                    |
| <p>3 no. gas outlet pipes will continue horizontally at first floor level from the east elevation onto the south elevation of the building. The gas outlet serving flat 1 will descend to ground floor level to continue internally. The remaining two outlets will rise vertically. The outlets serving flat 5 will extend to first floor level before continuing internally and the outlet serving flat 11 would rise to second floor level before turning perpendicular and entering the building.</p> <p>1 no. gas riser pipe would continue horizontally from the east elevation towards the south western corner of the south elevation. The gas riser pipe will descend to ground floor level to connect to 10 no. gas meter boxes. A gas outlet will derive from the base of each gas meter box to rise vertically to eaves level before wrapping around the south western corner to continue on the west elevation.</p> | <p>A horizontal gas riser pipe will continue from the east elevation on to the south elevation at first floor level before connecting to a vertical section of gas riser. The vertical section of gas riser will support 3 no. lateral gas pipes providing a gas supply to flats 1, 5 and 11.</p> | <p>A horizontal gas riser pipe will continue from the east elevation on to the south elevation at second floor level before connecting to a vertical section of gas riser. The vertical section of gas riser will support 3 no. lateral gas pipes providing a gas supply to flats 1, 5 and 11.</p> | <p>A horizontal gas riser pipe will continue from the east elevation on to the south elevation at ground floor level before connecting to a vertical section of gas riser. The vertical section of gas riser will support 3 no. lateral gas pipes providing a gas supply to flats 1, 5 and 11.</p> |
| <p>After considering all potential external design gas replacement options for the south elevation of Cowley House, it is clear that Design Option 6 presents a solution which seeks to minimise the amount of external pipework required for a compliant supply. Design Option 6 minimises the amount of pipework installed to the building and in line with the comments received from the Council’s Conservation Officer and seeks to keep pipework at low level where possible.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                    |

## **Appendix 4**

### Planning and Listed Building Consent Decision Notices



Miss Sophie Jones  
Wardell Armstrong Llp  
Floor 2  
Tudor House  
16 Cathedral Road  
Cardiff  
CF11 9LJ

Application Ref: 15841/APP/2022/912

## **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

### **REFUSAL OF PLANNING PERMISSION**

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:

**Description of development:**

Upgrading of the existing gas supply via the installation of external gas pipe apparatus.

**Location of development:** Cowley House 181 Cowley Road Uxbridge

**Date of application:** 18th March 2022

**Plan Numbers:** See attached Schedule of plans

**Permission is refused for the reason(s) listed on the attached schedule:-**

**Interim Director of Planning, Regeneration & Public Realm**

**Date: 6 April 2023**

- NOTES:
- (i) Please also see the informatives included in the Schedule of Reasons.
  - (ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

# TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

## REFUSAL OF PLANNING PERMISSION

Application Ref: 15841/APP/2022/912

### SCHEDULE OF REASONS

- 1 The proposal would be harmful due to the cluttering of the elevations and disrupting of notable architectural features, in particular the cornice and would not respect the significance of the building and would alter its character and appearance in a detrimental way. There would also be harm to the historic fabric with the fixings and the openings, and no information or floor plans have been provided to demonstrate that there would be no harm to the internal fabric of this statutorily listed building. Therefore the proposal would fail to preserve the significance of the Grade II Listed Building by posing 'less than substantial harm' to the significance of the designated heritage asset, and adversely affect the visual amenity of the street scene and character of the area. Further, the proposed development would not deliver public benefits sufficient to outweigh the harm posed. As such, the proposal is contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and HC1 of the London Plan (2021) and Chapters 12 and 16 of the National Planning Policy Framework (2021).

### INFORMATIVES

- 1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

### END OF SCHEDULE

#### Address:

Development Management  
Directorate of Place  
Hillingdon Council  
3 North, Civic Centre, High Street, Uxbridge UB8 1UW  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## REFUSAL OF PLANNING PERMISSION

Application Ref: 15841/APP/2022/912

### SCHEDULE OF PLANS

CA12470-004-P0 - received 18 Mar 2022  
CA12470-008-P0 - received 18 Mar 2022  
CA12470-010-P0 - received 18 Mar 2022  
Covering letter - received 18 Mar 2022  
CA12470-001 P0 - received 18 Mar 2022  
CA12470-002-P0 - received 18 Mar 2022  
CA12470-005B - received 05 Jul 2022  
CA12470-012B - received 05 Jul 2022  
CA12470-009B - received 05 Jul 2022  
CA12470-006-P0 - received 18 Mar 2022  
CA12470-003B - received 05 Jul 2022  
CA12470-011B - received 05 Jul 2022  
CA12470-007B - received 05 Jul 2022  
Design and Heritage Statement - received 26 Jan 2023  
Design Options Appraisal - received 26 Jan 2023

## RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424) Appeal forms can be downloaded from the Planning Inspectorate website at [www.Planning-inspectorate.gov.uk](http://www.Planning-inspectorate.gov.uk)

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal.

Further details are available at [www.gov.uk/government/collections/casework-dealt-with-by-inquiries](http://www.gov.uk/government/collections/casework-dealt-with-by-inquiries)

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power inless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### **Purchase Notices.**

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.



Miss Sophie Jones  
Floor 2  
Tudor House  
16 Cathedral Road Cardiff  
CF11 9LJ

Application Ref: 15841/APP/2022/1168

## **PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and Orders and Regulations gives notice that **Listed Building Consent** to execute the works detailed hereunder is **REFUSED**:-

### **Description of development:**

Upgrading of the existing gas supply via the installation of external gas pipe apparatus  
(Application for Listed Building Consent)

**Location of development:** Cowley House 181 Cowley Road Uxbridge

**Date of application:** 18 March 2022

**Plan Numbers:** See attached Schedule of plans

**Consent is refused for the reason(s) listed on the attached schedule:-**

Interim Director of Planning, Regeneration & Public Realm

**Date: 6 April 2023**

- NOTES: (i) Please also see the informatives included in the Schedule of Reasons.
- (ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

**SCHEDULE OF REASONS**

- 1 . The proposal would be harmful due to the cluttering of the elevations and disrupting of notable architectural features, in particular the cornice and would not respect the significance of the building and would alter its character and appearance in a detrimental way. There would also be harm to the historic fabric with the fixings and the openings, and no information or floor plans have been provided to demonstrate that there would be no harm to the internal fabric of this statutorily listed building. Therefore the proposal would fail to preserve the significance of the Grade II Listed Building by posing 'less than substantial harm' to the significance of the designated heritage asset. Further, the proposed development would not deliver public benefits sufficient to outweigh the harm posed. As such, the proposal is contrary to Policy HE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policy HC1 of the London Plan (2021) and paragraphs 199 and 202 of the National Planning Policy Framework (2021).

**INFORMATIVES:**

- 1 . In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

**END OF SCHEDULE**

**Address:**

Development Management  
Directorate of Place  
Hillingdon Council  
3 North Civic Centre, High Street, Uxbridge UB8 1UW  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

**SCHEDULE OF PLANS**

CA12470-008-P0 - received

CA12470-010-P0 - received

Covering letter - received

CA12470-004-P0 - received

CA12470-001 P0 - received

CA12470-002-P0 - received

CA12470-005B - received

CA12470-012B - received

CA12470-009B - received

CA12470-006-P0 - received

CA12470-003B - received

CA12470-011B - received

CA12470-007B - received

Design and Heritage Statement - received

Design Options Appraisal - received

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION  
OF LOCAL PLANNING AUTHORITY**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

1. If you are aggrieved by the decision of the Local Planning Authority to refuse Listed Building Consent or Conservation Area Consent for the proposed works, or to grant consent subject to conditions, you may appeal to the Planning Inspectorate in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/02 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0117 372 8428). Appeal forms can also be downloaded from the website at <http://www.planning-inspectorate.gov.uk> . The Secretary of State has power to allow a longer period for the giving of a notice of appeal but will now normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice.
  
2. If Listed Building Consent or Conservation Area Consent is refused or granted subject to conditions, whether by the Local Planning Authority or by the office of the Deputy Prime Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would have been permitted, they may serve on the Council in which the land is situated a purchase notice requiring that the Council purchase their interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  
3. In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Appendix 5**

### Relevant Planning Policies

## **London Borough of Hillingdon**

### Local Plan Part 1

#### **Policy HE1: Heritage**

The Council will:

1. Conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes:
  - Historic village cores, Metro-land suburbs, planned residential estates and 19th and 20th century industrial areas, including the Grand Union Canal and its features;
  - Designated heritage assets such as statutorily Listed Buildings, Conservation Areas and Scheduled Ancient Monuments;
  - Registered Parks and Gardens and historic landscapes, both natural and designed;
  - Locally recognised historic features, such as Areas of Special Local Character and Locally Listed Buildings; and
  - Archaeologically significant areas, including Archaeological Priority Zones and Areas.
2. Actively encourage the regeneration of heritage assets, particularly those which have been included in English Heritage's 'Heritage at Risk' register or are currently vacant.
3. Promote increased public awareness, understanding of and access to the borough's heritage assets and wider historic environment, through Section 106 agreements and via community engagement and outreach activities.
4. Encourage the reuse and modification of heritage assets, where appropriate, when considering proposals to mitigate or adapt to the effects of climate change. Where negative impact on a heritage asset is identified, seek alternative approaches to achieve similar climate change mitigation outcomes without damage to the asset.

### Local Plan Part 2

#### **Policy DMHB 1: Heritage Assets**

- A. The Council will expect development proposals to avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where:
  - i. it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;
  - ii. it will not lead to a loss of significance or harm to an asset, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss, in accordance with the NPPF;
  - iii. it makes a positive contribution to the local character and distinctiveness of the area;
  - iv. any extensions or alterations are designed in sympathy without detracting from or competing with the heritage asset;
  - v. the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials;
  - vi. buildings and structures within the curtilage of a heritage asset, or in close proximity to it, do not compromise its setting; and
  - vii. opportunities are taken to conserve or enhance the setting, so that the significance of the asset can be appreciated more readily.
- B. Development proposals affecting designated heritage assets need to take account of the effects of climate change and renewable energy without impacting negatively on the

heritage asset. The Council may require an alternative solution which will protect the asset yet meet the sustainability objectives of the Local Plan.

- C. The Council will seek to secure the repair and reuse of Listed Buildings and monuments and improvements to Conservation Areas on the Heritage at Risk Register, through negotiations with owners, the provision of advice and guidance, the use of appropriate legal action, and through bids for external funding for improvement works.

#### **Policy DMHB 2: Listed Buildings**

- A. Applications for Listed Building Consent and planning permission to alter, extend, or change the use of a statutorily Listed Building will only be permitted if they are considered to retain its significance and value and are appropriate in terms of the fabric, historic integrity, spatial quality and layout of the building. Any additions or alterations to a Listed Building should be sympathetic in terms of scale, proportion, detailed design, materials and workmanship.
- B. Applications should include a Heritage Statement that demonstrates a clear understanding of the importance of the building and the impact of the proposals on its significance.
- C. The substantial harm to or total loss of significance of a statutory Listed Building will only be permitted in exceptional circumstances when the nature of the heritage asset prevents all reasonable use of the building, no viable use can be found through marketing, grant-funding or charitable or public ownership and the loss is outweighed by bringing the site back into use. In such circumstances, full archaeological recording of the building will be required.
- D. Planning permission will not be granted for proposals which are considered detrimental to the setting of a Listed Building.

### **The London Plan (2021)**

#### **Policy HC1 Heritage conservation and growth**

- A. Boroughs should, in consultation with Historic England, local communities and other statutory and relevant organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to, and interpretation of, the heritage assets, landscapes and archaeology within their area.
- B. Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:
  - 1) setting out a clear vision that recognises and embeds the role of heritage in place-making
  - 2) utilising the heritage significance of a site or area in the planning and design process
  - 3) integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place
  - 4) delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.

- C. Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- D. Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.
- E. Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use.

#### **Policy D12 Fire Safety**

- A. In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:
  - 1) identify suitably positioned unobstructed outside space:
    - a) for fire appliances to be positioned on
    - b) appropriate for use as an evacuation assembly point
  - 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
  - 3) are constructed in an appropriate way to minimise the risk of fire spread
  - 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
  - 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
  - 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.
- B. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:
  - 1) the building's construction: methods, products and materials used, including manufacturers' details
  - 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
  - 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
  - 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
  - 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
  - 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

## **Appendix 6**

APP/V5570/W/21/3280342 Decision Notice



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# Appeal Decision

Site Visit made on 9 November 2021

**by Mr M Brooker DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 March 2022**

---

**Appeal Ref: APP/V5570/W/21/3280342**

**10 Hamilton Park, London, N5 1SJ**

- 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 tRiiO Strategic Partnership against the decision of London Borough of Islington.
  - The application Ref P2020/1324/FUL, dated 18 May 2020, was refused by notice dated 18 February 2021.
  - The development proposed is the installation of external gas pipe apparatus.
- 

## Decision

1. The appeal is allowed and planning permission is granted for Installation of external gas pipe apparatus at 10 Hamilton Park, London, N5 1SJ in accordance with the terms of the application, Ref P2020/1324/FUL, dated 18 May 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan ref. CA11821-003; Proposed Front Elevation Plan ref. CA11821-006 and Proposed Basement Lightwell Elevation Plan ref. CA11821-007

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the Highbury Fields Conservation Area.

## Reasons

3. The appeal property is a four storey mid-terrace building located on the northern side of Hamilton Park. The property has been subdivided into a number of self-contained residential flats. The property forms part of a distinctive and attractive row of terraced houses within the Highbury Fields Conservation Area (CA).
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The CA derives significance as a heritage asset partly from the architectural and historic quality of some of the buildings in the area. Of particular importance are the Georgian terraces and Victorian villas preserved in the streetscapes. Whilst I noted the presence of some other less sympathetic

buildings and alterations in the area, the appeal site and the terrace of which it forms part, generally contributes positively to the character and appearance of the Conservation Area.

6. The proposed plans show the installation of gas pipelines and apparatus to the external elevations of the building. The apparatus would be located within the basement lightwell to the front of the property and the two separate gas pipes run principally up the front elevation of the property to the ground and first floor levels respectively. I note that this proposal has been revised through various applications. Nonetheless, I have determined the appeal on the basis of the proposals before me.
7. At the site visit I saw that, with the exception of some small cables, the front elevations of the building and many neighbouring properties were largely free from clutter and insensitive alterations. As a result of the prominent location of the proposed gas pipes on the otherwise uncluttered front elevation the appeal property, the appeal scheme would appear as an incongruous addition to the property and would thus harm the character and appearance of the area. including the CA contrary to Policy CS9 of 'Islington's Core Strategy' (2011), Policies DM2.1 and DM2.3 of 'Islington's Local Plan: Development Management Policies' (2013), that amongst other matters seek that new development respects the existing local character of the area including the historic environment.
8. In support of the appeal the appellant has referred to a number of technical documents, that in essence detail the safety, security, future access and maintenance considerations for the installation of new gas pipes. Furthermore, the appellant has set out a range of options for the proposed works and identified that the appeal scheme fulfils these criteria best in avoiding an internal installation that would result in the installation of a new mains gas riser serving one property, running directly through another property, within a confined space without sufficient natural ventilation. These matters are material considerations that weigh in favour of the appeal scheme.
9. For the reasons set out above I find that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area. The harm arising from the proposal, in terms of the approach set out in the National Planning Policy Framework (the Framework), would be less than substantial.
10. I have found less than substantial harm in relation to the CA. In accordance with Paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. There is public benefit from the safe and proper installation of the gas pipes and in light of the range of options considered by the appellant, I am satisfied that the appeal scheme is the best fit solution. The proposal would therefore represent a significant public benefit in the context of the Framework.
12. I give great weight to the conservation of the heritage asset, but I find that the harm to the CA would clearly be outweighed by the significant public benefits of the proposal. I therefore consider that these factors outweigh the conflict with Policy CS9 of 'Islington's Core Strategy', Policies DM2.1 and DM2.3 of 'Islington's Local Plan: Development Management Policies'.

### **Conditions**

13. In response to comments made by the parties and in accordance with the relevant guidance, I have imposed the standard time limit condition in the interests of clarity and I have imposed a condition listing the approved plans in the interests of certainty.

### **Conclusion**

14. For the reasons given I conclude that the appeal should succeed.

*Mr M Brooker*

INSPECTOR



## **Appendix 7**

### Other Approved Gas Replacement Schemes

**Delegated Report****Development Planning****Address:** St James's Court, 75 Gloucester Terrace, London, W2 3DH

|                                  |                                                                    |                      |             |
|----------------------------------|--------------------------------------------------------------------|----------------------|-------------|
| <b>Case No.:</b>                 | 21/06975/FULL                                                      | <b>TP:</b>           | PP-10114264 |
| <b>Date Received:</b>            | 12.10.2021                                                         | <b>Date Valid:</b>   | 12.10.2021  |
| <b>Date amended/ completed:</b>  | 12.10.2021                                                         | <b>8 Wk Date:</b>    | 07.12.2021  |
|                                  |                                                                    | <b>EoT date:</b>     |             |
| <b>Agent:</b>                    | Miss Sophie Jones / Wardell Armstrong LLP                          | <b>On behalf of:</b> |             |
| <b>Development Plan Context:</b> | – London Plan (March 2021)<br>– City Plan 2019 - 2040 (April 2021) |                      |             |

**LB:** II **CA:** Multiple**Proposal:**

Installation of external gas pipe apparatus. (Linked with 21/06976/LBC)

**Consultations:****SOUTH EAST BAYSWATER RESIDENT ASSOCIATION:**

Objected to the proposals, with reference to the harm to the listed building and conservation area. Concerns relate to conspicuous nature of the downpipe, in particular the horizontal connections going over the existing rainwater pipes and the route either over or through a cornice. Reference to a previously withdrawn application at a separate property on Gloucester Terrace. State that they do not consider that the argument put forward by the applicant stating that this is the only solution consistent with fire safety is convincing, and state that there appears no mention of internal pipework.

**ADJOINING OWNERS AND OCCUPIERS**

No Consulted: 30

No Replied: 0

**SITE NOTICE:**

Yes

**Relevant Planning History:**21/06976/LBC

Installation of external gas pipe apparatus. (Linked with 21/06975/FULL)

Application Permitted

**Considerations:**

The application building is an attractive and characterful terraced property dating from the 1840's. It is a grade 2 listed building and is located in the Bayswater Conservation Area. The building is stucco clad and incorporates particularly attractive classical detailing in the form of the front entrance porch and rustication to ground floor level, window architraves and pediments to the upper section and a grand cornice above third floor level and a further cornice above fourth. The overall effect, both in its own right

and when considered as part of this terrace of properties is of considerable architectural importance.

The existing building incorporates a series of downpipes rising in an area above the entrance porch to the full height of the building, with several short lateral branches out to flats. Downpipes can be found on the front elevation of some surrounding buildings though they are relatively few in number and with several appearing in association with shedding of water from the roof of the building. To the application building there is no record of previous approvals for the existing downpipes or flues, and they may relate to the conversion of the building to flats at some point in the past, which would likely pre-date the listing of the building.

In accordance with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Sections 12 and 16 of the NPPF, special regard / attention / great weight is paid by the council with this application to the preservation of the listed building and its features, and to the preservation / enhancement of the character / appearance of the conservation area. If the proposals are found to be harmful, they should only be approved if found to be outweighed by the public benefits which would be secured.

Guidance specific to the application includes the Bayswater Conservation Area Audit (SPG), and paragraph 6.17 of the Council's SPG entitled, 'Repairs and Alterations to Listed Buildings', which makes it clear that external services should be located discretely with visibility avoided wherever possible, and that exceptions to this would only be made if proven to be necessary.

The works relate to a proposed new gas pipe to the building to serve three flats. The applicants advise that following a gas leak at the building and the subsequent removal of the gas supply from the affected units, the flats affected have been without a gas supply used in this case for heating, hot water and cooking appliances.

Whilst new pipes to the front elevation of a listed building such as this would not normally be considered acceptable, in the particular circumstances of this building it is considered that there is sufficient justification to consider the pipe proposed acceptable, though only on the basis of the conditions listed on the draft decision letter.

As shown in the application submission, the pipe extends across the base of the side of the front entrance porch, then rises vertically immediately adjacent to the porch, in a route through the balcony to first floor level, and then rising vertically to wrap around the cornice above third floor level before terminating at fourth floor level. The applicants further advise that should it prove possible to cut through the cornicing rather than wrap around it they could consider that approach.

The submission notes evidence relating to the gas safety of new installations to domestic properties, and comments that in designing new and replacement gas schemes they must assess the risk of different design options, commenting further that replacing/upgrading the pipes internally would be non-compliant with current installation standards. This point is noted, and carries some weight in the overall assessment of the application. The lack of direct access to the rear elevation and existing pipework to the front elevation are also considered.

At lower ground and ground floor levels, the existing building has two pipes extending up from the front lightwell and flanking the left hand side of the front entrance porch. The right hand side of the front entrance porch (the proposed location for the pipe) contains an existing modern window with ventilation grill incorporated and with longstanding and unattractive signage in close proximity. Whilst recognising that the lower ground and ground floor level pipe would be readily visible from street level and would add some clutter, given the context of this particular location and that the pipe will be painted out to match the stucco colour it is considered that the harm caused in this case would be relatively limited to these floor levels.

The pipe will then take a route through the balcony structure and rise up the building. It will rise in a position following two (to first floor level) then three (to the levels above) existing pipes in place to the front elevation, with other lateral connections extending off from that. Whilst the pipe will further add to

the cluttering effect of these existing pipes, nonetheless its overall visual impact will be reduced by proximity to them.

It is recognised that the South East Bayswater Residents Association have objected to the proposals, with reference to the harm to the listed building and conservation area. Their concerns relate to the conspicuous nature of the downpipe, in particular the horizontal connections going over the existing rainwater pipes and the route either over or through a cornice. They also make reference to a previously withdrawn application at a separate property on Gloucester Terrace. They state that they do not consider that the argument put forward by the applicant stating that this is the only solution consistent with fire safety is convincing, and state that there appears no mention of internal pipework.

SEBRA make reference to the implications for the corning to the front elevation of the building. The application submission showed the pipework route extending around the cornice above third floor level to the building, though the applicants separately noted that they could consider a route drilled through the cornice if it was found in sound condition. The route shown wrapping around the outside of the cornice is considered inappropriate and unacceptable, however it is considered that a route through the cornice, with a small hole drilled through it to allow for this route would be acceptable in the circumstances of this case as there are already several pipes immediately adjacent which appear to project through the cornice in this manner. From the evidence available therefore the cornice appears of a composition which can sustain a degree of intervention for new pipework routes through it. As set out above, the pipe is stated as being 1 inch in diameter, and thus the removal of fabric from the cornice to facilitate the route through would be low. Similarly, the removal of fabric from the route through the balcony structure above ground floor level would also be low. Subject to the amending condition, it is considered that the implications for the cornice would be minimised, and the concerns of SEBRA in this case are not considered sustainable as a reason for refusal.

SEBRA express concern about the proposed pipe stepping over the existing and the implications this would have on its appearance. It is recognised that the lateral connections would require the pipe to project beyond the line of the existing, however a condition is attached to secure full details of the relationship of the new pipe to the existing, with an informative attached advising that for a conditional submission application to be considered acceptable the pipe must remain located directly adjacent to the existing pipes to ensure that its outward projection is minimised.

SEBRA also make reference to the lack of information on internal pipe routes. This is recognised, though it is noted that the boiler flues appear as existing to the front of the building in proximity to the external pipe route proposed. The application makes specific reference to these applications relating to a proposal for external gas pipes, and also it states that 'All lateral gas pipes will extend from the gas riser and enter through the fabric of the building at their terminus', giving a clear sense that no further works are proposed internally.

It is recognised that the existing flats are stated to be without a gas supply, and that the applicants have given some justification in terms of other routes considered. Given the particular circumstances of this case, particularly the existing pipes to this location on the front elevation, the proposals are considered acceptable. Though recognising that some harm will be caused to the designated heritage assets of the listed building and conservation area, given the above it is considered that the connection to a gas supply and the arguments set out by the applicants for this particular site and the issues of other routes such as to the rear elevation serve to make the applications overall acceptable. The objections of SEBRA are therefore not considered sustainable in the particular circumstances of this case.

As such, mindful of relevant policy, guidance and the statutory duties set out in s. 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the applications are recommended for approval.

#### **Recommendation:**

Grant conditional permission

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| Item No. |
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|-----------------------------------------------------|---------------------|
| <b>Case Officer or<br/>Morning Meeting Officer:</b> | Christina Sriramula |
|-----------------------------------------------------|---------------------|

|              |                  |
|--------------|------------------|
| <b>Date:</b> | 16 November 2021 |
|--------------|------------------|

|                                           |
|-------------------------------------------|
| <b>Reason</b> (if over 8/13 wk deadline): |
|                                           |

**DRAFT DECISION LETTER**

**Address:** St James's Court, 75 Gloucester Terrace, London, W2 3DH

**Proposal:** Installation of external gas pipe apparatus. (Linked with 21/06976/LBC)

**Plan Nos:** CA12299-001-A; CA12299-002-A; CA12299-003-A; CA12299-004-A; CA12299-005-A; Cover letter dated 12 October 2021; Design and Heritage Statement October 2021.

**Case Officer:** Stuart Croll **Direct Tel. No.** 07866036268

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The external pipe and any associated fixings shall be painted and permanently maintained in a colour to match the colour of the stucco facing to the front elevation of the building

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in

Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of a detailed section drawing showing the following alteration to the scheme:-.

The external pipe shall project in a route directly through the cornice above third floor level on the front elevation (and shall not wrap around the outside of the cornice)

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of a detailed plan and section drawing showing the relationship of the new external pipe to the existing pipes on the building in the location where it extends laterally across their line. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

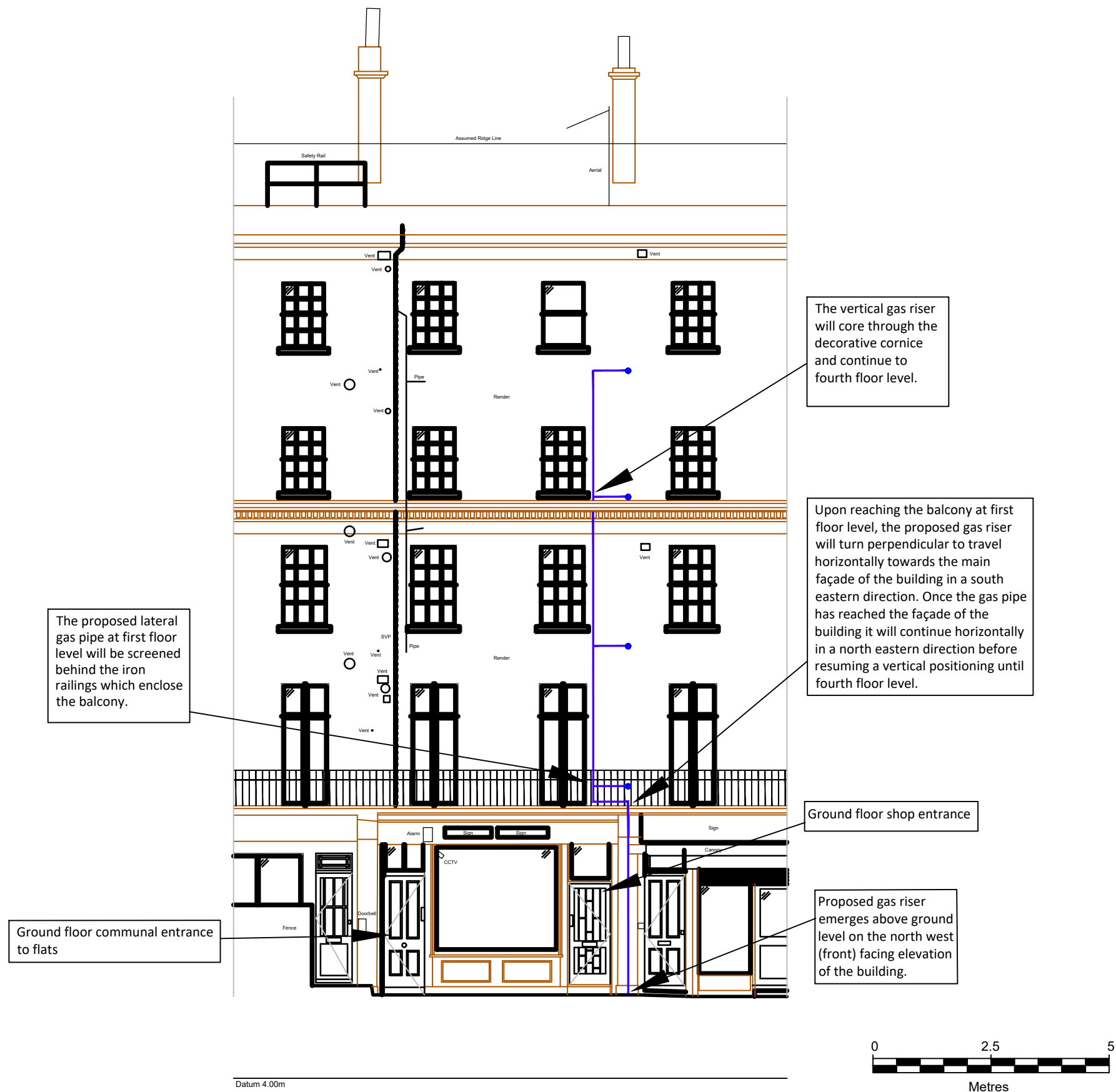
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

#### **Informative(s):**

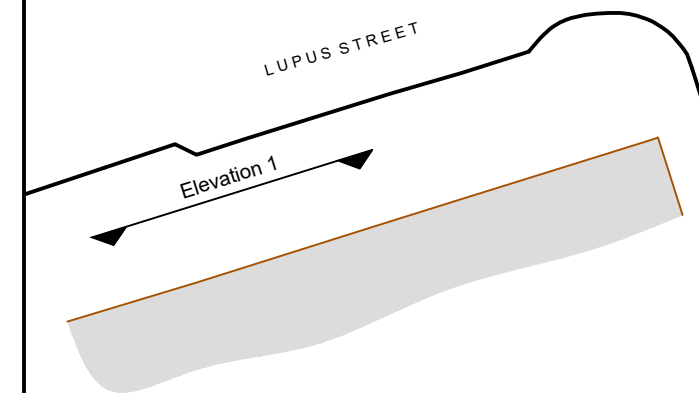
- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to condition 6, you are advised that the details should show the pipe set as closely to the existing pipework as is possible, including following a curved line as appropriate to minimise any projection forward of the line of the existing pipes



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| Item No. |
|          |



DO NOT SCALE FROM THIS DRAWING



## LEGEND

Extent of proposed gas pipework

Location of proposed gas pipe entry points

| REVISION | DETAILS | DATE | DRN | CHKD | APPD |
|----------|---------|------|-----|------|------|
|----------|---------|------|-----|------|------|

CLIENT  
CADENT GAS LTD

PROJECT  
5 LUPUS STREET  
PIMLICO, SW1V 3AS

DRAWING TITLE  
PROPOSED FRONT ELEVATION

|          |             |             |            |
|----------|-------------|-------------|------------|
| DRG No.  | CA11993-005 | REV         | A          |
| DRG SIZE | A3          | SCALE       | 1:100 @ A3 |
| DRAWN BY | ACH         | CHECKED BY  | SW         |
|          |             | APPROVED BY | SW         |

**wardell armstrong**

STOKE ON TRENT | TEL 01782 276700  
WWW.WARDELL-ARMSTRONG.COM

|                                     |                                              |
|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/> BIRMINGHAM | <input type="checkbox"/> GLASGOW             |
| <input type="checkbox"/> BOLTON     | <input type="checkbox"/> LEEDS               |
| <input type="checkbox"/> CARDIFF    | <input type="checkbox"/> LONDON              |
| <input type="checkbox"/> CARLISLE   | <input type="checkbox"/> MANCHESTER          |
| <input type="checkbox"/> EDINBURGH  | <input type="checkbox"/> NEWCASTLE UPON TYNE |

**Delegated Report****Development Planning****Address:** 5 Lupus Street, London, SW1V 3AS,

|                                  |                                                                                                                     |                      |             |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------|-------------|
| <b>Case No.:</b>                 | 20/06635/FULL                                                                                                       | <b>TP:</b>           | PP-09117557 |
| <b>Date Received:</b>            | 21.10.2020                                                                                                          | <b>Date Valid:</b>   | 21.10.2020  |
| <b>Date amended/ completed:</b>  | 21.10.2020                                                                                                          | <b>8 Wk Date:</b>    | 16.12.2020  |
|                                  |                                                                                                                     | <b>EoT date:</b>     |             |
| <b>Agent:</b>                    | Miss Sophie Jones / Wardell Armstrong LLP                                                                           | <b>On behalf of:</b> |             |
| <b>Development Plan Context:</b> | – London Plan July 2011<br>– Westminster's City Plan November 2016<br>- Unitary Development Plan (UDP) January 2007 |                      |             |

**LB:** II **CA:** Pimlico**Proposal:**

Installation of external gas riser and laterals to front elevation.

**Consultations:**

SITE / PRESS: yes

ADJACENT OWNERS/OCCUPIERS

CONSULTED: 12

RESPONDED: 0

WESTMINSTER SOCIETY: no response to date

PIMLICO FREDA: no response to date

PIMLICO NEIGHBOURHOOD FORUM: no response to date

**Relevant Planning History:**20/06636/LBC

Installation of gas riser and laterals to front elevation and internal pipework at basement / ground floor level. (Linked to 20/06635/FULL)

Application Permitted

**Considerations:**

5 Lupus Street is a Grade II listed building in the Pimlico Conservation Area.

Planning permission and listed building consent are sought for the installation of new gas pipework to the front elevation to serve the flats at upper floors and for the installation of pipework at basement / ground floor level to serve the commercial premises at ground level. The proposals have been revised to run the pipework through the upper cornice rather than around it.

The applicant has been advised by a structural engineer that a hole could not be made in the balcony through which the pipework could be routed. The pipework will therefore need to run under, up and over the balcony at first floor level and will therefore sit proud of its front edge, which is unfortunate and will detract from the appearance of the listed building and the conservation area. However, given the public benefit of ensuring that the gas installation to this property is safe, the moderate level of harm is considered to be balanced by benefit in this instance, subject to a condition requiring that the pipework be painted to match the colour of the building material over which it is fixed, which changes from the shopfront to the upper floors, and be maintained in that colour.

The proposed internal pipework will not affect the architectural and historic interest of the listed building.

For these reasons, and with the attached conditions, the application is recommended for approval.

**Recommendation:**

Grant conditional permission.

|                                                 |                |              |                 |
|-------------------------------------------------|----------------|--------------|-----------------|
| <b>Case Officer or Morning Meeting Officer:</b> | Allison Borden | <b>Date:</b> | 9 December 2020 |
| <b>Reason</b> (if over 8/13 wk deadline):       |                |              |                 |

**DRAFT DECISION LETTER**

**Address:** 5 Lupus Street, London, SW1V 3AS,

**Proposal:** Installation of external gas riser and laterals to front elevation.

**Plan Nos:** CA11993-001; CA11993-002; CA11993-003; CA11993-004; CA11993-005 Rev A

For info only: covering letter, 20.10.2020; e-mail messages from agent, 30.11.2020, 01.12.2020 and 08.12.2020; Design & Heritage Statement v0.1 by Wardell Armstrong, 10.2020

**Case Officer:** Allison Borden

**Direct Tel. No.** 07971093106

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 All new external pipework must be metal and painted to match the colour of the building material over which it is fixed, which changes from the shopfront to the upper floors, and so maintained.

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

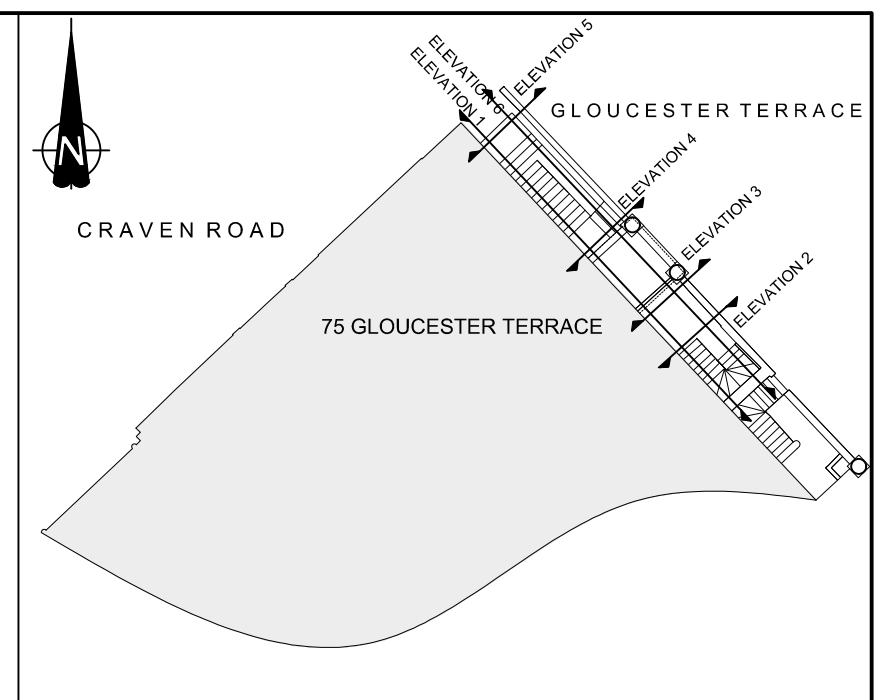
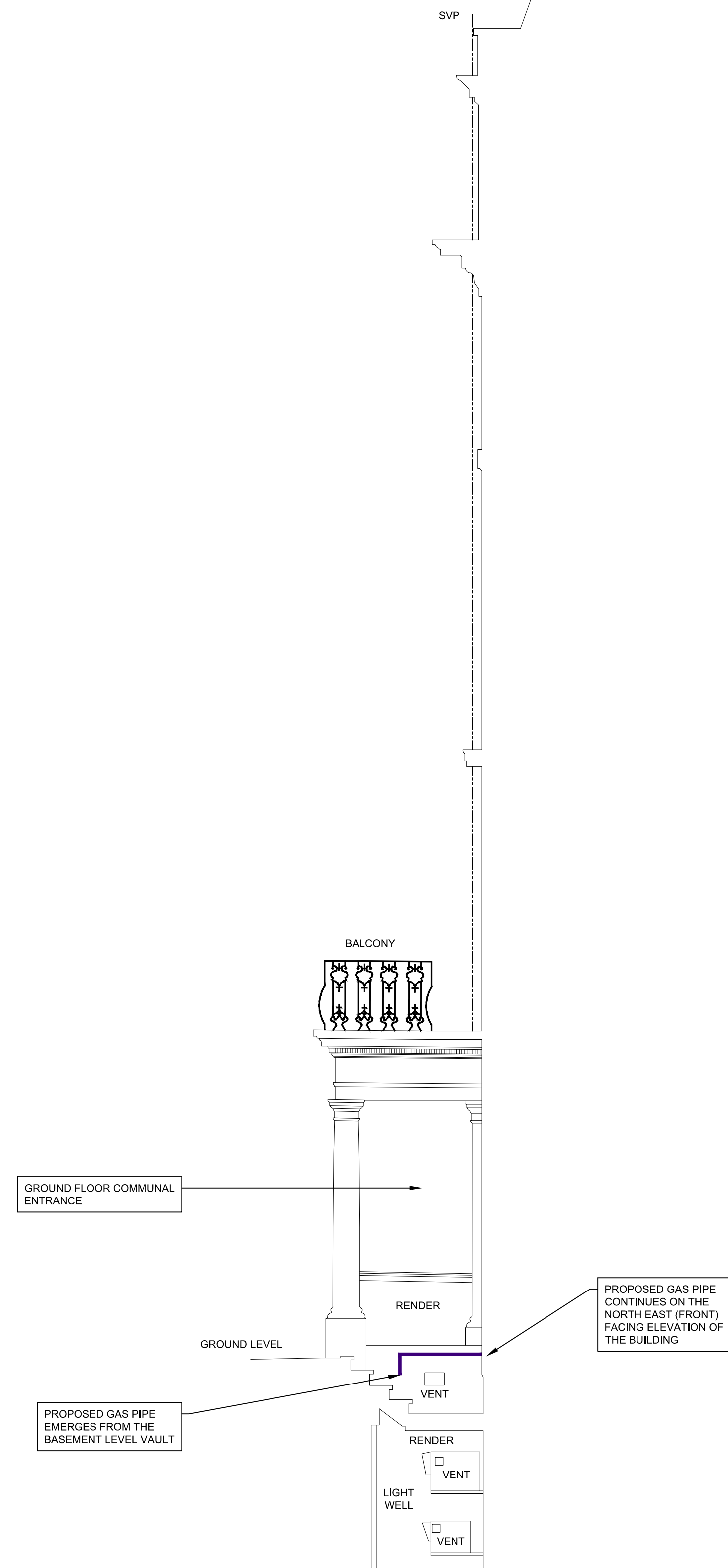
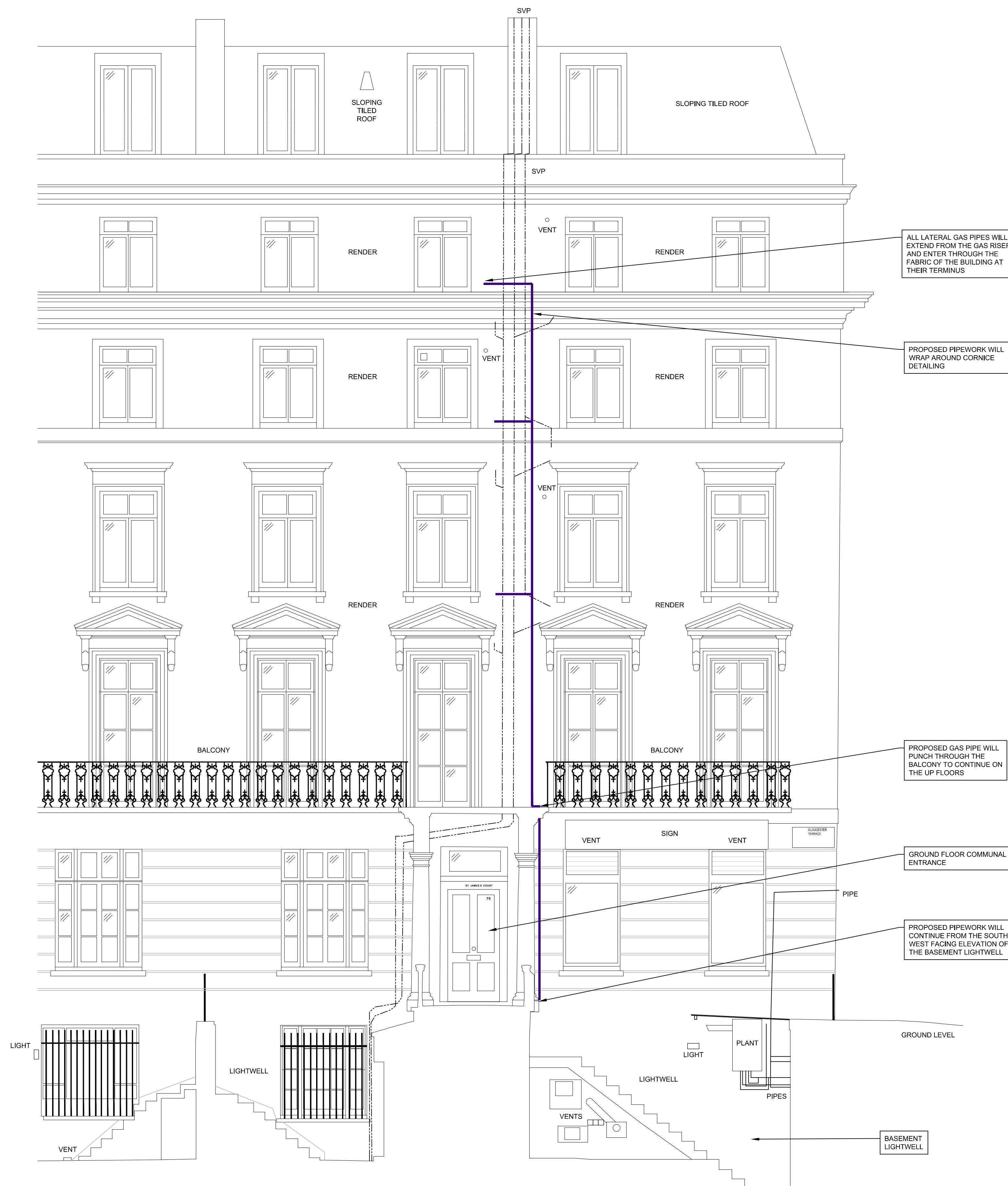
**CONSIDERATE CONSTRUCTORS:**

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

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| Item No. |
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KEY

— EXTENT OF PROPOSED EXTERNAL GAS PIPEWORK  
● PROPOSED GAS ENTRY POINT

● PROPOSED GAS ENTRY POINT

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |    |            |             |             |        |       |
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| A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | FIRST ISSUE |    |            | 11-10-21    | DR          | SJ     | CB    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |    |            |             |             |        |       |
| REVISION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DETAILS     |    |            |             | DATE        | ISSUED | DRAWN |
| CLIENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |             |    |            |             |             |        |       |
| CADENT GAS LIMITED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |             |    |            |             |             |        |       |
| 75 GLOUCESTER TERRACE,<br>WESTMINSTER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |    |            |             |             |        |       |
| DRAWING TITLE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |             |    |            |             |             |        |       |
| PROPOSED ELEVATIONS PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |             |    |            |             |             |        |       |
| DRG No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             |    |            | CA12299-005 |             | REV    |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |    |            |             |             | A      |       |
| DRG SIZE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |             | A1 | SCALE      | 1:50        | DATE        |        |       |
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| DRAWN BY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |             | DR | CHECKED BY | SJ          | APPROVED BY |        |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |    |            |             | CB          |        |       |
| <div><div><div><div>wardell</div><div>armstrong</div></div></div><div><div>■ RYKOTE ON TRENT   TEL: 01782 298700<br/>WWW.WARDELL-ARMSTRONG.COM</div><div><div><input type="checkbox"/> BIRMINGHAM</div><div><input type="checkbox"/> GLASGOW</div></div><div><div><input type="checkbox"/> BOLTON</div><div><input type="checkbox"/> LONDON</div></div><div><div><input type="checkbox"/> CARDIFF</div><div><input type="checkbox"/> MANCHESTER</div></div><div><div><input type="checkbox"/> CARLISLE</div><div><input type="checkbox"/> NOTTINGHAM UPON TRENT</div></div><div><div><input type="checkbox"/> EDINBURGH</div><div><input type="checkbox"/> SHEFFIELD</div></div></div></div> |             |    |            |             |             |        |       |

**STOKE-ON-TRENT**

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Longbridge  
Birmingham  
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**BOLTON**

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Aspinall Way  
Middlebrook  
Bolton  
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Temple Gate  
Redcliffe  
Bristol  
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Tel: +44 (0)117 203 4477

**BURY ST EDMUNDS**

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Lamdin Road  
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Suffolk  
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**LEEDS**

36 Park Row  
Leeds  
LS1 5JL  
Tel: +44 (0)113 831 5533

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46 Chancery Lane  
London  
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Tel: +44 (0)207 242 3243

**NEWCASTLE UPON TYNE**

City Quadrant  
11 Waterloo Square  
Newcastle upon Tyne  
NE1 4DP  
Tel: +44 (0)191 232 0943

**TRURO**

Baldhu House  
Wheal Jane Earth Science Park  
Baldhu  
Truro  
TR3 6EH  
Tel: +44 (0)187 256 0738

**International office:**

**ALMATY**

29/6 Satpaev Avenue  
Hyatt Regency Hotel  
Office Tower  
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050040  
Tel: +7(727) 334 1310