

John Cook Planning Services



Land at Lanz Farm, 33 Harmondsworth Lane, Harmondsworth

Appeal by Mr M Edwards, Komfort Services, against the refusal by the
London Borough of Hillingdon to permit the erection of a two-storey rear
extension

Statement of evidence on behalf of Appellant

January 2020

1. Introduction

- 1.1 The site of this appeal is within a residential complex comprising the listed farm house to be extended and associated barns. Planning Permission and Listed Building consent was sought and granted for the conversion of the barns to form four dwellings, however, development, while implemented, has not proceeded as applications to discharge conditions had until recently remained undetermined. Planning permission has been refused for the erection of garages on land to the southwest and is currently the subject of appeal under reference APP/R5510/W/20/3244945.
- 1.2 The planning application, reference number 44185/APP//2019/866 for the erection of a 'two storey rear extension', was submitted 28 March 2019 but refused on 5 November 2019, under powers delegated to the Planning Officer, for the following reasons:

- '1 The proposed two-storey rear extension, by reason of its size, scale, bulk, design and siting in a visually prominent position, fails to harmonise with the architectural composition of the original dwelling and would thus fail to preserve or enhance the significance, character or appearance of this Grade II Listed Building and would be harmful to the historic fabric, plan form and immediate setting of the Grade II Listed Building, contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE8, BE10, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies DMHB 1, DMHB 2, DMHB 11 and DMHD 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019), Policy 7.8 of the London Plan (2016), the adopted Supplementary Planning Document HDAS: Residential Extensions and the NPPF.*
- 2 The proposed two-storey rear extension, by reason of its size, scale, bulk, design and siting in a visually prominent position, would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. Therefore the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policies DMHB 11 and DMHD 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Extensions.*

- 3 *The proposed two-storey rear extension, by reason of its height, bulk and position in a highly visible location, would have a detrimental impact on the visual amenity of the Green Belt, contrary to Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DME1 4 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019), Policy 7.16 of the London Plan (July 2016) and the National Planning Policy Framework.'*

2. The Planning Application

- 2.1 The Householder Planning application forms, as submitted, describe the development as comprising a 'proposed rear extension'. However, the description was amended to 'two storey rear extension' and this has been accepted by the Appellant. The application included a completed Certificate A.
- 2.2 The proposed development, as refused, would provide an extended utility room/boot room at ground floor and an additional bedroom at first floor all beneath a pitched roof with walls of lime washed smooth lime rendered brick.
- 2.3 Tiles and colour of lime wash will match the existing building unless otherwise agreed by the LPA. Windows would be of soft wood, timber. The door would be timber, the new windows would match the existing. Rain water goods will be cast iron.
- 2.4 As determined, surface water would be discharged to a soakaway system.
- 2.5 The planning application forms were accompanied by the following documents:
- 1) Drawing Number HN/062/101 - Location and Site Plan;
 - 2) Drawing Number HN/062/102 - Existing Ground Floor plans;
 - 3) Drawing Number HN/062/103 - Existing First Floor Plan;
 - 4) Drawing Number HN/062/104 - Existing Elevations;
 - 5) Drawing Number HN/062/33/105 - Proposed Ground Floor plans;
 - 6) Drawing Number HN/062/33/106 - Proposed First Floor Plan;
 - 7) Drawing Number HN/062/33/107 - Proposed Elevations;
 - 8) Drawing Number HN/062/108 - Proposed Section
 - 9) Drawing Number HN/062/109 - Proposed Window details
 - 10) Drawing Number HN/062/110 - Specification 1
 - 11) Drawing Number HN/062/111 - Specification 2; and,
 - 12) Cover Sheet with Plans List; and,
 - 13) Heritage Statement.

3 The appeal site and surroundings

- 3.1 The overall plot is roughly rectangular in shape, narrower at the western end, with the appeal dwelling and two outbuildings, both two storeys in height and approved for conversion, located to the north east corner adjoining a semi-detached pair of dwellings.
- 3.2 The dwelling and one of the outbuildings are considered listed, the remaining outbuilding is considered to fall outside the curtilage of the listed dwelling although probably part of the original working group.
- 3.3 A further dwelling lies to the west of the site and land to the south is open with substantial vegetation providing a screen from the open countryside to the west, south and east. Much of the land to the south will change significantly in character and appearance should the Heathrow third runway proceed as anticipated. Dwellings on Harmondsworth Lane, opposite and to the east are two storey brick clad dwellings, terraced and semi-detached in form.
- 3.4 The site does not fall within a Conservation Area but lies within an Archaeological Priority Area, an Archaeological Priority Zone and also within the Green Belt.
- 3.5 Listing information is provided in the Heritage statement accompanying the planning application. The information is relatively sparse although confirming that there has been significant change to the building over time.

4. Policies

- 4.1 The documents containing policies specifically relevant to this development comprise the following:

The National Planning Policy Framework (NPPF 2018 - revised 2019)

Hillingdon Local Plan Part 1 (HLP) - Strategic Policies (BE1, HE1, and EM2)

Hillingdon Local Plan (HLP) Part 2 - Development Management Policies (BE8, BE10, BE13, BE15, BE19, OL1 and OL 4

SPD HDAS - Residential Extensions

Emerging Hillingdon Local Plan (DMHB1, DMHB2, DMHB11, DMHD 1, DMEI4)

London Plan (7.8, 7.16)

5. Grounds of appeal - statement of case

5.1 There is a degree of repetition in the LPA reasons for refusal but essentially the LPA identify following points:

Reason 1: failure to preserve or enhance the significance, character or appearance of the listed building, harmful to the historic fabric;

Reason 2: detrimental to the character, appearance and visual amenities of the street scene and surrounding area; and,

Reason 3: detrimental impact on the Green Belt.

5.2 Reason 1

The LPA list the detracting feature of the proposed extension in reaching its conclusion, perhaps blurring the lines between the planning and historic considerations given that Reason 1 is also the sole reason for refusal of the Listed Building application. Use of the term rear, correct relative to the principal elevation, is counter-intuitive relative to the relationship of the dwelling to the highway and introduces a degree of unnecessary complication.

5.3 Size, Scale and Bulk

The relative scale of the extension is minor relative to the existing floor plan. The roof height is less than the existing form and the extension fits within a space formed by existing walls. It is set back from the gable end facing the highway and the existing rear gable facing the neighbour. It is a clearly subservient form to the host dwelling and satisfactory in scale, it cannot reasonably be described a bulky. These matters a largely matters of judgement but it is evident that, in terms of size, the structure proposed would comprise a relatively small element of the overall dwelling.

5.4 It is therefore necessary to further consider the dwelling and the manner in which the LPA has assessed the property. The LPA describes the relationship of the proposal to the 'original dwelling', a term generally taken as meaning as first built or as existing in 1948, whichever is the more recent date. However, of equal if not greater importance is the dwelling as it existed when listed and as it now stands.

- 5.5 The Heritage Statement identifies a core building and subsequent extension. What might be the precise element to be considered central to the character and significance of the Listed building is not easily defined. Although prepared in respect of the 2016 applications for extension, the Heritage Statement permits a simple identification of the history of the dwelling and the text makes clear that there have been extension and alterations over a period meaning that the original building is perhaps a lesser consideration in planning terms than the building as it stands. Evidence strongly supports the view that the current dwelling, even prior to the permitted 2016 extension, comprised a range of works of different periods, perhaps typical of a dwelling where changes in circumstances, financial and personal, would see change introduced to the building to better satisfy new occupants.
- 5.6 Concern is expressed by the LPA for harm to historic fabric, plan form and immediate settling. With regard to the historic fabric, no specific fabric is identified in the listing such that its unique contribution and presence should be protected at all costs. The ground floor walls remain, while acknowledging the intended widening of the existing door way in order to improve the versatility and usefulness of the space proposed, these changes are not such that any specific feature of importance is lost. The plan form will alter but there is ample evidence that any historic plan form has evolved such that there is no particular value in what remains in this regard. No such value is evident in the Listing, nothing has been offered by the LPA arising from its consideration of the building over the determination period. The Heritage Statement is entirely relevant, notwithstanding the criticism of the LPA regarding its initial preparation relative to an earlier proposal. The LPA has no basis for its comment concerning layout or indeed form. The first-floor plan involves relatively little change beyond reducing the wall beneath an existing window while retaining the timber work over. The greater change, and one that does not significantly adversely impact that structural element, is the works to the roof linking the new with the existing. Given the principle established in the 2016 extension permission (and consent) for works to the fabric of the building, involving loss of existing window features in their entirety and including the loss of sections of wall and breaking into the same roof form, the development now proposed, being of a lesser impact, introduces no form of change not already considered acceptable by the LPA.
- 5.7 While in listed building terms, having respect for the core structure is important, it is arguably an issue to be more fully addressed in the consideration for the Listed Building Application rather than the planning application. If a dwelling is part of a settlement it is a general principle that the dwelling, being in a sustainable location, might reasonably be replaced and on that basis that it would be the design of the dwelling in its finished form rather than as a variation of an 'original' form that should be the consideration.

- 5.8 The now adopted local plan does not establish settlement boundaries or development envelopes by local plan or SPD designation. The site is considered sufficiently part of the settlement that the LPA consider a street scene with its inclusion. In terms of recognisable developed areas, the emerging Heathrow development proposal shows the site as one within the settlement. In the absence of specific designation, it is reasonable to consider the cumulative evidence of the perception of the site as part of the village. Although also located within the Green Belt, the site is evidently part of the settlement and policy, to be identified later in this statement, allows for change in such circumstances.
- 5.9 The area is clearly part of the curtilage of the listed dwelling. In text under the heading 'Green Belt', paragraph 6.18, point 3, Local Plan Part 2 as adopted (see Appendix C), it is clear that a replacement building in the same use and not materially larger is acceptable with the Green Belt, similarly extensions to buildings, addressed by point 2 of the previously mentioned paragraph, are acceptable where not disproportionate relative to the original building. This guidance is incorporated into policy DMEI 4 and in the absence of other guidance as to what should be judged disproportionate, it is a matter for the decision taker to determine what may be appropriate as no specific detailed guidance is offered on this matter.
- 5.10 Concern for impact on the setting of the Listed Building is of questionable legitimacy. The existing buildings forming the planning unit have been granted planning permission and Listed Building Consent for conversion to form dwellings. That work is understood to have commenced and examination of approved plans shows a subdivision of the existing planning unit, including the curtilage of the listed building, such that the impact of the small extension proposed is minimal particularly given its location at the 'rear'. The extension would be screened from all but highway views and those of the immediate neighbour. The relative position in the curtilage is such that it has very little impact on the setting and by design it is entirely satisfactory in terms of impact in this context.
- 5.11 Policies cited by the LPA in support of their decision are as follows:
- Policy BE1 of the HLP Part 1 Under the general heading of 'Built Environment', the LPA advises that its aim is to improve and maintain the quality of the built environment in order to create 'successful and sustainable neighbourhoods'.
- 5.12 A number of criteria are identified but those that might reasonably apply to the appeal proposal are not indicated in the decision: it will be readily apparent that not all the criteria apply to the development proposed. Being a strategic policy, it is a general statement and a broad establishment of desires. It is suggested that criteria 1, 2, 3 and 9 may be those that most directly apply.

1. The development proposed will comprise a high-quality design reflecting the traditional proportions of buildings found in the vicinity and incorporating materials in a manner appropriate to the location and the host building. This extension will be subservient by location, size, and function; well sited and appropriate in its context. The extension would be seen, for the greater part, in the context of ancillary buildings and its residential neighbour, framed and grounded by the host structure.
2. The character of the site is not that of immediate neighbours which are semi-detached buildings of late 19th century or early 20th century, built as homes for the general population i.e. not linked to an agricultural holding. There is considerable uniformity in these dwellings although a number of individual changes, including extensions, have been introduced. In addition, dwellings of similar design have been introduced to the north of the site. While introducing alternative designs into these established housing locations might be remarkable, variation of a building of individual evolved design, by a subservient extension utilising the correct materials is unremarkable and satisfies policy intent. The use of a pitched roof and roof cladding serving the extension in the manner proposed avoids unnecessary increase in bulk and variation from the core character largely preserving the appearance of the host dwelling and, as already indicated, it will be appropriate to the locality.
3. With regard to lifetime homes, the accommodation could be wheelchair accessible should it be required but this would result in significant changes to the building fabric that may not be appropriate to this particular listed building.
9. The construction of this criterion is very open to interpretation. It could be read as applying only to new dwellings in existing gardens or green spaces or it might be held to apply to extensions, the absence of clarity is unhelpful. It is fair to say that the small footprint of the proposed extension is unlikely to be considered 'inappropriate' in this context and flooding is not an issue in these circumstances.

5.13 Policy HE1 of the HLP part 1 seeks to conserve and enhance Hillingdon in terms of a distinct and varied environment, its settings and the wider historic landscape. Notwithstanding the evidently small scale and limited impact potential of the proposed minor extension, the LPA have alleged harm to the setting of the listed building.

5.14 The policy acknowledges the varied environment of the district and identifies particular issues including designated Heritage Assets such as listed buildings among a significant range of features and forms. The policy seeks to:

- 'actively encourage' the regeneration of heritage assets;

- promote public awareness, understanding and access to heritage assets and the wider historic environment; and,
- encourage the reuse and modification of heritage assets.

The LPA have determined that the setting of the listed building would be adversely impacted and in this regard the setting needs to be fully understood. The setting is that of a residential garden, in a residential area, serving a residential dwelling. There are no particular characteristics evidently requiring protection, being features of direct importance to the listed building or its curtilage. The loss of garden is not significant such that it is material and it is not described as such in the officer report. The acceptance of extensions to the building that has itself changed in form and appearance over time, as recognised in the Historic Impact Assessment, strongly indicates that a further extension and one that is quite small, will not adversely impact the setting of the listed building and for the LPA to argue otherwise is to argue against their own past actions in this regard.

5.15 Policy BE8 of HLP part 2 sets out to ensure that works, including extensions to listed buildings do not damage the historic structure and is in keeping with other parts of the building: new features should harmonise with their surroundings. The scope and intent of the policy requires interpretation. Any new physical works are likely to cause damage to the existing fabric, physical works tend to be invasive and it is a matter of judgement as to whether the degree of the work is such that the benefit outweighs any harm. However, in the context of the reason for refusal, the direct physical impact on the structure has not been identified but rather the arguments made are with regard to adverse impact on the architectural composition, character, appearance and setting. Given the evolution of the building as identified in the Heritage Statement is not disputed by the LPA, there is no singular architectural style or intent. The dwelling exists as it does as a result of changes over time. The architectural composition described may simply be appearance of the building as it stands but this is not made clear. The character remains that of a single family home and the setting determines the origins as a farmhouse and none of that changes. There is a change to the appearance but it is one that leaves main features identifiable in relation to the building as it stands while being subservient to the form.

5.16 Policy BE10 of HLP part 2 returns to the identified concern for impact on the setting of the listed building. Comment has already been made in the response to Policy HE1 of HLP part 1 that fully addresses this issue and need not be repeated.

- 5.17 Policy BE13 of HLP part 2 identifies that layout and appearance should harmonise with the existing street scene or other features of the area worthy of retention or enhancement. The only feature identified by the LPA in this reason is the immediate listed building. This has already been addressed. A street of dwellings of similar form essentially culminating in a former farm complex with a single dwelling of evolved design and outbuildings to be permitted to four dwellings. Why a small extension to the rear (side relative to the highway) of an existing dwelling is unacceptable in terms of layout when it could not reasonably be located elsewhere; when materials harmonise with the existing building, and the proposed form is subservient to the form of that existing dwelling, is inexplicable.
- 5.18 Policy BE15 of HLP part 2 requires alterations and extensions to harmonise with the scale form and architectural composition and proportions of the original building and, as previously discussed, this raises questions over the use of 'original building' as a description. The listing is dated 6 September 1974 and on that basis the building as it stood at that time might be the basis for judgement, however, it is not possible to ignore that a further extension has been permitted that dramatically alters the size, form and appearance. Original dwelling in this context, should logically be the building as it currently stands. Taking this position, recognising the historic changes to the form comprising at least one significant extension and the latter increase in size through the 2016 permission/consent, and it is not readily apparent that a further minor and identifiable change, or correct materials and subservient form would be unsatisfactory.
- 5.19 Policy BE19 of HLP part 2 seeks to ensure that development complements or improves the amenity and character of an area. supporting text to the policy describes residential amenity and previously mentioned policy HE1 advises of the distinct and varied environment that makes up the district. Although falling within the Green Belt and having an archaeology that requires consideration, the site and immediate locality is not otherwise designated. It is therefore a general amenity consideration rather than specific attribute of the area that requires consideration in this context as the Green Belt is addressed under Reason 3.
- 5.20 The policy identifies that oversized and badly located additions may detract from the general street scene but street scene is raised separately in Reason 2. It is not apparent that this modest extension will spoil the amenity of any neighbouring dwelling through adverse impact on privacy. The extension does not directly face windows of the immediate neighbour and windows are already located in the elevation concerned. It seems that only secondary or non-habitable room windows are located in the gable facing the appeal site. The case has already been made that this is residential development in a residential area and by changing a building of individual appearance has no particular appearance or character impact.

5.21 The emerging policies of the HLP described in the decision notice are now the adopted policies of the district, adoption having taken place 16 January 2020.

5.22 Policy DMHB1 of the March 2019 HLP part 2 is identical to the adopted version of the policy and addresses the historic environment and heritage assets. In assessing potential impacts and features of significance, the adopted plan draws attention to the Townscape Character Study and Management Plans. The site does not lie within a Conservation Area and there is accordingly no Conservation Area Statement or Management Plan. The sole and overarching document is the Townscape Character Study 2013, an evidence document in the production of the Local Plan. Considered broadly part of the Heathrow Village group, Sipson falls within the group of settlements described as the 'Southern Villages'. Few details appear available to define the value of the location in terms of heritage other than being part of the 'Historic Core' designation and potentially interwar suburb/Metroland. The document is based upon very small-scale plans which are difficult to examine. Appendix B comprises an extract of the study describing the village but overall the study provides little useful information in understanding the LPA's philosophy in the consideration of this application. It is evident however, that the appeal site is not planned as a suburb or metroland, being a location now incorporated into the settlement but of an entirely different origin and character best considered a 'Rural Fragment'. The development proposed would not erode the legibility of the townscape being minor and clearly of a different character and appearance to neighbouring dwellings.

Addressing each of the identified criteria:

A)

- i) Continuing a satisfactory residential occupancy of an existing dwelling will help sustain the heritage asset. It is not evident why or how the significance of a domestic dwelling might be enhanced in these circumstances other than by perhaps an explanatory plaque or similar however, the significance of the building appears simply to arise from it retaining historic features rather than association with an historic figure or architectural movement.
- ii) Harm to or loss of the significance of a heritage asset should be avoided and it is also clear that the work will not result in any loss of significance arising from longevity and the retention of features. There is no harm to the asset the development proposed being an example of its continued evolution.
- iii) The development will not erode the identity of the individual building relative to its more urban neighbours and thereby, through preservation of this distinction the dwelling will continue make a positive contribution to the local character and distinctiveness of the area.

- iv) The development proposed is minor in every respect, subservient to whole in dimensions and by design, it is sympathetic to the existing structure recognising and retaining the various elements of past construction.
- v) The development is appropriately designed in terms of siting, style, massing, height, design and materials.
- vi) n/a
- vii) The development would not detract from the appreciation of the heritage asset. The individuality of the building and the times of its alteration and extension could only be appreciated by means of information presented for the public to view. Access to the building, as a private home could not be expected and would not be permitted. Such is the scale of the works over an extended period of time that externally the building is relatively unremarkable as a historic feature.

B

Climate change in the sense of concern for flooding is not an issue of direct concern on this site. The provision of renewable energy sources, other than freestanding within the curtilage is impractical and likely to be unacceptable to the LPA given the evidence of the appealed decision. Freestanding provisions may be considered equally unacceptable given demonstrated concerns for the setting of the listed building.

C

n/a

5.23 Policy DMHB 2 of the adopted HLP part 2 is identical to the adopted version of the policy and specifically addresses Listed Buildings. It sets out four statements with regard to how applications involving Listed Buildings will be considered. Addressing each in turn:

- A) The significance of the building is not lost as a result of the development proposed. The extension is sympathetic in terms of scale and proportion, detailed design and materials. It is not possible at this stage to state that workmanship would be satisfactory other than to state that it is in the Appellant's interests to ensure that it is. If any aspect of the proposal requires further details to be provided, the appointed Inspector may seek their provision through appropriately worded conditions.

- B) A Heritage Statement was provided to accompany the application. If considered unsatisfactory the LPA could have sought improvement or replacement. It is not evident that this was the case as the Statement was accepted by the LPA although its conservation officer was critical of the lack of assessment of impact specific to the development proposed. This did not, however, prevent the LPA from making its own assessment and reaching a conclusion. It is not evident that additional information was sought regarding potential impact at the time of consideration. Notwithstanding the foregoing, sufficient information was available to the LPA to reach a conclusion although that conclusion does not reasonably reflect the degree of change evident in the building. It is also illogical in the terms of concerns for the loss of private garden forming the immediate setting given the grant of permission/consent for the side extension in 2016.
- C) Although the LPA are concerned for harm to the heritage asset that would arise from constructing this development, the LPA have not adequately demonstrated substantial harm or total loss of significance such that planning permission should be refused. There is no intention to remove the building, only to continue to occupy it as a family home.
- D) The impact on the setting of the Listed Building has already been fully addressed.

5.24 Policy DMHB11 of the March 2019 HLP part 2 is identical to the adopted version of the policy and considers the design of new development including extensions. The development is proposed to be harmonious with and to reflect the qualities of the existing building and is accordingly to a high standard of design. It is the Appellant's view that the development satisfies the requirements of this policy.

- i) The development takes account of its surroundings and the local context. Being a development of individual form exceptional in the street scene, there is no comparison between plot sizes or coverage or established street patterns or characteristics. There are no evident adverse impacts on neighbours or views.
- ii) Materials and finishes will match the existing building in order to reflect the qualities and characteristics of the building.
- iii) The use of rooms, unless involving works requiring listed building consent, are matters of personal choice. The adaptability of rooms may be more appropriate to buildings to which the public have access rather than private homes. Introducing elements to ensure adaptability for disabled persons may, unless reversible and subject to scale, may be considered as having an adverse impact on the listed building.

- iv) There are no features on the site or on neighbouring land adversely impacted by the development proposed. Submitted plans illustrate proposed changes to the building and the extent of the garden area impacted by the extension. It is not considered that there will be harm to specific features of importance through the minor loss of garden area. There will be no greater impact on the dwelling from proposed changes than those already permitted.
- v) Specific landscaping or tree planting is not justified by the scale of the development proposed. Screen planting is not specifically required and in general landscaping should continue to be according to the taste of the occupier.
- B While marginally reducing open space within the site, the area impacted is insignificant in the context. There would be no adverse impact on neighbour amenities.
- C The development is far from being 'major' and does not involve redevelopment in the sense of replacement of the existing building or function.
- D The proposed development does not give rise to concerns in respect of the matters identified.

5.25 Policy DMHD1 of the March 2019 HLP part 2 is identical to the adopted version of the policy and specifically addresses Alterations and Extensions to Residential Dwellings. Part A is a statement of general requirements while part B considers Rear Extensions. While side and front extensions are also considered, the extension is considered a rear extension by the Appellant and LPA and clearly this is not a front extension.

- A) Is a criteria based policy element setting out general considerations in relation to extension proposals. Nine aims are identified that developments are 'required' to satisfy. In the context of the reason for refusal parts i), ii) and ix) appear relevant there being no evident arguable conflict with remaining criteria.
 - i) It has already been set out and established that through the composition of the street and the individuality of the appeal site, the extension would have no adverse impact on the street scene.
 - ii) It is not evident that overshadowing or overlooking will occur as a result of this development in relation to the main windows of habitable rooms such that there would be a material loss in the amenity of neighbours.

- ix) The design of the dwelling reflects existing characteristics identified in the criterion such that there is no adverse impact.

B) Of this element of the policy only criteria vi) may be said to apply and this appears to introduce considerations that cannot be satisfied by the existing dwelling and will not be worsened by the extension proposed.

5.26 Policy 7.8 of the London Plan sets out, in part A, that heritage assets including listed buildings, should be identified with a view to sustaining and enhancing with consideration given to their inclusion in place shaping. A site's archaeology should be fully considered and, where appropriate, presented. In making planning decisions three criteria are identified. It is considered that only criterion D could be interpreted as relating to the refusal reason and, as already set out, the development is considered to comply with these requirements.

5.27 The Residential Extension SPD establishes a range of scenarios and includes two storey rear extensions. The generalised reason for refusal is unhelpful in considering the very specific issues provided for in the highly prescriptive guidance. While paragraph 6.1 does not apply and paragraph 6.2 is contradictory through lack of reference to habitable rooms, the LPA are unreasonable in referring to the guidance *en masse* when it clearly allows for a greater degree of specific identification and direct reference to particular aspects of the development. Addressing each heading the following comments are offered.

General Principles - the proposal does not relate to a semi-detached or terraced dwelling. The development does not result in over-dominance, over-shadowing or loss of outlook, certainly not to any significant degree.

Depth – the extension is subservient and satisfies dimension recommendations.

Height and Roof Design – the roof will be pitched with a central ridge and not exceed the eaves line: it is subordinate in form.

Guttering and Set-in – proposed guttering satisfies this requirement.

Windows and Doors – while a rear extension in terms of the principal elevation the construction is to the side of the property in relation to the highway. Window styles are reflected and details can be required by condition to ensure that the door is satisfactory in form. A judgement will need to be made by the Inspector regarding overlooking but this is not an issue raised by the LPA and is not materially, certainly not adversely impacted, by the development proposed.

Materials – proposed materials satisfy this requirement.

Overlooking – already undressed under the heading Windows and Doors

Garden Space – garden space is not significantly diminished by this proposal and meets and exceeds area requirements.

Building Lines – are not impacted by the proposed development.

Daylight and Sunlight- there will be no impact on neighbours in this regard such that this is a material consideration in these circumstances.

Overall the relevance of the SPD to the refusal of planning permission is highly questionable. The guidance does not consider the architectural composition of the original building. This guidance sets a series of criteria that are largely blind to the dwelling form in terms of the quality of the building concentrating instead on the relative height and dimension of the works and avoidance of adverse impact on the amenities of neighbours.

- 5.28 The NPPF is referenced in its entirety in the refusal reason although it is evidently intended that chapter 16 should apply. Chapter 16 is in three parts and includes consideration of heritage assets as a whole including the archaeology of a site and qualities of individual buildings. With regard to the archaeology the relevant advisors set out that a condition will address the archaeological component and this is readily accepted by the Appellant. Comment has been made regarding the lack of a specific Heritage Statement identifying the impact of the proposed extension. However, the statement provides more than the minimum recommended consideration and assessment of the building as it exists. It was in the power of the LPA to insist on further investigation, if considered justified, but instead the LPA chose to determine the application.
- 5.29 The heritage asset is such by survival with change having evolved to meet the needs of successive generations. The historic core of the building is left intact by the extension and concerns to record and protect features of importance can be addressed by condition. The visual information currently available does not strongly indicate impact on features of particular historic note. It is likely that the works proposed would provide the opportunity to assess and examine historic features when this would not otherwise occur. Based upon listing and prior investigation, there is no historic figure associated with the site neither do unique features exist identifiable with a particular event.
- 5.30 The heritage asset continues to function in its intended use as a residential unit. The absence of the proposed extension will not result in a building of particular significance, and the extension will not reduce the significance of the structure as it stands.

5.31 The core historic fabric can be protected by the imposition and enforcement of suitable conditions. The building is not part of any project or process that reveals its significance as a heritage asset and no such project or process has been brought to the attention of the Appellant. The building's significance will be through its survival and the continued survival of an early presence on the site: that survival relies upon an ongoing positive use of the building. The relative importance of the building is low and the alleged harm less than substantial if indeed harm occurs.

5.32 Reason 2

This reason identifies street scene and largely repeats policies and previously expressed concerns. The site is not within a Conservation Area or Area of Special Local Character although located in a designated Historic Core. The street scene is essentially that defined by terraced and semi-detached dwellings, the appeal site possessing a vastly different character and appearance. Accordingly, minor works to the appeal site have no significant impact on the street scene and a domestic extension to a domestic building, subservient on terms of scale and satisfactory on terms of materials, is unlikely to be remarkable certainly not harmful. The officer report includes the responses of consultees and the Conservation Area Advisory Panel describes the extension as incongruous, a criticism rejected by the Appellant, this comment relates to the specific appreciation of the building's historic past rather than the street scene and no evidence has been produced by any party to justify the impact alleged.

5.33 The development is of such insignificant scale that there is no material impact on the street scene and certainly not the surrounding area, however that may be defined, always bearing in mind that the LPA use a third reason to introduce consideration of the Green Belt.

5.34 Policy BE1 is fully addressed in the context of reason 1 and there is, accordingly, no need to further argue that policy requirements are not met such that concerns for the character, appearance and visual amenities need further specific argument. The basis for the policy is to maintain or improve the quality of the built environment in order to create successful and sustainable neighbourhoods. It cannot be argued that the very small extension proposed, generally not viewed in the street scene and certainly not from the surrounding area, would remotely impact the environment in a manner that would itself impact the success and sustainability of the neighbourhood.

- 5.35 Policy BE13, notwithstanding adoption is not well worded and appears aimed at the design of new development. Whether intended to address new built development including extensions is a matter for the appointed Inspector to determine. Harmonising with the Street scene is certainly the LPA's ambition and while left open to introduce '*other features..... desirable to retain or enhance*' the LPA separately refer to the Green Belt in reason 3 and to the setting of the listed building in reason 1. On this basis the policy is included in this reason only in relation to the Street Scene. While seeking enhancement, retention is equally satisfactory in the terms of the policy. In the Appellant's opinion, the development is of such small scale and the design appropriate such that a negative impact on the street scene is avoided and the overall feature satisfactorily maintained.
- 5.36 Policy BE15 specifically addresses alterations and extensions and their acceptance when harmonising with the scale, form and architectural composition of the original building. While arguing that 'original' in this context means the building as it stands, it is the building specific that this policy addresses not the street scene or wider area, such concerns being addressed in other policies. This is a matter addressed in comment on this policy relative to reason 1.
- 5.37 Policy BE19 seeks to secure that development complements or improves the amenity and character of 'the area'. What 'the area' may comprise is not identified and, as a district wide policy, it would not seem unreasonable to state that the impact on the varied character of the district, would, as a whole, be remotely significant. The LPA, by inclusion of the policy, indicates an acceptance that the character of the area is residential and accordingly may be subject to change, particularly as a result of reliance upon permitted development rights as established in the General Permitted Development Order as amended.
- 5.38 While alleging harm to amenity, no evidence is available showing a particular value or character to the area, other than its designation as a 'historic core', that clarifies the extent of harm. The building is not unduly high, being a subservient form of extension; its scale is small in relation to buildings in the area and in particular to the host dwelling. The extension is neither itself, nor is the host building as a result of the extension, unduly bulky. The design reflects SPD guidance; the location is not unduly prominent notwithstanding the LPA concerns. There is no evidence to support the LPA position of detriment to the street scene or wider area as while minimally evident in the street scene and unremarkable in that context, there are no views from the wider area whatsoever such that there can be a harmful impact in that regard. The LPA have not established demonstrable harm.

- 5.39 Policy DMHB 11 considers the design of new development and is relevant in the context of the street scene. Already addressed in detail in relation to the design of the extension it is apparent that criterion i), iv) and v) are considerations in relation to the street scene, it already being established that this is the only aspect of external view as the development cannot be seen, even if only marginally, in other than the street scene; it cannot be viewed, as the LPA allege, from the surrounding area. Through being an appropriate manner of extension to the building, meeting SPD and other guidance as set out in reason 1, to then argue that the street scene is adversely impacted is unreasonable. The scale of the development as a subservient extension is evidently satisfactory. Neighbouring developments are substantial dwellings, in the case of the eastern neighbour, a much-extended dwelling and clearly of a different character than the appeal site and host dwelling. The extension does not materially alter the relationship between the two residential units within the terms of reference of the policy or refusal reason. No features of positive value are identified beyond the host dwelling itself other than the cumulative street scene which is not itself identified or described in a manner such that particular qualities of amenity can be attributed. A perfectly pleasant street, but not one that contributes to a Conservation Area's qualities or such that it displays a particular designated identity to be preserved by specific policy. There is simply no basis to consider that the development proposed fails to meet policy requirements in the context of the street scene.
- 5.40 Policy DMHD1 includes in the general introduction part A, i) a requirement to ensure that there is no cumulative adverse impact arising from alterations and extensions in relation to the character, appearance or quality of the street or wider area. As established, the wider area is not a significant consideration in this application, however, returning once more to the street scene, it will be readily appreciated by the appointed Inspector that impact on the street as an entity is at worst marginal.
- 5.41 While it would be possible to view the extension in the context of the host dwelling directly from the adjoining highway, the window of opportunity to view the extension would be extremely limited in terms of the street itself and diminished in the context by the mass of the host. Moving away to the east or west, the extension would quickly become lost from view and in this context the impact would be negligible. The subservient extension would have no cumulative adverse impact such the street itself would be harmed.
- 5.42 The SPD in relation to extensions does not stand against extensions in principle but instead guides any prospective developer towards issues of concern and standards to be met. The section applying to two storey rear extensions does not itself, other than in respect of building lines, truly introduce considerations of the street scene: considerations are far more directed to the amenities of neighbours and general amenity standards e.g. garden sizes of the host. There is, however, reference to design considerations in Part A of the SPD 'issues to consider'.

5.43 In the street scene context, potential applicants are asked to consider 'What is the character of the existing streetscape' and 'How does the design and integration of the proposed extension relate with the existing property and adjoining buildings'. The generalised concern expressed by the LPA for the impact on the visual amenities is not adequately quantified within the Officer report or the decision notice.

5.44 Reason 3

This reason repeats much of what has gone before but in the context of impact on the Green Belt. The LPA repeats that it is the height and bulk that is the cause of its concern and advises that rather than prominent location, the extension would be in a highly visible location. Notably, although arguing the impact on visual amenities, the reason does not include reference to size and scale. The site is within the Green Belt but the neighbouring dwellings are not, dwellings located opposite are not within the Green Belt. It is evident that the extension would not be viewed from the Green Belt from the east or north and would be screened by the existing building from the west or south. The LPA's report sets out the logic of the argument, but it is a logic inherently flawed by the simple fact that there is no view from the Green Belt of the development proposed and accordingly there can be no harm to the visual amenity of the Green Belt. It is in considering the principle of this minor development in the Green Belt then the LPA makes its case, the building is in the Green Belt and therefore any development must be harmful; by arguing a cumulative impact, the LPA side step the 2016 permission for a much larger extension.

5.45 Policy EM2 Hillingdon Local Plan: Part 1 sets out the policy and the text identifies how the policy will be implemented. The policy refers to the London plan and the very special circumstances test; the only other specific reference to the Green Belt being by referral to part 2 of the Plan and possible adjustments through the Site Specific Allocations LDD. This policy provides a basis for consideration of development by referral to other policies and plans rather than providing specific advice and is relevant only in this context.

5.46 Policy OL1 of HLP part 2 does not address extensions, it identifies forms of development acceptable in principle in the Green Belt and arguably does not apply to the development proposed.

5.47 Policy OL4 HLP: Part 2 addresses the replacement or extension of buildings within the Green Belt and advisory text sets out that this policy is intended to ensure *'that there is no undue intensification or enlargement of buildings within or adjacent to the Green Belt that collectively may injure the visual amenities of the countryside'*. The policy sets out three criteria to be satisfied. The following comments are made In response to those criteria:

- i) The development would not result in a disproportionate change in the building bulk or character of the original building. The extension is minor and contained by existing elements of the built form. The structure is subservient to the dwelling's form in all regards. The LPA are aware of the building's history up to and including the recent extension through the submitted Heritage Statement. In this regard the basis for the consideration of what constitutes the original dwelling may vary from the standard consideration of what stood in 1948. The 'original' building had certainly undergone changes in the form significant extension. The listing date provides an alternative consideration of the original building in that context. However the original building is defined, the extension is minor and essentially inconsequential in the context of the Green Belt and specifically its visual amenity value, it would not have an undue effect.
- ii) The development would represent further development of the site but the intent of the policy is to avoid undue impact and regarding this criterion, the development would not significantly increase the built-up appearance of the site. The site is the entirety of the land identifiable as the residential unit, not simply the rear garden area.
- iii) The LPA allege that it is the height and siting within the Green Belt, concerns that might better refer to the idea of a replacement dwelling than an extension. Given that the development is an extension, relocation from the position where it provides the optimum benefit to future occupiers is undesirable. The LPA state that the bulk and position is harmful, no mention is made of materials or traffic. The bulk is contained by the existing structure and follows the principles established in the design SPD. The extension location is logical when considering neighbours and intended function and, in that regard, this subservient form is satisfactory having little to no impact on the Green Belt.

5.49 Policy DME1 4 HLP Part 2 under the general consideration of 'Sustainable Design Standards', defines 'inappropriate development' and 'the very special circumstances' that might permit development. This includes in part B):

- i) having regard to the height and bulk of existing buildings on the site;
- ii) the proportion of the site that is already developed;
- iii) the footprint, distribution and character of existing buildings on the site;

- iv) the relationship to the proposal with any development on the site that is retained; and,
- v) the visual amenity and character of the Green Belt.

5.50 The proposed development is minor extension, the bulk of which is not significant against the existing building and the height is lower than the existing dwelling ridge. The proportion of the site covered is a small fraction of that available and therefore avoids significant impact of the character of the site. The distribution of the building is unaltered. No buildings on the site would be lost as a result of the development proposed and no significant change in the relationship to those buildings would result. The character of the Green Belt will not change as a result of the proposed development, visual amenity will be sufficiently preserved, there can be no reasonable concern for any reduction of openness resulting from the minor extension.

5.51 Policy 7.16 London Plan 2016

This policy applies to 'London's open and natural environment' according to the heading of the text. The policy states that the current Green Belt boundaries are supported by the Mayor and includes '*protection from inappropriate development*'. The policy advises that the '*strongest protection*' should be given to the Green Belt and the guidance of the NPPF referenced as to how this should be achieved. In itself the policy merely states that guidance in the NPPF, paragraphs 79 – 92 (2012 version), should apply and therefore requires no further analysis beyond noting that the Mayor's expressed desire to see improvements to overall quality and accessibility of the Green belt are unlikely to be frustrated by the development proposed. Accessibility is not impacted in any way and in terms of overall quality, it is difficult to imagine that such a minor extension, in materials to match the host dwelling and with a settlement backdrop, is remotely unsatisfactory. Views of the site would be in context and essentially available from extremely limited locations such that no significant harm, if any, would result.

5.18 NPPF 2018 – Chapter 13

Notwithstanding that at the time of determination the February 2019 version had superseded earlier versions, Chapter 13 remains unchanged from the July 2018 publication and addresses Protecting Green Belt Land with the subheading 'Proposals affecting the Green Belt'. The 2012 version, promoted by Policy 7.16 of the London Plan, varies slightly but, although mentioned, clearly any differences are effectively superseded by the latest version of the plan, old and new superseding version cannot simultaneously apply.

Chapter 13 is in two parts. Firstly, a general statement of the importance and aim of Green Belts (paragraphs 133 to 142) and secondly, how to consider proposals affecting the Green Belt (paragraphs 143 to 147).

Paragraph 133 identifies the importance of Green Belts and the fundamental aim i.e. the prevention of urban sprawl by keeping land permanently open. There is no conflict with this guidance.

Paragraph 134 sets out the five purposes that a Green Belt will fulfil and it will be entirely evident to the appointed Inspector that criteria a) thro e), are not contravened by a site already developed and in the context of the appeal site location.

Paragraph 135 simply does not apply, the LPA have been less than selective of specific guidance in the refusal reason in this regard.

Paragraph 136 does not apply.

Paragraph 137 does not apply.

Paragraph 138 does not apply to the appeal circumstances.

Paragraph 139 does not apply.

Paragraph 140 distinguishes between the quality of a village's open character and other qualities that it may possess as a basis for including that village within, or excluding it from the Green belt. Noticeably, the built-up area comprising the village is, in the main, excluded from, the Green Belt raising questions as to why Heathrow Primary School is in its entirety within the Green Belt i.e land and buildings and also a dwelling with outbuildings previously permitted for conversion and with developed land surrounding i.e. the appeal site.

Paragraph 141 directs LPAs to enhance the beneficial use of Green Belt land through retention and enhancement of landscapes including their visual amenity. Notwithstanding location within the Green Belt the appeal site possesses a residential characteristic that will not be adversely impacted by the development proposed.

Paragraph 142 describes the use of land as National Forest and Community Forests; an unsuccessful appeal would not lead to such land uses.

Paragraph 143 sets out that harmful development should not be permitted and it is submitted that this proposal is not harmful to the Green Belt.

Paragraph 144 sets out that substantial weight should be given to the consideration of harm to the Green Belt. This is a minor extension that does not impact upon the openness of the Green Belt, it is development in a domestic and village environment without harm to the essential qualities of the Green Belt.

Paragraph 145 establishes that there are exceptions to the general resistance of new buildings in the Green Belt including the consideration of extensions under criterion c). The extension proposed is minor in scale and of very limited visual impact, occupying a small part of a much larger garden area. The extension can be accommodated in a manner representative of the historic building as a whole and is not disproportionate.

Paragraph 146 is not relevant to the proposed development.

Paragraph 147 does not apply to the appeal circumstances.

6. Consultations and comments of third parties

- 6.1 It is not the practice of the LPA to include consultee of third party comments in the on-line file but to include such comments in the Officer Report. The following brief observations address the points raised.
- 6.2 The Harmondsworth and Sipson Residents association made no comment.
- 6.3 Harmondsworth Conservation Area Advisory Panel made a number of observations, notwithstanding that the site is not within a Conservation Area. The opportunity was taken to be critical of the previous extension permitted by the LPA in 2016 and to express concern for the obscuring of the chimney which it considers an important feature and the masking the original building's identity. The Heritage Statement identifies the original building and it is evident that when listed the building had been significantly extended at a later period. The building is not an outstanding example of a single architectural style requiring specific protection. It is an example of a building evolving to satisfy different occupiers aspirations and needs over time. The core or original building, in an historic context, is little impacted by the development proposed and such change as is intended may offer the opportunity to record features of historic significance not currently evident. Evidence of the chimney will remain as it will be open to view while the view from the road will be of a logical form of extension flowing from the dwelling as it stands.
- 6.4 Historic England expressed no interest in the proposed development.

- 6.5 The Historic England Greater London Archaeology Advisory Service notes the location and suggests that main historic element may be a remnant of a larger property but seems uncertain of historic provenance such that the building's origins and perhaps importance, are not entirely clear. Nonetheless, the service considers that the small-scale extension is unlikely to cause serious harm. The Service recommends a watching brief and this can be secured by condition.
- 6.6 The Conservation Officer is critical of the reuse of the Heritage Statement but was sufficiently confident that available information stood against the proposal with many of the comments offered forming the basis of the refusal reasons. Accordingly, comments already made with regard to the refusal reasons need not be repeated at this juncture.

7. Summary

- 7.1 The development has been refused on the basis of impact on a Listed Building and the Green Belt. Policies assist in blurring the distinction between Listed Building and Planning considerations such that reason 1 for refusal of the planning permission is identical to that refusing listed building consent, including reference to SPD on extensions. Accordingly, the appeal in relation to the refused Listed Building application is likely to be repetitious in the arguments offered and addressed.
- 7.2 It has been established in this evidence that the development proposed is in keeping with its surroundings and is minor with regard to the listed building and the setting of the listed building. This development will have no adverse impact on the appreciation of the listed building or the visual and other amenities of the area. The Green Belt is not adversely impacted such that refusal is justified.
- 7.3 The development is well considered in context and design, and incorporates appropriate materials and is subservient in form leaving the original building recognisable. The amenities enjoyed by the occupiers of neighbouring dwellings will not be adversely impacted such that planning permission should be refused.
- 7.4 The development proposed is in accordance with policy as set out in the Development Plan and the National Planning Policy Framework also Supplementary Planning Document guidance, where there is clarity in its aims. Accordingly, the appointed Inspector is requested to allow this appeal and grant planning permission.

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