



APPEAL BY:

Mr & Mrs H & F Mazher & Barba

AGAINST THE LONDON BOROUGH OF HILLINGDON COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR:

*Installation of a dropped kerb to create an off street car parking space and the
demolition of part of the front boundary wall*

AT

18 Hillingdon Road, Uxbridge, UB10 0AD

London Borough of Hillingdon Council's Reference Nos:
23173/APP/2020/576 & 23173/APP/2020/577

WRITTEN REPRESENTATIONS: COMBINED GROUNDS OF APPEAL

June 2020

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1.0 INTRODUCTION

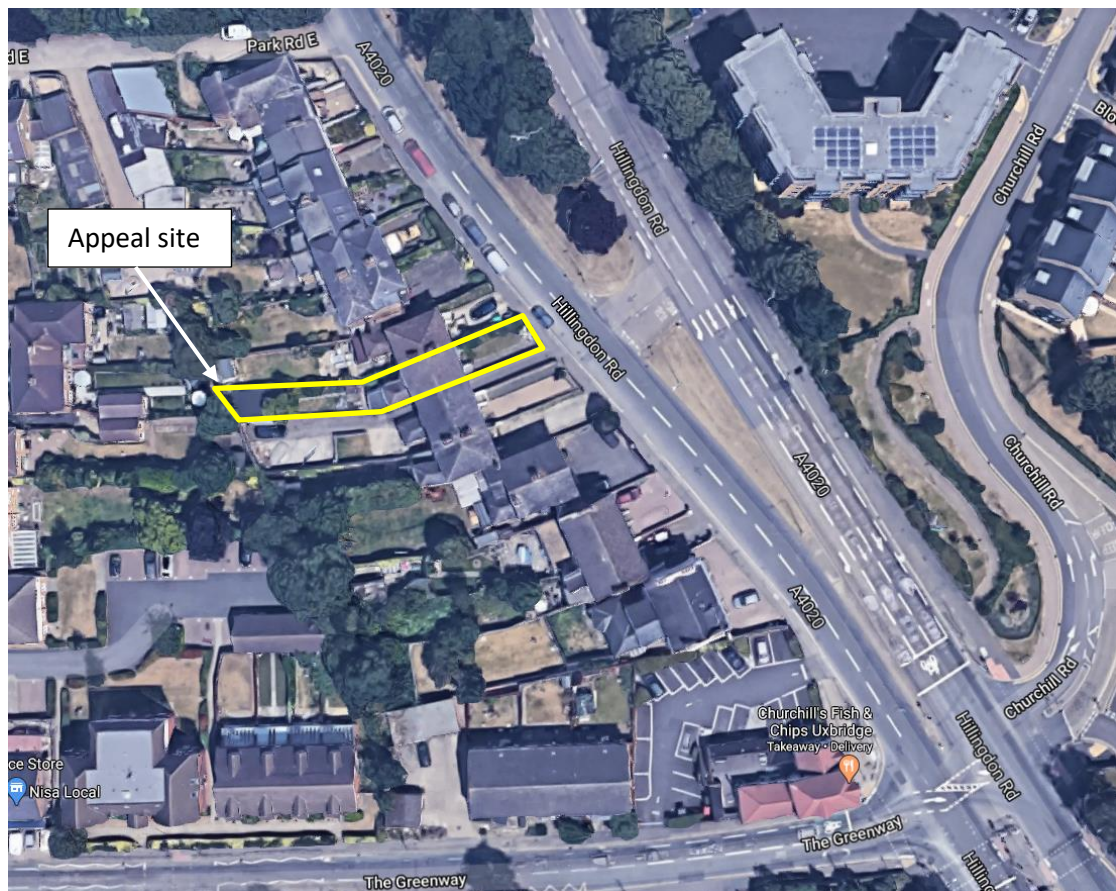
- 1.1 This combined statement has been prepared by RJS Planning, on behalf of Mr & Mrs H & F Mazher & Barba, in support of the appeals lodged against the refusal of planning application 23173/APP/2020/576 and listed building consent application 23173/APP/2020/577.
- 1.2 The combined applications were dated 19th February 2020 and sought planning permission and listed building consent for the installation of a dropped kerb to create an off-street car parking space and the demolition of part of the front boundary wall at no. 18 Hillingdon Road in Uxbridge.
- 1.3 Application ref 23173/APP/2020/576 was refused for the following reasons:
1. *The proposed demolitions of the front boundary wall and the installation of a dropped kerb and off street car parking space, by reason of loss of historic fabric and plan-form, would add visual clutter and detract from the streetscene causing harm to the special architectural and historic interest of the Grade-II listed building contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy 7.8 of the London Plan (2016) and the NPPF.*
 2. *The proposal by reason of vehicles reversing on to Hillingdon Road and the increase in the number of potential conflict points along the road, would result in the disruption of the free flow of traffic to the detriment of highway and pedestrian safety contrary to Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*
- 1.4 LBC application ref 23173/APP/2020/577 was refused for the following reason:
1. *The proposed demolitions of the front boundary wall and the installation of a dropped kerb and off street car parking space, by reason of loss of historic fabric and plan-form, would add visual clutter and detract from the streetscene causing harm to the special architectural and historic interest of the Grade-II listed building contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) Policy 7.8 of the London Plan (2016) and the NPPF (2019).*
- 1.5 This grounds of appeal will address the central concerns raised within the council's reasons for refusal of both applications, notably:

- a) Whether the proposed demolition of the front boundary wall and the installation of a dropped kerb and off street car parking space, by reason of loss of historic fabric and plan-form, would add visual clutter and detract from the streetscene causing harm to the special architectural and historic interest of the Grade-II listed building; and
- b) Whether the proposal by reason of vehicles reversing on to Hillingdon Road and the increase in the number of potential conflict points along the road, would result in the disruption of the free flow of traffic to the detriment of highway and pedestrian safety.

1.6 By way of background to the case, the appellants sought pre-application advice and the Conservation Officer advised to apply for listed building consent and encouraged them to utilise gravel surfacing for the driveway.

1.7 To set some context, this statement will first provide a description of both the appeal property and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE



Aerial view of the appeal site and surrounding area

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- 2.1 The appeal site is situated to the western side of the A4020 Hillingdon Road. The site is not within a conservation area and there are no protected trees on the site.
- 2.2 The site comprises a mid-terrace dwelling which forms part of a group of 4 terraced properties which are all Grade II Listed. The site benefits from a long front garden which is bordered by a low brick wall with metal gate.
- 2.3 To the side of the property is a right of way which allows access to the rear gardens belonging to the four terraced properties. No. 17 currently has parking to the rear for 3 vehicles which is protected by bollards that leaves insufficient space to manoeuvre any vehicles to park at no. 18.



No. 18 Hillingdon Road

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The applications sought planning permission for the installation of a dropped kerb to create an off-street car parking space and the demolition of part of the front boundary wall at no. 18 Hillingdon Road.
- 3.2 A section of the 0.75m high front boundary wall would be removed in order to provide vehicular access and an area of grass measuring 4.8m long x 3m wide would be replaced with gravel.
- 3.3 All work would be completed to a high standard utilising high quality materials to ensure the development complemented the appearance of the host property, the terrace row of which it forms a part and the overall street scene.

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4.0 RELEVANT PLANNING POLICY

4.1 The reasons for refusal refer to policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012), policies DMHB 1, DMHB 2, DMHB 11, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policy 7.8 of the London Plan (2016) and the NPPF.

4.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Achieving well-designed places

- 4.5 Section 12 of the NPPF refers to design, with paragraph 124 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.6 Paragraph 127 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 4.7 Paragraph 130 states:
- “where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

Conserving and enhancing the historic environment

- 4.8 Section 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 185 sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.9 Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.10 Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 4.11 Paragraph 195 states that local planning authorities should refuse consent if a proposed development would lead to substantial harm to (or total loss of significance of) a heritage asset.
- 4.12 The NPPF does not define "*substantial harm*" but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits that outweigh the value of the heritage asset. In these terms it is absolutely clear that the application proposal will not result in "*substantial harm*" to the conservation area. Moreover, it must be pointed out that even the council do not state within the reasons for refusal that the proposal would lead to substantial harm to the historic significance of the heritage asset or conservation area.
- 4.13 Paragraph 196 of the NPPF states that where a development proposal would 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, where appropriate, securing its optimum viable use.

Decision-making

- 4.14 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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London Plan

- 4.15 The council embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level. Policy 7.8 was referred to within the given reasons for refusal.

Policy 7.8: Heritage Assets and Archaeology

- 4.16 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail

Hillingdon Local Plan: Part One – Strategic Policies (November 2012)

- 4.17 The Hillingdon Local Plan is the key strategic planning document for Hillingdon and has an ambition for Hillingdon to be an attractive and sustainable borough. Policies BE1 and HE1 were referred to within the given reasons for refusal.

Policy BE1: Built Environment

- 4.18 Policy BE1 states that the council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy HE1: Heritage

- 4.19 The council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape which includes designated heritage assets such as Listed Buildings and Conservation Areas.

Hillingdon Local Plan: Part Two - Development Management Policies

- 4.20 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. The new Local Plan Part 2 replaces the Local Plan Part 2 Saved UDP Policies (2012). Policies DMHB 1, DMHB 2, DMHB 11, DMT 2 and DMT 6 were referred to within the given reasons for refusal.

Policy DMHB 1: Heritage Assets

- 4.21 The Council will expect development proposals to avoid harm to the historic environment.

Policy DMHB 2: Listed Buildings

- 4.22 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. Planning permission will not be granted for proposals which are considered detrimental to the setting of a Listed Building.

Policy DMHB 11: Design of New Development

- 4.23 Policy DMHB 11 states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design.

Policy DMT 2: Highways Impacts

- 4.24 Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking

- 4.25 Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

5.0 THE APPELLANTS' CASE

Introduction

5.1 The appellants' case will focus on the central concerns of the reasons for refusal, notably:

- a) Whether the proposed demolition of the front boundary wall and the installation of a dropped kerb and off street car parking space, by reason of loss of historic fabric and plan-form, would add visual clutter and detract from the streetscene causing harm to the special architectural and historic interest of the Grade-II listed building; and
- b) Whether the proposal by reason of vehicles reversing on to Hillingdon Road and the increase in the number of potential conflict points along the road, would result in the disruption of the free flow of traffic to the detriment of highway and pedestrian safety.

5.2 The Planning Officer assessed the main considerations in relation to the appeal applications to be:

- The impact on the listed building and the character of the area
- The impact on highway safety
- Further considerations

The impact on the listed building and the character of the area

5.3 As described in section 16.0, the NPPF sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability to ensure new development makes a positive contribution to local character and distinctiveness. Therefore, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and if a proposed development would lead to the substantial harm of a heritage asset it should be refused.

5.4 To reiterate, the NPPF does not define "*substantial harm*" but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits that outweigh the value of the heritage asset. In these terms it is absolutely clear that the removal of a short section of wall and replacement of a small area of grass with a gravel parking space would not result

in “*substantial harm*” to the heritage asset. Where proposals would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, where appropriate.

- 5.5 Local Plan policy HE1 (Designated Heritage Assets and their setting) seeks to safeguard heritage assets and their setting and expects the use of appropriate materials in any restoration or alteration works which would be expected to maintain the character and appearance of both the building and its setting. The objective being to ensure that any works or alterations to listed buildings are carried out using appropriate materials to preserve the integrity of the building.
- 5.6 Consequently, it is not unacceptable in principle to extend or alter the setting of a listed building and it cannot be reasonably considered that the proposed works would adversely affect the historic fabric or the special architectural features of this listed building. There are no specific policies or guidance which stipulates that such development would be unacceptable in principle and this only serves to demonstrate that the refusal is overly cautious as the development would not harm the special architectural and historic interest of the Grade II listed building or the street scene.
- 5.7 The proposed works are appropriate to their surroundings and therefore, it is maintained that the development would have a neutral impact on the listed building, sustaining the historic significance of the listed building and people’s experience of it. It is strongly asserted that the significance and appreciation of the listed building within the zone of influence of the proposal would not be compromised by the proposed works. It is therefore questioned as to what actual detrimental impact the proposed works would have on the listed building given that similar development has been carried out on adjacent sites.



Existing boundary treatments



View from within appeal site

- 5.8 In order to facilitate the off-street parking space a section of the existing front boundary wall would be removed. Currently, the front boundary is formed by a low level wall measuring approximately 0.75m tall and a metal gate. To the side boundaries are taller walls measuring approximately 1.2m high.
- 5.9 The gate and 0.6m high pier as well as both side walls would be retained and therefore, the open element is limited to the driveway behind the dropped kerb. Beyond and to the side of the parking area grass and planting would be retained thereby maintaining an element of soft landscaping to the front garden.
- 5.10 To clarify the small area of parking proposed would not be at a 'jaunty angle' as described by the Trees and Landscaping Officer within the delegated report as the car outline was depicted in this manner to demonstrate that there would be sufficient room to accommodate a vehicle without significant manoeuvring.
- 5.11 The council argue that the '*front wall contributes to the significance of the Listed Building and group of designated heritage assets along this section of Hillingdon Road creating a positive and pleasant street scene and as such the proposal to demolish the existing historic boundary wall would be considered in principle unacceptable. It would significantly harm the contribution made by this property as part of a group of Listed Buildings along Hillingdon Road*'.
- 5.12 In response, the appellants state that the list entry on Historic England for nos. 16-19 Hillingdon Road does not clearly refer to the boundary treatments and, as such, the appellants question whether the entire front boundary wall at no. 18 is completely original given the different colours and patching up that appears to have taken place.



Existing brick wall

- 5.13 Furthermore, the wall does not form part of a continuous line of similar boundary treatments as it is evident that a number of properties within the locality have either removed the front boundary wall in order to provide off-street parking spaces or replaced them with more modern structures as demonstrated in the following images.



Nos. 16 to 19 Hillingdon Road



Grade II listed buildings at nos. 13 & 14 and 15 Hillingdon Road



Grade II listed building nos. 11 and 12 Hillingdon Road

- 5.14 Consequently, the loss of a section of front wall at the appeal site would not be harmful to the prevailing character of the street scene or the setting of the listed building as the boundary demarcation would be retained by the higher side walls and the retained front gate and brick pier.
- 5.15 The delegated report also refers to excessive hardstanding and clutter of vehicles to the front of properties that the council considered would be significantly harmful to the setting of the Grade II listed buildings.
- 5.16 Whilst the appellants recognise that the majority of neighbouring properties have created extensive areas of hardstanding this is not the intention at the appeal site. As demonstrated in the submitted plans the front curtilage would still retain approximately 31% of soft landscaping which would provide an attractive and welcoming appearance to the property. Nevertheless, the appellants note the council's comments in regard to the issues with pea shingle and therefore, are willing to alter this to an alternative gravel.

- 5.17 In regard to the clutter of vehicles the appellants consider that the appeal site cannot be truly appreciated due to the on-street parallel parking bay to the front of the property and therefore, once the section of wall is removed and a vehicle can park on-site this would enhance the significance and appreciation of the building.
- 5.18 Given the above points it is suggested that it is incorrect and a gross exaggeration to state that the proposed works would have a harmful impact on the listed building's significance. The scheme would not result in the level of harm that the council have stated and, as such, any adverse impact would be extremely limited and would be balanced by improving the function of the front garden and the safety of the highway.
- 5.19 In summary, the impact of the development on the setting and the appreciation of the listed building from public vantage points would not be harmed. Therefore, the appellants state that proposal would preserve the special architectural and historic interest of the Grade II listed building and would thus comply with the NPPF, policy 7.8 of the London Plan, policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) as well as Policies DMHB 1, DMHB 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

The impact on highway safety

- 5.20 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.21 Local Plan policy DMT 2 (Highway Impacts) states that development proposals must ensure that safe and efficient vehicular access to the highway network is provided to the council's standards and that they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents.
- 5.22 Policy DMT 6 (Vehicle Parking) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The council may agree to vary these requirements when the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.
- 5.23 The property does not currently have any off-road parking provision and whilst the proposal would remove an on-street parking space, the limited area to the front of the property is available for permit holders only and therefore, the scheme would just seek to relocate parking for the property from the roadside to on-site and, as such, would not affect parking demand in the area.
- 5.24 According to the council's delegated report during the application's consultation period the highways officer did not raise any objection to the proposal.

- 5.25 However, conversely it appears that the case officer has ignored the highways officer's comments and refused the development as they considered that vehicles reversing on to Hillingdon Road and the increase in the number of potential conflict points along the road would result in the disruption of the free flow of traffic to the detriment of highway and pedestrian safety.
- 5.26 In contrast the appellants consider that the removal of the on-street parking bay would, on balance, actually improve highway safety due to its proximity to the dropped kerb at no. 19 Hillingdon Road. As the following image demonstrates vehicles parked in the bay to the front of no. 18 severely restrict views for oncoming vehicles from the south and also reduce visibility for users exiting the parking space at no. 19.



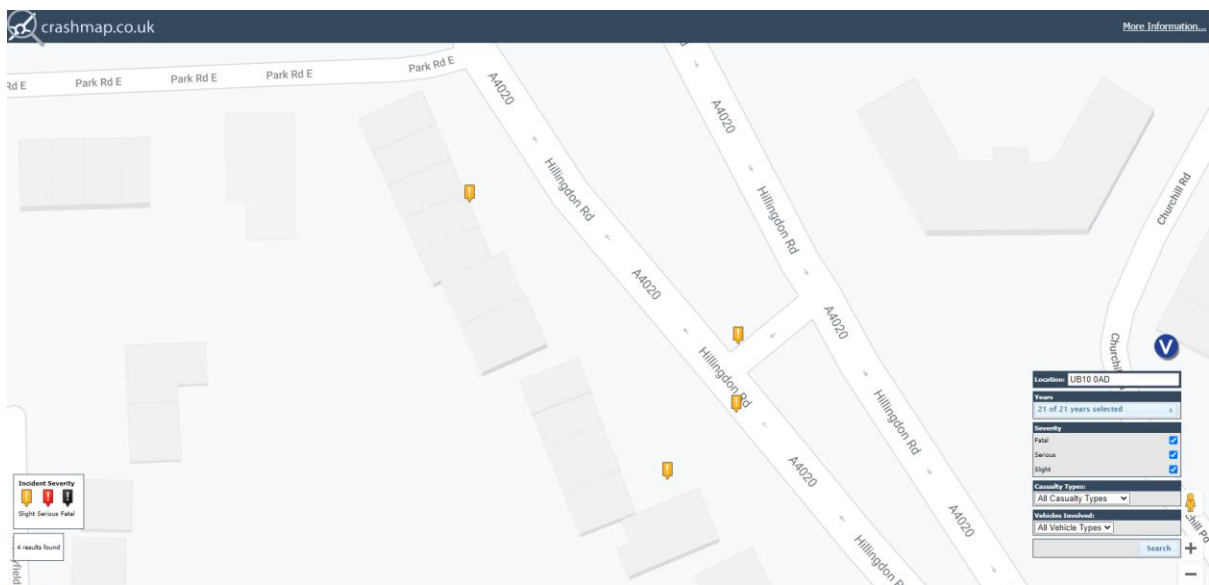
On-street parking bay to front of no. 18 Hillingdon Road

- 5.27 Whilst the appellants acknowledge that there is not sufficient room within the confines of the site to enter and leave in a forward gear they wish to emphasise that the road to the front of the property is wide enough to accommodate vehicles entering and leaving the site without causing any queuing on the highway to the detriment of public and highway safety.
- 5.28 Furthermore, drivers emerging from the proposed parking area in either forward or reverse gear would have a good view of approaching traffic from the south given the good sightlines around the site.
- 5.29 Likewise, drivers approaching these properties on Hillingdon Road would have time to anticipate an emerging vehicle and react accordingly. While traffic also emerges across the central reservation the line of sight with the appeal property is unobstructed which enables a high degree of mutual visibility.



View of highway from within the site

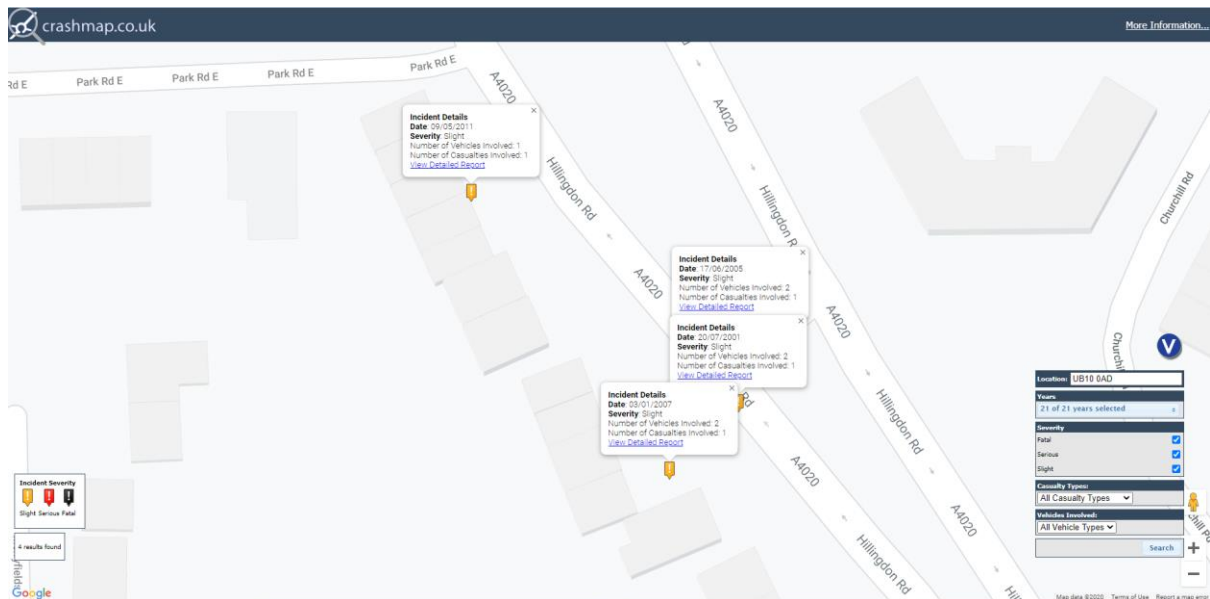
- 5.30 A number of properties along this stretch of Hillingdon Road have direct access onto the highway and the following evidence taken from the crashmap data website indicates a low occurrence of vehicle collisions in the immediate locality. The following data results indicate that over the entire 21 year period available there have been just 4 slight incidents which dated from 20th July 2001, 17th June 2005, 3rd January 2007 and 9th May 2011.



Crashmap data taken over the available 21 year period

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Crashmap data with specific details over 21 year period

- 5.31 Therefore, the appellants assert that the additional access would have a negligible impact on the overall risk and the degree to which the development would utilised it would be very unlikely to lead to a significant disruption to the free flow of traffic.
- 5.32 Therefore, given the above points the development would not lead to any detrimental impacts on public and highway safety and is compliant with the aims of the NPPF and Local Plan policies DMT 2 and DMT 6.

Further Considerations

- 5.33 The appellants consider that it is beneficial to highlight that similar alterations within the immediate area were, in fact, approved by the council and, as such, were considered not to result in any unacceptable impact on the associated listed building, the character and appearance of the street scene or wider area.
- 5.34 Nos. 11 and 12 Hillingdon Road (List Entry UID 1358397) received planning consent following appeal reference APP/R510/A/05/1188855 for the '*Change of use from hostel to residential (Class C3) comprising conversion of existing building to 7 one-bedroom self-contained flats (retrospective application)*' on 10th February 2006 which included the installation of the large area of hardstanding to the front of properties.
- 5.35 Nos. 13 and 14 Hillingdon Road (List Entry UID 1285337) were granted planning approval following application ref 10277/C/78/1565 for the formation of access on 8th November 1978.

- 5.36 No. 17 Hillingdon Road (List Entry UID 1080181) received planning approval for off-street parking following the discharge of condition 2 of 23590/77/689 under application ref 23590/B/78/0186 on 15th March 1978.
- 5.37 No. 19 Hillingdon Road received planning approval and listed building consent following application refs 36312/D/92/1060 and 36312/E/92/1062 for the installation of a vehicular crossover and creation of hardstanding on 2st December 1992.



No. 19 Hillingdon Road

- 5.38 Planning decisions should be made having regard to this context and therefore, given the changes that have already taken place on Hillingdon Road the works proposed at no. 18 would be easily assimilated in the locality without compromising its character or the appreciation of the heritage assets.
- 5.39 In addition to those examples shown above there is another relevant case, albeit not to a listed building, at no. 65 Hillingdon Road. The council refused planning application ref 70355/APP/2015/3316 for the '*installation of vehicular crossover to front*' on 11th November 2015 due to its effect on highway safety.
- 5.40 Appeal ref APP/R5510/D/15/3140839 was initially dismissed on 31st March 2016. However, that appeal decision was quashed by order of the High Court and as a result

following appeal ref APP/R5510/D/15/3140839 (details attached in **Appendix A**) was allowed and planning permission granted on 5th May 2017.

- 5.41 The inspector of appeal ref 3140839 established that there is good visibility to the south that a driver would have ample time to see oncoming traffic. Furthermore, whilst vehicles may leave the property in reverse the inspector stated that this would be no different from the existing situation at many other accesses nearby before concluding that the development would accord with the development plan.
- 5.42 In summary, the appellants consider that there is sufficient evidence to demonstrate that the development at the appeal site would result in an acceptable alteration to the setting of the listed building and would not prejudice the free flow of traffic or conditions of highway or pedestrian safety.

6.0 CONCLUSION

- 6.1 Whilst it is understandable that the council would want to prevent unsympathetic development the appellants have no desire to gain permission for works that are not worthy of the setting of the existing Grade II Listed Building and feel strongly that the proposed removal of the front wall, the installation of a dropped kerb and off street car parking space would make a positive enhancement to the appearance of the site and sustain the significance of the heritage asset. Therefore, it is considered that the appeal development complies with the overall aims of the National Planning Policy Framework.
- 6.2 The appellants understand why the council may have concerns in regards to the alterations to the setting of a listed building; however, it is considered that the council have adopted an overly cautious approach in appraising the appeal proposal, whilst failing to take into account the context of the site. Therefore, the appellants state that the appeal proposal represents acceptable alterations that would complement the appearance of the listed building and the streetscene setting.
- 6.3 The NPPF states that planning permission should be refused only if a proposed development would lead to substantial harm to the significance of a designated heritage asset. The NPPF does not define “*substantial harm*” but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by means of extensive physical alterations. In this case it is absolutely clear that the appeal proposal would not result in substantial harm or even less than substantial harm to the listed building and would on balance would improve the function of the front garden and bring about a positive improvement to highway safety for public benefit.

- 6.4 Therefore, the scheme complies with the overall aims of the NPPF as well as policy 7.8 of the London Plan (2016), policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) and policies DMHB 1, DMHB 2, DMHB 11, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- 6.5 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed development would not be contrary to national, regional or local planning policy and for the above reasons, it is politely requested that this appeal is allowed, with the inclusion of any conditions deemed necessary in this case.