

Planning and Heritage Statement

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

Project:	Retrospective application for a single-storey outbuilding
Client:	Richie Stone
Site Address:	10 Egerton Close, Pinner, Harrow, London, HA5 2LP
Issue and Revision Record:	Version 1 (23/12/2025)
Local Authority:	London Borough of Hillingdon Council
Highways Authority	London Borough of Hillingdon Council
Planning Portal Application Ref:	PP- 14576391
MDP Reference:	RS01

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1. Introduction

- 1.1 This Planning Statement has been prepared to accompany a retrospective planning application for a single-storey outbuilding. This is at 10 Egerton Close, Pinner, Harrow, London, HA5 2LP. The application has been submitted via the Planning Portal by Mark Doodes Planning (MDP) herein referred to as the Applicant or Agent interchangeably on behalf of our client Richie Stone as landowner.
- 1.2 The purpose of this Statement is to clarify and expand upon the above description of development and to consider the degree to which the proposals accord with national and local planning policies. The statement also reflects upon the degree to which the proposals can be described as *sustainable* development.
- 1.3 Any use of the word ‘paragraph’ is, for the avoidance of doubt, a reference to the 2024 National Planning Policy Framework (NPPF or the Framework).
- 1.4 The description of development is:

“Retrospective construction of a single-storey outbuilding.”

2. Application Submission

- 2.1 This Statement is submitted with a number of documents which make-up the planning submission. These documents are all listed in the covering letter and do not need to be repeated here.
- 2.2 It is important, like with national planning policy, to read the application submission *as a whole*.
- 2.3 The development was not screened for EIA purposes as its nature and scale wasn’t considered to meet the applicable thresholds and criteria for such development as set out in Schedules 1 and 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

3. Site and Surroundings

- 3.1 The application site is located on the southern side of Egerton Close. It comprises No. 10, a two-storey, semi-detached, dwelling constructed of facing brickwork and render under a hipped roof. That said, the roofscape has been altered to accommodate a dormer window. The principal elevation of the application property is shown at Figure 1 below.





Figure 1: Application property.

- 3.2 Properties in this cul-de-sac are typically semi-detached units constructed in a traditional manner (although their architectural composition varies). Many of them have been considerably extended. Properties are set back from the carriageway in well-established plots. Dwellings, including the application property, have long rear gardens.
- 3.3 The area is pleasant and sub-urban in character. It is not within any designation as depicted in the Council's development plan and falls within the built-up area of the city. The area is not covered by any National Landscape or Green Belt and does not fall within the setting of any listed building.
- 3.4 It is acknowledged that the site is relatively close to the Eastcote Village Conservation Area (CA), the closest boundary of which runs along Joel Street to the east. However, the site is divorced from this CA by existing development. There is limited intervisibility between the CA and this plot. Although considered for completeness, the site is not considered to fall within the CA's setting. A map showing the closest CA boundary is provided at Figure 2 below for ease of reference.





Figure 2: Map showing boundary of CA (edged in black).

4. Planning History

4.1 None relevant.

5. Proposed Development

- 5.1 This application seeks retrospective permission for the construction of a single-storey outbuilding. This is located at the end of the long rear garden at the application site.
- 5.2 Works started in October 2025 and was completed on or around the 12th of November 2025.
- 5.3 The outbuilding is constructed to a high standard of design and materials and features horizontal wooden cladding under a shallow, mono-pitched, roof. It is around 2.9m in height and has a width of around 5m and a length of around 4.5m.
- 5.4 The outbuilding is depicted in Figures 3 and 4 below. It is used for ancillary residential purposes.

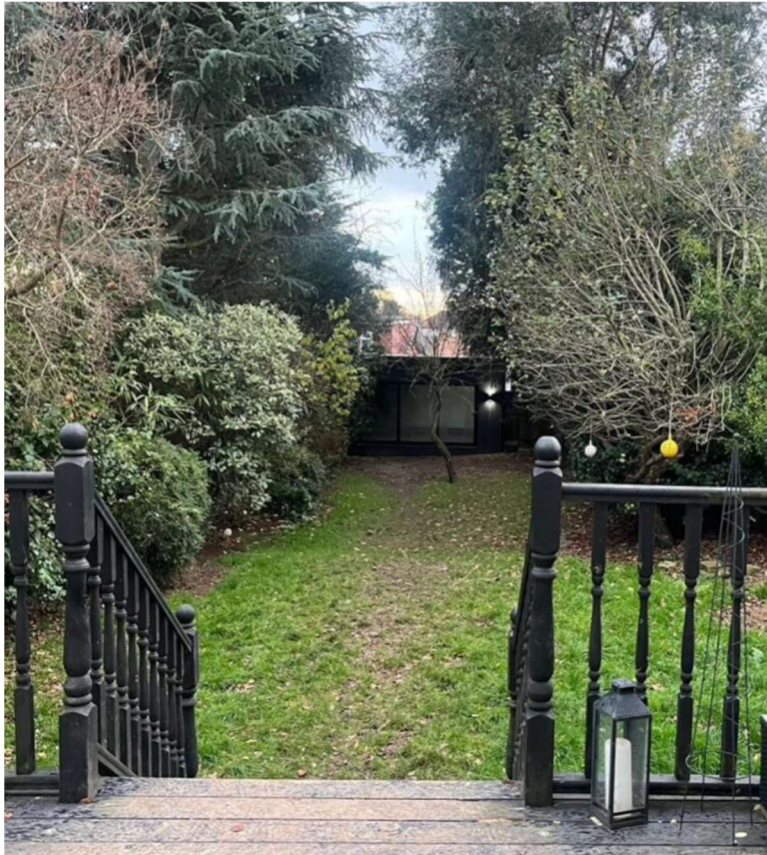


Figure 3: Outbuilding as seen from close to rear elevation of application property.



Figure 4: Front elevation of outbuilding.

6. Planning Policy, Legal and Guidance Context

- 6.1 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application should be considered against the provisions of the adopted Development Plan, unless material considerations indicate otherwise.
- 6.2 In this instance, key policies are found within the Hillingdon Local Plan Part 1 – Strategic Policies 2012 (LPP1), the Hillingdon Local Plan: Part 2 – Development Management Policies 2020 (LPP2) and the London Plan (LP). Other material planning policy considerations include the 2024 National Planning Policy Framework (henceforth referred to as ‘the Framework’ or ‘the NPPF’) and Planning Practice Guidance (PPG).
- 6.3 Key policies, national guidance and law relevant to the proposed development at this site are set out below.

Hillingdon Local Plan Part 1 – Strategic Policies

- 6.4 **Policy BE1: Built Environment** - Amongst other things, 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. New development should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.

Hillingdon Local Plan: Part 2 – Development Management Policies

- 6.5 **Policy DMHB 11: Design of New Development** - All development, including extensions, alterations and new buildings will be required to be designed to the highest standards. Development should harmonise with its local context, taking into account the scale of development and the height, mass and bulk of adjacent structures.
- 6.6 **Policy DMHB 12: Streets and Public Realm** - Development should be well integrated with the surrounding area.



- 6.7 **Policy DMHB 18: Private Outdoor Amenity Space** - Amenity space should be provided in accordance with the standards set out in Table 5.3.
- 6.8 **Policy DMHD 1: Alterations and Extensions to Residential Dwellings** - Amongst other things, planning applications relating to alterations and extensions of dwellings will be required to ensure that there is no adverse cumulative impact of the proposal on the character, appearance or quality of the existing street or wider area.

London Plan

- 6.9 **Policy D3: Optimising site capacity through the design-led approach** – Amongst other things, development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 6.10 **Policy D4: Delivering Good Design** – Amongst other things, the design quality of development should be retained through to completion.

National Planning Policy Framework

Approach to Sustainable Development

- 6.11 **Paragraph 7** of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 6.12 **Paragraph 8** states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future*



generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.13 **Paragraph 9** states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.14 **Paragraph 10** states that, so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This is then detailed at **Paragraph 11**.
- 6.15 **Paragraph 39** makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.

Design

- 6.16 **Paragraph 131** states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 6.17 **Paragraph 135** seeks to ensure that developments add to the overall quality of the area.
- 6.18 **Paragraph 139** states that development that is not well designed should be refused.

Living Conditions

- 6.19 **Paragraph 135** seeks to secure a high standard of amenity for existing and future users.

Biodiversity

- 6.20 **Paragraph 187** seeks, amongst other things, to improve biodiversity in and around developments and secure measurable net gains for biodiversity.

Highway Safety



- 6.21 **Paragraph 115** seeks to ensure that safe and suitable access to the site can be achieved for all users.
- 6.22 **Paragraph 116** 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.

Historic Environment

- 6.23 **Paragraph 207** of the Framework requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.24 **Paragraph 212** of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 6.25 **Paragraph 215** states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Legal Context – Heritage

- 6.26 Established caselaw¹ contains important findings which have direct implications for developments concerning conservation areas and listed buildings. The Court emphasised the need for decision makers to apply the intended protection for heritage assets as specified under s66(1) of the relevant 1990 Act and the parallel duty under s72(1) of that Act. These are as follows:

“Section 66(1) – “In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

“Section 72(1) – “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2)3, special

¹ *Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG (2014) EWCA Civ 137.*



attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

- 6.27 In essence, the decision maker has a statutory duty to give ‘considerable importance and weight’ to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of a conservation area when carrying out a ‘balancing exercise’ in planning decisions.

Additional Guidance – Heritage

- 6.28 Further guidance is provided in the Government’s Planning Practice Guidance chapter on ‘Historic environment’. This includes guidance on plan making, decision taking, designated and non-designated heritage assets, heritage consent processes and consultation requirements. The following link is relevant:

<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

- 6.29 Advice is also available from Historic England using the following link:

<https://historicengland.org.uk/about/what-we-do/historic-englands-role/>

- 6.30 Weight can be attached to its advice accordingly, although that advice is not part of the Government’s guidance. Current Historic England guidance includes:

- Historic Environment Good Practice Advice in Planning: Note 1 – The Historic Environment in Local Plans.
- Historic Environment Good Practice Advice in Planning: Note 2 – Managing Significance in Decision-Taking in the Historic Environment.
- Historic Environment Good Practice Advice in Planning: Note 3 - The Setting of Heritage Assets.
- Historic Environment Good Practice Advice in Planning: Note 4 – Enabling Development and Heritage Assets.
- Seeing the History in the View.
- Understanding Place - Historic Area Assessments: Principles and Practice.
- Historic England’s Heritage Planning Case Database.



Harm

6.31 In *Shimbles v City of Bradford MBC [2018] EWHC 195 (Admin)*, it was concluded that when determining planning applications, LPAs were not obliged to place harm that would be caused to the significance of a heritage asset, or its setting, somewhere on a "spectrum" in order to come to a conclusion. Rather, the only requirement was to differentiate between "substantial" and "less than substantial" harm for the purposes of undertaking the weighted balancing exercise. However, even if the level of harm to an asset or its setting would only be minor, this should still be attributed considerable importance and weight.

6.32 Further advice about assessing if there is substantial harm can be found in the Planning Practice Guidance which, amongst other things, states that:

"Whether a proposal causes substantial harm will be a judgement for the decisionmaker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

6.33 The presumption in favour of sustainable development contained in paragraph 11 d) of the Framework is considerably altered from that of the previous version and states that:

"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.

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."



- 6.34 Where paragraph 11 d) of the Framework applies: the exercise at the Framework paragraph 215 and paragraph 11 d) i. should therefore be undertaken where harm to heritage assets mentioned in Footnote 7 is identified, including less than substantial harm.
- 6.35 If the Council carries out the balancing exercise in the Framework paragraph 215 and concludes that there is harm, but then concludes that that harm is outweighed by identified public benefits, then the Framework paragraph 208 should no longer be taken to indicate that development should be restricted and the weighted balance in Framework paragraph 11 d) ii. should then be undertaken.
- 6.36 In *City & County Bramshill Limited v SSHCLG & Others [2021] EWCA Civ 320, 9 March 2021*, the Court confirmed that there is no requirement to undertake a “net” or “internal” balance of heritage-related benefits and harm as a self-contained exercise preceding a wider assessment as required under the Framework. The Courts have not prescribed any single approach, but have highlighted the need to follow the approach in the Framework, which should fulfil the legal duty.

7. Planning Assessment

7.1 It is considered that the main planning issues associated with this proposal are:

- The effect of the proposal on the character of the area; and
- The effect of the proposal on the living conditions of the occupants of adjacent dwellings.

1) Character and Appearance

- 7.2 As identified, the application property has a long rear garden. The outbuilding is located at the end of this garden. Given its small footprint, the development does not occupy a sizeable part of the garden and considerable open space remains. Indeed, the ratio of soft landscaping to built form at the site has not markedly changed.
- 7.3 Consequently, the proposal does not appear cramped in this garden and, when seen in conjunction with the main house, the physical presence of built form at the site is not excessive. In essence, the property does not appear cramped at this large plot in relation to its size and its ancillary structures.
- 7.4 Turning to scale, the proposal is limited in height and single-storey only. As such, and given its positioning away from the host dwelling, it does not compete inappropriately with the main house



in terms of scale. No. 10 remains the primary visual feature at the site and the outbuilding is clearly ancillary and subordinate to it. Furthermore, it is not perceptible from the streetscene. There is no change to the public domain and the proposal does not appear visually intrusive or dominant in any sense.

- 7.5 In terms of design, the outbuilding is constructed using a sympathetic materials palette, including wooden cladding. This gives it a 'soft' high quality finish that integrates successfully with the verdant part of the garden. The glazed front elevation of the outbuilding also adds architectural interest, ensuring that the outbuilding has a 'light weight' appearance and that elevations are not dominated by expanses of unbroken cladding.
- 7.6 In relation to trees, no tree of significant visual amenity value was removed to facilitate construction. Indeed, trees at the site could simply be removed without any consent. The outbuilding is small in footprint, occupying only a limited proportion of the rooting systems of nearby trees, and it was constructed using pile foundations (rather than a concrete base). As such, even if it falls in a small part of the root protection areas of nearby trees, the building's weight, which is limited by the proposal's size, is suitably dispersed. It follows that the proposal has not resulted in harm to any tree of significant visual amenity value and preserves the long-term health of nearby trees.
- 7.7 This proposal is entirely typical of residential development. Indeed, it is not uncommon to find similar outbuildings at rear of gardens in this residential area. There would simply be no change to the overall spatial pattern or rhythm of nearby built form.

Overall Conclusion – Character and Appearance

- 7.8 Taking everything together, this small proposal is entirely proportionate in terms of size at the site. It does not draw the eye and does not result in a cramped form of development. Its scale does not draw the eye or appear intrusive and its 'soft' appearance integrates with this verdant setting. No trees of significant visual amenity value were harmed during construction and the long-term health of trees is safeguarded.
- 7.9 Overall, the proposal makes no change to the domestic plot and preserves the character and appearance of this residential area. This is in accordance with Policy BE1 of the LPP1, Policies DMHB 11, DMHB 12, DMHB 18 and DMHD 1 of the LPP2 and Policies D3 and D4 of the LP.



2) Living Conditions

- 7.10 In terms of the host property, sufficient external amenity space remains at the site for existing occupants, in line with the requirements of Policy DMHB 18 of the LPP2.
- 7.11 Turning to surrounding residents, the proposal is limited in scale and footprint. Its bulk and mass is not dominant or intrusive if glimpsed from neighbouring dwellings or their external amenity space. Outlook and access to daylight at surrounding dwellings has not materially changed. Neither has privacy, noting that the single-storey outbuildings does not provide direct, elevated, views of neighbouring plots.
- 7.12 It follows that the proposal preserves the living conditions of the occupants of neighbouring properties. This is in accordance with Policy BE1 of the LPP1 and Policy DMHB 11 of the LPP2.

Other Material Considerations

Flooding

- 7.13 The site falls entirely within Flood Zone 1 where there is a low probability of flooding. Furthermore, the limited proposal would not increase the footprint of built form significantly at the site and there is no evidence of surface water collection. Consequently, the proposal is not unduly susceptible to flood events and does not increase the likelihood of such events off-site. The proposal's location within Flood Zone 1 is evidenced below.



Figure 5: Site entirely within Flood Zone 1 (source: EA Flood Map for Planning 2025).



Highway Safety and Parking

- 7.14 The proposal makes no material change to parking arrangements at the site. In terms of highway safety, the existing access would be used. This has not been unduly intensified and vehicles could manoeuvre on-site and exit in a forward gear. It is therefore considered that the scheme has not prejudiced vehicular or pedestrian safety.

Biodiversity

- 7.15 The proposal is located on part of a domestic plot with low ecological value. It does/did not affect any protected species or any nationally, internationally or locally designated wildlife site.

Historic Environment

- 7.16 As identified, the proposal is close to the boundary of the CA. While the applicant does not consider it to fall within its setting, this has been considered for completeness. This is particularly so noting that the decision maker has a duty to give special attention to preserving or enhancing the character or appearance of the CA and as the 2024 Framework also advises that great weight must be given to the conservation of designated heritage assets.
- 7.17 The significance of the CA is derived from the historic evolution of development along the River Pinn and surrounding woodlands. Designated heritage assets within it (listed buildings) also contribute in this regard. The domestic nature of the application site makes a neutral contribution to the residential setting of the nearest part of the CA.
- 7.18 As discussed, the proposal does not cause no harm to the character or appearance of the site and streetscene. It is not apparent within the CA and makes no material change to its setting, including the open space at the nearby cricket ground. Consequently, the character, appearance, significance and setting of the CA is preserved, in accordance with the s72 of the relevant 1990 Act. The Council's statutory duty in this regard can be discharged.

Fall-back Position



- 7.19 It is acknowledged that the constructed outbuilding is not technically lawful under the permitted development regulations. However, ordinarily, Schedule 2, Part 2, Class E of the GPDO permits sizeable outbuildings. These could be comparable in scale (up to 4m in height) and location to this proposal. This is a material fall-back position.
- 5.20 Various court cases have considered the concept of a ‘fall-back’ development as a material consideration. It is described in *Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314* as “familiar”. Paragraph 27 of that judgment by the Court of Appeal confirms that there should be a “real prospect” of a ‘fall-back’ development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances.
- 5.21 Additionally, in *Gambone v Secretary of State for Communities and Local Government [2014] EWHC 952 (Admin)* a two stage approach was set out, where a determination must first be made concerning whether the ‘fall-back’ position is a material consideration, before weight is ascribed. The following two questions should therefore be considered: 1) Is there greater than a theoretical possibility that the development might take place (the “real prospect” test)? 2) If there is a greater than theoretical possibility, what weight should be ascribed?
- 5.22 Outbuildings such as this are typical features of any residential plot. As such, the typical permitted development ‘fall-back’ of the construction of large outbuildings at the site is not just a mere theoretical possibility. On the contrary, they could be pursued in the absence of planning permission. In essence, a comparable outbuilding could ordinarily be constructed at this plot.
- 5.23 Having established that the ‘fall-back’ scheme is more than a theoretical possibility, the decision maker must turn to consider the weight that it attracts. As identified, a similar outbuilding could be constructed now. Furthermore, the Courts have confirmed in *Burge v SSE [1988] JPL 487* that permitted development rights under the GPDO are material to planning merits.
- 5.24 As such, the realistic ‘fall-back’ scheme identified in this Statement (the lawful construction of a comparable outbuilding at the site under Schedule 2, Part 1, Class E of the GPDO) should attract significant weight in the determination of this appeal.
- 5.25 It also demonstrates that the Government, in giving deemed consent for such development, considers similar developments to be acceptable in terms of effects on the design of host properties and the wider area.



8. Planning Balance and Conclusion

- 8.1 The proposal does not harm the character and appearance of the area. Furthermore, it does not cause harm to the living conditions of the occupants of neighbouring properties. No other planning harms are assessed.
- 8.2 Overall, the proposal should be approved without delay as it is in accordance with the development plan as a whole and there are no other considerations which outweigh this finding.

Overall Conclusion

- 8.3 It is concluded that the proposal would represent sustainable development for which the Framework advocates a presumption in favour. It is therefore respectfully requested that permission be granted.

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