



Appeal Decision

Site visit made on 7 February 2019

by M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2019

Appeal Ref: APP/R5510/W/18/3215376

Brackenbury Barn, Breakspear Road South, Ickenham UB10 8HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sube Bose against the Council of the London Borough of Hillingdon.
 - The application Ref 16322/APP/2018/2799, is dated 11 July 2018.
 - The development proposed is the erection of outbuilding following demolition and removal of existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of outbuilding following demolition and removal of existing outbuilding at Brackenbury Barn, Breakspear Road South, Ickenham UB10 8HB in accordance with the terms of the application, Ref 16322/APP/2018/2799, dated 11 July 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PA-01 Rev A and PA-02 Rev A.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Brackenbury Barn, Breakspear Road South, Ickenham UB10 8HB.
 - 4) No development of a building shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

Application for costs

2. An application for costs was made by Mr Bose against the Council of the London Borough of Hillingdon. This application is the subject of a separate decision.

Background and Main Issues

3. The Council did not determine the application. However, it has confirmed that had it been in a position to do so it would have refused permission due to the absence of a heritage statement to enable an assessment of the impact of the proposed development on a Scheduled Ancient Monument and listed building, hereafter referred to as the designated heritage assets (DHA), and the potential for the proposed building to be used separately from the main dwelling.
4. Both main parties have referred to a Grade II* listed building. However, I have also been provided with the listing description which identifies Brackenbury House as being Grade II listed; no reference is made to any other listed building in the surrounding area. For reasons of accuracy I will use the grade set out in the statutory list.
5. The proposal is to replace an existing outbuilding. The new building would be in the same use and it would not be materially larger than the one it replaces. I therefore agree with the parties that the proposal is not inappropriate development in the Green Belt having regard to paragraph 145 of the National Planning Policy Framework (2019) (the Framework).
6. The main issues to consider are the effect of the proposal on the character, appearance and setting of the DHA and whether or not the development would be tantamount to a new self-contained dwelling.

Reasons

Designated Heritage Assets

7. The DHA consist of a medieval moated site at Brackenbury Farm surviving as earthworks and archaeological remains, and the listed Brackenbury House. The setting of the DHA is important to their significance. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
8. The Council's Conservation Officer has advised that providing the building to be demolished holds no architectural or historic interest, its demolition is acceptable and that the replacement building, being of similar size, is also acceptable in the context of the nearby DHA.
9. There is no substantive evidence before me to indicate that the existing building might be of architectural or historic interest. Furthermore, there is no suggestion that the building is contemporaneous with, or otherwise related to, the DHA. In the absence of evidence to demonstrate that its loss would negatively impact upon the DHA I can find no reason to insist on the building's retention. Since the proposed replacement is to be built on approximately the same footprint and is of a similar size and scale to the existing building, it would not adversely impact on the heritage significance of the DHA.
10. For the above reasons, I conclude that there is no conflict with saved Policy BE10 of the London Borough of Hillingdon UDP (1998) (UDP) that seeks to protect the setting of listed buildings. The Council has also referred to saved Policy BE8, but because this policy relates to alterations and extensions to listed buildings and buildings on the local list it is not relevant to the proposed development.

Self-contained dwelling

11. Although the proposed building would be detached, with no physical link to the main dwelling, it would clearly lie within the curtilage of Brackenbury Barn and would only be accessible from its garden. The appellant states that the proposal would be used for purposes incidental to the enjoyment of the main dwelling. The plans indicate that the building would be used as a garden store, gym and playroom with an accompanying wetroom.
12. Whilst the proposal would create accommodation that may theoretically be capable of independent occupation, this is clearly not the intention. The siting of the building would be such that it could only practicably be used in association with the dwelling and would not lend itself to separate occupation. A suitably worded condition would ensure that that would remain the case and the appellant has agreed to this.
13. To conclude, the proposed development would not be tantamount to a new self-contained dwelling. Consequently, I find no conflict with UDP Policies AM14, BE19, BE23 and BE24, or the Council's Supplementary Planning Document HDAS Residential Extensions that, among other matters, seek to protect the character and appearance of the area, the living conditions of the occupiers of neighbouring property and maintain car parking standards.

Conditions

14. I have considered the Council's suggested conditions against the tests set out within paragraph 55 of the Framework and the Planning Practice Guidance. In addition to time limit and plans conditions, which are necessary in order to provide certainty, I have attached a condition regarding materials and a further condition stipulating that the building shall be occupied only for purposes ancillary to the residential use of Brackenbury Barn. This is to ensure that the development is not used as a separate unit of accommodation to protect the living conditions of the occupiers of the host property.
15. The Council has suggested conditions relating to the screening of bin stores, noise insulation between each floor of the proposed development, secure cycle storage and boundary treatment. I have no substantive evidence before me that the proposed development would increase the demand for bin storage or cycle parking and no boundary treatment is proposed. Furthermore, the proposed building is single storey and as such noise insulation between the floors is unnecessary. Consequently, I find that conditions on these matters would not meet the test of necessity and are therefore inconsistent with national policy and guidance on the use of planning conditions.

Conclusion

16. For the reasons I have set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Mark Brooker

Inspector