



Appeal Decisions

Site visit made on 6 October 2020

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal A

Appeal Ref: APP/R5510/W/20/3245669

Lanz Farm, 33 Harmondsworth Lane, West Drayton, Hillingdon, Middlesex UB7 0JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Edwards, Komfort Services against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44185/APP/2019/866, dated 4 March 2019, was refused by notice dated 5 November 2019.
 - The development proposed is two storey rear extension.
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Appeal B

Appeal Ref: APP/R5510/Y/20/3249336

Lanz Farm, 33 Harmondsworth Lane, West Drayton, Hillingdon, Middlesex UB7 0JQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr M Edwards, Komfort Services against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44185/APP/2019/1167, dated 4 March 2019, was refused by notice dated 5 November 2019.
 - The works proposed are two storey rear extension.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural matters

3. On the application form for planning permission the proposal was described as a rear extension. This was amended on the Council's decision notice to being for a two storey rear extension, and as that was the description used on the application form for listed building consent and better describes the proposal, I have used that in the headings.

4. Following the issuing of the decisions the Council adopted the Local Plan Part 2 – Development Management Policies (the LPP2). This superseded the Hillingdon Local Plan: Part Two – Saved UDP Policies which was referred to on the decision notices. I have therefore not used the policies in the latter document in making this decision.
5. At the same time as making the site visit, I also undertook a site visit in relation to an appeal against the refusal of planning permission for a single storey garage building on the site¹. This appeal is the subject of a separate decision.
6. The Green Belt boundary runs through the appeal site and through the location of the proposal. However, the parties agree that it should be considered as development in the Green Belt and I have dealt with the appeal against the refusal of planning permission on that basis.

Main Issues

7. In respect of Appeal A the main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) the effect on openness of the Green Belt;
 - (iii) the effect on the character and appearance of the area;
 - (iv) whether the proposal would preserve the special architectural and historic interest of the Grade II listed Lanz Farmhouse; and
 - (v) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
8. In respect of Appeal B the main issue is whether the proposal would preserve the special architectural and historic interest of the Grade II listed Lanz Farmhouse.
9. As the fourth main issue in respect of Appeal A and that of Appeal B are effectively the same, I will consider them together and will have special regard to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) as appropriate.

Reasons

Whether inappropriate development

10. Policy DMEI 4 of the LPP2 indicates that inappropriate development in the Green Belt will not be permitted unless there are very special circumstances. The policy also allows for extensions on sites in the Green Belt which would not have a greater impact on the openness of the Green Belt, and the purposes of including land within it, having regard to various criteria including the height and bulk of the existing building on site; the footprint and character of existing buildings and the visual amenity and character of the Green Belt.

¹ APP/R5510/W/20/3244945

11. The explanatory text to Policy DMEI 4 states that the Framework provides guidance on what is acceptable or not in the Green Belt and “this is reflected below for clarity”. This includes the exception for the extension of a building provided it does not result in disproportionate additions over and above the size of the original building.
12. Paragraph 145 of the Framework indicates that the construction of new buildings should be considered to be inappropriate in the Green Belt but sets out a list of exceptions. This includes the same phrase as regards extensions to buildings as is set out in the explanatory text to Policy DMEI 4.
13. The Glossary of the Framework defines the original building, in the context of this issue in this appeal, as that as existing on 1 July 1948, and thus this is the baseline for judging whether the proposal would represent inappropriate development in the Green Belt. Beyond the criteria set out in Policy DMEI 4 I have not been provided with any guidance that the Council uses to judge this, and consequently, whether a proposal would represent a disproportionate extension is a subjective judgement.
14. The original building has already been substantially extended following the grant of permission and consent in 2017. This increase in bulk would be carried even further by the significant proposal the subject of these appeals to the extent that cumulatively, the additions would represent a disproportionate extension over and above the size of the original building.
15. Therefore, this proposal would represent inappropriate development in the Green Belt. Paragraphs 143 and 144 of the Framework make clear that inappropriate development is, by definition, harmful to the Green Belt, should not be approved except in very special circumstances, and substantial weight should be given to any harm to the Green Belt.

The effect on openness

16. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
17. The proposal would reduce the spatial openness of the area in that it would be physically larger in all three dimensions, although the effect would only be to a moderate extent. I will consider the visual aspects of openness in the following section.

The effect on character and appearance

18. The appeal site lies on the south side of Harmondsworth Lane. The character of the area is of relatively, to the original date of Lanz Farmhouse, recent frontage development. However, the appeal property is set at an angle so that the shorter side elevation faces the road. The front door is set in the longer west elevation, and the eastern elevation is well described as the rear elevation. Because the property extends closer to the road than the properties to the east, and the road makes a turn at this point, the northern end of the rear elevation can clearly be seen in the street scene.
19. The appellant indicates that the property has been altered without the necessary consents; I will explore this below. Notwithstanding this, the

proposed extension would be seen against the existing building. However, due to the independent roof form of this proposal as a separate structure it would appear as an incongruous addition to the building not integrating into the form of the existing building.

20. It would thus be harmful to the street scene and to the character and appearance of the area. Consequently, it would be contrary to Policy DMHB 11 of the LPP2 which requires good design harmonising with local context taking into account, including other matters, architectural composition and rooflines. It would also be contrary to paragraph 127 of the Framework which requires developments to be sympathetic to local character and history. Therefore, this proposal would be harmful to the visual qualities of openness in the Green Belt.

The effect on the listed building

21. As noted above, various works have been undertaken to the listed building without the relevant authorisations, and there has been discussion as to the correct point to be used as a baseline for considering the effects on the listed building. The building was first listed on 6 September 1974 and it seems to me that the correct baseline should be in its authorised state, that is its state on that date or as approved through subsequent planning permissions and listed building consents. This is a different baseline to that for judging of the effect on the Green Belt.
22. The application was accompanied by the Heritage Statement submitted for the previous two storey extension. While this is not specific to the current proposals it does provide sufficient analysis of what are the special qualities, and thus the significance of the building as a designated heritage asset, to allow proper consideration of these appeals.
23. Although the listing description indicates that the building dates from the late seventeenth or early eighteenth centuries, the Heritage Statement indicates that the building may predate that by up to a century. Whatever the precise date it is a timber framed house, a significant amount of which is exposed internally particularly at first floor, including up towards the roof space. The historic walls of the main body of the house remain, and for the reasons set out above it should be assumed that historic windows, or at least windows appropriately designed and constructed for a building of this age and type, are in place rather than the uPVC windows I saw on site. Insofar as is material for these appeals these aspects represent the special qualities of the building.
24. Paragraph 193 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. Paragraph 194 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
25. The proposal at first floor would involve the removal of one of the historic windows and wall below to construct a doorway through into the proposed extension. This would result in the loss of historic fabric which is identified as being of high significance in the Heritage Statement. The doorway at ground floor would be through a later element but would also result in the loss of historic fabric through the loss of the window and the widening of the opening. This also would be historically harmful given this element forms part of the development of the building and was in place at the date of listing.

26. Furthermore, the proposal would result in the obscuring of the majority of the height of the existing chimney which forms part of the significance of the building both of itself and when viewed externally from the public domain. While this section was not part of the earliest parts of the building, being beyond the original jettied first floor, it is still identified as being of high significance and forms part of the early historic development of the building.
27. The integration of the proposed extension into the existing building would result in the loss of historic fabric and it has not been demonstrated how this would be satisfactorily achieved, particularly at roof level with the existing, partially exposed, roof structure and the need to shed rain water given the proposed roof valley. Given the importance of the timber frame to the significance of the heritage asset and the risk of water damage, I consider that this should not be left to later resolution.
28. Overall, the proposal would be harmful to the architectural interest of the listed building through the loss of historic fabric and to its setting through the obscuring of the view of the chimney, although in the terms of the Framework this would represent less than substantial harm. That being the case, paragraph 196 of the Framework indicates that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
29. It seems to me that the benefits in this case are private, and there is nothing in front of me to show that the current use of the building as a dwelling is at risk.
30. Consequently, the proposal would be harmful to the special qualities of the listed building and that special attention should be given to this. It would be therefore contrary to Policies DMHB 1, DMHB 2 and DMHD 1 of the LPP2 which require development to avoid harm to the historic environment and are appropriately designed, Policy 7.8 of the London Plan, which has a similar requirement, and the requirements of the Framework as set out above.

Conclusion

31. The proposal represents inappropriate development in the Green Belt and would spatially and visually adversely affect openness; this should be given substantial weight. It would be harmful to the character and appearance of the area. Further, it would be harmful to the special historic interest of Lanz Farmhouse as a listed building and there are no public benefits to outweigh this harm. This latter conclusion means that the appeal against the refusal of listed building consent should be dismissed.
32. The appellant considered that the proposal would have represented not inappropriate development and did not put forward any specific considerations in support of the appeal in the event that I considered, as I have, that the proposal would represent inappropriate development.
33. In respect of the appeal against the refusal of planning permission, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. It would be contrary to Policy DMEI 4 of the LPP2 as set out above, and paragraph 7.16 of the London Plan which indicates that inappropriate development in the Green Belt should be refused except in very special circumstances.

34. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR