



Appeal Decisions

Site visit made on 4 September 2024

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal A Ref: APP/R5510/W/24/3340797

50 Tudor Lodge Hotel, Field End Road, Hillingdon, Ruislip HA5 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 G. Sethi (Luxury Hospitality Ltd) against the Council of the London Borough of Hillingdon.
- The application Ref is 4726/APP/2023/2216.
- The development proposed is described as "proposed external work with the following: 1. new car parking layout, 2. Resurfacing and expansion of hardstanding, 3. Sunken paving area with pergola, 4. Standalone outbuilding for WC and store, 5. Staff cycle shelter, 6. New boundary fence and planting against Field End Road, 7. Various landscape planting, 8. Paving to external pergola sitting area."

Appeal B Ref: APP/R5510/Y/24/3340798

50 Tudor Lodge Hotel, Field End Road, Hillingdon, Ruislip HA5 2QN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by Mr G. Sethi (Luxury Hospitality Ltd) against the Council of the London Borough of Hillingdon.
- The application Ref is 4726/APP/2023/2218.
- The works proposed are described as "proposed external work with the following: 1. new car parking layout, 2. Resurfacing and expansion of hardstanding, 3. Sunken paving area with pergola, 4. Standalone outbuilding for WC and store, 5. Staff cycle shelter, 6. New boundary fence and planting against Field End Road, 7. Various landscape planting, 8. Paving to external pergola sitting area."

Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building and is within the setting of a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

5. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to the revised Framework in reaching my decisions.
6. The appeals follow the Council's failure to determine the applications (4726/APP/2023/2216 and 4726/APP/2023/2218) within the prescribed period. However, the Council has indicated in its statement, that had it been in a position to determine the applications, it would have refused planning permission and listed building consent. The substance of the Council's statement and the statutory duties referenced above have informed the main issues of the appeals.
7. The appellant's statement of case refers to revised architectural drawings, including a revised pergola design (figure 8). However, the Procedural Guide sets out that the appeal process should not be used to evolve a scheme¹. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage. In deciding whether to, exceptionally, accept the proposed amendment, as per the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney (2017)*, which refined the 'Wheatcroft principles' set out in *Bernard Wheatcroft Ltd v Secretary of State for the Environment (1982)*, consideration must be given to the following two tests which must be assessed separately: 1) substantive test; and 2) procedural test.
8. The substantive test is whether the proposed amendment involved a 'substantial difference' or a 'fundamental change' to the application that would ultimately result in a 'different application'. A 'substantial difference' or a 'fundamental change' could also be as a result of a series of small, incremental changes to a scheme. If it is concluded that the amendment would result in a 'different application', then it is unlikely that it could be considered as part of the appeal. The procedural test is whether, if accepted, the proposed amendment would cause unlawful procedural unfairness to anyone involved in the appeal and, if so, whether such fairness could be cured, for example by re-consultation.
9. In my judgement, the revised drawing showing an alternative design would ultimately result in a 'different application'. As such, the suggested amendment does not pass the substantive test and I do not accept it. It is also important that what I consider is essentially what was considered by the local planning authority and on what interested parties' views were sought. I am not persuaded that all those who should have been consulted on the proposed revisions to the original scheme have been given the opportunity to review and respond to these changes adequately. If I were to determine the appeal based on the revised drawings, it is possible that the interests of parties who might wish to comment would be prejudiced. As such, the suggested amendment does not pass the procedural test. Consequently, for the avoidance of doubt, I have determined the appeals on the basis of the proposal and plans which were before the Council when it made its decisions.

¹ Section 16, Paragraph 16.1

Main Issues

10. A main issue in Appeal A and the main issue in Appeal B is:

- whether the proposal would i) preserve a Grade II listed building, or its setting, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the setting of the Eastcote Park Estate Conservation Area.

11. Additional main issues in Appeal A are:

- whether the proposal would make adequate provision for car parking;
- the effect of the proposal on the character and appearance of the area, with particular regard to trees.

Reasons

Special interest and significance

12. The appeal site is located to the west side of Field End Road and comprises Tudor Lodge Hotel. Tudor Lodge is a Grade II listed² building known as 'Field End Lodge', dating from the 16th Century with later additions from the 17th Century up to the 21st Century.
13. It is situated on a prominent corner site where Field End Road meets Bridle Road and St. Lawrence Drive. The main structure is an L-shaped timber frame and plaster two-storey building with a part gable, part hipped, tiled roof. It is set back from the road behind low boundary fencing and has large grounds which feature a car parking area and outdoor seating areas. There are 3 other buildings on site including a separate guest house, former garages now converted to offices to the south-west and a detached two-storey guest block to the north-west. Despite these later additions the principal listed building still dominates the site and its setting is enhanced within a spacious plot with mature verdant trees and planting.
14. From the evidence submitted and relevant to the appeals, I consider that the special interest and significance of the listed building to be largely derived from its historic and architectural interests. This stems in part from its illustration of a 16th Century building and the legibility of its phasing; along with its vernacular form using traditional construction techniques and materials.
15. The appeal site is not within a conservation area but is positioned adjacent to the Eastcote Park Estate Conservation Area (CA). The Council's Eastcote Park Estate Conservation Area Appraisal (2007) explains that Eastcote Park Estate was designated an Area of Special Local Character in 1988 and then upgraded to a CA in 2007. It was designated because of the design quality of the houses, their garden settings, mature gardens and the creative curving layout which offers attractive views into and out of the estate. It also states that one of the important features of Eastcote Park Estate is the setting of the houses and the views between them.

² List Entry Number: 1358348 – Field End Lodge, Grade II

16. Given the above, the character and appearance and thus special interest and significance of the CA, insofar as it relates to these appeals, is primarily the way the buildings of varying ages and styles reflect the evolution of the settlement.
17. By virtue of its historic and architectural integrity and authenticity, the listed building positively contributes to the character and appearance of the setting of the CA and thereby to its significance as a designated heritage asset.

Proposal and effects

18. The proposal would include a sunken paving area with a large pergola. The pergola would be constructed from timber with evenly spaced uprights and neatly formed corners with a solid living meadow roof. The pergola's box frame design with a solid flat roof would suggest a modern addition, inconsistent with the sloping and tiled roof form, white render finish, and decorative timber elements of the listed building. It would visually clash with the historic character and traditional design of the listed building, detracting from its appearance. Moreover, its substantial width and height combined with its solid roof form would create a shaded area beneath. Thus, the structure would obscure and interfere with the historic features on the listed building's front elevation, diminishing the way the building's architectural detailing is experienced.
19. Consequently, the proposal would introduce a discordant and prominent feature that would draw attention away from the historic features of the building's front elevation to the detriment of the designated heritage asset. This would undermine the authenticity and integrity of the heritage asset.
20. The proposal would involve the resurfacing and expansion of hardstanding materials for the alteration to the car parking layout and the proposed outdoor dining areas, the majority of which would also be located to the south-west of the site. This would include tarmac surfaces, painted lines, additional cars, and outdoor seating. Consequently, the ability of the viewer to appreciate the special historic interest and significance of the listed building from these locations would be adversely affected to a high degree. The proposed fencing and landscaping would partially screen some of the views of the pergola and hardstanding areas, but views would still be visible from the road and from within the site itself.
21. The appellant suggests that none of the proposed development and works are 'irreversible' or would result in direct harm to the listed building. However, even if the proposal was in this sense 'reversible', the identified harm would still occur whilst in situ.
22. The proposal would also include the replacements of two sheds with a detached outbuilding for WC and storage. The proposed siting, design and size of this outbuilding would hold a subservient relationship to the listed building by reason of its simpler form and detailing. In contrast, the proposed pergola's conspicuous design and overtly modern features would dilute the listed building's historic character to the detriment of its significance.
23. Drawing the above together, I find that the proposal would not preserve the Grade II listed building, or its setting, or any features of special architectural

or historic interest which it possesses. In doing so it would harm the significance of this designated heritage asset.

24. Although the appeal site is located outside the CA, it is positioned on the edge of the CA and is therefore within its setting. Taking into account the building's prominence along Field End Road, it follows that the identified negative effects to the listed building would also harm the positive qualities of the setting to the CA. In these regards, the proposal would not preserve or enhance the setting of the CA and thus would harm its significance as a designated heritage asset.

Public benefits and balance

25. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal, including where appropriate, securing the asset's optimum viable use.
26. In this case, economic benefits would be delivered through the construction phase and the general investment into the property. The improvement and expansion of the facilities would also result in staff retention and improved job offerings locally. The provision of additional features, including outdoor facilities at the hotel, could also be a social benefit to local communities, leisure and business travellers.
27. The appellant states that the proposal would ensure the future viability of the hotel site. However, no alternative options have been presented.
28. Having regard to the objectives of the Framework, these outcomes would constitute benefits that would flow to the public at large and, whilst moderated by the scale of the scheme, carry moderate weight in favour of the appeals.
29. Nevertheless, it has not been demonstrated that the only way of securing these benefits would be via the appeals proposal. Additionally, no substantive evidence is before me which shows that the property would not be usable or viable as a hotel or that its future would be at risk if the appeals were to fail and the development and works as proposed were not implemented. In these respects, the identified harm to the significance of the listed building has not been clearly and convincingly justified.
30. On balance, in giving considerable importance and weight to the harm to the significance of the listed building and the setting of the CA, I find that this would not be outweighed by the moderate weight I attach to the public benefits arising from the proposal.
31. I conclude that the proposal would not i) preserve the listed building, or its setting, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the setting of the Eastcote Park Estate Conservation Area. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policies D8 and HC1 of the London Plan 2021 (adopted 2021), Policy BE1 of the London

Borough of Hillingdon Local Plan Part 1, Strategic Policies (adopted 2012), and Policies DMHB 11, DMHB 12, DMHB 1, DMHB 2, DMHB 4, and DME 5 of the London Borough of Hillingdon Local Plan Part 2, Development Management Policies (adopted 2020). Collectively, these policies, amongst other things, seek to ensure proposals conserve and where possible enhance heritage assets, including their settings, and positively contribute to local character, distinctiveness and sense of place, and is related to the local and historic context.

Car parking

32. The appeal site consists of a hotel and restaurant located on the edge of Eastcote district town centre. The site is accessed off Field End Road and is within a predominantly residential area. The locality, including Field End Road, is within a controlled parking zone (CPZ) operating from Monday to Saturday (8am to 6:30pm). The Council states that the appeal site's address exhibits a public transport accessibility level (PTAL) of 2 which is below average and therefore raises dependency on the use of private motor transport to and from the address.
33. The proposal would increase the number of parking spaces at the site from 19 to 28. The appellant has submitted information from the Trip Rate Information Computer System (TRICS) database when considering the proposed development. It indicates that TRICS data for a typical weekday shows a maximum parking accumulation of 19 vehicles, which is within the proposed increase of parking capacity.
34. However, concerns have been raised regarding the adequacy of information submitted regarding car parking in relation to the proposed development. The TRICS data typically provides an average measure of vehicle arrivals and departures based on regular hotel guest activities, such as overnight stays. The submitted evidence does not provide information in relation to hotel events that would bring in large groups of people which may all require parking at the same time, leading to spikes in parking demand. This could include hotel activities such as conferences, weddings, or large group bookings. Although these types of events are likely to fluctuate during the year, they would significantly increase parking demand, which could result in on-street parking. The proposal would effectively increase the number of visitors therefore increasing the number of vehicles seeking parking spaces.
35. I observed during my site visit parking restrictions in the roads in the locality and the nearby junction with Field End Road, Bridle Road and St Lawrence Drive. Any additional parking pressure could cause inconsiderate on-street parking on the grass verges or cause an obstruction to the free flow of traffic and pedestrians on the carriageway and footways. This would compromise highway safety.
36. In view of the above, a greater level of detail on the parking demand generated from the proposal would be required. In its absence, it is not possible to ascertain whether the appeal site would have the capacity to accommodate the increased traffic, or whether the proposal would result in on-street parking demand.
37. Accordingly, based on the limited evidence before me, I consider that the proposed development could have an adverse impact on highway safety. As

such, it would fail to accord with Policy T6.1 of the London Plan 2021 (adopted 2021), and Policies DMT 2, and DMT 6 of the London Borough of Hillingdon Local Plan Part 2, Development Management Policies (adopted 2020). Amongst other things, these policies seek to ensure developments do not cause unacceptable levels of harm to highway safety.

38. In addition, the proposal would fail to accord with paragraph 110 of the Framework, which seeks to ensure that safe and suitable access to the appeal site can be achieved for all users. It would also fail to accord with paragraph 111 of the Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.
39. The Council made reference to Policy DMEI 14 of the London Borough of Hillingdon Local Plan Part 2, Development Management Policies (adopted 2020). However, as this policy relates to air quality, I did not find it to be directly relevant to this main issue.

Character and appearance (trees)

40. The appeal site contains several mature trees along its boundaries and there are large, mature trees within the site near to the listed building. Collectively, these trees, together with the open nature of the site, make a positive contribution to the character and appearance of the area by softening the urban grain and contributing to the sense of space.
41. The landscape design plan identifies 4 of the trees (T18, T19, T20 and T32) for removal. However, these trees have significant amenity value due to their size and arrangement. In combination, the removal of these trees and their substitution with built form would have a significant and detrimental effect upon the landscape character of the area.
42. Furthermore, the submitted evidence does not confirm the likely root protection area for the trees T25 and T26 and whether they would be compromised by the proposed development due to their proximity to the proposal. The evidence indicates that these are category B trees. I am mindful of the statutory duty under 197 of the Town and Country Planning Act 1990, to ensure conditions make adequate provision for the preservation of trees. Given the proximity of the trees to the proposed development and the absence of any sufficient detail on tree sensitivity, I cannot be certain that a condition would protect the future health and longevity of these trees.
43. On balance, the loss of the mature trees on the appeal site together with the potential harm to the other mature trees would not be outweighed by the proposed landscaping. The positive contribution the appeal site makes to the character and appearance of the area in its current form would be eroded by the loss of these trees.
44. There is criticism regarding the proposal's use of boundary treatment in the form of a fence. However, this type of boundary treatment could be controlled by use of condition were the appeals to be allowed. Nevertheless, this would not justify the harm identified above.
45. For the reasons given, the proposal would have a harmful effect on the character and appearance of the area, having particular regard to trees. As such, the proposal would fail to accord with Policy G7 of the London Plan 2021, Policy BE1 of the Hillingdon Local Plan (Part 1), and Policy DHMB 14 of the

Hillingdon Local Plan (Part 2). Collectively, these policies amongst other things, seek to ensure development proposals, wherever possible, retain existing trees of value and respect local character and landscape.

Other Matters

46. The appeal site is also located near to the Eastcote Village Conservation Area. Mindful of the statutory duty set out in the Act, I have had special regard to the desirability of preserving the setting of the Eastcote Village Conservation Area. From the evidence before me, the special interest and significance of this heritage asset largely stems from the varying ages and architectural styles of its buildings, but is also derived, in part, from its open spaces and natural landscape areas.
47. Given the extent and nature of the proposal and its positioning some distance away from the Eastcote Village Conservation Area, I find that the setting of this designated heritage asset would be preserved and the contribution it makes to the assets' significance would not be harmed.
48. Letters of objection have been received from local residents. In addition to matters I have addressed above, the letters of objection raised other concerns including surface water flooding, noise, cooking odours, and disturbance to neighbouring occupiers. These other matters are not in dispute between the main parties and as I am dismissing the appeals, I do not need to give these matters further consideration.
49. My attention has been drawn to a previous development at 'The Ascott' on Field End Road. I do not have the full details of the scheme before me. However, from the evidence available to me, this other development relates to a differently configured building that is set within a different site context to the appeal building. It is also not clear to me if this other building is listed. Thus, this other scheme's effects are not directly comparable to the proposal before me, which is for a listed building with its own specific characteristics. In any event, I have determined these appeals on their own merits based on the information before me and my own observations of the area.

Conclusion

50. **Appeal A:** The proposed development would conflict with the development plan when taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
51. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

H Smith

INSPECTOR