
Appeal Decisions

Site visit made on 6 April 2022

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2022

Appeal A Ref: APP/R5510/W/22/3292177

2 Arlington Drive, Ruislip HA4 7RL

- 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 Kanthan Thevarajah, Theva Capital Ltd, against the decision of London Borough of Hillingdon.
 - The application Ref: 74323/APP/2021/2509, dated 23 June 2021, was refused by notice dated 10 September 2021.
 - The development proposed is Erection of a detached dwelling with associated parking and landscaping.
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Appeal B Ref: APP/R5510/Y/22/3292178

2 Arlington Drive, Ruislip HA4 7RL

- 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 Kanthan Thevarajah, Theva Capital Ltd, against the decision of London Borough of Hillingdon.
 - The application Ref: 74323/APP/2021/2511, dated 23 June 2021, was refused by notice dated 10 September 2021.
 - The works proposed are Erection of a detached dwelling with associated parking and landscaping.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** No action for the reason set out below.

Preliminary Matters

3. There are inconsistencies within the appellant's submitted evidence regarding the location of the proposed access. In addition, the Council refers to works to the historic boundary wall which the appellant has confirmed do not form part of the proposal. For the avoidance of doubt, I have determined the appeals on the basis of the plans submitted with the applications.
4. In relation to Appeal B, having regard to section 7(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), there is nothing before me which confirms that the proposal includes any works for the demolition, alteration or extension of the Grade II listed building known as Little Manor House and/or any structures identified as being curtilage listed.
5. Consequently, the main parties were given the opportunity to comment on whether the proposal requires listed building consent. The appellant responded stating that, in their opinion, listed building consent is not necessary. No response was received from the Council. However, I note that the submission

of the application for listed building consent was queried by the conservation officer in their consultee comments.

6. On the basis of the above, I conclude that the proposal does not include works that require listed building consent and no action is necessary on Appeal B.
7. I note that the Highway Authority is satisfied that the proposal 'would not raise any measurable highway safety concerns'. However, this view is, in part, based on a recommendation that 'a lower height of frontage wall is applied throughout or for at least 1-2 metres on either side of the entrance. Ideally the height would not exceed 0.6 metres to achieve the aim of satisfactory visibility'¹. The proposal as submitted would not achieve this. Nevertheless, given my conclusions on the main issues set out below, I have not pursued this matter with the main parties.
8. As part of the appeal the appellant has submitted a Tree Statement (the TS)² which was not submitted to the Council as part of the applications. The TS includes additional information relevant to the Council's third reason for refusal³.
9. I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought⁴. The Council and any interested parties have had the opportunity to comment on the TS as part of the appeal process. In these respects and having regard to the 'Wheatcroft Principles'⁵, I consider that accepting the TS would not deprive those who should have been consulted of the opportunity of such consultation. Therefore, in determining the appeal, I have had regard to the contents of the TS. I am satisfied that the interests of any party have not been prejudiced by this approach.
10. The description of the development proposed set out in the heading above is taken from the application form. Nonetheless, in determining the appeal I have used the description as stated in the Council's decision notice and the appellant's appeal form, namely, 'Erection of a detached dwelling with associated access, parking and landscaping', as it is more accurate.

Main Issues

11. In the context of the above, the main issues in Appeal A are: i) Whether the proposed development would preserve the setting of the Grade II listed building known as Little Manor House; and ii) The effect of the proposed development on the character and appearance of the area, including trees.

Reasons

Background

12. The appeal site (the site) is a parcel of land within the rear garden of No 2 Arlington Drive, which is a Grade II Listed Building known as Little Manor

¹ Highway Authority, Transport and Highways Appraisal dated 1 September 2021.

² Tree Statement - including a Tree Survey and Impact Assessment, a Tree Constraints Plan, a Tree Protection Plan and an Arboricultural Method Statement. Jago Trevelyan Keen, dated 9 January 2022.

³ Application Ref: 74323/APP/2021/2509.

⁴ Annexe M, Procedural Guide Planning Appeals – England, 12 April 2022.

⁵ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

House⁶. The land is grassed and possesses several mature conifer trees positioned close to the boundary with Arlington Drive. A painted brick wall encloses the site along Arlington Drive and a combination of a brick wall, close-boarded timber fence and mature vegetation bound the site at the side.

13. The garden area to Little Manor House has a detailed planning history. I note the previous applications for planning permission and listed building consent for dwellings which were refused by the Council, some of which were then dismissed at appeal.
14. The proposed development comprises the subdivision of the rear garden of Little Manor House and the erection of a single, detached, two-storey, four-bedroom dwelling. With reference to the submitted plans, the land would be subdivided by the erection of a 1.8m close-boarded fence; the dwelling would be constructed of light coloured buff/white brickwork, incorporating feature bands, and grey roof tiles; and the fenestration would comprise zinc clad dormer windows and grey framed aluminium windows. A new vehicular access would be formed onto Arlington Drive and two parking spaces would be provided within the site.

First Main Issue: Setting of Little Manor House

Special interest and significance

15. Little Manor House is stated to date from the 16th or 17th century⁷, although its plan form may indicate earlier origins. It is a detached, mainly two-storey, timber framed, former farmhouse. The building has largely been re-faced in brick and painted white and its gabled roof is covered with plain clay tiles.
16. From the evidence before me, the special interest and significance of Little Manor House are derived, in part, from a combination of its historic interest and architectural interest. The building's age; surviving historic fabric; vernacular form and design, utilising traditional construction techniques and materials; and associations with Ruislip's rural past, all make important contributions in these regards.
17. Pertinent to the appeal, in relation to the building's setting, I have had regard to the definition of setting set out in the National Planning Policy Framework (the Framework) and the guidance in Historic England's Good Practice Advice Note 3⁸. Little Manor House's rear garden, which includes the appeal site, is the proximate surroundings in which the building is experienced; with the nearby suburban housing and their gardens forming the broader surroundings in which it is experienced. As such, these spaces form the immediate and wider setting of Little Manor House as a designated heritage asset.
18. The introduction of extensive suburban housing around the mid 1900s into the open agricultural land which historically surrounded Little Manor House, has considerably compromised the wider setting of this asset. As a result, the building's wider setting makes a negative contribution to its special interest and significance, diminishing the ability to appreciate that significance.

⁶ List Entry No: 1358335. Little Manor House.

⁷ Listed Building Description – Little Manor House.

⁸ Historic England's Good Practice Advice Note 3, The Setting of Heritage Assets, Dec 2017.

19. In relation to the asset's immediate setting, historic maps submitted by the appellant show the changes which have taken place over time to the historic farmstead which included Little Manor House, the boundary of the building's 'plot' and the function of the land. This has moderated the ability to appreciate the building's heritage interests. Nevertheless, limiting an assessment of the contribution that the immediate surroundings of Little Manor House makes to its significance, to land which was historically within its plot boundary, would be to, in my judgement, conflate the concepts of curtilage and setting.
20. Often, an asset's setting will include, but generally be more extensive than, its curtilage or plot. Moreover, the extent of an asset's setting is not fixed and may change as the asset and its surroundings evolve. What is now the garden area of Little Manor House maintains, to a greater or lesser degree, physical, visual, functional and historic links with the asset. In addition and relevantly, unlike the wider area, the land has remained undeveloped throughout the period evidenced in the historic maps.
21. For these reasons, I am not convinced by the appellant's assertion that, as the majority of the land contained within the site lay outside of the plot of Little Manor House and had no direct historic relationship with the farmstead, the contribution that it makes to the building's significance is heavily limited.
22. Drawing the above together, the existing garden area of Little Manor House, including the site, forms the asset's immediate setting. Although altered, it is a modest but important remnant which possesses links to its historic rural context. As such, the site contributes in a meaningful and positive way to the asset's significance. Moreover, the land's continued open and undeveloped form provides the space and opportunity within which to experience the asset, facilitating an appreciation of its heritage merit.

Effects of the appeal proposal

23. The proposed development would result in the formal subdivision of the existing garden area of Little Manor House and the introduction of substantial built form within the building's immediate setting. Whilst the area of the site and the scale of development is less than previous proposals, it would still notably erode and adversely undermine the integral undeveloped and spacious qualities of the site.
24. Moreover, notwithstanding that the building would be on only a small part of land which was formerly in the same ownership and plot as Little Manor House, it would further disrupt the physical, visual, functional and historic associations between the listed building and the land.
25. In all of these respects, the proposed development would detrimentally compromise the asset's immediate setting, fundamentally changing how the building is experienced. This would diminish the positive contribution that the setting makes to the listed building's significance and reduce the ability to appreciate that significance.
26. I note the appellant is willing to clear the overgrown land to allow a better connection between the remaining land and the asset⁹. However, this would not sufficiently mitigate the harm. Additionally, that the wider setting of Little

⁹ 4.4 Built Heritage Statement. RPS Group April 2021.

Manor House has already been compromised by suburban housing, does not justify further harmful development.

27. The height and scale of the proposed dwelling would be subservient to Little Manor House and its set back position within the site would mean that it would not interrupt views of the asset from the adjacent highway. Moreover, its building line, orientation, form, scale and massing would generally reflect the neighbouring 20th century development. However, the incorporation of uncharacteristic design features and an inharmonious external finish would cause the new property to markedly detract from Little Manor House and not assimilate well with the prevailing suburban housing nearby. These points are addressed in greater detail under the second main issue below.
28. Drawing the above together, I find that the proposed development would fail to preserve the setting of the Grade II Listed Building known as Little Manor House. The contribution that the setting makes to the special interest and significance of Little Manor House would be diminished, which would result in harm to the overall significance of this designated heritage asset.

Public benefits and heritage balance

29. Paragraph 199 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes on to say 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.
30. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the type and scale of the proposed development, I find the category of harm in this instance to be 'less than substantial', which concurs with the broad conclusions of the main parties. Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
31. Whilst the appellant acknowledges that the proposed development would result in harm to the significance of the asset, they submit that it would sit at the 'very lowest end' of 'less than substantial', and reasonably only require an equally low level of public benefit to outweigh it. I acknowledge that within each category of harm, the extent of the harm may vary. However, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm somewhere on a spectrum. In any event, even if I accepted this line of reasoning, a low level of less than substantial harm should not be equated with a lesser planning objection and is of considerable importance and weight.
32. The proposed development would provide one additional family dwelling to the local housing supply through the development of a small site. Economic and social benefits would flow from the construction and occupation of the property, as well as from future occupiers supporting local services and facilities. Whilst the identified public benefits are moderated by the single unit of development

proposed, they are in line with the objectives in the Framework¹⁰ and support a strategic priority in the London Plan 2021 (the LP 2021). As such, they carry moderate weight in favour of the appeal.

33. Nevertheless, I am not satisfied that clear and convincing justification for the identified harm to the significance of Little Manor House as a result of the proposed development within its setting has been provided. In giving great weight to the conservation of Little Manor House as well as considerable importance and weight to the identified harm to its significance, I find that this would not be outweighed by the moderate public benefits that would flow from the proposal.

Conclusion – first main issue

34. Accordingly, I conclude that the proposed development would not preserve the setting of the Grade II listed building known as Little Manor House. As such, it would fail to satisfy the requirements of section 66(1) of the Act and provisions within the Framework which seek to conserve and enhance the historic environment.
35. It would also conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies, 2012 (the HLP-P1) which require development to improve and maintain the quality of the built environment; and conserve and enhance listed buildings and their settings. In addition, it would not comply with Policies DMHB 1 and DMHB 2 of the Hillingdon Local Plan: Part Two – Development Management Policies, 2020 (the HLP-P2) in so far as they seek development proposals to avoid harm to the historic environment, including not compromising the setting of a heritage asset; and not be detrimental to the setting of a listed building. It would also not accord with Policy HC1 of the LP 2021 which requires development to be sympathetic to and conserve the significance of heritage assets.

Second Main Issue: Character and Appearance of the Area, Including Trees

Character and appearance

36. The site is located on the south eastern side of Arlington Drive, in an area which is dominated by suburban residential housing that was largely built around 1930-1950. The housing is predominantly characterised by detached and semi-detached, single and two-storey dwellings which are set back from the highway and generally consistent in their plot form, spacing and building line. They possess gardens and/or drives with low boundary treatment at the front and generous mature gardens at the rear. These characteristics, combined with wide grass verges, street trees and garden flora, give the area a pleasant spacious feel and verdant appearance.
37. There is some variety in the form, style, materials and finish of the properties along the street. However, common architectural features are evident, such as front bay windows, projecting first floor front gables, areas of hanging tile and hipped roofs. These, along with the use of a common palette of materials including red/brown brick, red/brown plain clay tiles and white framed fenestration, provide a degree of uniformity and coherence to the street, particularly on the south eastern side.

¹⁰ Paragraph 8 of the National Planning Policy Framework.

38. Little Manor House is unique within the suburban townscape in its orientation to Arlington Drive as well as the considerable separation distances between it and the nearest properties to its front and rear elevations. Nonetheless, the open undeveloped nature of the building's rear garden, along with the mature trees and vegetation in the site, profoundly support the positive characteristics of the neighbourhood. They give visual and spatial respite to the regular density and pattern of the adjacent suburban housing and, when considered with the vernacular style and traditional materials of Little Manor House, provide subtle references to the land's agrarian past.
39. The proposed development would notably lessen the spaciousness of the existing garden area to Little Manor House and markedly reduce the separation distance between it and adjacent built form at the rear of the property. Whilst more than two thirds of the existing garden area would be retained as curtilage to Little Manor House, this loss of open land would clearly harm a key characteristic of the locale. Furthermore, the contrived shape of the plot would be out of keeping with the mostly generous size and entirely linear form of those immediately adjacent.
40. The height and scale of the proposed dwelling would be subservient to Little Manor House and No 8 Arlington Drive. In addition, it would largely respect the building line, orientation, form, scale and massing of the adjacent 20th century houses. However, notwithstanding the variety of built form on the street, the proposal's inclusion of wholly uncharacteristic architectural features, such as zinc clad box dormer windows, along with the use of atypical materials of light coloured buff/white brickwork, with feature brick bands, and grey roof tiles, would be out of keeping with the prevailing townscape. Consequently, the proposed dwelling would not enhance the local distinctiveness of the area.
41. I acknowledge that the proposed development has taken into account issues raised with previous proposals. Nevertheless, in attempting to address the constraints of a very sensitive space in heritage terms, as well as respond to the site's wider context and ensure that the proposed dwelling is read as a new addition, the resultant scheme would appear inharmonious and would not sit comfortably within the site or assimilate well into the street scene. This discordance would be unduly visible and readily apparent from adjacent public routes.

Trees

42. The TS confirms that the proposed development would involve the loss of a group of Lawson cypress trees (conifers) which are positioned within the site's boundary along the frontage with Arlington Drive¹¹ and highly prominent in views from public routes along the street.
43. The trees are described in the TS as being low quality examples of a ubiquitous species with no exceptional merit, and I have no reason to dispute this view. Nonetheless, mindful of the Inspector's comments in a previous appeal on the site¹², I acknowledge that the trees, as a group, contribute to the verdant character of the area, providing year-round greenery. Furthermore, I am aware of the loss of other trees along the boundary with No 8 Arlington Drive.

¹¹ Group 3.

¹² Appeal Refs: APP/R5510/W/18/3198386, APP/R5510/Y/18/3198389, APP/R5510/W/18/3196615, APP/R5510/Y/18/3196617.

44. The loss of the trees would undermine a positive trait of the area's character and appearance. That said, the pair of Lawson cypress trees positioned just outside the site¹³ would be retained and continue to provide a verdant presence in the townscape. I also note the comments made by the Council's principal landscape architect which state that the removal of trees within the site may be supported 'where it can be justified and more suitable replacements provided'¹⁴.
45. The TS includes a proposal to plant five native field maple and hawthorn trees to complement the existing tree cover. This would diversify the area's tree stock and their 'semi-mature' form would immediately contribute to the leafy character of the neighbourhood. Furthermore, were the appeal to be allowed, the planting could be secured by way of an appropriately worded condition.
46. On this basis, I am satisfied that the loss of the identified conifer trees would be adequately mitigated by the proposal. In addition, in relation to the retained trees and their long term protection, there is nothing in the TS which gives rise to any concerns.

Conclusion – second main issue

47. Accordingly, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area in relation to trees. However, it would have an adverse effect on the character and appearance of the area overall.
48. As such, it would not conflict with the following policies that reference trees and green infrastructure, namely, Policies DMHB 11 DMHB 12 and DMHB 14 of the HLP-P2; and Policies D3 and G1 of the LP 2021. Together and amongst other things, these policies seek development to incorporate principles of good design including landscaping and tree planting; be well integrated with the surrounding area and include landscaping treatment which contributes to the local green infrastructure; where trees are to be removed include proposals for replanting of new trees; maximise opportunities for urban greening; and incorporate appropriate elements of green infrastructure.
49. It would also not conflict with provisions within the Framework which recognise that trees make an important contribution to the character and quality of urban environments.
50. Nevertheless, it would conflict with Policy BE1 of the HLP-P1; and Policies DMHB 11 and DMHB 12 of the HLP-P2 in so far as they seek proposals to not result in the inappropriate development of gardens that erode the character of suburban areas; to be designed to the highest standards, harmonising with the local context; and be well integrated with the surrounding area. It would also not comply with Policies D3 and D4 of the LP 2021 which require development to have a design-led approach and positively respond to existing character and local distinctiveness; and deliver good design.
51. It would also conflict with provisions within the Framework which seek to ensure that developments 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.

¹³ Group 4.

¹⁴ Online Comment 18 August 2021.

52. The Council's reasons for refusal on the issues of character and appearance and trees also cite policy D1 of the LP 2021. However, this policy relates to the assessment of London's form and character by boroughs along with planning for growth. As such, I consider that it is not directly relevant to the appeal.

Overall Planning Balance and Conclusion

53. The benefits which would accrue from the proposed development are set out above in the heritage balance. They are tempered by the very modest amount of development that is proposed but, nevertheless, carry moderate weight in the appeal's favour.
54. The loss of trees as a result of the proposed development would be mitigated by new planting which could be controlled by condition. However, a lack of harm in this regard weighs neutrally in the planning balance.
55. Conversely, the proposed development would fail to preserve the setting of the Grade II listed building known as Little Manor House, causing less than substantial harm to the significance of this designated heritage asset. It would also have a harmful effect on the character and appearance of the area overall. Together these matters attract substantial weight against the appeal.
56. I have had regard to the Government's objectives and local policy support for boosting the delivery of housing, including the development of small sites, along with promoting self-build housing and assisting small and medium sized housebuilders. However, the Framework is clear in stating that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance; and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
57. Whilst there are considerations that weigh in favour of the proposed development, in my judgement, they are not sufficient to outweigh the harm I have found. It would therefore 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.

F Cullen

INSPECTOR