



## Appeal Decision

Site visit made on 27 November 2023

by **Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

**Appeal Ref: APP/R5510/D/23/3328157**

**493 Bath Road, Longford, Heathrow, Hillingdon UB7 0EN**

- 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 Jay Vara against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 77891/APP/2023/577, dated 26 February 2023, was refused by notice dated 10 July 2023.
- The development proposed is the formation of a boundary fence and gate, a timber double garage and landscaping.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the setting of a listed building.

### Reasons

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.
4. The National Planning Policy Framework 2023 ('Framework') sets out that harm to the significance of a designated heritage asset, such as a listed building, should require clear and convincing justification. Policy DMHB 2 of the Hillingdon Local Plan Part 2 (2020) ('HLP') states that planning permission will not be granted for proposals which are detrimental to the setting of a listed building.
5. No 493 Bath Road is Grade II listed. The official list entry describes it as a timber-framed cottage, with a sixteenth century appearance. I observed that it is set back from Bath Road on a fairly spacious plot, with its gable facing the highway. Its timber frame is filled with nogging in narrow red/brown bricks of varied hues, and it has a steeply pitched, clay-tiled roof.
6. The proposed garage would be sited to the rear of the cottage, towards the south-western corner of the plot. Whilst its stained timber walls could match the colour of the cottage's timber frame, the proposed felt roof would be an inappropriate artificial material, which would not reflect the rich texture and palette of the historic cottage; and its shallow-pitched roof would contrast unfavourably with the form of that building.

7. I have very little information regarding the construction and detailing of the proposed garage, including the style and profile of its doors and windows, but from the available evidence, it would appear to have an 'off-the-shelf' appearance which does not take adequate account of, nor reflect, its historic setting.
8. Given the garage's siting, it would necessitate the provision of a long driveway down the side and towards the rear of the plot. Whilst the use of shingle as a natural surfacing material would be appropriate, when considered in the context of the existing and proposed paving, the proposed large shingle forecourt, and the garage, the scheme would result in the listed building being largely enveloped by hard surfaces or structures to three sides, leaving little room for any meaningful landscaping.
9. The front boundaries along this stretch of Bath Road are varied, with some buildings largely open to the road, whilst others are set back behind brick walls, fences or hedgerows. I observed, for instance, a close boarded timber fence and brick wall to the front of the relatively modern building next to this site at No 501.
10. However, in the context of this historic cottage, a close boarded timber fence, along with the proposed large area of shingle, would appear incongruous. They would give the front of the site a very stark and suburban appearance, which would fail to respect this historic building's detailed design and its rural origins.
11. Whilst a hedge is also proposed along the front boundary, from the evidence before me it is unclear the extent to which it would obscure the proposed fence. In any event, I cannot be certain that it would be retained, or what height it would be. I thus agree with the Longford Conservation Area Advisory Panel that the proposed fence would be inappropriate for this historic property.
12. Summing up, the proposed garage and the front boundary treatment would appear to have a standard appearance, which would not be appropriately informed by their historic context. Considered along with the proposed hard surfacing, the scheme would therefore fail to preserve the setting of the listed building, and it would thus conflict with HLP Policy DMHB 2.
13. The harm that I have found would be caused to the setting of this listed building is a matter to which I attribute great weight. Nevertheless, as the harm caused to it would be 'less than substantial', in accordance with paragraph 202 of the Framework, I have weighed it against the public benefits of the proposal.
14. In its favour, the scheme would enable the owners to develop and enjoy their property, with additional storage space, along with greater privacy and security. However, those benefits would be largely private, relating to the enjoyment of the house by its occupants, and I have no evidence before me of particular security issues in this location.
15. The harm that I have identified could not be overcome through the imposition of planning conditions. I find no public benefits that would outweigh the harm, and the proposal would thus also conflict with the Framework.
16. The appellant alleges that dismissing the appeal would interfere with his rights to peaceful enjoyment of his possessions, and to respect for a private and

family life and home, under Article 1 of the First Protocol and Article 8, as set out under the Human Rights Act 1998.

17. However, I have very limited evidence before me regarding the appellant's personal circumstances or need for this development; nor what the effects of dismissal would be. In any event, those are qualified rights, and interference with them in this instance would be in accordance with the law and in pursuance of a well-established and legitimate aim: the preservation of the setting of a listed building. It is proportionate and necessary to refuse to grant planning permission, and the protection of the public interest cannot be achieved by means that are less interfering with his rights.
18. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

*Chris Couper*

INSPECTOR