

DELEGATED HOUSEHOLDER DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISEMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No. **Report of the Head of Development Management and Building Control**

Address: 35 COPPERFIELD AVENUE HILLINGDON

Development: Erection of outbuilding to rear garden for use as annex.

LBH Ref Nos: 22078/APP/2025/1112

Drawing Nos: 2254.03.25DiHus10.04
 2254.03.25DiHus10.05
 2254.03.25DiHus10.01
 2254.03.25DiHus10.02
 2254.03.25DiHus10.03
 2254.03.25DiHus10.06
 NAPC/JD/1433/JM

Date Plans received: 16-04-25 **Date(s) of Amendments(s):**

Date Application valid 16-04-25

1. CONSIDERATIONS

1.1 Site and Locality

The application site is situated on the western side of Copperfield Road and comprises a detached bungalow with off street parking to the front. The rear garden extends to Colham Road to the west. The application property benefits from a detached outbuilding (garage) to the rear. The site does not lie within a Conservation Area.

1.2 Proposed Scheme

The application seeks planning permission for the erection of an outbuilding to the rear garden for use as an annexe.

1.3 Relevant Planning History

22078/APP/2025/1108 35 COPPERFIELD AVENUE HILLINGDON

Use of the land to site a mobile home for ancillary use to the main dwellinghouse (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: Refused

22078/A/83/0979 35 COPPERFIELD AVENUE HILLINGDON

Householder development - residential extension(P)

Comment on Planning History

Officers note that a concurrent application is submitted for a certificate of lawful development for the proposed outbuilding as listed above.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date: Not applicable

2.2 Site Notice Expiry Date: Not applicable

3. Comments on Public Consultations

4 neighbouring properties were consulted by letter dated 6.5.25. The consultation period expired on 28.5.25.

1 letter of support has been received advising that such developments are crucial in promoting multigenerational living, enhancing sustainability, and alleviating pressures on the broader housing market and social care systems. The proposed annexe is intended to serve as an ancillary structure, maintaining a dependent relationship with the primary residence. It is essential that this relationship is preserved through appropriate planning conditions, ensuring the annexe does not function as an independent dwelling.

Officer note: The issues raised are addressed in the section below.

Highways - No objection.

4. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMH 6	Garden and Backland Development
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 2	Outbuildings
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D6	(2021) Housing quality and standards

5. MAIN PLANNING ISSUES

The main planning issues are the potential use of the outbuilding as a self-contained residential unit, the quality of accommodation that would afford future occupants, the visual impact on the character and appearance of the area, the level of impact on neighbouring residential amenities, parking provision, and highway safety. The key issue is whether the proposed development would be tantamount to the creation of a self-contained unit.

Policies D1 and D4 of the London Plan (2021) require development proposals to be of high quality and to enhance the local context, delivering buildings and spaces that positively respond to local distinctiveness. Policy D3 states that developments should deliver appropriate outlook, privacy, and amenity. Policy D6 states the site layout, orientation, and design of dwellings should provide privacy and adequate daylight for residents.

Policy DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states there is a presumption against the loss of gardens due to the need to maintain local character, amenity space, and biodiversity.

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that the use of an outbuilding shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation and primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

It has been established through case law that the distinctive characteristic of a dwellinghouse is its ability to afford those who use it with the facilities required for day-to-day private domestic existence (Gravesham BC v SSE & O'Brien). Section 254 of the Housing Act 2004 refers to basic amenities comprising a toilet, personal washing facilities, and cooking facilities.

In *Burdle v SSE* 3 All ER 240, Lord Bridge explained that a "useful working rule" is that it should be assumed that the unit of occupation is the planning unit, unless some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally. As such, identifying whether the proposal would constitute a material change of use (and take place in a separate planning unit) requires an assessment of both the physical and function connection between the caravan or mobile home, and the main dwelling.

The submitted plans indicate the provision of a living room, kitchen, bathroom and two bedrooms within the 60 square metre outbuilding. The applicant has advised that the proposal seeks to erect an annexe to provide ancillary accommodation for the applicant, who, due to advancing age and declining health, requires an increasing level of care and support from his family. The applicant has advised that the annexe is essential to fulfil the care and support needs of the applicant, and the family is committed to addressing day-to-day requirements such as cooking, socialising, laundry, errands, appointments, and overall support.

The applicant has confirm that the annexe will have NO SEPARATE:

- Access
- Address
- Utility metres

- Garden
- Residential curtilage
- Septic tank
- Post box

Officers however consider that, despite this, it is considered that, on the balance of probability, the building (if situated in the proposed location) could be accessed from Colham Road, within the street scene there are already multiple examples of dwellings with separate rear entrances to the garden via Colham Road such as the adjoining neighbours at Nos.33 and 37 Copperfield Avenue. Given the kitchen/living room, bathroom facilities and 2 separate rooms (capable of being used as bedrooms) shown on the submitted plans, it is considered that on the balance of probability, the unit could be occupied separately to the main dwelling, and would be capable of use as a independent dwelling.

Circular 11/95 advises that in circumstances where the creation of an additional dwelling would be unacceptable, it may be appropriate to impose a condition so that the extension or building permitted shall be used solely as ancillary accommodation to the main dwelling. However, as highlighted in the preceding paragraphs, the development would not provide ancillary accommodation but rather a self-contained residential unit. As such, a condition requiring the outbuilding to remain ancillary to the main dwelling is considered to not be enforceable, thus failing to pass the conditions tests set out in the NPPF (2024).

The proposed development, by reason of the provision of facilities within the proposed outbuilding, the size of the outbuilding and independent access to the proposed outbuilding, is considered capable of independent occupation from the main dwelling. As a result, the proposal would be tantamount to a separate self-contained residential unit in a position where such a dwelling would be unacceptable. Consequently, the proposed development would harm the character and appearance of the area and the amenity of neighbouring residents.

The proposal is, therefore, contrary to National Planning Policy Framework (2024), Policies D1, D3, D4, and D6 of the London Plan (2021) and Policies DMH6; DMHD 2 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and as such it is unacceptable.

Quality of Living Accommodation:

Policy D6 of the London Plan (2021) states that housing development should have a high-quality design and provide adequately sized rooms. Table 3.1 of the London Plan (2021) requires a one-person studio to have a minimum gross internal floor area of 37 sq. m. A single bedroom should have a minimum floor area of 7.5 square metres. A one-bedroom two-person property is required to provide 50 sq. m.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space to provide an appropriate living environment. Policy DMHB 18 requires all new residential developments to provide good quality and useable private amenity space in accordance with Table 5.3, which requires a studio flat to have at least 20 sq. m. of private outdoor amenity space. Houses with four bedrooms or more are required to have at least 100 sq. m. of private outdoor amenity space.

With a gross internal area of 61 sq. m., the proposed self-contained residential unit would meet the minimum standard and provide a satisfactory standard of accommodation (regarding floorspace) for the future occupant. A modest rear garden area would serve the annexe to the rear, measuring 26

sq. m.

The proposal complies with Policy D6 of The London Plan (2021) and Policies DMHB 16 and DMHB 18 of Hillingdon Council's Local Plan Part 2 Development Management Policies (2020).

Character and Appearance:

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development, including extensions, alterations and new buildings, must harmonise with the local context by taking into account the surrounding settings. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area and accessible.

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that the developed footprint of the proposed outbuilding must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees.

Paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that as a general guide, an outbuilding should be no greater than 30 sq. m. and should not significantly reduce private amenity space or the landscape and ecological value of the garden. Outbuildings should respect neighbouring properties and should not result in the excessive loss of residential amenity, privacy, outlook, and overshadowing/sunlight.

Whilst the proposal has a footprint over that set out in Paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), it is considered that, on balance, given the site context, the outbuilding would be acceptable. The outbuilding would sit comfortably within the plot at the end of a relatively large garden. When viewed against the surrounding context, large lawful outbuildings of a similar size, the replacement of the existing outbuilding of similar scale, it is considered that, on balance, the proposal would appear sufficiently subordinate to the main dwellinghouse, although at the upper end of what would be considered acceptable in this regard.

Given the scale of the proposed building, its design and siting, and the context of the bigger host dwelling, deep and sizeable rear garden, and larger nearby outbuildings, it is considered that the outbuilding would not detract from the visual amenities of the surrounding area and would be acceptable, on balance, in this instance, complying with the aims of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 11, DMHB 12, and DMHD 2 of the Hillingdon Local Plan - Part Two (2020).

Impact on Neighbouring Residential Amenity:

Policy D3 of The London Plan (2021) states that developments should deliver appropriate outlook, privacy, and amenity. Policy D6 states the site layout, orientation, and design of dwellings should provide privacy and adequate daylight for residents.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact the amenity, daylight, and

sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing to ensure development does not result in an increased sense of enclosure and loss of outlook.

At a separation distance of 23m between the front wall of the proposed outbuilding and the rear elevation of the host dwelling and adjacent properties, the outbuilding would not adversely impact the amenity, daylight, and sunlight of adjoining properties and open space.

The use of the outbuilding for living accommodation and as a separate residential dwelling would, however, give rise to concerns about noise and general disturbance from uncharacteristic and unfettered comings and goings to and from the rear of the site.

Therefore, the proposal would negatively impact the amenity of neighbouring occupiers, be contrary to Policies D3 and D6 of the London Plan (2021) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), and as such, be unacceptable.

Parking and Highway Safety:

The parking provision would be unaffected by the proposed development.

Therefore, the proposal would comply with DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) as it would not significantly exacerbate the demand for street parking or prejudice highway safety.

Conclusion:

As a matter of fact and degree, it is considered that the proposed outbuilding would provide a self-contained residential unit, thus creating a new planning unit.

A separate self-contained residential unit in this location would harm the character and appearance of the area and the amenity of neighbouring residents.

As such, the proposal would conflict with the policies in the NPPF (2023), The London Plan (2021), the Hillingdon Local Plan: Part One - Strategic Policies (2012), and the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

It is recommended that the application be refused.

6. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

The proposed development, by reason of the provision of facilities within the outbuilding and independent access to the outbuilding, would be tantamount to a separate self-contained residential unit in a position where such a dwelling would be unacceptable. Consequently, the proposed development would harm the area's character and appearance and the amenity of neighbouring residents. The proposal is, therefore, contrary to the National Planning Policy Framework (2024), Policies D1, D3, D4, and D6 of the London Plan (2021), and Policies DMH 6, DMHD 2, and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management

INFORMATIVES

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

Standard Informatives

1. The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
2. The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance..

Part 1 Polices

PT1.BE1 (2012) Built Environment

Part 2 Polices:

DMH 6 Garden and Backland Development

DMHB 11 Design of New Development

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 2 Outbuildings

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP D1 (2021) London's form, character and capacity for growth

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D6 (2021) Housing quality and standards

LPP D8 (2021) Public realm

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