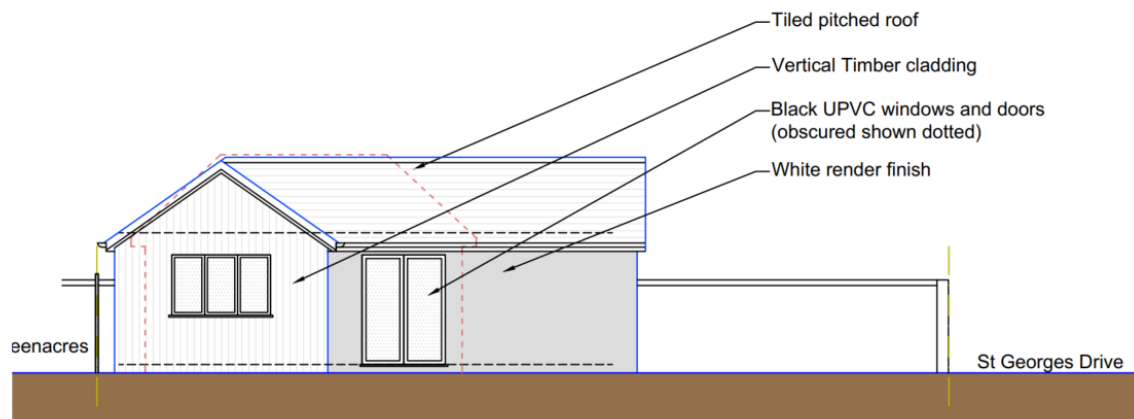


Appeal Statement

Refusal of planning permission for the erection of a single storey outbuilding to the rear garden for use as an annex following demolition of existing garage

40 Greenacres Avenue, Ickenham, UB10 8HH

• The contractor is responsible for the stability of the wall



○ Front Elevation
1 : 1 0 0

October 2025

1. Introduction

- 1.1 This appeal statement has been prepared on behalf of Mr Trevor Vince to support an appeal against the decision of the London Borough of Hillingdon to refuse planning permission for a new residential annex at 40 Greenacres Avenue, Ickenham.
- 1.2 Planning application 66743/APP/2025/1777 sought permission for the erection of a new single storey annex in the rear garden for the use of a residential annex ancillary to 40 Greenacres Avenue. It was subsequently refused by the local planning authority on 29th September 2025 for the following reason:
- 1. 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, DMHB12; DMHB16 and DMHB18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*
- 1.3 In this Statement we set out why the development is considered to be acceptable when assessed against local and national planning policy and should be approved. We draw on other similar examples in the local planning authority area for similar developments which have been allowed at appeal under the same Development Plan policies. We therefore respectfully request the Inspector allows the appeal and grants planning permission for the development.

2. Site and background

- 2.1 The site is located in an established residential area in Ickenham on a corner plot with Greenacres Avenue and St Georges Drive. It is currently occupied by a detached bungalow with a detached garage to the rear of the site.
- 2.2 In terms of planning constraints the site is not located in a Conservation Area, National Landscape or Green Belt. It is therefore relatively unconstrained.
- 2.3 The proposal sought consent for the demolition of the existing garage to the rear of the site and the erection of a new detached annex building in a similar location. The building would be single storey and constructed with a dual pitched roof with the walls finished in a mix of render and timber cladding providing a high quality design. It would be a modest building in the context of the existing site and dwelling and would not be dissimilar in footprint to the adjacent outbuilding which exists on the adjoining plot, 42 Greenacres Avenue.
- 2.4 The proposed annex is to be used as ancillary accommodation to 40 Greenacres Avenue. The existing dwelling is occupied by the appellants father who has recently been widowed and is a long standing resident of the property. He is in his 80's and has increasing care needs given his age. The proposal would allow him to stay in the property with the support of his son. The

appellant also has additional care and mobility needs, as set out in the application, and his current accommodation is no longer fit for purpose to meet these needs.

- 2.5 The proposal would allow the appellant to move into the annex and live as part of a single household with his father to meet his care needs whilst each retaining a degree of independence. The main dwelling and annex would continue to function as a single planning unit and is common with such applications for annexes and is increasingly becoming common with an aging population. The appellant and his father would eat their main meals together, socialise in the areas of the main house, support each other's care needs and would live together albeit with a greater degree of independence at certain times. The annex would be served by water, gas and electricity from the main house so would not have any of its own services. The annex would not have a separate garden area from the main house.
- 2.6 From reading the Council's delegated report the reason for refusal appears to relate solely to a concern that the proposed annex would be used as a separate dwelling and not as ancillary accommodation to the main dwelling. The report clearly indicated that the design of the building and its visual impact on the character and appearance of the area would be acceptable. Likewise the impact on parking and residential amenity would be acceptable if used as an annex. The main issue therefore is whether the proposal would amount to a separate dwelling and is therefore the focus of this statement. The other issues are not discussed further as they are not in dispute between the local planning authority and the appellant.

3. Planning Policy

- 3.1 The National Planning Policy Framework (2024) provides national planning policy which is material to the determination of planning applications. It seeks to achieve sustainable development by supporting the environmental, social and economic objectives of the planning system in mutually supportive ways. It requires developments are well designed and new developments function well.
- 3.2 Most relevant to the current appeal is chapter 5 which requires proposals to take account of the specific needs of groups with specialist housing requirements including older people and to meet those needs. Chapter 8 is also relevant and states planning decisions should enable and support healthy lifestyles.
- 3.3 At a local level the Hillingdon Local Plan: Part One - Strategic Policies (2020), The Hillingdon Local Plan: Part Two – Development Management Policies (2020) form part of the Development Plan most relevant to the appeal. The most relevant policies in the Local Plan Part 2 are:
- DMHB 11 Design of New Development – This is a general design policy which encourages good design and amenity.
 - DMHD 2 Outbuildings – This states:

The Council will require residential outbuildings to meet the following criteria:

- i) *the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;*
- ii) *the developed footprint of the proposed building 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;*
- iii) *the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and*
- iv) *primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.*

- DMHB 18 Private Outdoor Amenity Space – This requires development to have good and usable outdoor space. It generally relates to the creation of new dwellings so is not of significant relevance to this appeal.

3.4 Within the Council's reason for refusal a number of other policies in the Local Plan Part 2 are also referenced however they are not considered to be relevant for the following reasons:

DMH 6 – Gardens and backland development – This relates to the creation of new dwellings so is not relevant to the current appeal which is for an ancillary annex accommodation.

DMEI 12 Development of Land Affected by Contamination – This relates to contaminated land and is not relevant to the current appeal which is already in residential use.

DMHB12 – Street and Public Realm – This relates to the public realm and street frontages. It is unclear why it is included in the reasons for refusal.

DMHB16 – Housing Standards – This relates to the creation of new dwellings so is not relevant to the current appeal which is for an ancillary annex accommodation.

3.5 The decision notice also refers to conflict with a number of policies in the London Plan however these appear of little relevance to the appeal and are general design and amenity policies and appear to have been included on the basis of the Council assessing the proposal as a new dwelling.

4. Planning assessment

4.1 The appeal proposal has been assessed by the local planning authority on the incorrect assertion that it will be used as a separate residential dwelling independently from the main house purely because it provides for the facilities to allow for independent occupation.

4.2 This is incorrect and the application must be assessed on the basis of the submitted information and not what the Council consider might or might not happen in the future. This matter has been considered at appeal numerous times (a sample of which are included in the Appendices to this Statement) with Planning Inspectors allowing appeals for annexes which provide similar facilities to that proposed in this application.

4.3 The fact is that the individual needs of the appellant and his father result in the need for annex accommodation to meet care needs and allow them to continue to live healthy lifestyles. The

provision of such multi-generational living is supported by the NPPF which acknowledges that different housing needs should be met. The application was made on the basis of being used as an annex as ancillary accommodation to 40 Greenacres and was made as a householder application. It should thus be treated as such whereas the local planning authority appear to treat it as a separate dwelling. It does not seek consent for a separate dwelling or a material change of use. Any such change of use would require separate planning permission in its own right and would have to be assessed on its own merits if an application were forthcoming.

- 4.4 The Council's assertion goes against relevant planning caselaw which supports the case that ancillary accommodation can provide facilities for independent day to day living and would not necessarily become a separate planning unit. In reaching its view that the proposal was tantamount to a new dwelling the council has referred to *Gravesham BC v SSE* [1984]. However, in more recent and relevant case law, *Uttlesford DC v SSE & White* [1992], the judge considered that the conversion of a garage to a granny annex had not resulted in a change of use, stating that even if the accommodation provided facilities for independent day-to-day living [*Gravesham*], it would not necessarily become a separate planning unit from the main dwelling. Instead it would be a matter of fact and degree.
- 4.5 In this case, the accommodation provides the occupant the facilities of a self-contained unit although the building would clearly function as an annex. The occupant will share his living activity in company with his father in the main dwelling and they would share meals, socialise and live as a single unit whilst allowing for a degree of independence. The services such as electricity, gas and water will be shared with the main house and the garden space is shared with both buildings looking over this. The appellant would provide for the growing care needs of his elderly father. As such there is no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling.
- 4.6 The accommodation is modest in size compared to the existing dwelling and plot. It has a close spatial relationship with the main house with the main entrance facing into the garden area allowing for a close physical and functional relationship which is required to meet the needs. It retains a subservient scale, and function to the main dwelling and a good sized garden space is retained that all occupants would use. The Council has not raised any objections to the size of the building in design terms and it is noted it is similar in size to other outbuildings in the locality such as on the adjacent plot.
- 4.7 As noted above we are aware of a number of appeals where annexes have been allowed at appeal in the local planning authority area under the same Development Plan policies where they have included primary living accommodation. They all relate to detached outbuildings in the gardens of the property like the current appeal. Full details of the plans, delegated reports and appeal decisions of these are included at **Appendix 1** for the Inspectors consideration so that the Inspector has the full details of these appeals. A summary of these is provided in the table 1 below:

Appeal reference	Address	Facilities provided	Decision	Notes
APP/R5510/D/24/3357442	47 Daleham Drive, Uxbridge,	Living space/bedroom with bathroom	Allowed 27.05.2025	Planning condition imposed

	Hillingdon UB8 3HP			to remain ancillary to main dwelling
APP/R5510/D/22/3292279	24 Wood Lane, Ruislip, HA4 6EX	Kitchen, living space, bathroom, and bedroom	Allowed 3.05.2022	Planning condition imposed to remain ancillary to main dwelling
APP/R5510/D/22/3296373	50 St. Martins Approach, Ruislip HA4 7QQ	Bedroom, shower room, kitchen, lounge/dining area	Allowed 9.08.2022	Planning condition imposed to remain ancillary to main dwelling
APP/R5510/W/22/3303091	76 Long Lane, Hillingdon, Uxbridge UB10 0EQ	Lounge/kitchen, bathroom, bedroom	Allowed 6.08.2023	Planning condition imposed to remain ancillary to main dwelling

Table 1; appeal decisions for similar development in borough.

- 4.8 Of particular note in the appeal at 24 Wood Lane, Ruislip which is similar to the current proposal the Inspector noted:

‘Whilst the proposed annex building would be capable of independent occupation as self-contained residential accommodation, the siting of the annex, the uses of the garden land around it and its relationship with the existing dwelling would be such that it could only practicably be occupied in association with the main house. It would not therefore, on the basis of the plans and details before me, lend itself to separate occupation.....A suitably worded condition, in addition to a plans condition, would provide sufficient certainty to ensure that this would remain the case’ (paragraph 8)

- 4.9 In the appeal at 76 Lucy Lane which is again similar to the current proposal and raised many similar issues the Inspector stated:

8. On the basis of the evidence before me I am satisfied that the proposed outbuilding is entirely capable of being occupied as an annexe. While the Council is clearly concerned that the appeal scheme will now or in the future be used as a separate dwelling and I acknowledge that concern, such a proposal is not before me.

9. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be

required, and the building would be at risk of enforcement action if such permission is not granted.

10. Therefore, notwithstanding the conflict with Policy DMHD 2 that I have identified, in the absence of any identified harm and given that the proposal is clearly stated as being for an annexe to the main dwelling, I find that this particular scheme would not undermine the objectives of this policy or the wider development plan.

4.10 As such it is clear that similar proposals have been granted permission acknowledging it is an acceptable type of development where no other planning harms arise such as in this case.

4.11 The Council also allege in their delegated report that a condition requiring the outbuilding to remain ancillary to the main dwelling is not considered to be enforceable thus failing to pass the conditions tests set out in the NPPF (2024). However as evidenced by the above appeals such a condition is common for residential annexes and is capable of being enforced by the Council using their planning enforcement powers if a material change of use were to occur. It was used on all the aforementioned appeals and deemed appropriate by the various Inspectors. Furthermore it is noted that the now withdrawn Circular 11/95 included such model conditions and was issued by Central Government. The same tests for planning conditions remains in force today and this is further evidence such conditions meet the tests.

4.12 It is also noted in the application at 47 Daleham Drive (referenced in table 1) that the Council supported the use of such a condition. Within the Delegated Report (see Appendix 1) it is stated:

whilst the proposal does not accord with Policy DMHD 2 as it provides primary accommodation, recent appeal decisions (including the two appeal decisions submitted with the application) have determined that the use of the outbuilding as an annexe in connection with the residential use of the host dwelling could be controlled by condition. If planning permission were granted and the structure were not used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a further grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.

4.13 A planning condition would therefore further address the Council's concern in this respect.

4.14 In determining the application, it is also relevant to note there are potential fall-back positions to consider. The applicant has a need for the accommodation and therefore it is a realistic prospect that alternative options to provide ancillary residential accommodation on the site will be explored if the appeal were to fail. The Court of Appeal in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 has clarified that a 'fallback' development may be a material planning consideration in assessing development proposals. It went on to confirm that to be material it must be a 'real prospect'. It does not have to be probable or likely: a possibility will suffice.

4.15 In this case the alternative would be the provision of a caravan on the site which meets the legal definition set out in the Caravan Act (1968) which is just placed at the site in the position of the garage and used as an annex ancillary to the dwelling. This would provide similar

accommodation without the need for planning permission but would likely result in harm to the character and appearance of the area. Therefore the current application is considered preferable to the provision of a mobile home in planning terms.

- 4.16 The Council's concerns regarding residential amenity appear to relate to the assumption that the annex would be used as a separate residential dwelling which is clearly not the case as outlined above. Given the annex will be used as part and parcel of the same use as the existing dwelling on the site such issues do not arise.

5. Conclusion

- 5.1 Overall, for the reasons outlined above the proposal is considered to be acceptable when assessed against the relevant local and national planning policy and other material considerations including appeal decisions. It would allow the appellant to live with his father to provide care whilst retaining a degree of independence. Its occupation as ancillary accommodation to the main dwelling can be controlled through planning condition to overcome the Council's concerns and any use of the building as a separate planning unit would constitute a material change of use for which planning permission would be required.
- 5.2 We therefore respectfully request that the appeal is allowed.

Appeal Statement – Appendix 1