

APPENDIX 1 - Comparable appeal decisions and documents

47 Daleham Drive - Documents



Appeal Decision

Site visit made on 25 February 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Appeal Ref: APP/R5510/D/24/3357442

47 Daleham Drive, Uxbridge, Hillingdon UB8 3HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Adbul Malik against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 64868/APP/2024/2763.
 - The development is described as 'Demolition of the existing outbuilding. Erection of an outbuilding to be used as a 1-bedroom residential annexe (retrospective application)'.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing outbuilding. Erection of an outbuilding to be used as a 1-bedroom residential annexe at 47 Daleham Drive, Uxbridge, Hillingdon, UB8 3HP in accordance with the terms of the application, Ref 64868/APP/2024/2763, subject to the following conditions:
 - 1) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those shown in the approved plans.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: PL01 (dated 10/10/24) and PL02 (dated 10/10/24).
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 47 Daleham Drive, Uxbridge, Hillingdon.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. It is noted that the description of development was changed and agreed with the Council during the planning application process. I have used the amended description in my assessment.
4. The outbuilding is already in place and the appeal has been considered on this retrospective basis.

Main Issue

5. The main issue is whether the development allows for satisfactory living conditions for current and future occupiers of the appeal property with regard to outdoor amenity space.

Reasons for the Recommendation

6. The appeal property is a semi-detached dwelling. It has recently been extended to provide accommodation in the loft space, including a rear dormer which, along with the annex has increased the number of bedrooms at the property to four or more.
7. The outbuilding has been built at the far end of the garden and there are no other buildings or structures of note which leaves the remaining garden area as usable amenity space.
8. Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) (the 'Local Plan: Part Two') states, amongst other things, that planning applications relating to alterations and extensions of dwellings will be required to ensure adequate garden space. Policy DMHB 18 of the Local Plan: Part two requires new 4 bedroom houses to have at least 100 square metres of private outdoor amenity space. The National Planning Policy Framework (the 'Framework') also requires development to provide a high standard of amenity.
9. The Council's decision was based on information that the garden at the appeal property measured around 65 square metres. The appellant has provided a new plan with the appeal, confirming the rear garden measures about 90.16 square metres. Whilst this is larger than the measurements provided to the Council, it is still below the 100 square metres required by Policy DMHB 18. The appeal property could reasonably accommodate a large family. However, notwithstanding the different measurements submitted by the Council and appellant, the remaining garden area provides a good quality private space of sufficient size to accommodate typical garden activities and domestic paraphernalia.
10. Whilst the garden does not meet the size requirements set for outdoor amenity space in Policy DMHB 18, in this particular case, I am satisfied that no harm to living conditions has occurred. I conclude therefore that satisfactory outdoor amenity space is available for current and future occupiers and the development accords with Policy DMHD 1 of the Local Plan: Part Two and the Framework.

Other Matters

11. Whilst I note that neighbouring properties have not been extended to the same degree as the appeal property and are unlikely to have as many bedrooms, the appeal site does not seem overdeveloped or out of proportion with the garden size.

Conditions

12. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the Framework and the Planning Practice Guidance.
13. I have imposed the standard condition specifying the relevant plans in order to provide certainty. I have included a condition requiring the external materials to

match the approved plans to protect the character and appearance of the appeal property.

14. I have also included a condition preventing the outbuilding being used as an independent dwelling, to ensure that it is only used ancillary to the main dwelling house.

Conclusion and Recommendation

15. For the reasons given above, the proposal complies with the development plan when taken as a whole and there are no material considerations, including the Framework, that would outweigh this finding. Consequently, I recommend that the appeal should be allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

F Wilkinson

INSPECTOR

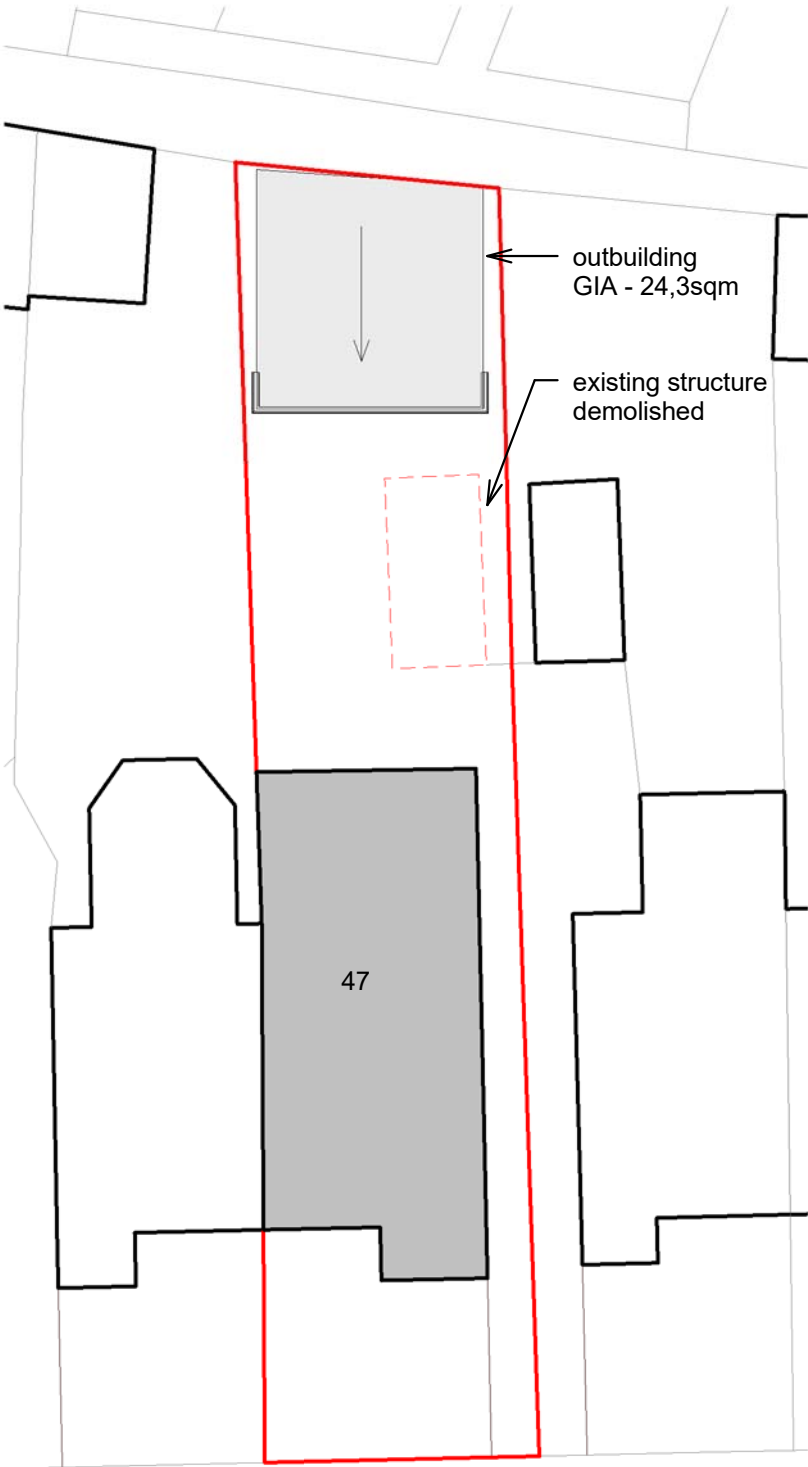
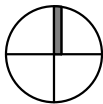


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location plan



scale 1:1250 at A3

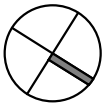


DALEHAM DRIVE

site plan



scale 1:200 at A3



ALL DIMENSIONS MAY VARY ON SITE AND TO BE CHECKED BEFORE COMMENCING WORK. WORKS PROPOSED IN THESE DRAWINGS ASSUMES DEVELOPER / CLIENT COMPLIANCE WITH RELEVANT HEALTH AND SAFETY (CDM) REGULATIONS AND REQUIREMENTS OF THE PARTY WALL AGREEMENTS OF THE PARTY WALL ETC 1996 CDM SERVICE ARE NOT PROVIDED OF OFFERED BY THE AUTHOR OF THESE DRAWINGS

- NOTES
- ALL DIMENSIONS ARE IN MILLIMETRES.
 - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL STRUCTURAL ENGINEERS DRAWINGS, SPECIFICATIONS AND SCHEDULES, AND ANY OTHER CONSULTANT'S DOCUMENTATION AND REPORTS
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Rev	Description	Date
Barralis Ltd		
nicolas.maari@gmail.com 07981958752		

client: Mr Abdul Malik

project: 47 Daleham Drive, Uxbridge, UB8 3HP

drawing: site location & site plan

date: 10/10/24
scale: As indicated

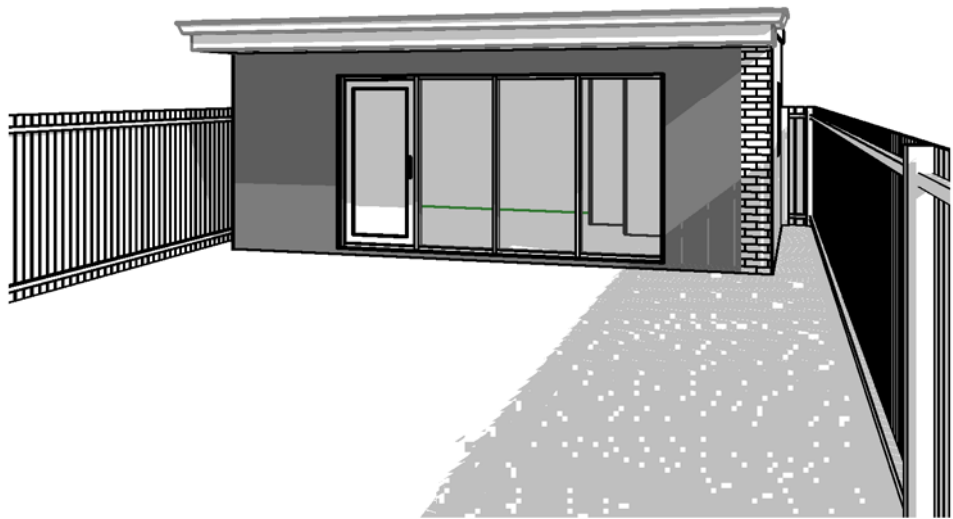
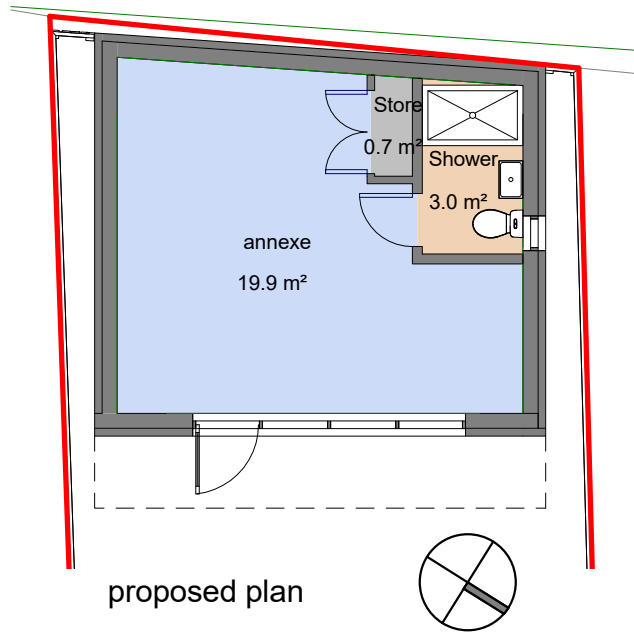
planning

project number	drawing number	revision
005/24	PL01	

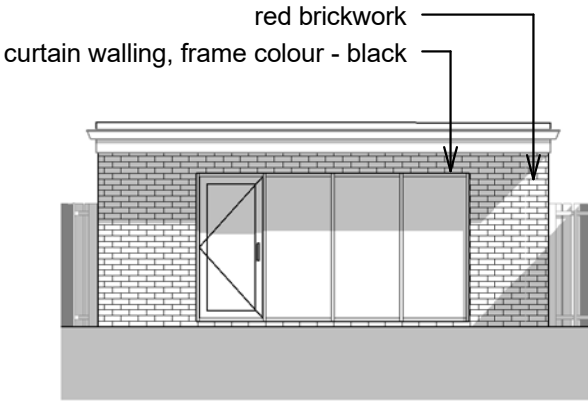
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NOTES

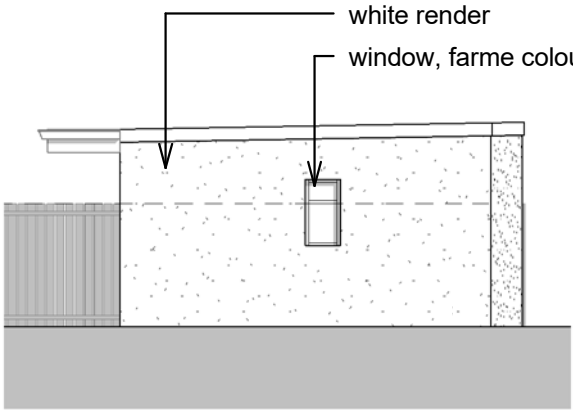
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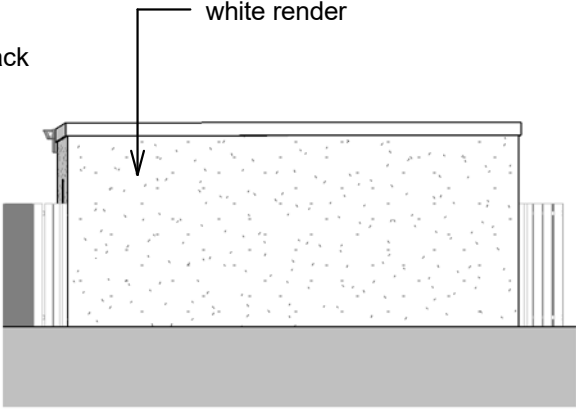
outbuilding front view



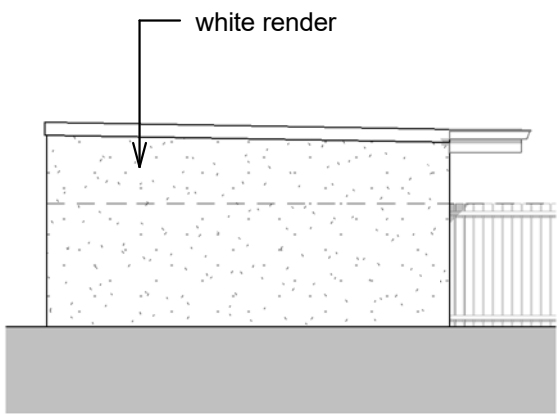
front north-east elevation



side north-west elevation



rear south-west elevation



side south-east elevation

Rev Description Date

Barralis Ltd
nicolas.maari@gmail.com 07981958752

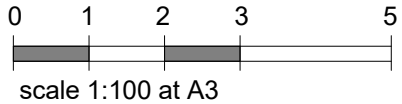
client: Mr Abdul Malik

project: 47 Daleham Drive, Uxbridge, UB8 3HP

drawing: proposed drawings - outbuilding

date: 10/10/24
scale: 1 : 100

pre-application



project number	drawing number	revision
005/24	PL02	

Mr Rob Hewson
allPlanning
64 Nile Street
London
N1 7SR

Application Ref: 64868/APP/2024/2763

Date of Decision: 22nd November 2024

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES**: permission for the following:-

Application number: 64868/APP/2024/2763

Date your planning application was submitted: 21st October 2024

Site location: 47 Daleham Drive Hillingdon Middx UB8 3HP

Description:
Demolition of the existing outbuilding. Erection of an outbuilding to be used as a 1-bedroom residential annexe (Retrospective application).

Application submitted by: Mr Rob Hewson

Plans that this decision was based on: See attached Schedule of Plans

Permission is refused for the reason(s) listed below:-

1. The proposed development, by virtue of its failure to maintain an adequate provision of private external amenity space, would have a harmful effect on the living conditions of the occupants of the host property. The proposal is therefore contrary to Policies DMHB 18 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Paragraph 135f) of the National Planning Policy Framework (2023).

INFORMATIVES

1. On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.
2. 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 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. Policies

PT1.BE1 (2012) Built Environment

Part 2 Policies

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMHD 2 Outbuildings

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

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

LPP D6 (2021) Housing quality and standards

NPPF12 - NPPF12 23 - Achieving well-designed and beautiful places

23

2. 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).
-

Date of Decision: 22nd November 2024

R Johnson

Roz Johnson
Head of Development Management and Building Control

END OF SCHEDULE

Address:
Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 64868/APP/2024/2763

SCHEDULE OF PLANS

PL01.	Received	18-10-2024
PL02.	Received	18-10-2024
Supporting Statement, All Planning.	Received	18-10-2024

WHAT TO DO WHEN A HOUSEHOLDER PLANNING APPLICATION IS REFUSED

If your planning application is refused but you still want to pursue it, contact your local planning department.

If you think you could make changes that resolve the reasons for refusal, you may be able to amend your application and submit it again.

Amending your planning application

If you think you could change your application to respond to the reasons for refusal, contact us about what to do next. We can give you more information about deadlines and any fees for submitting an amended application

Residents Services
London Borough of Hillingdon
3 North, Civic Centre,
High Street, Uxbridge UB8 1UW

Email: planning@hillington.gov.uk

www.hillingdon.gov.uk

Appealing to the Planning Inspectorate

If you think the decision to refuse your application was incorrect, you may want to appeal to the Planning Inspectorate, which is an independent and impartial body.

If you want to appeal, the deadline is 12 weeks from the date on the decision letter, or 4 weeks if you've received an enforcement notice. Around 1 in 3 appeals is successful.

You'll need some documents to hand, so before you start, read the guidance and access the service at:

<https://appeal-planning-decision.planninginspectorate.gov.uk>

If you're unable to complete your appeal online call the Planning Inspectorate helpline on 0303 444 5000 (charges at a local rate).

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.	ADVERTISMENT 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: 47 DALEHAM DRIVE HILLINGDON MIDDX

Development: Demolition of the existing outbuilding. Erection of an outbuilding to be used as a 1-bedroom residential annexe (Retrospective application).

LBH Ref Nos: 64868/APP/2024/2763

Drawing Nos: PL01
PL02
Supporting Statement, All Planning

Date Plans received: 18-10-24 **Date(s) of Amendments(s):**

Date Application valid 21-10-24

1. CONSIDERATIONS

1.1 Site and Locality

The application site forms a pair of semi-detached properties situated on the western side of Daleham Drive. The street scene is residential in character and appearance comprising semi-detached properties uniform in appearance with brick finishing. The dwellings opposite of the site are one-storey semi-detached dwellings.

The application site is located within the Developed Area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

1.2 Proposed Scheme

Planning permission is sought for the following scheme which is noted to be retrospective - Demolition of the existing outbuilding. Erection of an outbuilding to be used as a 1 bedroom residential annexe.

1.3 Relevant Planning History

64868/APP/2024/1218

47 DALEHAM DRIVE HILLINGDON MIDDX

Conversion of roof space to habitable use, including the construction of a rear dormer, installation of two roof lights to front roof slope, and alteration of roof from hipped to gable end (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 28-06-2024

Approved

64868/APP/2021/4646

47 DALEHAM DRIVE HILLINGDON MIDDX

Erection of a front porch extension

Decision: 23-03-2022

Approved

64868/APP/2021/4661

47 DALEHAM DRIVE HILLINGDON MIDDX

Demolition of existing outbuilding and erection of a single storey rear extension

Decision: 22-02-2022

Approved

Comment on Planning History

The relevant planning history is 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

7 neighbours were consulted by letter dated 29-10-24. No comments received.

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:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMHD 2 Outbuildings

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

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

LPP D6 (2021) Housing quality and standards

NPPF12 -23 NPPF12 23 - Achieving well-designed and beautiful places

5. MAIN PLANNING ISSUES

The main planning issues are the principle of development, the effect of the development on the character and appearance of the area, the impact on neighbouring residential amenity, private amenity space and highway safety/parking.

PRINCIPLE:

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) 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.

It has been established through case law that the distinctive characteristic of a dwelling house is its ability to afford those who use it, 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.

The 24.3sq.m GIA is formed of a single room with storage and shower room. The overall footprint and dimensions are considered to be acceptable. The unit would be too small to function independently of the main dwelling. The annexe would be sited in proximity to the main dwelling with its entrance door and main windows facing towards the dwelling. It is noted from the planning statement that the annexe would be occupied by a family member of the household and that meals would be provided in the main house as the annexe does not contain a kitchen facilities. It therefore does not contain the requisite facilities to function independently as a self-contained unit.

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.

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.

The outbuilding is sited along the rear boundary with 50cm side gaps to the shared side boundaries. The height of the outbuilding is 2.7metres set under a flat roof which rises towards the rear and overhangs the front wall by a metre. The footprint is an irregular shape and externally, the outbuilding measures 6metres in width and 5.3metres in depth. It is constructed with red brickwork to the front elevation and rendered to the side and rear.

Notably there are other examples of outbuildings in the rear gardens of neighbouring properties. The development would therefore not introduce an alien feature in the area. With limited visibility of the outbuilding from the public realm, it is considered that there would not be any harm to the character and appearance of the area.

NEIGHBOURING AMENITY:

Policy D3 of the London Plan (2021) states Part D7) that development proposals should deliver appropriate outlook, privacy and amenity.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on 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 in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The outbuilding would occupy a portion of the rear garden, however it would be visible from neighbouring properties and there would be little doubt that occupiers would be aware of the nature of activity including both comings and goings and use of lighting etc. However as it is described as an annexe and not a self-contained detached dwelling, it is considered that neighbouring impacts would be limited.

PRIVATE AMENITY SPACE

Paragraph 135f) of the NPPF (2023) states - Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that planning applications relating to alterations and extensions of dwellings will be required to ensure an adequate garden.

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development to provide good quality and useable private amenity space in accordance with Table 5.3 which requires a 4 bedroom house to have at least 100 square metres of private outdoor amenity space.

The original 3bed dwelling has been extended by way of a loft conversion including a rear dormer and hip to gable conversion granted under a recent certificate of lawfulness which provides a 4th bedroom in the roofspace. Therefore with the annexe, the dwelling would currently comprise a 5bedroom property.

The retained private amenity space measures 65.sq.m (with existing structure demolished) which represents a significant under-provision in terms of the Local Plan's minimum requirement for 100 square metres of private amenity space for a 4+ bedroom dwelling. The cumulative effect of the extensions to the host dwelling and now the outbuilding, taken together, therefore represents overdevelopment of the site.

The limited rear garden area which would be retained would be insufficient to meet the needs of a family sized house. The retained rear garden would undermine the general outdoor space that occupants could reasonably expect with a property of this size and type. As a result, it is considered

that the proposal would result in poor living conditions for the occupants residing at the site. This forms reason for refusal 1.

While it is noted that the rear gardens of the properties within the street scene do feature outbuildings and some properties benefit from both outbuildings and rear extensions these properties have not been as heavily extended as the application property. The additional bedrooms amount to a significant shortfall in amenity space which is not apparent for the properties within the immediate context.

In light of the above, it is considered that the proposal would have a harmful effect on the living conditions of the occupants of the host property, in terms of the provision of private external amenity space. The proposal therefore fails to comply with Policies DMHD 1 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135f) of the NPPF (2023).

HIGHWAY SAFETY AND PARKING:

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that all development is in accordance with the car parking standards set out in Appendix C, Table 1 unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The site benefits from on-site car parking provision and no changes are being proposed to the existing vehicle crossover serving the site, which is considered to be fit for purpose. It is therefore considered that the proposal would not exacerbate the demand for street parking or prejudice highway safety, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

CONCLUSION:

The application is recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Private amenity space

The proposed development, by virtue of its failure to maintain an adequate provision of private external amenity space, would have a harmful effect on the living conditions of the occupants of the host property. The proposal is therefore contrary to Policies DMHB 18 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Paragraph 135f) of the National Planning Policy Framework (2023).

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. On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.
3. 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 Policies

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
DMHD 2	Outbuildings
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts

DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D6	(2021) Housing quality and standards
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places

Contact Officer: Christos Chrysanthou **Telephone No:** 01895 250230

24 Wood Lane - Documents

Appeal Decision

Site visit made on 12 April 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2022

Appeal Ref: APP/R5510/D/22/3292279

24 Wood Lane, Ruislip HA4 6EX

- 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 Mrs Katherine Grill against the decision of London Borough of Hillingdon.
 - The application Ref 24891/APP/2021/4264, dated 18 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed was described as '*Erection of a single storey garden annex structure*'.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey rear outbuilding (garden annex structure) at 24 Wood Lane, Ruislip HA4 6EX in accordance with the terms of the application, Ref 24891/APP/2021/4264, dated 18 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and 'existing and proposed plans' (drawing number 120).
 - 3) The building hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 24 Wood Lane, Ruislip HA4 6EX.

Procedural Matters

2. I have adopted the development description as set out on the Council's decision notice as it is usefully more descriptive than that initially set out. I am satisfied that in so doing neither main party would be disadvantaged.

Main Issues

3. The main issues are:
 - Whether or not the proposed outbuilding would comprise a new, separate and self-contained dwelling; and
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Whether or not a new, separate self-contained dwelling

4. The proposed outbuilding would be located at the bottom of the appeal property's rear garden, adjacent to the garden's rear and one side boundary. Internally, it would provide a living / dining / kitchen area, bedroom and shower room / w.c.
5. The intention for the building, as set out in detail within the appellant's submission, is to provide ancillary living accommodation for a family member with caring needs sufficiently close to the main house to be able to offer a mix of independent and shared living accommodation. It would also, the appellant states, allow for caring responsibilities to be undertaken on an efficient basis in the context of a family home which, although large, houses a multi-generational family in restricted conditions.
6. Although the building would be detached, other than being within the rear garden area of No. 24, there would be no physical link to the existing dwelling at No. 24. Instead, access to the building would be taken through the existing side and rear garden and thus, possible to access the annex building without needing to go through the existing house first.
7. However, the appellant clearly states that the proposal would be used as ancillary accommodation in connection with the family's already multi-generational occupation of the main house. The reasons for wishing to do so are clearly stated and set out in the application in order to provide a calming and quiet 'haven' for a family member and allowing a degree of independence whilst also benefiting from the close physical and functional relationship between the existing and proposed buildings for caring purposes.
8. 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 to 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. Nor do those plans and details suggest that that would be the case or indeed is that what the appellant applied for. A suitably worded condition, in addition to a plans condition, would provide sufficient certainty to ensure that this would remain the case.
9. Policy DMHD2 of Hillingdon's Local Plan Part 2 – Development Management Policies (LP2) sets out the Council's approach to residential outbuildings, setting out a number of criteria such proposals will be required to meet. There is no dispute that the proposal would be constructed to a high standard of design and would not compromise the amenity of neighbouring occupiers. Nor has there been any suggestion that its scale and developed footprint would not be proportionate to that of the dwellinghouse or the residential plot in which it stands.
10. However, as I have concluded that the proposed building would not be occupied as a separate, stand-alone and self-contained dwelling, there would be no conflict with criterion (iii) or (iv) of LP2 policy DMHD2. Nor would there be conflict with LP2 policy DMH6 as the proposal would not amount to backland or garden development of the type envisaged by that policy.

Character and appearance

11. The appeal property lies within the Ruislip Village Conservation Area, the residential areas of which beyond the High Street and original village centre are noted in the Ruislip Village Conservation Area Appraisal (CAA) as being spacious and of a leafy character. The CAA notes that residential properties within Character Area 3, and particularly along Wood Lane, date to the 1920s and 1930s following on from the development of the Metropolitan Line to the area in 1904.
12. Houses here are characterised as being of varied size and design with many set on tree lined roads influenced by the Garden Suburb tradition. In the case of Wood Lane, the CAA also notes that garden and street trees are considered to give it an 'almost rural quality'. Within good sized gardens front and rear, the houses tend to be well-spaced contributing to the area's spacious and leafy setting.
13. The appeal property is typical of the CAA's appraisal of this area. The garden is a good size with trees and shrubs around its perimeter giving it a spacious, leafy and, in part, secluded feel. The proposed annex building would be located towards the rear corner of the garden plot, with a mix of trees and shrubs around it.
14. Although a relatively large structure in terms of its footprint area, it would not be excessively so in the context of such a good-sized garden as that at No. 24. The flat roof design would minimise its overall height and bulk, whilst its timber clad external finish would give it the general, and typical, appearance of a large garden shed, albeit one of reasonable size. Nevertheless, the proposed building would be an unobtrusive addition to the rear garden of the appeal property and, because of surrounding vegetation and ground levels, would be equally unobtrusive within the private rear garden scene of properties along Wood Lane and Kingsend.
15. Outbuildings were not particularly evident to my observation during my visit to the site, but that does not render the proposal harmful to the area's character. In this instance, the proposed building would be discretely sited at the rear of the property amongst existing domestic vegetation and shrubbery. It would also be sited some distance from the existing house thereby maintaining the spaciousness of No. 24's garden plot without compromising that of those around it, nor would it materially harm the verdant qualities of the site or the spacious feel of either the appeal site or the surrounding area.
16. Moreover as, for the reasons I have set out above, I do not consider the proposed building to be a separate self-contained dwelling, its use as a domestic, and domestically scaled, outbuilding would not be out of keeping or out of character with the prevailing character of the surrounding area. Thus, there would be no conflict with LP2 policies DMHD2, DMHB11, DMHB12, DMHB16 or DMHB18.

Other Matters

17. As I have concluded that the proposed annex outbuilding would not be occupied as a separate self-contained dwellinghouse, I give the Council's concern that it would not meet minimum space or amenity space standards very limited weight. As a building to provide and be occupied as ancillary to

occupation of the main house, the extensive retained garden area would provide more than sufficient outdoor amenity space for all occupants at No. 24. There would be no conflict with LP2 policy DMHB16 or London Plan policy D6 as a consequence.

Conditions

18. I have considered the Council's suggested conditions in light of the advice of the Framework and Planning Practice Guidance. In addition to time limit and approved plans conditions, both of which are necessary and reasonable in the interests of certainty and good planning, an occupancy condition to ensure occupation and use as ancillary to that of No. 24 is also necessary in order to ensure it is occupied and used as proposed.
19. I have not attached the Council's suggested materials condition for two reasons; firstly, as suggested it would require materials to match those of the main house which is clearly not the intention of the proposal and is not necessary as a detached outbuilding and, secondly, I am satisfied that the submitted plans show the proposed materials in sufficient detail to be able to be satisfied that the proposed materials are acceptable. No further conditions have been suggested nor do I consider any to be necessary.

Conclusion

20. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

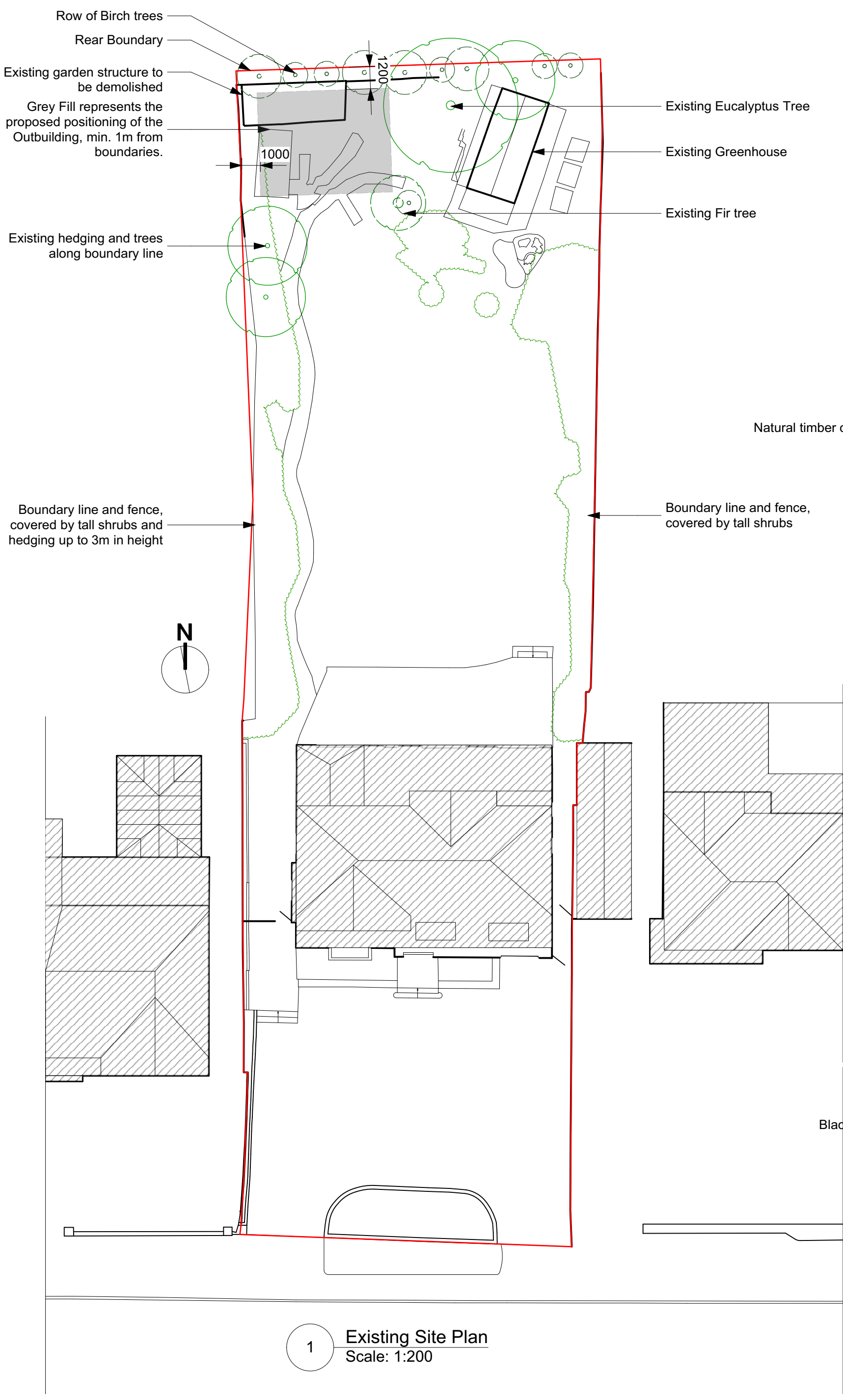
G Robbie

INSPECTOR

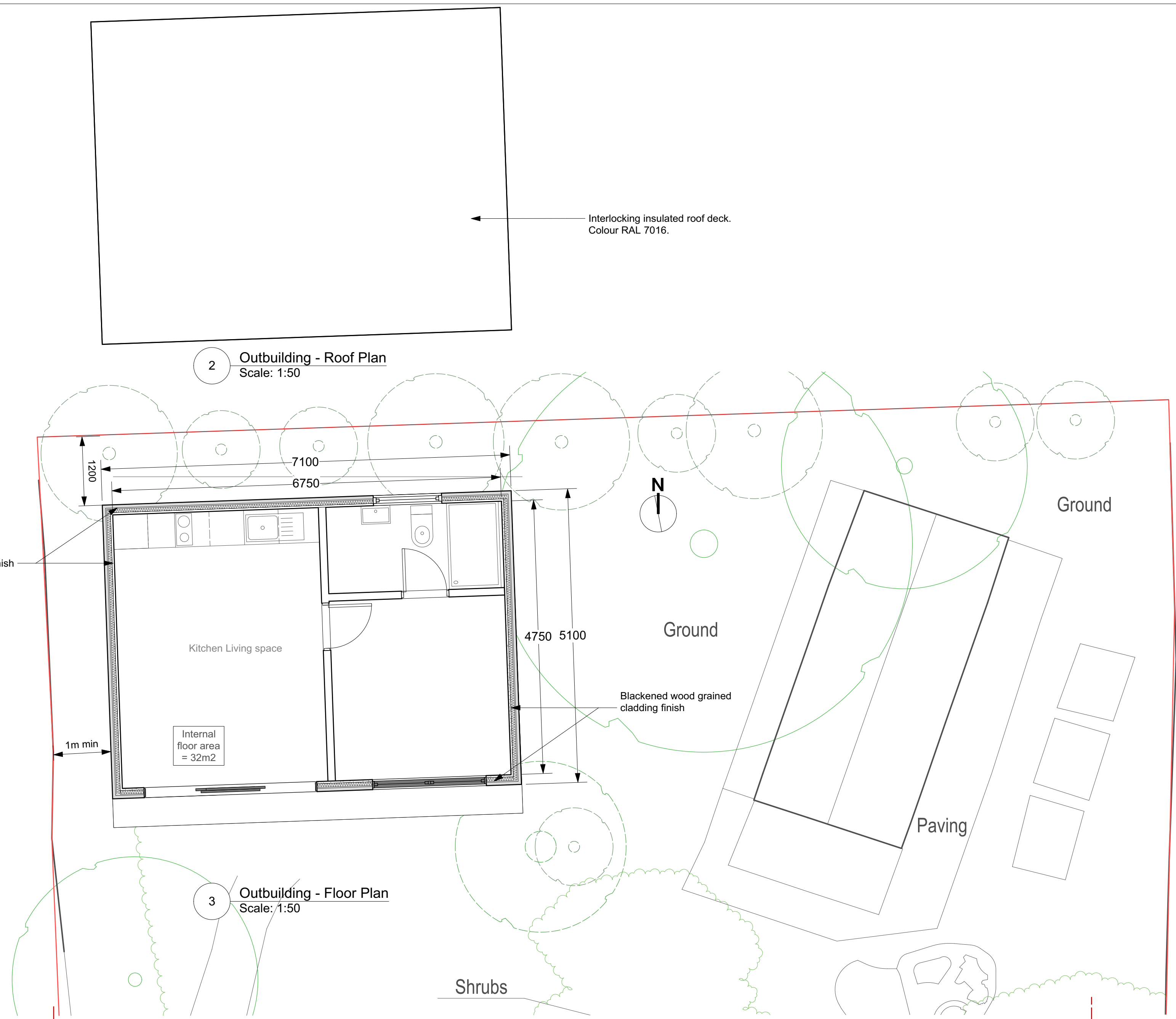
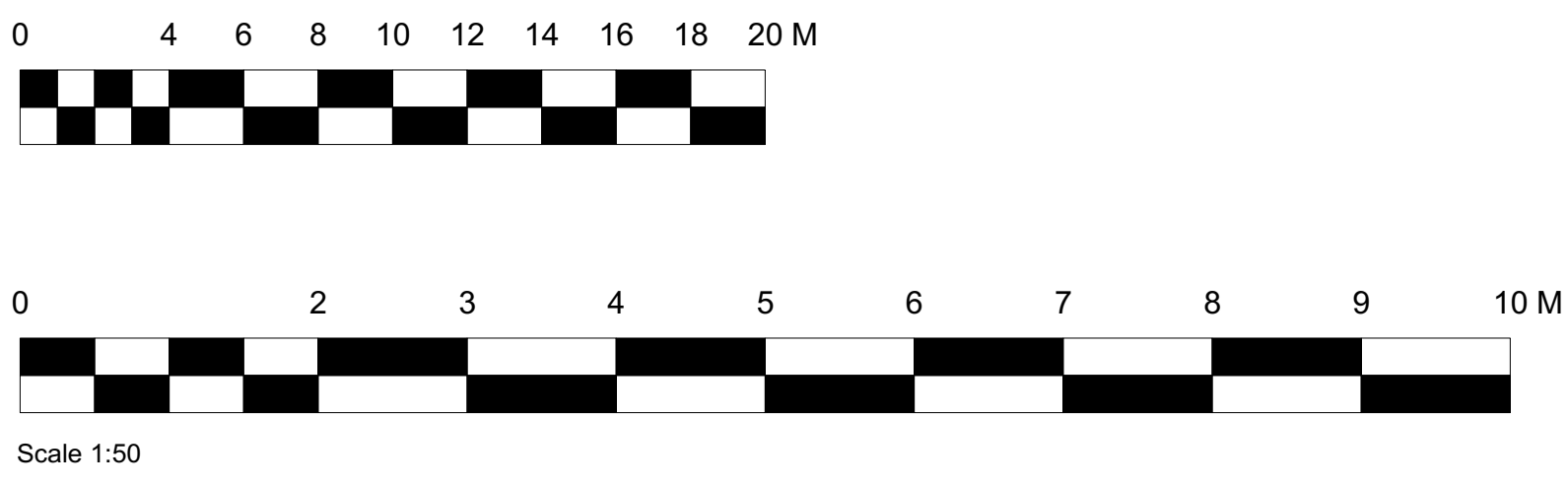
24 Wood Lane, Ruislip, HA4 6EX



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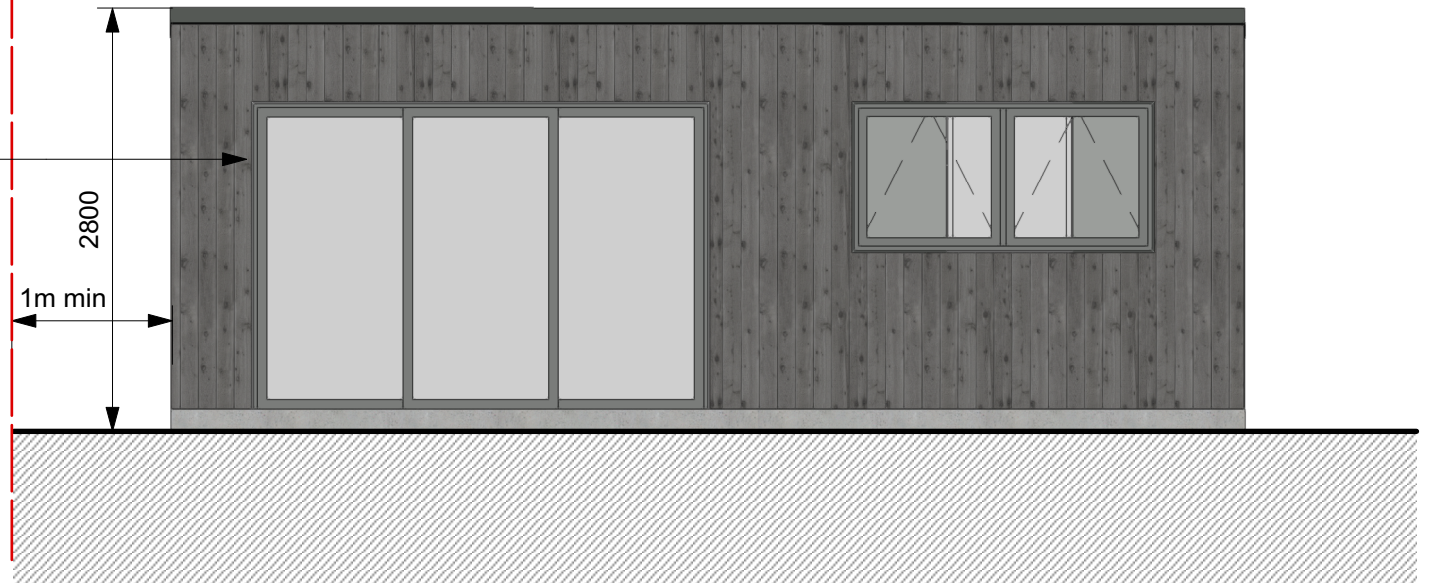


1 Existing Site Plan
Scale: 1:200



2 Outbuilding - Roof Plan
Scale: 1:50

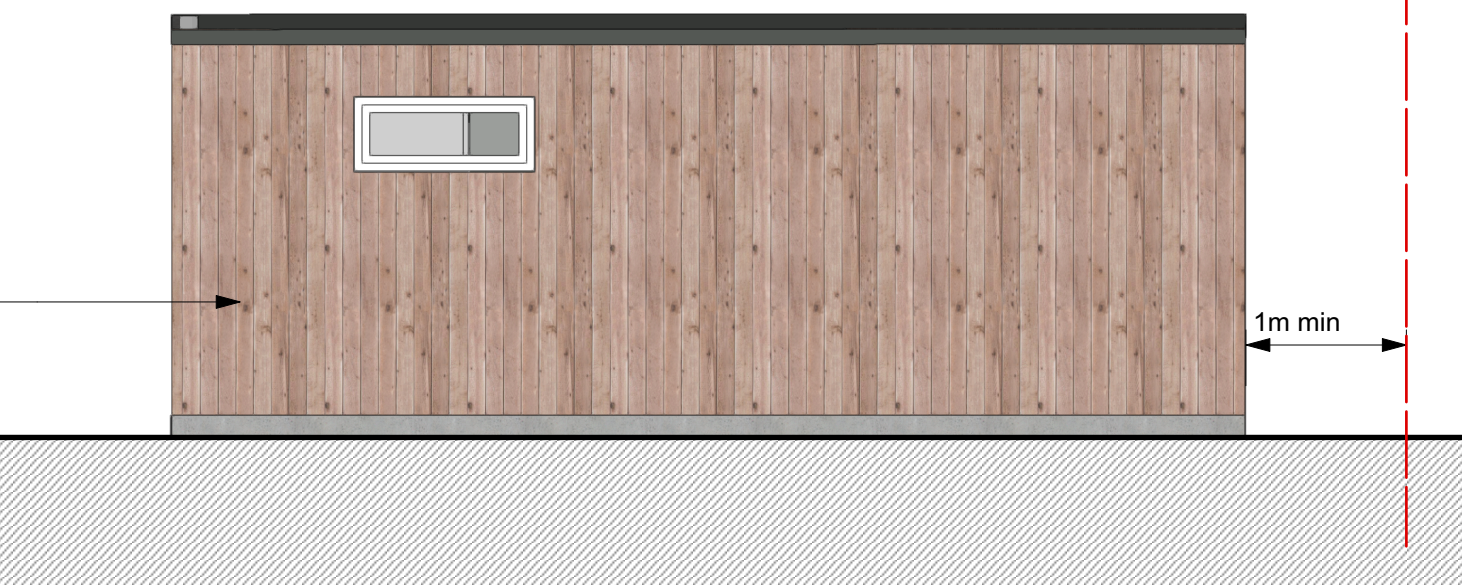
3 Outbuilding - Floor Plan
Scale: 1:50



4 Outbuilding - Front Elevation
Scale: 1:50



6 Outbuilding - Right Side
Scale: 1:50



5 Outbuilding - Rear Elevation
Scale: 1:50



7 Outbuilding - Left Side
Scale: 1:50

- Notes:
- Use figure dimensions only
 - Do not scale from this drawing
 - Issued for purpose indicated only
 - All dimensions to be checked on site
 - Architect to be notified of any discrepancies before construction commences
 - Structural and services information is indicative only
 - Refer to consultants' drawings and specification for details and setting out
 - All work and materials to be in accordance with current applicable statutory legislation and to comply with all relevant codes of practice and British and European Standards
 - Information gained from this drawing is the sole copyright of Livewell Architecture and should not be copied or reproduced without prior permission

No.	Date	Revision Notes
Architect		
Livewell Architecture info@livewellarchitecture.co.uk www.livewellarchitecture.co.uk 07915 906393		
Client		
Mrs Grill 24 Wood Lane Ruislip, HA4 6EX		
Sheet Title		
Outbuilding - Existing & Proposed Plans		
Drawn By		Status
CL		PLANNING
Scale @ A1		Date
1:50		18/11/2021
Project Ref		Drawing Number
2021.23		120
		Revision

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 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 Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. Report of the Head of Planning, Transportation and Regeneration**Address** 24 WOOD LANE RUISLIP**Development:** Erection of a single storey rear outbuilding (garden annex structure).**LBH Ref Nos:** 24891/APP/2021/4264**Drawing Nos:** Planning and Heritage Statement
Location Plan
Design and Access Statement
120**Date Plans Received:** 18/11/2021**Date(s) of Amendment(s):****Date Application Valid:** 18/11/2021**1. CONSIDERATIONS****1.1 Site and Locality**

The existing property is an attractive detached dwelling which appears to date from the 1930s. It has a strong Arts and Crafts character with a projecting gable with dark-stained waney edge timber cladding detailing and steeply pitched main roof with a cat-slide at first floor and small dormer windows to the front. The rear also features a small projecting gable with timber clad detailing and cat-slide roof form with a dormer window.

The property is little altered in character and appearance and is original to the development of the Ruislip area. The building positively contributes to the character, appearance and significance of the Ruislip Village Conservation Area.

1.2 Proposed Scheme

The application seeks planning permission for the erection of a single storey rear outbuilding (garden annex structure).

1.3 Relevant Planning History

24891/A/82/0059 24 Wood Lane Ruislip

Householder dev. (small extension, garage etc) (P)

Decision Date: 22-02-1982 Approved

24891/B/82/0060 24 Wood Lane Ruislip

Householder development - residential extension(P)

Decision Date: 22-02-1982 Approved

24891/C/87/1007 24 Wood Lane Ruislip

Vehicular access and two-storey side and single- storey front and rear extension.

Decision Date: 29-07-1987 Approved

24891/F/90/0322 24 Wood Lane Ruislip

Erection of a first floor rear extension

Decision Date: 12-04-1990 Approved

Comment on Planning History

The relevant planning history is listed above.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- 15th January 2022

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

The Ruislip Residents Association and 7 neighbouring properties were consulted by letter dated 8.12.21.

Ruislip Residents Association - Objection on the grounds that it conflicts with policies DMHB11 and DMHD2 in view of it being over 30 square metres in floor area and having primary living accommodation within it.

Landscape Officer -

This site is located in the north-west corner of the back garden of a two-storey detached house situated on the north side of Wood Lane. The property benefits from a spacious back garden, with an established garden featuring a number of sheds and out-buildings among trees at the far end of the garden. Trees with a stem diameter of 75mm(+) are protected by virtue of their location within the Ruislip Village Conservation Area. COMMENT No tree survey or arboricultural impact assessment has been submitted, however, the response to the planning questionnaire (Q.9) confirms that no trees will be removed to enable the development. Moreover the site plan has plotted the approximate locations and canopy spread of the trees in the area. The new outbuilding will partly occupy the site of an existing wooden shed, but extend into the garden to the south. The product is made by Oeco and the construction details confirm the 'normally' the structure will be supported by specially designed concrete pads and steel feet. - This technique will be less damaging to local tree roots than a traditional strip foundation or solid concrete base, which would require more extensive excavation or trenching. In the light of this construction technique, the proposal is acceptable, however, a tree protection plan and construction management plan should be conditioned to ensure that the construction technique (using pads) is adhered to and that nearby trees are protected throughout the construction contract. RECOMMENDATION No objection subject to pre-commencement RES8 and RES10.

Conservation Officer -

The proposed outbuilding would erect an additional structure within the existing rear garden. Outbuildings are not a characteristic feature of the conservation area and would further develop the site, resulting in some harm to the verdant qualities of the site. Concerns also raised with regard to its self-contained use.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 4	Conservation Areas
DMHD 2	Outbuildings
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D8	(2021) Public realm
LPP HC1	(2021) Heritage conservation and growth

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 be afforded to future occupiers, whether the development preserves the character and appearance of the conservation area, the level of impact on neighbouring residential amenity and parking and highway safety. The key issue is whether the proposed development would be tantamount to the creation of a self-contained unit.

Policy DMH 6 (Garden and Backland Development) of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that 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: i) 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 ii) 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, the facilities required for day-to-day private domestic existence (*Gravesham BC v SSE & O'Brien* [1982]). Section 254 of the Housing Act 2004 refers to basic amenities comprising a toilet, personal washing facilities and cooking facilities.

The submitted drawings clearly show that the outbuilding is capable of being used independently from the main house at No.24 Wood Lane. The outbuilding would contain an open kitchen/living area, with a separate bedroom and a bathroom. In addition to this, future occupiers would be able to independently access the outbuilding from the side gate. The prospective occupiers of the proposed outbuilding would not be reliant on the main dwelling for any aspects of the day to day living (i.e. there is no clear functional link). As a matter of fact and degree, it is considered that the proposed development would be tantamount to the creation of a self-contained residential unit.

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 not considered to be enforceable nor reasonable, failing to pass the conditions tests set out in paragraph 55 of the NPPF (2021).

It is understood from the Officer correspondence during the course of the application that the confidential/sensitive medical details submitted with this application relate to the

applicant's family member. The outbuilding is required to provide a private space for the Applicant's relative who otherwise lives in a specialist care home. It will enable the family member to visit family regularly for 4 - 5 days at a time. The applicant has advised that due to the complex needs of the family member, staying in the main dwellinghouse with family is not possible. The applicant has advised that the proposed outbuilding would provide a safe and somewhat independent space for the person to stay during breaks from fulltime care. A letter providing further details from the care home has also been provided.

The proposed erection of a self-contained residential outbuilding at the end of the rear garden of No.24 Wood Lane is however considered, in principle, to be unacceptable, and contrary to Policies DMH6 and DMHB 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020). Whilst the applicant's personal circumstances and associated evidence are compelling, no reasonable or enforceable condition could be attached to a grant of permission to overcome the harm identified from this substandard and uncharacteristic dwelling. A more appropriate form of development would be an extension which would/could be used in conjunction with the main house.

Quality of Living Accommodation:

Policy D6 of the London Plan (2021) states that housing development should be of 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 39 square metres (or 37 square metres).

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 in order to provide an appropriate living environment. Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development 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 square metres of private outdoor amenity space. Houses with four-bedrooms or more are required to have at least 100 square metres of private outdoor amenity space.

With a gross internal area of 32 square metres, the proposed self-contained residential unit would fail to meet the minimum standard and would provide a poor standard of accommodation for the future occupant. The supporting information identifies that this building would be well used, for long periods of time, so this is of key importance. Having regard to the above, it is considered that the proposal would provide unacceptable internal living conditions for future occupier of the proposed self-contained residential unit in conflict with Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and paragraph 130(f) of the NPPF (2021).

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). 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 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.

The site is also located within the Ruislip Village Conservation Area. The property is located in the residential character area of the conservation area which predominantly comprises of early to mid-20th century houses. It forms part of the extension of the RVCA in 2009.

Policy DMHB 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

The proposed outbuilding would erect an additional structure within the existing rear garden. Outbuildings are not a characteristic feature of the conservation area and would further develop the site, resulting in some harm to the verdant qualities of the site. However, the visual impact, on balance, would be acceptable and would preserve the character and appearance of the conservation area given the size of the existing rear garden and space between the boundaries. It is the use which is considered to be harmful, failing to preserve the established character and appearance of the conservation by introducing an independent, backland dwelling.

In light of the above, it is considered that the proposed outbuilding would fail to preserve the character, appearance and visual amenities of the area which lies within the Ruislip Village Conservation Area. The proposal, therefore, conflicts with Policy BE1 and HE4 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB4, DMH 6, DMHB 11, DMHB 12 and DMDH 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan (2021) and Section 12 of the NPPF (2021).

Impact on neighbouring residential amenity:

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on 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 in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

At a separation distance of 30m between the front wall of the proposed outbuilding and the rear elevation of both the host dwelling and adjacent properties, the outbuilding is not considered to give rise to an undue loss of light or outlook.

The use of the proposed outbuilding as a self-contained residential unit, coupled with the proposed access arrangements, would have some impact on the living conditions of

neighbouring residents as a result of an adverse increase in the number of comings and goings and intensification in the use of the site as a whole. However, given the size of the plot and distance from the neighbouring boundaries, this is not considered to be an unacceptable increase in noise and disturbance for the existing neighbouring occupiers at numbers 26 and 22 Wood Lane. The proposal therefore conflicts with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the National Planning Policy Framework (2021).

Trees:

Policy DMHB 14: Trees and Landscaping requires:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
- D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

The new outbuilding would partly occupy the site of an existing wooden shed, but extend into the garden to the south. The product is made by Oeco and the construction details confirm the 'normally' the structure will be supported by specially designed concrete pads and steel feet. This technique will be less damaging to local tree roots than a traditional strip foundation or solid concrete base, which would require more extensive excavation or trenching. In the light of this construction technique, in the event of an approvable scheme, a tree protection plan and construction management plan would be conditioned to ensure that the construction technique (using pads) is adhered to and that nearby trees are protected throughout the construction contract.

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. The proposed outbuilding would provide future occupiers with a substandard form of accommodation, in terms of internal and external space provision. Additionally, the proposal would fail to preserve the character and appearance of the area which lies within the Ruislip Village Conservation Area. As such, the proposal conflicts with the Development Plan and is therefore recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed outbuilding, by reason of its layout permitting day-to-day private domestic living as well as the availability of independent access to it, would result in the creation of

a substandard, self-contained residential unit in a backland position where such a dwelling would be unacceptable as its use would fail to preserve the established character and appearance of the conservation area and fail to provide adequate living conditions for future occupiers. The proposal would therefore conflict with Policies DMH 6, DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3, D4, D6 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).

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 Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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 Policies:

PT1.BE1	(2012) Built Environment
PT1.HE1	(2012) Heritage

Part 2 Policies:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 4	Conservation Areas
DMHD 2	Outbuildings
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards

LPP D8 (2021) Public realm
LPP HC1 (2021) Heritage conservation and growth

Contact Officer: Nicola Taplin

Telephone No: 01895 250230

Mrs Cecilia Lubbock
Livewell Architecture
101 Exmouth Road
Ruislip
HA4 0UH

Application Ref: 24891/APP/2021/4264

Date of Decision: 21st January 2022

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Application number:	24891/APP/2021/4264
Date your planning application was submitted:	18th November 2021
Site location:	24 Wood Lane Ruislip
Description:	Erection of a single storey rear outbuilding (garden annex structure).
Application submitted by:	Mrs Cecilia Lubbock
Plans that this decision was based on:	See attached Schedule of Plans

Permission is refused for the reason(s) listed below:-

1. The proposed outbuilding, by reason of its layout permitting day-to-day private domestic living as well as the availability of independent access to it, would result in the creation of a substandard, self-contained residential unit in a backland position where such a dwelling would be unacceptable as its use would fail to preserve the established character and appearance of the conservation area and fail to provide adequate living conditions for future occupiers. The proposal would therefore conflict with Policies DMH 6, DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3, D4, D6 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).

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 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. Policies

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 4 Conservation Areas

DMHD 2 Outbuildings

LPP D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

LPP D8 (2021) Public realm

LPP HC1 (2021) Heritage conservation and growth

2. 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).

Date of Decision: 21st January 2022

Yours Faithfully,



James Rodger
Head of Planning, Transportation and Regeneration

END OF SCHEDULE

Address:
Residents Services
London Borough of Hillingdon
3 North, Civic Centre,
High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 24891/APP/2021/4264

SCHEDULE OF PLANS

Location Plan.	Received	18-11-2021
Planning and Heritage Statement.	Received	18-11-2021
Design and Access Statement.	Received	18-11-2021
120.	Received	18-11-2021

WHAT TO DO WHEN A HOUSEHOLDER PLANNING APPLICATION IS REFUSED

If your planning application is refused but you still want to pursue it, contact your local planning department.

If you think you could make changes that resolve the reasons for refusal, you may be able to amend your application and submit it again.

Amending your planning application

If you think you could change your application to respond to the reasons for refusal, contact us about what to do next. We can give you more information about deadlines and any fees for submitting an amended application

Residents Services
London Borough of Hillingdon
3 North, Civic Centre,
High Street, Uxbridge UB8 1UW

Email: planning@hillington.gov.uk

www.hillingdon.gov.uk

Appealing to the Planning Inspectorate

If you think the decision to refuse your application was incorrect, you may want to appeal to the Planning Inspectorate, which is an independent and impartial body.

If you want to appeal, the deadline is 12 weeks from the date on the decision letter, or 4 weeks if you've received an enforcement notice. Around 1 in 3 appeals is successful.

You'll need some documents to hand, so before you start, read the guidance and access the service at:

<https://appeal-planning-decision.planninginspectorate.gov.uk>

If you're unable to complete your appeal online call the Planning Inspectorate helpline on 0303 444 5000 (charges at a local rate).

50 St Martins Approach - Documents

Appeal Decision

Site visit made on 7 July 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/R5510/D/22/3296373

50 St. Martins Approach, Ruislip HA4 7QQ

- 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 & Mrs W James against the decision of London Borough of Hillingdon.
 - The application Ref 26449/APP/2021/4517, dated 13 December 2021, was refused by notice dated 23 March 2022.
 - The development proposed is described as a detached annexe for an elderly relative.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached annexe for an elderly relative at 50 St. Martins Approach, Ruislip HA4 7QQ in accordance with the terms of the application, Ref 26449/APP/2021/4517, dated 13 December 2021, subject to the following condition:
 - 1) The building hereby permitted to be used as a residential annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 50 St. Martins Approach.

Applications for costs

2. The appellant has submitted an application for costs. This application is the subject of a separate decision.

Preliminary Matters

3. I saw at the site visit that the building subject of this decision has already been built and appeared to be largely complete. Furthermore, I have amended the description removing reference to 'retention' and 'existing' because this is not development. I note that a Certificate of Lawful Use or Development¹ for a single storey outbuilding, referred to as being used as a gym has been granted.

Main Issue

4. The main issue is whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary use; and if so, the effect of the proposal on the living conditions of the occupiers of the annex and host dwellings, with particular regard to internal space and outdoor private space, flood risk, the character and appearance of the area; and the effect of the appeal scheme on car parking.

Reasons

¹ 26449/APP/2020/1535 dated 5 June 2020

Use and Living Conditions

5. Policies DMHD 2, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) are relevant to the appeal scheme and amongst other matters require that outbuildings be used for purposes incidental to the enjoyment of the dwelling house only, that new development respects the living conditions of local residents and the local context of the area.
6. I am aware that the distinctive characteristics of a dwellinghouse is its ability to afford those who use it the facilities required for day-to-day private domestic existence. Nonetheless even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling.
7. The outbuilding is to be sited within the enclosed rear garden, the proposed outbuilding's mass is materially smaller and it is visually subservient to the host dwelling. Access to the building is from the rear garden of the appeal property, I saw at the site visit that a narrow pedestrian access is provided from St. Martins Approach down the side of the host property to the rear garden, thus there is a clear relationship between the host property and the annex subject of this appeal.
8. Internally, the proposed outbuilding would include, as described by the appellant "a bedroom with a shower room and a small open plan lounge with a kitchenette." I saw at the site visit that the latter had not yet been installed and that overall the scale of the facilities contained within the annex were limited. Due to the limited size, scale of facilities contained within and proximity to the host dwelling, the annex does not appear to be designed for use as an independent dwelling.
9. Furthermore, the appellant has confirmed that the building would be used for purposes ancillary to the host dwelling only and I am satisfied that such a restriction could be secured by the imposition of a planning condition. I consider that in this instance such a condition would be necessary in the interests of certainty and to protect the living conditions of the occupiers of the host and neighbouring dwellings.
10. Should at any time in the future a planning application be submitted for the change of use of the annex to a separate dwelling, associated matters relating to living conditions, the internal floor area, flood risk and parking provision would then need to be taken into consideration.
11. For the reasons detailed above, it is my planning judgement that the proposal would not constitute a separate unit of residential accommodation and as an annex to the main building, I find that it would not have an adverse impact on the living conditions of the occupiers of the with regards internal or external space.
12. As such the appeal scheme is not in conflict with Policies DMHD 2, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Car Parking

13. The Officer's report details that the appeal property currently provides 2 off-street car parking spaces and that an additional bedroom results in the need for additional on site car parking as required by the Local Plan. However, Policy DMT 6 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies details that exceptions to this requirement are allowed where "the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity".
14. I saw at the site visit that, while on-street car parking was clearly in demand in the area spaces were still available and I have no substantive evidence to show that there is no capacity to absorb the very limited potential increase in demand for on street car parking resulting from the appeal scheme. Therefore, I do not find that the appeal scheme would have an unacceptable impact on highway safety.
15. I accept that one consequence of placing additional reliance upon on-street car parking is that existing and future residents of the area would to some extent be inconvenienced by an increased competition for the available spaces. This would manifest itself in terms of taking longer to find a parking space, or residents having to park further away from their homes. Whilst I acknowledge that this would be an inconvenience to local residents, I do not find that this would amount to an unacceptable impact on their living conditions.
16. Consequently, I find that the proposed development would potentially lead to a very limited increase in demand for on-street car parking and that this would not have an unacceptable impact on highway safety or the living conditions of local residents. Therefore I find no conflict with Policy DMT 6 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies.

Conditions

17. In the interests of the living conditions of the occupiers of the future occupiers of the annex, the host and neighbouring properties, I have included a condition to prevent the occupation of the annex as a self-contained dwelling.

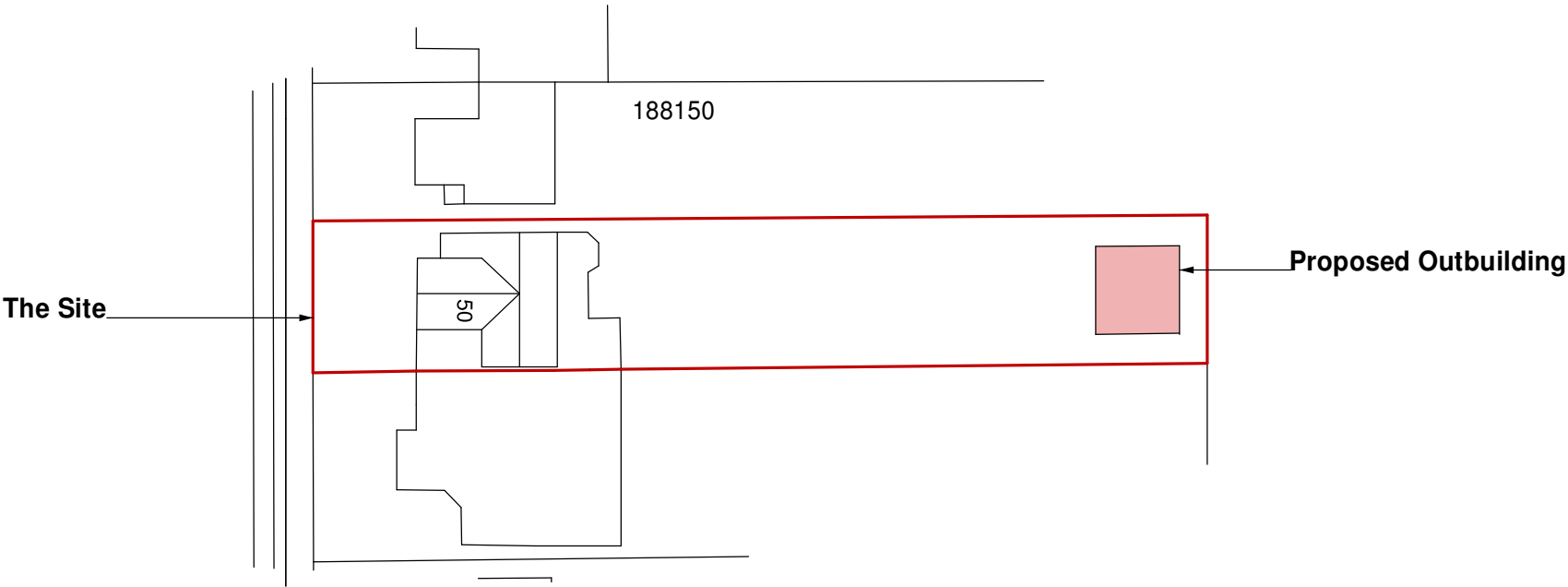
Conclusion

18. For the reasons given I conclude that the appeal should succeed.

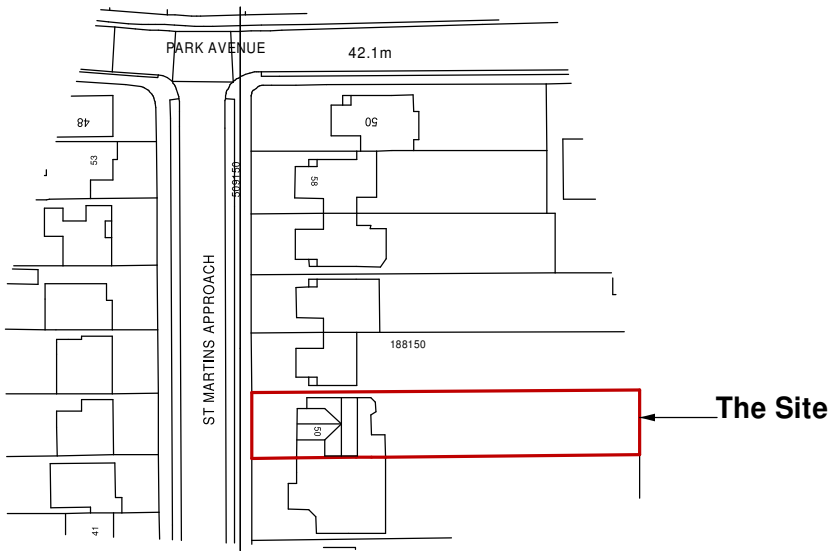
Mr M Brooker

INSPECTOR

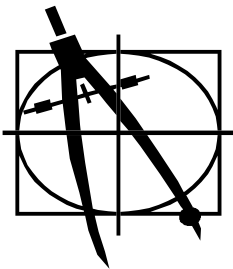
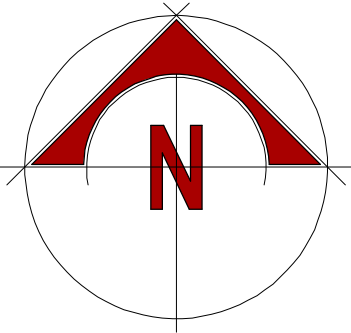
Block Plan
Scale 1:500



Location Plan
Scale 1:1250



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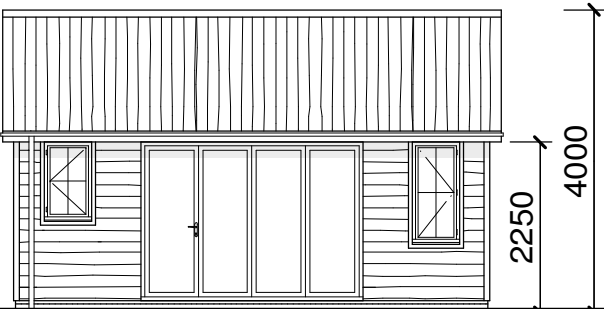


AVANTI DESIGN
(BUCKS LTD.)
PO BOX 1266
BEACONSFIELD
BUCKS HP9 1US

Client Mr. & Mrs W. James	
Location 50 St Martins Approach	
Project Proposed Out Building	
Drawing Title Location Plan Block Plan	
Scale 1:1250 & 1:500	Date May 2020
Dwg. No. WJ/06/20	Rev. A



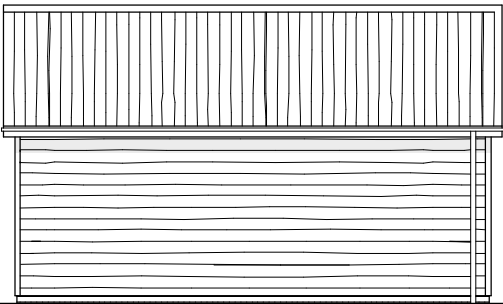
Proposed Elevations



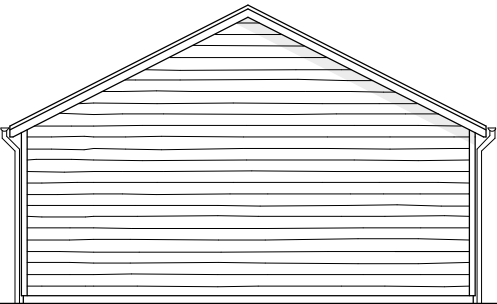
Front



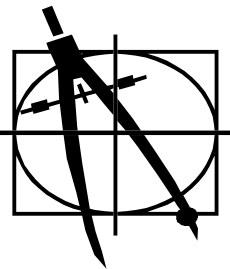
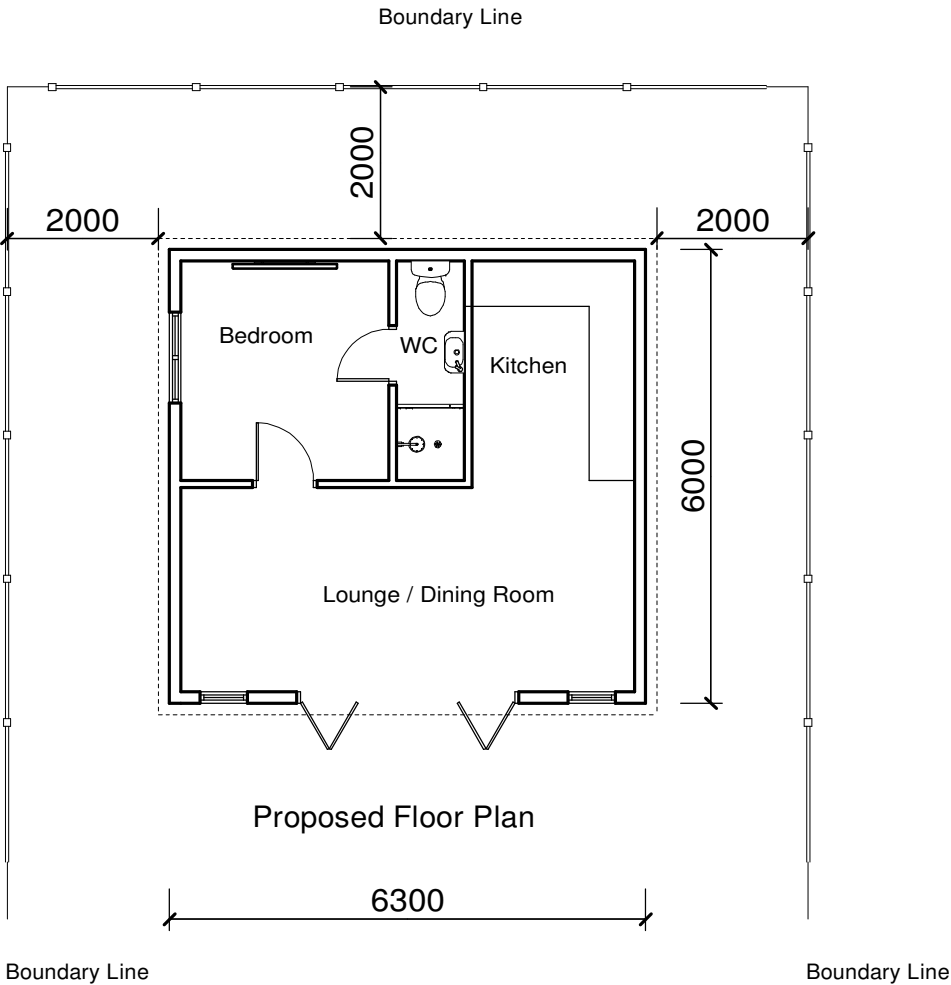
Side



Rear



Side



AVANTI DESIGN
(BUCKS LTD.)
PO BOX 1266
BEACONSFIELD
BUCKS HP9 1US

Client	
Mr.& Mrs W James	
Location	
50 St Martins Approach	
Project	
Detached Outbuilding	
Drawing Title	
Proposed Elevations & Floor Plans	
Scale	Date
1:100	April 20
Dwg. No.	Rev.
WJ/04/20	B

Mr Sam Dodd
Authorised Designs Ltd
Suite 1
Hardy House
Northbridge Road
Berkhamsted
HP4 1EF

Application Ref: 26449/APP/2021/4517

Date of Decision: 23rd March 2022

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Application number: 26449/APP/2021/4517

Date your planning application was submitted: 13th December 2021

Site location: 50 St Martins Approach Ruislip

Description:

Retention of detached outbuilding in rear garden for use as an annexe in conjunction with the main dwelling

Application submitted by: Mr Sam Dodd

Plans that this decision was based on: See attached Schedule of Plans

Permission is refused for the reason(s) listed below:-

1. The proposed annexe, by reason of its provision of facilities required for day-to-day private domestic existence and the availability of independent access to it, would result in the creation of a self-contained residential unit in a backland position where such a dwelling would be unacceptable due to the impact on the existing dwelling and on the living conditions of neighbouring properties, insufficient car parking, inadequate internal floorarea and substandard external private amenity space, flood risk and the detrimental impact the development would have on the character, appearance and visual amenities of the area through the introduction of a residential dwelling in a location that would be incongruous having regard to the established pattern of residential development in the area. The proposal would therefore

conflict with Policies DMEI 9, DMH 6, DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3, D4, D6 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).

INFORMATIVES

1. 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 (2021) and national guidance.
2. 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.

3. This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

STANDARD INFORMATIVES

1. 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. Policies

PT1.BE1 (2012) Built Environment

Part 2 Policies

DMEI 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

DMH 6 Garden and Backland Development

DMHB 1 Heritage Assets

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 2 Outbuildings

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 D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

LPP D8 (2021) Public realm

LPP SI12 (2021) Flood risk management

LPP SI13 (2021) Sustainable drainage

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF11 NPPF 2021 - Making effective use of land

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

2. 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).

Date of Decision: 23rd March 2022

END OF SCHEDULE

Address:
Residents Services

Yours Faithfully,

A handwritten signature in black ink that reads "James Rodger". The signature is written in a cursive style with a large, stylized 'J' and 'R'.

James Rodger
Head of Planning, Transportation and Regeneration

London Borough of Hillingdon
3 North, Civic Centre,
High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 26449/APP/2021/4517

SCHEDULE OF PLANS

WJ/04/20 REV B.	Received	13-12-2021
WJ/06/20 REV A.	Received	13-12-2021

WHAT TO DO WHEN A HOUSEHOLDER PLANNING APPLICATION IS REFUSED

If your planning application is refused but you still want to pursue it, contact your local planning department.

If you think you could make changes that resolve the reasons for refusal, you may be able to amend your application and submit it again.

Amending your planning application

If you think you could change your application to respond to the reasons for refusal, contact us about what to do next. We can give you more information about deadlines and any fees for submitting an amended application

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You'll need some documents to hand, so before you start, read the guidance and access the service at:

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If you're unable to complete your appeal online call the Planning Inspectorate helpline on 0303 444 5000 (charges at a local rate).

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 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 Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 50 ST MARTINS APPROACH RUISLIP

Development: Retention of detached outbuilding in rear garden for use as an annexe in conjunction with the main dwelling

LBH Ref Nos: **26449/APP/2021/4517**

Drawing Nos: WJ/04/20 REV B
WJ/06/20 REV A

Date Plans Received: 13/12/2021 **Date(s) of Amendment(s):**

Date Application Valid: 13/12/2021

1. CONSIDERATIONS

1.1 Site and Locality

The site is a two-storey detached dwelling on the east side of St Martins Approach. The area is residential in character, with the dwellings on St Martins Approach located in a linear pattern fronting towards the road. The site backs onto parkland and the Ruislip Motte & Bailey Archaeological Priority Area.

The application property falls within the 'Developed Area' as outlined within the Hillingdon Local Plan - Part Two. The site also lies within Flood Zones 2 and 3 and a critical drainage area.

1.2 Proposed Scheme

The proposed scheme involves retention of an outbuilding in the rear garden as a single storey annexe which is described for use in conjunction with the main dwelling house. The wooden clad building is 2 metres of the easternmost side and rear boundaries of the residential curtilage and measures approximately 6.3metres wide x 6metres deep and has a pitched roof which has a height of 4metres. The building would comprise a bedroom, wc/bathroom and living/dining area with kitchen facilities.

1.3 Relevant Planning History

26449/79/0385 50 St Martins Approach Ruislip

Householder development - residential extension(P)

Decision Date: 18-04-1979 Approved

26449/APP/2019/4156 50 St Martins Approach Ruislip

Conversion of roof space to habitable use to include 2 rear dormers, 1 side dormer and 3 side roof lights (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 19-02-2020 Refused

26449/APP/2020/1535 50 St Martins Approach Ruislip

Single storey outbuilding to rear for use as a gym (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 05-06-2020 Approved

26449/APP/2020/3714 50 St Martins Approach Ruislip

Conversion of roof space to habitable use to include 2 rear dormers and 3 side rooflights
(Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date: 18-01-2021 Approved

26449/APP/2020/831 50 St Martins Approach Ruislip

Conversion of roof space to habitable use to include a front/side dormer and 3 side and 4 rear roof lights

Decision Date: 11-05-2020 Refused

26449/B/87/0469 50 St Martins Approach Ruislip

Conversion of existing garage into habitable room & erec of replacement attached garage

Decision Date: 28-04-1987 Approved

26449/C/93/1084 50 St Martins Approach Ruislip

Erection of a rear conservatory

Decision Date: 18-08-1993 Approved

Comment on Planning History

The relevant planning history attached to this site is referenced above.

The most relevant being Certificate of Lawful Development for a Proposed Development application ref: 26449/APP/2020/1535 which established the use of the subject single storey outbuilding as a gym to be permitted development under the terms of the General Permitted Development Order.

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

5 neighbours and the residents association were notified on 17-01-22. In response to the consultation, a number of objections were received on behalf of occupants of one neighbouring address. The concerns raised are summarised as follows:

- Applicants names concealed on application form;
- Building not ancillary to the main house and is a self contained residential unit;
- Concern about compliance with Building Regulations and fire risk;
- Parking;
- Reference to previous planning history;
- Property recently marketed/sold;
- Noise and disturbance;
- Separation of garden;
- Impact on ecology;
- Loss of privacy;
- Light pollution;
- Will set a precedent;
- Could be rented out;
- Loss of outlook;
- Not used as a gym as per the original certificate application;

- After the property is sold it could be a beds in sheds scenario.

Planning Officer Comment: Material considerations raised above are addressed in the main body of the report. It should be noted that matters relating to fire risk and Building Regulations would be a matter for the Building Control process.

Consultee responses:

Conservation officer:

Historic Environment Designation(s): Ruislip Motte and Bailey Archaeological Priority Area (APA) No further comments, please see comments from GLAAS (Historic England).

Historic England (GLAAS):

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

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:

DMEI 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

DMH 6 Garden and Backland Development

DMHB 1 Heritage Assets

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 2 Outbuildings

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 D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

LPP D8 (2021) Public realm

LPP SI12 (2021) Flood risk management

LPP SI13 (2021) Sustainable drainage

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF11 NPPF 2021 - Making effective use of land

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

5. MAIN PLANNING ISSUES

The main planning issues are whether the proposed development would be tantamount to the creation of a self-contained residential unit, the quality of living accommodation that would be afforded to future occupiers, the impact of the development on the character and appearance of the area and streetscene of St Martins Approach, the impact on neighbouring residential amenity, flood risk, heritage impacts and parking.

Regards whether the proposed development would be tantamount to the creation of a self-contained residential unit: Policy DMH 6 (Garden and Backland Development) of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that 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: i) 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 ii) 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, the facilities required for day-to-day private domestic existence (Gravesham BC v SSE & O'Brien [1982]). Section 254 of the Housing Act 2004 refers to basic amenities comprising a toilet, personal washing facilities and cooking facilities.

The submitted drawings clearly show that the annexe is capable of being used independently from the main house at No.50 St Martins Approach. The annexe would contain open plan living accommodation comprising a kitchen, dining and seating area; a double bedroom; and bathroom within a footprint of approximately 37.8sq.metres (measured externally).

In addition to this, the occupier would be able to independently access the detached building via the path along the side/north elevation of the main dwelling which extends into the rear garden leading to the outbuilding which is sited toward the rear boundary.

The occupier of the proposed annexe would not be reliant on the main dwelling for any aspects of the day to day living (i.e. there is no clear functional link). As a matter of fact and degree, it is considered that the proposed development would be tantamount to the creation of a self-contained residential unit. As such, 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 paragraph 57 of the NPPF (2021).

To all intents and purposes the building would be perceived as a separate dwelling, albeit on a much smaller scale and different character to those existing nearby. Most commonly an annexe would be expected to be in the form of an extension to an existing dwelling with limited/shared facilities and a physical connection between the two elements which would allow the accommodation to be incorporated into the main dwelling when the annexe was no longer needed. The significant separation between the two elements in this case, would mean the annexe could not be readily absorbed into the main dwelling for use as a single unit.

It is understood from the details submitted with this application the intention is for an elderly relative of the existing occupier of the main dwelling to live within the proposed annexe. No further information has been submitted in relation to the personal need of the proposed occupant.

It is noted from the planning history the main dwelling at No.50 St Martins Approach provides generous living accommodation over three floors including accommodation within the roofspace, thereby providing a total of 6no bedrooms. The ground floor is also noted to have a study room at the rear with en-suite facilities. It is therefore questioned why the elderly care-dependent relative couldn't occupy the main dwelling thereby utilising the existing floor area.

In any respect, the harm detailed within this report and the reasons for refusal, are not outweighed by the personal need. The proposed retention of the self-contained residential annexe in the rear garden of No.50 St Martins Approach is considered directly contrary to Policies DMH 6 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

In accordance with statute, decisions must be made in accordance with the development plan unless other material considerations exist. The personal circumstances are a material consideration and weigh into the balance, however, based on the evidence that has been provided, it has not been successfully demonstrated that these should outweigh the direct conflict with Development Plan policy and the harm identified in this report.

Quality of Living Accommodation:

Policy D6 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms. Table 3.1 of the London Plan (2021) requires a one bedroom, 1 storey dwelling to have a minimum gross internal floor area of 39 square metres (or 37 square metres).

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 in order to provide an appropriate living environment.

Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development to provide good quality and useable private amenity space in accordance with Table 5.3 which requires a 1 bedroom house to have at least 40 square metres of private outdoor amenity space. Houses with four-bedrooms or more are required to have at least 100 square metres of private outdoor amenity space.

The primary living space within the proposed unit would be served by glazing facing onto the rear garden area and towards the rear elevation of the host dwelling. The plans indicate that the bedroom would benefit from a window in the side elevation facing the north boundary.

With a gross internal area of 31.4 sq. metres, the proposed self-contained residential unit would not meet the London Plan's minimum space standard requirements. Further, the floor area of a residential unit is not the only consideration when it comes to assessing the quality of accommodation that would be afforded to future occupiers.

The plans indicate that no private amenity space would be afforded to the future occupier of the self-contained residential unit. It is accepted that sufficient garden area could be retained for both the main dwelling and annexe albeit as a shared garden. However, this arrangement would not be acceptable due to the size of the properties and the identified need for a private garden space as well as the annexe being capable of functioning independently of the main dwelling. Occupiers of either property could approach the private windows of another dwelling at any time, with unrestricted comings and goings and simultaneously the garden area would be directly overlooked by each occupier at the main

house and in the annexe.

Having regard to the above, it is considered the proposal would not provide good quality internal and useable private outdoor amenity space and would therefore give rise to a substandard form of living accommodation. The proposal, therefore, conflicts with Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and paragraph 130(f) of the NPPF (2021).

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 - 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.

The immediate context of the site is predominately residential in nature, with a pattern of development consisting of a liner row of dwellings fronting the road. Also, it is observed that for the most part the rear gardens of the properties on St Martins Approach appear open in nature. The siting of an annexe would erode the spaciousness of the existing garden area and introduce independent residential use in a location which would appear incongruous in relation to the established pattern of development. Whilst the planning history and certificate of lawful development for an outbuilding is taken into account, the certificate was for an outbuilding to be used as an incidental home gym. In contrast the proposed annexe would appear more as a small dwelling, inappropriately sited within a backland position in the rear garden.

It is also worth highlighting that there are no other examples of annexes of a similar scale, size and form as that being proposed within the immediate locality and it is considered that the proposed development would have a negative impact on the character of the area, being completely at odds with the prevailing pattern of development within the local area. In this context the development relates poorly to established plot widths, built form and development in the local area.

One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (Brownfield Sites). Residential

gardens are excluded from the definition of previously developed land as defined in Annex 2: Glossary of the NPPF. Therefore, the proposed development would not adhere to the above core planning principles by making use of previously undeveloped land, and would be considered to constitute 'Garden Grabbing'. In addition, Policy BE1 of the Hillingdon Local Plan: Strategic Policies (November 2012) specifies that all new development should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas.

Whilst the building could be occupied by a relative in the first instance, that situation would not be permanent. Conditions to control the use and restrict occupancy of the building would be difficult to enforce in the long term. The proposal is therefore considered tantamount to the creation of a new dwelling and the development would appear incongruous and as a discordant feature which would materially detract from the character and established pattern of development where there are no other examples of backland residential dwellings in the vicinity. Subsequently, it is considered that the proposal would not complement or improve the surrounds, nor enhance the local character of the area.

In light of the above, it is considered that the proposed annexe would have a significantly harmful impact on the character, appearance and visual amenities of the area. The proposal therefore conflicts with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMH 6, DMHB 11, DMHB 12 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan (2021) and Section 12 of the NPPF (2021).

Impact on Neighbouring Residential Amenity:

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on 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 in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The outbuilding itself occupies a relatively small portion of the rear garden, however it would be visible from neighbouring properties and there would be little doubt that occupiers would be aware of the nature of activity including both comings and goings and use of lighting etc. Although described as an annexe, the building would be a self-contained, detached, structure which could be accessed independently from the front driveway of the existing dwelling.

Having regard to the above, it is considered that the proposed development would cause harm to the living conditions of Nos.48 and 52 St Martins Approach, contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130(f) of the NPPF (2021).

Flood risk:

Policy DMEI 9 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states:

A) Development proposals in Flood Zones 2 and 3a will be required to demonstrate that there are no suitable sites available in areas of lower flood risk. Where no appropriate sites are available, development should be located on the areas of lowest flood risk within the site. Flood defences should provide protection for the lifetime of the development. Finished floor levels should reflect the Environment Agency's latest guidance on climate change.

B) Development proposals in these areas will be required to submit an appropriate level

Flood Risk Assessment (FRA) to demonstrate that the development is resilient to all sources of flooding.

The site lies within Flood Zones 2 and 3 and a critical drainage area and the conversion of the outbuilding to form a self-contained dwelling is considered to introduce a more vulnerable use. In the absence of a satisfactory Flood Risk Assessment, mitigation and demonstration of appropriate siting having regard to the relative levels of flood risk on site, it has not been demonstrated that the proposed development would be safe for the occupiers and that it would not result in increased flood risk to others.

Heritage impacts:

Policy DMHB 1 states - A) The Council will expect development proposals to avoid harm to the historic environment.

The site lies in close proximity to the Ruislip Motte & Bailey Archaeological Priority Area and ancient monument. Historic England have been consulted and no objection is raised. The proposal is therefore considered to accord with Policy DMHB 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Parking and Highway Safety:

Policies DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that all development is in accordance with the car parking standards set out in Appendix C, Table 1 unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

A total of three parking spaces would be required for the main dwelling and the one bed annex in accordance with parking standards set out in Appendix C, Table 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020). The site provides a total of two parking spaces on the hardstanding in front of the dwelling. Therefore insufficient parking provision would be retained within the site, contrary to the requirements of policy DMT 6, which would not be in the best interests of highway safety.

Other Matters:

An objection has been received on the grounds of ecology impact. Taking note of the certificate of lawfulness which concluded an incidental outbuilding could be constructed and noting the siting in a residential garden, it is not considered the impact on ecology would be so great as to warrant refusal of planning permission on this ground. However, this is notwithstanding the concerns highlighted in this report in respect to other matters.

Conclusion:

As a matter of fact and degree, it is considered that the proposed annexe would provide a self-contained residential unit, thus creating a new planning unit. The annexe would be located at a distance from the main dwelling and with no functional link, it would be capable of functioning independently from the main dwelling.

The proposed annexe would provide the future occupier with a substandard form of accommodation, in terms of internal and external space provision and unacceptably undermine the quality and functionality of the existing external amenity space provision. Additionally, the proposal would adversely impact on the character and appearance of the

area, and the residential amenities of neighbouring occupiers. Insufficient parking would be provided to serve the annexe and the dwelling.

The limited evidence submitted to demonstrate that there is an essential requirement for the proposed self-contained annexe to justify the proposal on personal grounds is not considered to outweigh the harm identified. As such, the proposal conflicts with the Development Plan and the application is therefore recommended for refusal.

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed annexe, by reason of its provision of facilities required for day-to-day private domestic existence and the availability of independent access to it, would result in the creation of a self-contained residential unit in a backland position where such a dwelling would be unacceptable due to the impact on the existing dwelling and on the living conditions of neighbouring properties, insufficient car parking, inadequate internal floorarea and substandard external private amenity space, flood risk and the detrimental impact the development would have on the character, appearance and visual amenities of the area through the introduction of a residential dwelling in a location that would be incongruous having regard to the established pattern of residential development in the area. The proposal would therefore conflict with Policies DMEI 9, DMH 6, DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3, D4, D6 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).

INFORMATIVES

1 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 (2021) and national guidance.

DMEI 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

DMH 6 Garden and Backland Development

DMHB 1 Heritage Assets

DMHB 1 Design of New Development

DMHB 1 Streets and Public Realm

DMHB 1 Housing Standards

DMHB 1 Private Outdoor Amenity Space

DMHD 2 Outbuildings

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 D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

- LPP D8 (2021) Public realm
- LPP SI1 (2021) Flood risk management
- LPP SI1 (2021) Sustainable drainage
- NPPF2 NPPF 2021 - Achieving sustainable development
- NPPF11 NPPF 2021 - Making effective use of land
- NPPF12 NPPF 2021 - Achieving well-designed places
- NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

- 2 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.

- 3 This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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 Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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 Policies:

- PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMH 6	Garden and Backland Development
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 2	Outbuildings
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 D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D8	(2021) Public realm
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment

Contact Officer: Christos Chrysanthou

Telephone No: 01895 250230

76 Long Lane - Documents



Appeal Decision

Site visit made on 29 November 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/R5510/W/22/3303091

76 Long Lane, Hillingdon, Uxbridge UB10 0EQ

- 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 and Mrs P Birk-Patel against the decision of London Borough of Hillingdon.
 - The application Ref 16463/APP/2022/1093, dated 30 March 2022, was refused by notice dated 27 May 2022.
 - The development proposed is outbuilding for use as annexe.
-

Decision

1. The appeal is allowed and planning permission is granted for outbuilding for use as annexe at 76 Long Lane, Hillingdon, Uxbridge UB10 0EQ in accordance with the terms of the application, Ref 16463/APP/2022/1093, dated 30 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DRAWING NO.003 Dated March 2022.
 - 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 76 Long Lane, Hillingdon, Uxbridge UB10 0EQ.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

Main Issue

2. The main issue is whether the annexe is ancillary to the main dwelling or a separate independent dwelling unit.

Reasons

3. Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies seeks to resist proposals for outbuildings that are considered to "be capable of independent occupation from the main dwelling and which effectively constitute a separate dwelling in a position where such a dwelling would not be accepted".
4. With regards relevant case law, I am aware that the judge in Uttlesford DC v SSE & White [1992] considered that, even if the accommodation provided

facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling.

5. The submitted plans show an outbuilding of some scale accommodating the facilities needed for day to day living; including a combined lounge and kitchen area, bathroom and bedroom. The plans show the kitchen with what appears to be a full scale sink and oven. As such, I acknowledge that the appeal scheme appears to be capable of being occupied independently from the main dwelling on the site, albeit with unacceptable harm to the living conditions of future occupiers of both the outbuilding and the main dwelling.
6. However, the appellants statement details that the proposed outbuilding would be occupied by a relative who would take their meals with the family in the main dwelling and would otherwise be part of "the single family occupying the site, including travel".
7. Furthermore, it is my planning judgement that the proposed outbuilding is not disproportionately large in comparison to both the site and the existing dwelling and as shown on the submitted plans, outdoor amenity space would be shared. At the site visit I saw that other properties in the area also had outbuildings that were of a not dissimilar size.
8. On the basis of the evidence before me I am satisfied that 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.

Conditions

11. I have considered imposing conditions, including those suggested by the Council, in accordance with the Planning Practice Guidance.
12. Conditions 1 and 2 are necessary as it provides certainty and clarity. In the interests of the living conditions of the occupiers of the proposed outbuilding and neighbouring properties it is necessary to restrict the occupancy of the outbuilding to being ancillary to the main dwelling, no.76.
13. In the interests of the character and appearance of the area I have included a condition to control the materials used in the external surfaces of the outbuilding.
14. I have not included a number of conditions suggested by the Council including those removing permitted development rights and those preventing the use of the roof as "a roof garden, terrace, balcony, patio or similar amenity area"

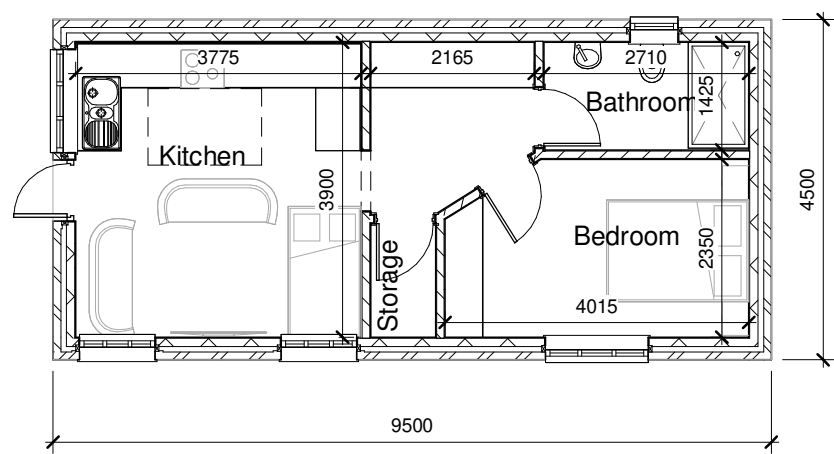
because I have no substantive evidence before me to demonstrate that such conditions are necessary. In particular I note that there is no obvious access to the roof shown on the submitted plans.

Conclusion

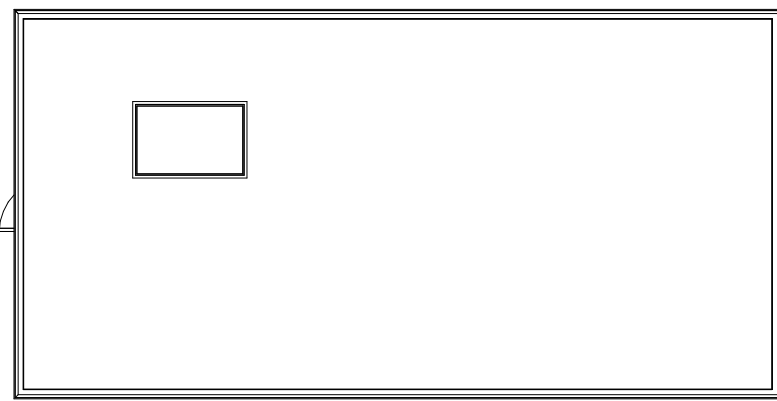
15. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

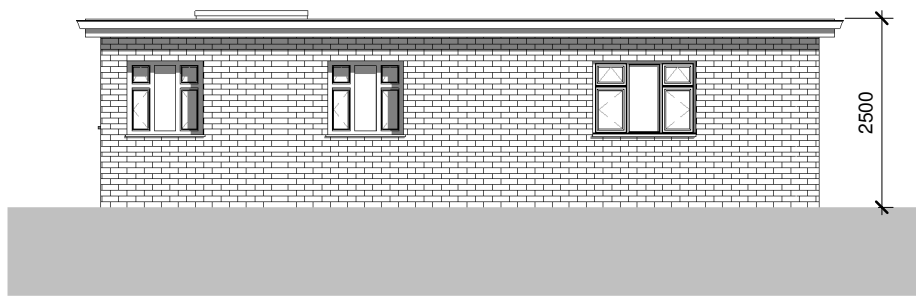
INSPECTOR



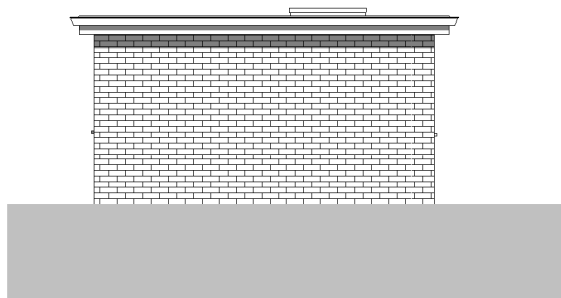
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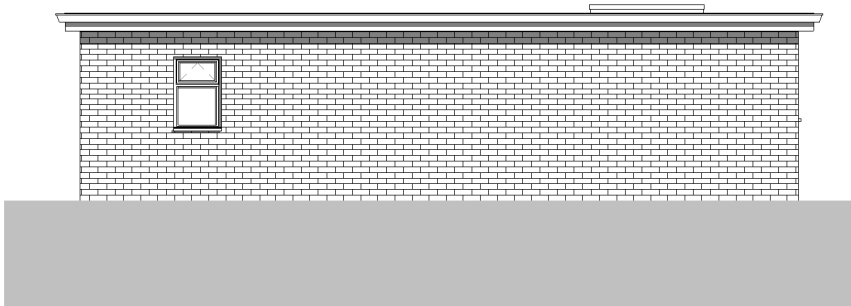
Roof - Proposed
1 : 100



Front elevation - Proposed
1 : 100



East elevation - Proposed
1 : 100



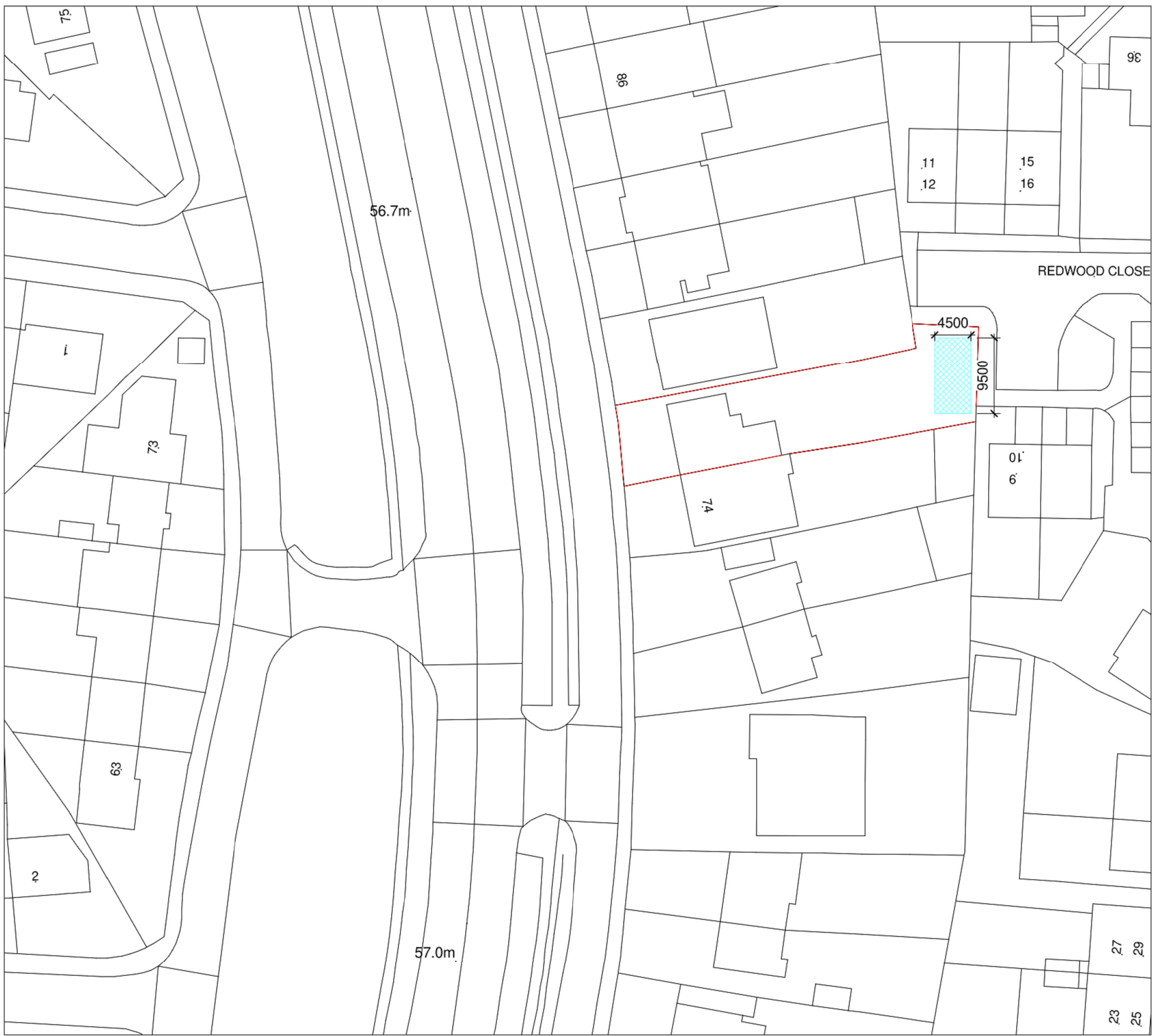
Rear elevation - Proposed
1 : 100



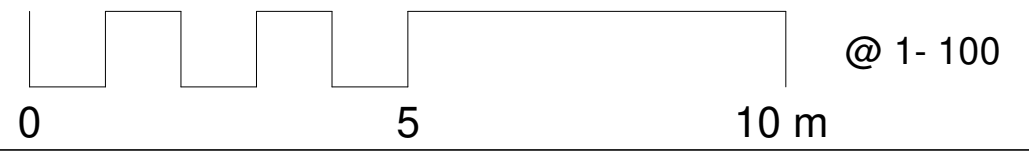
West elevation - Proposed
1 : 100



Location Plan
1 : 1250



Site Plan
1 : 500



NOTE
This drawing must not be reissued, loaned or copied without the written consent of Consilio Town Planning Ltd. (the originator). All errors, omissions, discrepancies should be reported to the originator immediately. All dimensions to be checked before site fabrication by the contractor, his sub-contractor or supplier. Do not scale plans - use figure or grid dimensions where given. Any deviation from the drawing to be reported to the originator immediately. The Principal Contractor shall carry out a risk assessment of the proposed work and liaise with the principal designer before works commence if there is any doubt as to being able to complete the project in a safe manner compliant with the Construction Design and Management Regulations 2015. All works to comply with the relevant British Standards, Codes of Practice and the Building Regulations.



TELEPHONE
01494932288
EMAIL
INFO@CONSILIOTOWNPLANNING.CO.UK
WEB
WWW.CONSILIOTOWNPLANNING.CO.UK

CONSILIO TOWN PLANNING LTD.
BROOK HOUSE, 54A COWLEY MILL ROAD
UXBRIDGE
MIDDLESEX
UB8 2FX

CLIENT
MR & MRS PATEL

ADDRESS
76 LONG LANE
UXBRIDGE
UB10 0EQ

TITLE
OUTBUILDING

SCALE 1:100 @A1
DATE MARCH 2022
DRAWN AH
CHECKED HM

JOB NO. PROJ/76-22 DRAWING NO.003 REV:

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 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 Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 76 LONG LANE HILLINGDON

Development: Erection of outbuilding for use as annexe

LBH Ref Nos: **16463/APP/2022/1093**

Drawing Nos: 003

Date Plans Received: 01/04/2022

Date(s) of Amendment(s):

Date Application Valid: 01/04/2022

1. CONSIDERATIONS

1.1 Site and Locality

The application property consists of a semi-detached house located on the east side of Long Lane. The property has a large plot with 280sqm for the rear garden.

The properties in the area are semi-detached and detached in the surrounding area on Long Lane on a well connected road in the borough.

The application site is not designated within a Conservation Area, nor an Area of Special Local Character. The site does not contain any Listed Buildings. There are no trees that are subject to a Tree Preservation Order within the site or on adjoining land.

1.2 Proposed Scheme

The proposal is for the erection of an outbuilding for use as an annexe.

1.3 Relevant Planning History

16463/APP/2022/1087 76 Long Lane Hillingdon

Erection of single storey side and rear extension

Decision Date:

16463/APP/2022/1092 76 Long Lane Hillingdon

Conversion of roof space to habitable use to include a rear dormer with juliette balcony, 2 front roof lights and conversion of roof from hip to gable end with new gable end window (Application for a Certificate of Lawful Development for a Proposed Development)

Decision Date:

Comment on Planning History

See above for two undecided applications related to the site.

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

6 neighbouring properties and the Oak Farm Residents Association were consulted on the 19/04/2022.

Oak Farm Residents Association:

"This proposal for an outbuilding including kitchen, bathroom and bedroom facilities for use as accommodation would significantly change the character and layout of the original plot and property, resulting in a separate self contained dwelling which is not ancillary to the main house. Outbuildings of this type produce additional noise and disturbance for neighbours and impact negatively on the local amenity and should therefore be refused. The adopted Local Plan provides policy direction against approving such proposals. Justification for a separate building and its proposed use is also poor, as the main dwelling still offers flexibility to be reconfigured or extended. The Planning Officer should note the concurrent applications at the same property for side, rear and roof extensions, demonstrating that there is ample room for the main dwelling be used or reconfigured to provide additional living space."

Case Officer Response:

The use of the outbuilding will be assessed further in the main body of the report below.

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 12 Streets and Public Realm

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

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

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

LPP D4 (2021) Delivering good design

LPP D6 (2021) Housing quality and standards

LPP D8 (2021) Public realm

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF11 NPPF 2021 - Making effective use of land

NPPF12 NPPF 2021 - Achieving well-designed places

5. MAIN PLANNING ISSUES

The main planning issues are the use of the outbuilding as a self-contained residential unit, the effect of the development on the character and appearance of the area, the level of impact on neighbouring residential amenity and parking and highway safety.

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

- i) 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
- ii) Primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

The Council aims to safeguard the character and appearance of an area and the amenity of local residents from inappropriate development, such as 'beds in sheds'. The Local Plan clearly states that the Council will strongly resist proposals for detached outbuildings which are considered to:

- i) be capable of independent occupation from the main dwelling and which effectively constitute a separate dwelling in a position where such a dwelling would not be accepted; or
- ii) result in an over dominant and visually obtrusive form of development and as a result have an adverse effect on the character and appearance of the dwelling and the wider locality.

It has been established through case law that the distinctive characteristic of a dwelling house is its ability to afford those who use it, the facilities required for day-to-day private domestic existence (*Gravesham BC v SSE & O'Brien* [1982]). Section 254 of the Housing Act 2004 refers to basic amenities comprising a toilet, personal washing facilities and cooking facilities.

The submitted drawings clearly show that the outbuilding is capable of being used independently from the main house at 76 Long Lane. The outbuilding would contain a bedroom, bathroom and kitchen. As a matter of fact and degree, it is considered that the proposed development would be tantamount to the creation of a self-contained residential unit.

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 above 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 not considered to be enforceable, thus failing to pass the conditions tests set out in the NPPF.

Quality of Living Accommodation:

Policy D4 of the London Plan (2021) states that housing development should be of high quality design and provide adequately sized rooms. Table 3.1 of the London Plan (2021) requires 1-person studio units to have at a minimum gross internal area of 37 square metres.

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 in order to provide an appropriate living environment. Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires all new residential development to provide good quality and useable private amenity space in accordance with Table 5.3.

In this case, the submitted floor plan indicates an internal floor area of 42.7 square metres which would meet the standards set out above. There would be three windows on the front elevation and one on the rear, the entrance door would be on the west elevation. These windows would be overlooked by 76 Long Lane and a designated space for private

amenity has not been provided. The new dwelling overlooks the large amenity area of 76 Long Lane. By the nature of the design, as explained above, this would compromise the living conditions of both existing and future occupiers.

Consequently, it is considered that the proposal (as a self-contained new home) would fail to provide acceptable internal and external living conditions for both existing future occupiers in line with Policy D4 of the London Plan (2021) and Policies DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Character and Appearance:

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.

The immediate context of the site is predominately residential in nature, with residential occupation generally restricted to two storey dwelling houses, there are very few outbuildings only being used for anything other than incidental to the enjoyment of those houses e.g. sheds, storage, ancillary accommodation. The proposed outbuilding would therefore be out of keeping with the established character of the area. The height is appropriate in context but the size, footprint and use would be harmful.

Impact on Neighbouring Residential Amenity:

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

The outbuilding would be 8 metres from 10 Redwood Close, although there would be a large footprint of the outbuilding, given the modest 2.5m height the impact of the built form would be reduced by existing boundary treatments. There would be no loss of light, outlook or sense of enclosure as a result.

However, the use as a separate residential dwelling would give rise to concerns about noise and general disturbance from uncharacteristic and unfettered comings and goings to and from the rear of the site. It is therefore considered that the proposal could negatively impact on the amenity of neighbouring occupiers, contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Parking and Highway Safety:

The parking provision would be unaffected by the proposed development. It is therefore considered that the proposal would not significantly exacerbate the demand for street parking or prejudice highway safety, in accordance with DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Conclusion:

It is considered that the proposal would result in the creation of a self-contained residential unit. Consequently, the proposed development would be tantamount to a separate self-contained residential unit. As such, the proposal would conflict with the policies set out in the Hillingdon Local Plan: Part One Strategic Policies (2012) and Part Two - Development

Management Policies (2020). As such, 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 existence of an independent access and the provision of facilities within, 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. The proposal is, therefore, contrary to Policies DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

1 On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

2 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 Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) 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 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMH 6	Garden and Backland Development
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 1	Alterations and Extensions to Residential Dwellings
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D8	(2021) Public realm
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places

Contact Officer: Zara Raza

Telephone No: 01895 250230

Mr Harmeet Minhas
Consilio Town Planning
Brook House
Office 2
54a Cowley Mill Road
Uxbridge
UB8 2FX

Application Ref: 16463/APP/2022/1093

Date of Decision: 27th May 2022

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Application number:	16463/APP/2022/1093
Date your planning application was submitted:	1st April 2022
Site location:	76 Long Lane Hillingdon
Description:	Erection of outbuilding for use as annexe
Application submitted by:	Mr Harmeet Minhas
Plans that this decision was based on:	See attached Schedule of Plans

Permission is refused for the reason(s) listed below:-

1. The proposed development, by reason of the existence of an independent access and the provision of facilities within, 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. The proposal is, therefore, contrary to Policies DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

1. On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.
2. 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 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. Policies

PT1.BE1 (2012) Built Environment

Part 2 Policies

DMH 6 Garden and Backland Development

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

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

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LPP D8 (2021) Public realm

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF11 NPPF 2021 - Making effective use of land

NPPF12 NPPF 2021 - Achieving well-designed places

2. 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).
-

Date of Decision: 27th May 2022

Yours Faithfully,



James Rodger
Head of Planning, Transportation and Regeneration

END OF SCHEDULE

Address:
Residents Services
London Borough of Hillingdon
3 North, Civic Centre,
High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 16463/APP/2022/1093

SCHEDULE OF PLANS

003.

Received

01-04-2022

WHAT TO DO WHEN A HOUSEHOLDER PLANNING APPLICATION IS REFUSED

If your planning application is refused but you still want to pursue it, contact your local planning department.

If you think you could make changes that resolve the reasons for refusal, you may be able to amend your application and submit it again.

Amending your planning application

If you think you could change your application to respond to the reasons for refusal, contact us about what to do next. We can give you more information about deadlines and any fees for submitting an amended application

Residents Services
London Borough of Hillingdon
3 North, Civic Centre,
High Street, Uxbridge UB8 1UW

Email: planning@hillingdon.gov.uk

www.hillingdon.gov.uk

Appealing to the Planning Inspectorate

If you think the decision to refuse your application was incorrect, you may want to appeal to the Planning Inspectorate, which is an independent and impartial body.

If you want to appeal, the deadline is 12 weeks from the date on the decision letter, or 4 weeks if you've received an enforcement notice. Around 1 in 3 appeals is successful.

You'll need some documents to hand, so before you start, read the guidance and access the service at:

<https://appeal-planning-decision.planninginspectorate.gov.uk>

If you're unable to complete your appeal online call the Planning Inspectorate helpline on 0303 444 5000 (charges at a local rate).