
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

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'.

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

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 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 & erect 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

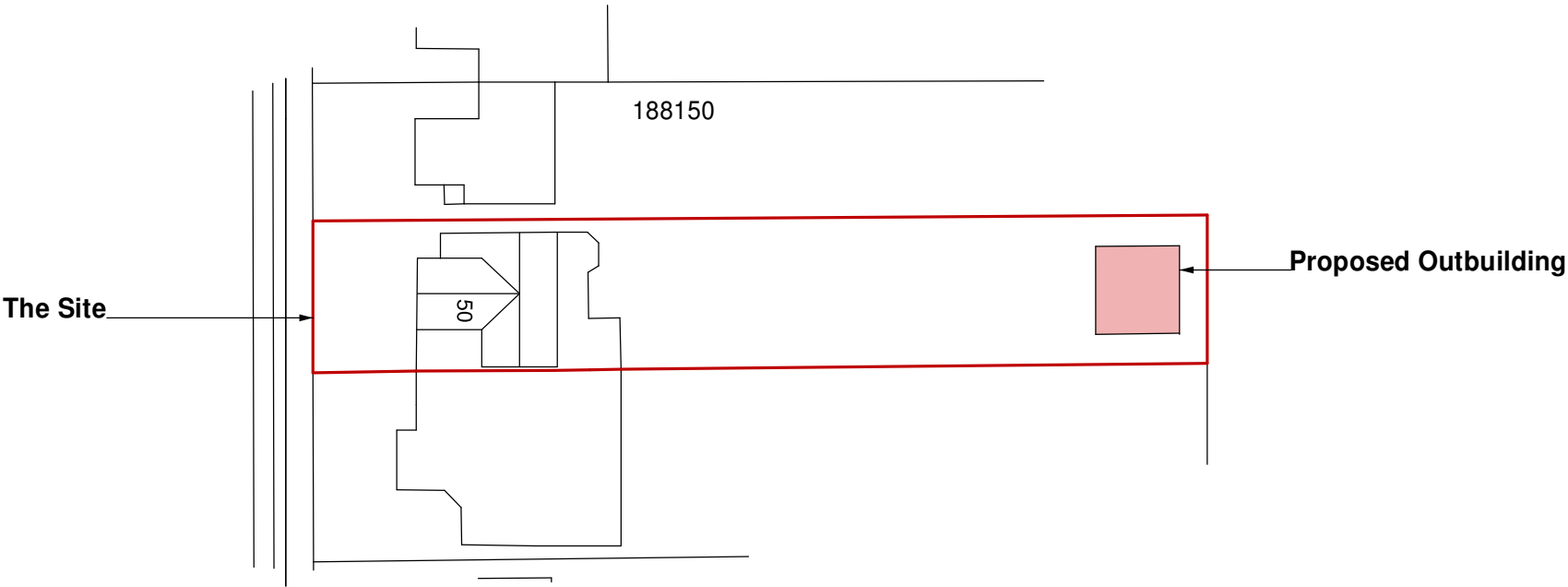
Part 2 Policies:

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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

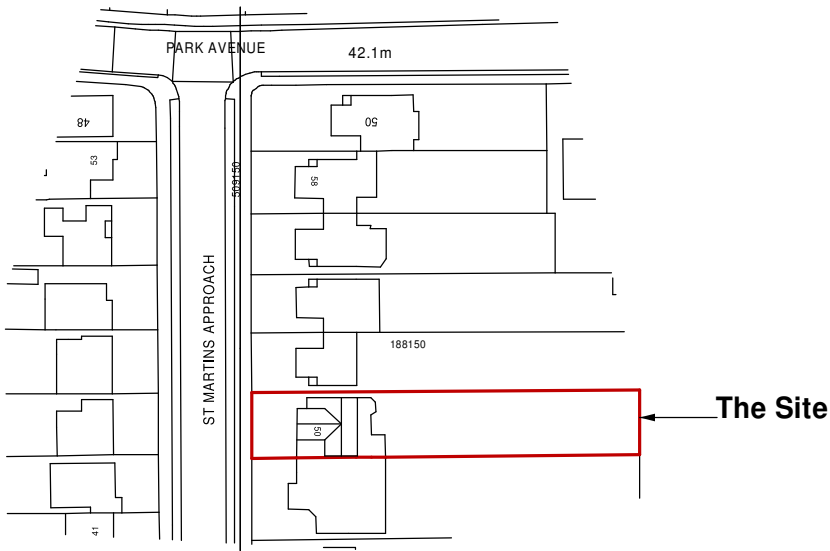
Contact Officer: Christos Chrysanthou

Telephone No: 01895 250230

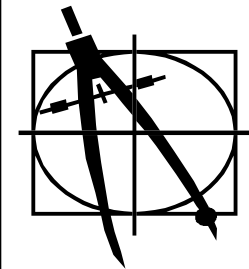
Block Plan
Scale 1:500



Location Plan
Scale 1:1250



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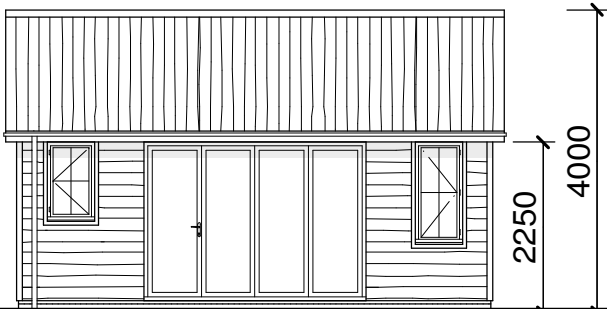


AVANTI DESIGN
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PO BOX 1266
BEACONSFIELD
BUCKS HP9 1US

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



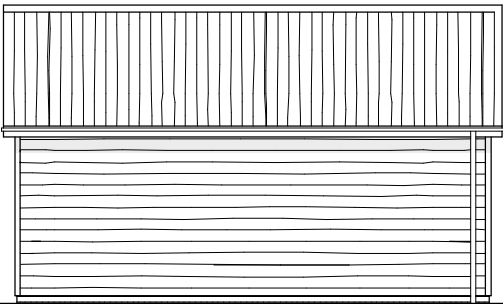
Proposed Elevations



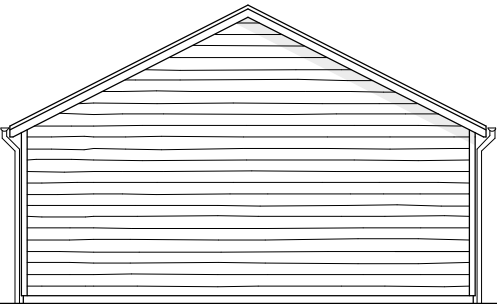
Front



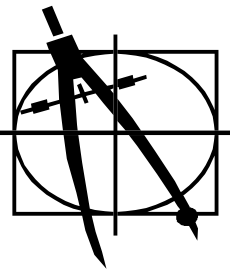
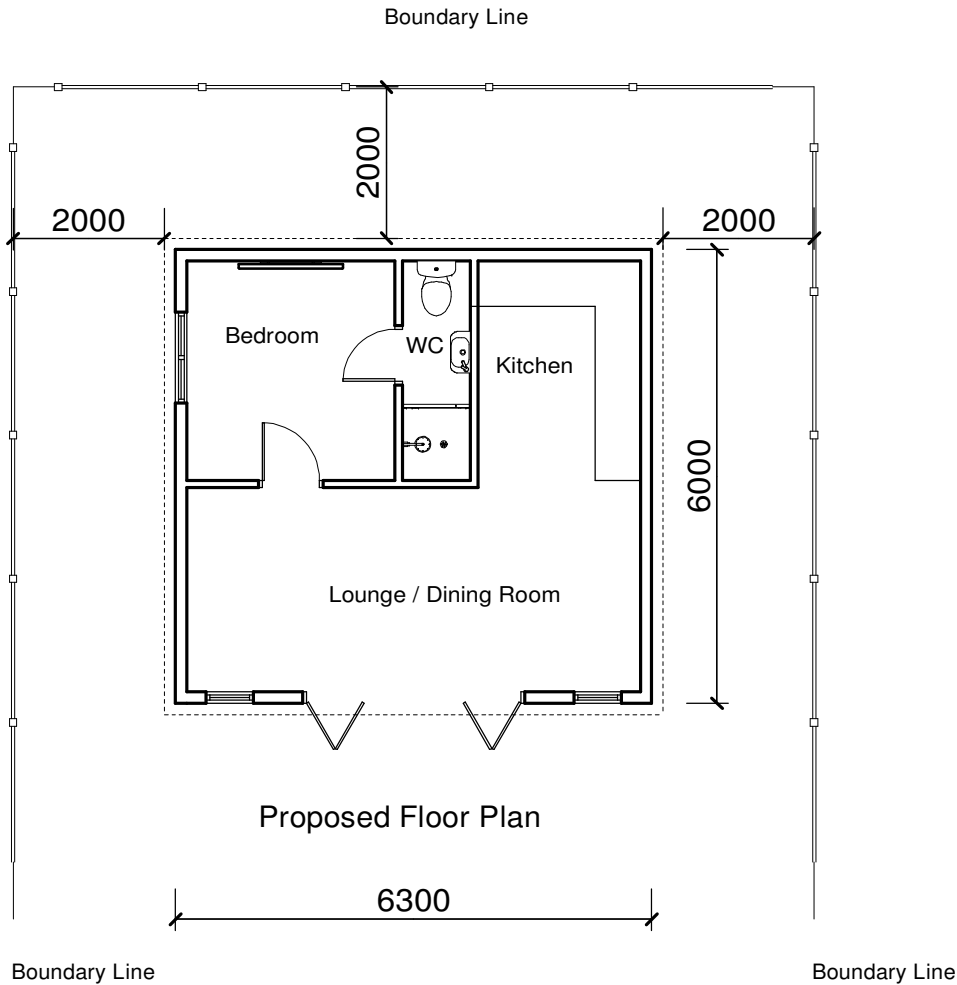
Side



Rear



Side



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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