



Appeal Decision

Site Visit made on [Event Date]

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2020.

Appeal Ref: APP/R5510/D/20/3256126

16 Richards Close, Hayes UB3 5EA

- 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 Daljit Khosa against the decision of London Borough of Hillingdon.
 - The application Ref 10200/APP/2019/4130, dated 18 December 2019, was refused by notice dated 23 April 2020.
 - The development proposed is erection of a single storey unit to the side/rear of the garden for use as a granny annexe using existing footprint of the building.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey unit to the side/rear of the garden for use as a granny annexe using existing footprint of the building at 16 Richards Close, Hayes UB3 5EA, dated 18 December 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: DK-01; A101; A102; A103; A104 and A105.
 - 3) No development shall take place until a method statement detailing measures to be taken during construction to protect the health of the existing boundary trees adjacent to the granny annex hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in full throughout the construction phase.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing dwelling.
 - 5) The granny annex hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 16 Richards Close, Hayes UB3 5EA.

Main Issues

2. The main issues in this appeal are:

- i) whether the proposal would constitute a separate dwelling;
- ii) whether an adequate standard of accommodation would be provided for future occupiers;
- iii) the effect of the proposal on the character and appearance of the appeal property and the surrounding area, including the likely long-term effect on nearby trees; and
- iv) the effect of the proposed parking arrangement on highway safety on Richards Close.

Reasons

Whether a Separate Dwelling

- 3. No 16 comprises one half of a pair of two-storey semi-detached dwellings located within a residential cul-de-sac setting. An existing single storey outbuilding used for ancillary residential accommodation in connection with No 16 is located a short distance to the side and rear of the main dwelling and accessed via the existing shared drive between No 16 and the neighbouring dwelling at No 18 Richards Close. The Council indicate that they are investigating the use of the existing outbuilding as an independent residential unit through their enforcement powers.
- 4. The proposal would have a separate entrance door and private amenity space to No 16, and include 2 bedrooms, a living room, kitchen and a toilet. The intended occupiers of the annex, the elderly dependents of the appellant, would be reliant on the main dwelling for the use of shower and bathing facilities.
- 5. Due to the nature of the accommodation to be provided, the Council considers the proposal would be tantamount to the provision of a new dwelling and have assessed it on this basis. It would also conflict with Policy DMHD 2 iii) and Appendix A of the Local Plan Part 2¹ which advises against annexes having a separate entrance, while they must be connected internally to the existing property. However, the appellant has made it clear that the proposal is for a granny annex and not for an independent dwelling. Future occupiers would also be reliant on the main dwelling for shower and bathing facilities as these facilities are not proposed within the annex. These amenities would be a short distance away and future occupiers would be able to access the main dwelling either through an adjoining side gate or the front entrance.
- 6. I recognise that a grant of planning permission could result in pressure for the building to be used as a separate dwelling at some point in the future. However, I am satisfied that a condition can ensure the occupation of the unit remains ancillary. Such a condition is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action it considered necessary on any breach of the condition. As such I consider the appeal should be determined on the basis that the proposed accommodation would be ancillary to the main dwelling.

¹ London Borough of Hillingdon Local Plan Part 2, Development Management Policies, Adopted Version 16 January 2020

7. Therefore, whilst the proposal would breach some technical aspects of the Local Plan Policies DMHD 1 and DMHD 2 of the Local Plan Part 2 in relation to the provision of primary accommodation and having a separate entrance, on the basis of the information supplied in this appeal, I conclude that the proposal would not constitute a separate dwelling.

Living Conditions

8. The Council's second concern relates to the fact that as a separate residential unit, the accommodation would not provide adequate living conditions for future occupiers, while also falling short of the 61m² internal space standard required for a two-bedroom single storey dwelling. Even though, the shortfall in this case of some 6m² is marginal, I have nevertheless found that the accommodation would be ancillary and would have a functional dependency on facilities in the main dwelling. It would not therefore be a separate residential unit and the space standards which the Council refers to would not apply in this particular case.
9. In concluding on this main issue, an adequate standard of accommodation would be provided for future occupiers, and there would be no conflict with Policies DMHB 16 and DMHB 18 of the Local Plan Part 2, Policy 3.5 of the London Plan (2016), the Mayor of London's adopted Supplementary Planning Guidance – Housing (March 2016); Housing Standards Minor Alterations to the London Plan (March 2016) and the Department of Communities and Local Government Technical housing standards (March 2015). These prescribe minimum internal space standards for new housing and as the proposal would be ancillary accommodation these standards do not apply in this case.

Character and Appearance

10. The properties in the street comprise pairs of two storey semi-detached dwellings and short terraces laid out in a geometric pattern around the cul-de-sac. The short gaps between dwellings consist of driveways and from the street, single storey flat roofed garages can be seen discretely positioned behind the dwellings. The existing garages are largely modest in scale, whilst having a utilitarian and unremarkable appearance. The existing outbuilding at the appeal site is larger compared to the neighbouring garages, yet this cannot be appreciated from the street as the appeal dwelling, the neighbouring dwelling at No 18 and the large mature trees to its rear obscure its overall depth and width.
11. The proposed granny annex's set back position from the road frontage and its overall height just short of 3m, would not make it a prominent structure when viewed from Richards Close, while its siting to the rear of the main dwelling would be consistent with other garages and outbuildings in the street. It would have a built footprint much larger than the neighbouring garages, yet its scale would not be clearly perceptible given the short gap in which it would be viewed from the street and the presence of the taller dwellings either side of it and the mature trees to its rear. The proposal would be subordinate to the much larger and taller main dwelling in terms of its height and scale. Moreover, the utilitarian appearance and separation distance in relation to the main dwelling, would be similar to other ancillary structures in the cul-de-sac, and would therefore not appear discordant in this context.

12. The large mature trees to the west and south of the appeal site form part of an extensive belt located close to the rear boundaries of properties on the southern side of Richards Close. From the street, these are seen rising above the dwellings and their gardens and make a positive contribution to the character of the area. A small number of these trees have branches that overhang the existing outbuilding at the appeal site. This would also be the case in respect of the proposed granny annex building.
13. The proposal has not been accompanied by a tree assessment, to assess the effect of the granny annex on nearby trees. However, the appellant confirms that the footings of the existing outbuilding would be used in the construction of the granny annex, and that further ground excavation works would not be necessary.
14. During my site visit, the existing outbuilding and nearby trees appeared well established and have likely coexisted together for some time. Notwithstanding the lack of a professional assessment, I did not observe any obvious signs of defects relating to the nearby trees and given that the proposal would result in ground excavation works that would utilise the existing footings, I do not consider that the proposal would pose a substantial risk to the future health of the trees, particularly below ground roots. In order to safeguard the tree a condition requiring root protection measures can be imposed prior to the construction of the granny annex.
15. If the appeal were to be allowed, it is likely that in the future that the occupiers of the building would want to undertake pruning and/or lopping works to the overhanging trees. In such circumstances the removal of overhanging branches would not adversely harm the health of the wider group of trees or erode the significant amenity value afforded by the trees to the overall character and appearance of the area.
16. Consequently, I conclude that the proposal would not detract from the character and appearance of the appeal site and the surrounding area, including the likely long-term effect on nearby trees. It would accord with the aims of Policies DMHD 2, DMHB 11, DMHB 12 and DMBH 14 of the Local Plan Part 2 and Policy BE1 of the Local Plan Part 1², insofar as they require proposals to be proportionate and in keeping with the scale and design of the surrounding area, and to respect and retain existing landscape features. The proposal would also accord with Policy 7.4 of the London Plan (2016), in having regard to local character.

Parking

17. At present No 16 does not have any off-street parking spaces, however, the proposal would introduce 1 off-street parking space. The proposal would provide ancillary accommodation for two elderly dependents and given that the appellant indicates that they require care, I would not expect them to require the need for a car and therefore off-street parking provision. Yet, I noted during my site inspection, whilst only a snapshot in time, that there was sufficient space along Richards Close to accommodate additional parking in the event that those residents require it. Although this may result in further car parking on the street, I have not been presented with any evidence that there

² Hillingdon Local Plan: Part 1 – Strategic Policies, Adopted November 2012

is existing parking stress in the area, or that this would result in harm to highway safety.

18. The proposed parking arrangement would not have an unacceptable effect on highway safety, and therefore accords with Policies DMT 2 and DMT6 of the Local Plan Part 2, where they require proposals to ensure no deterioration in the safety of road users and residents.

Other Matters

19. The Council has referred to the impact on existing and adjoining dwellings, although it has not been explicitly clear on the effect that the proposal would have in this respect. Nevertheless, I am satisfied that the granny annex would maintain sufficient distance away from the neighbouring property, No 18, while being of a scale that would not result in unacceptable harm to the living conditions of those occupiers in terms of outlook, daylight and privacy.
20. The existing trees to the rear of the proposal are predominantly within the Harlington Village Conservation Area (HVCA). The HVCA comprises suburban housing development and its significant features include the uniformly designed and arranged dwellings positioned amongst mature street and garden trees. As I have come to the view that the proposal would not adversely harm the health of the nearby trees, the proposal would preserve the character and appearance of the HVCA.

Conditions and Conclusion

21. In addition to the imposition of the standard time limit condition the Council has suggested conditions requiring that development is carried out in accordance with the approved plans and for the external materials to match those of the existing building. These are considered necessary in the interests of clarity and the character and appearance of the area.
22. A condition requiring a method statement detailing tree protection measures during construction works is necessary to safeguard the health of the adjacent boundary trees. This is required before works start in order to establish the extent of the safeguarding measures required.
23. Further, in response to the main parties' suggestion, a condition to restrict the use of the proposed development to a granny annex associated with the host property is also necessary. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

RE Jones

INSPECTOR



Mr Daljit Khosa
16, Richards Close
Hayes
UB3 5EA

Application Ref: 10200/APP/2019/4130

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:-

Description of development:

Single storey detached building to side for use as a granny annexe

Location of development: 16 Richards Close, Harlington

Date of application: 27 January 2020

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning, Transportation and Regeneration

Date: 23 April 2020

- NOTES:
- (i) Please also see the informatives included in the Schedule of Reasons.
 - (ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 10200/APP/2019/4130

SCHEDULE OF REASONS

- 1 . The proposal is for a detached structure which, by reason of its size, scale, layout and independent access, is considered capable of independent occupation and is thus tantamount to the creation of a self contained separate dwelling, where such a dwelling would not be acceptable due to its impact on the character and appearance of the host dwelling and the wider locality, the need for additional parking and amenity space and issues relating to impact on the existing and adjoining dwellings. Therefore the proposal would be contrary to Policies DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18, DMT 2 and DMT 6 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policies Policy 3.5 and 7.4 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015). and 7.4 of the London Plan (2016).
- 2 . In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMHB 14 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

INFORMATIVES:

- 1 . The existing plans imply that the existing building is in use as an independent residential unit. The Council has no record of any planning permission being granted for this or of issuing any Lawful Development Certificate for it. The use is considered unlawful and the matter has been reported to the Council's Enforcement Team for further investigation.

SCHEDULE OF REASONS

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 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 2 Outbuildings

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments

LPP 7.4 (2016) Local character

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

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 10200/APP/2019/4130

SCHEDULE OF PLANS

DK-01 - received 22 Jan 0020

A102 - received 27 Jan 0020

A103 - received 27 Jan 0020

A101 - received 27 Jan 0020

A104 - received 27 Jan 0020

A105 - received 27 Jan 0020

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- If you intend to submit an appeal that you would like examined by inquiry team then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

- If either the local planning authority or the office of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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 16 RICHARDS CLOSE HARLINGTON

Development: Single storey detached building to side for use as a granny annexe

LBH Ref Nos: **10200/APP/2019/4130**

Drawing Nos: DK-01
A102
A103
A101
A104
A105

Date Plans Received: 23/12/2019

Date(s) of Amendment(s):

Date Application Valid: 27/01/2020

1. CONSIDERATIONS

1.1 Site and Locality

The application site relates to a single storey detached garage/outbuilding within the curtilage of the host two storey semi-detached dwellinghouse located on south eastern side of Richards Close. To the rear is an enclosed garden. On the side of the host dwelling is a detached garage/outbuilding with separate access on to the street. The application property is setback from the adjacent highway, with a side shared driveway access leading through to the side of the property.

The application site shares a boundary with the adjoining property at No.14 Richards Close. The application site is not located within a conservation area and no listed buildings are within close proximity, although the site is located within the Heathrow Archaeological Priority Zone and the Harlington Archaeological Priority Area.

The street scene is residential in character and appearance comprising a mixture of traditional two storey semi-detached dwellings. The application site forms part of 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 erection of a single storey detached outbuilding to be used as a two bed self-contained annexe to the host dwelling at No.16 Richards Close following the demolition of the existing outbuilding. The proposed development would be built within the existing footprint, with the main frontage facing the garden area. Bin stores and a cycle stand would be located towards the rear of the site.

1.3 Relevant Planning History

10200/A/86/0810 16 Richards Close Harlington
Householder development - residential extension(P)

Decision Date: 16-06-1986 Approved

Comment on Planning History

N/A

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

4 neighbouring properties and the Harlington Village Residents' Association were consulted via letters on 29/01/2020. A site notice was displayed and expired on 28/02/2020. One representation was received against the proposal on the following grounds:

1. The proposed development represents a self-contained dwelling which is unacceptable in principle in this location,
2. It would detract from the character and appearance of the local area
3. It would damage the existing trees within the application site

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 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHD 2 Outbuildings

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

LPP 3.5 (2016) Quality and design of housing developments

LPP 7.4 (2016) Local character

5. MAIN PLANNING ISSUES

The main considerations for this application are the principle of the proposed development, impacts on the neighbouring properties, impact on the appearance and character of the area and provision of acceptable residential amenity and parking spaces.

Principle of the development

Paragraph A1.17 of the Hillingdon Local Plan Part 2 states that annexes designed specifically for the use of disabled or dependent elderly family members should be located at ground floor level and be fully accessible. An Access Statement should be submitted with the planning application. An annexe should not have a separate private entrance and

must be connected internally to the existing property. Annexes which are capable of being used as (or easily adapted to) a fully self-contained unit will not be permitted. Policy DMHD 2 at iii) also stipulates that outbuildings need to be incidental to the enjoyment of the dwelling and not capable of independent residential accommodation.

No.16 Richards Close is a two storey semi-detached dwellinghouse with a detached outbuilding which is shown on the existing plan as an independent residential unit. The Council has no record of any planning permission being granted for this or of issuing any Lawful Development Certificate for it. The use is thus considered unlawful and the matter has been reported to the Council's Enforcement Team for further investigation. The local area is characterised as a residential area predominantly semi-detached houses within a large plot.

The proposal includes the demolition of an existing outbuilding to erect a new single storey detached self-contained unit to be used as a granny annexe to the host dwelling.

As the proposal would utilise the existing footprint of the garage, it is not considered that the proposal would not harm any archaeological remains.

In addition to the physical aspect of the proposed annex, the general reasoning for an annex is to provide extra room for an elderly or disabled relative who can live independently while also remaining ancillary to the main dwelling by virtue of eating their main meals and gaining access to the annex via the main dwelling.

The proposed annex benefits from a living area, a kitchenette and shower room, and it has a footprint of approximately 55 sqm, with the facilities of a separate dwelling. The proposed development will not be clearly visible from the street scene, as it would be at an oblique angle when viewed from the adjacent highway. Given its location within the curtilage of the host dwelling, it is unlikely to impact on the living conditions of the neighbouring properties.

However, the proposed development has an independent access from the street, is separated from the host dwelling and has all the facilities to operate as a self-contained residential unit.

Policy DMHB 11 seeks that new development, extensions and alterations should harmonise with local context by taking into account building plot sizes and widths, plot coverage and established street patterns.

Paragraph 5.59 of the Adopted Local Plan sets out minimum internal floor space standards for new dwellings which must be met in all future planning applications. Minimum Floorspace Standards (national standards) for a two bed 3 person single storey unit is 61 sqm.

In this regard, the applicant did not indicate the number of persons that would occupy the proposed development. However, it is assumed that the proposed development would accommodate minimum of three persons given the number and sizes of the bedrooms. In terms of the national standards, the floor area of the unit, at approximately 55 sqm, falls far short of the required standard set out in the guidance for a two bedroom single storey dwelling would be 61 sqm. The proposed development is a clear example of cramped, sub-standard accommodation of a wholly inadequate size.

The development would thus be wholly uncharacteristic of the area in terms of its design, scale and layout. There are currently no outbuildings of this size within the immediate

vicinity. It is considered that the proposed annexe, by reason of its size and design would make an intrusive addition to the site, which would visually compete with the host dwelling as extended and be harmful to the established character and appearance of the local area.

It is therefore considered that the proposal is for a detached structure which, by reason of its size, scale, layout and independent access, is considered capable of independent occupation and is thus tantamount to the creation of a self contained separate dwelling, where such a dwelling would not be acceptable due to its impact on the character and appearance of the host dwelling and the wider locality, the need for additional parking and amenity space and issues relating to impact on the existing and adjoining dwellings. Therefore the proposal would be contrary to Policies DMHB 11, DMHB 12, DMHB 16, DMHB 18, DMT 2 and DMT 6 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policies Policy 3.5 and 7.4 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015). and 7.4 of the London Plan (2016).

In terms of the impact on trees within the site, the applicant has indicated on the application that there are tree or hedges within the application site which are within falling distance of the proposed development. Whilst the trees within the site are not protected by TPO, the Hillingdon Local Plan: Part 2 - Development management Policies (January 2020) in paragraph 5.54 states that trees and landscaping are a vital feature of the built environment, adding to a sense of place and bringing many benefits such as: providing visual and other amenity for residents, increasing biodiversity, helping to reduce pollution and flooding and adding to the character of the Borough.

In this case, the applicant has not submitted any tree assessment with regards to the impact of the proposed development on the trees on site, such it cannot be ascertained whether the proposed development can be achieved without extensive damage to the existing trees on site. The proposal as currently proposed likely to result in an unacceptable impact on trees contrary to the DMHB 14 and DMHD 2 of the Hillingdon Local Plan: Part 2 - Development management Policies (January 2020).

6. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal is for a detached structure which, by reason of its size, scale, layout and independent access, is considered capable of independent occupation and is thus tantamount to the creation of a self contained separate dwelling, where such a dwelling would not be acceptable due to its impact on the character and appearance of the host dwelling and the wider locality, the need for additional parking and amenity space and issues relating to impact on the existing and adjoining dwellings. Therefore the proposal would be contrary to Policies DMHD 2, DMHB 11, DMHB 12, DMHB 16, DMHB 18, DMT 2 and DMT 6 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policies Policy 3.5 and 7.4 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015). and 7.4 of the London Plan (2016).

2 NON2 Non Standard reason for refusal

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMHB 14 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies.

INFORMATIVES

- 1 The existing plans imply that the existing building is in use as an independent residential unit. The Council has no record of any planning permission being granted for this or of issuing any Lawful Development Certificate for it. The use is considered unlawful and the matter has been reported to the Council's Enforcement Team for further investigation.

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:

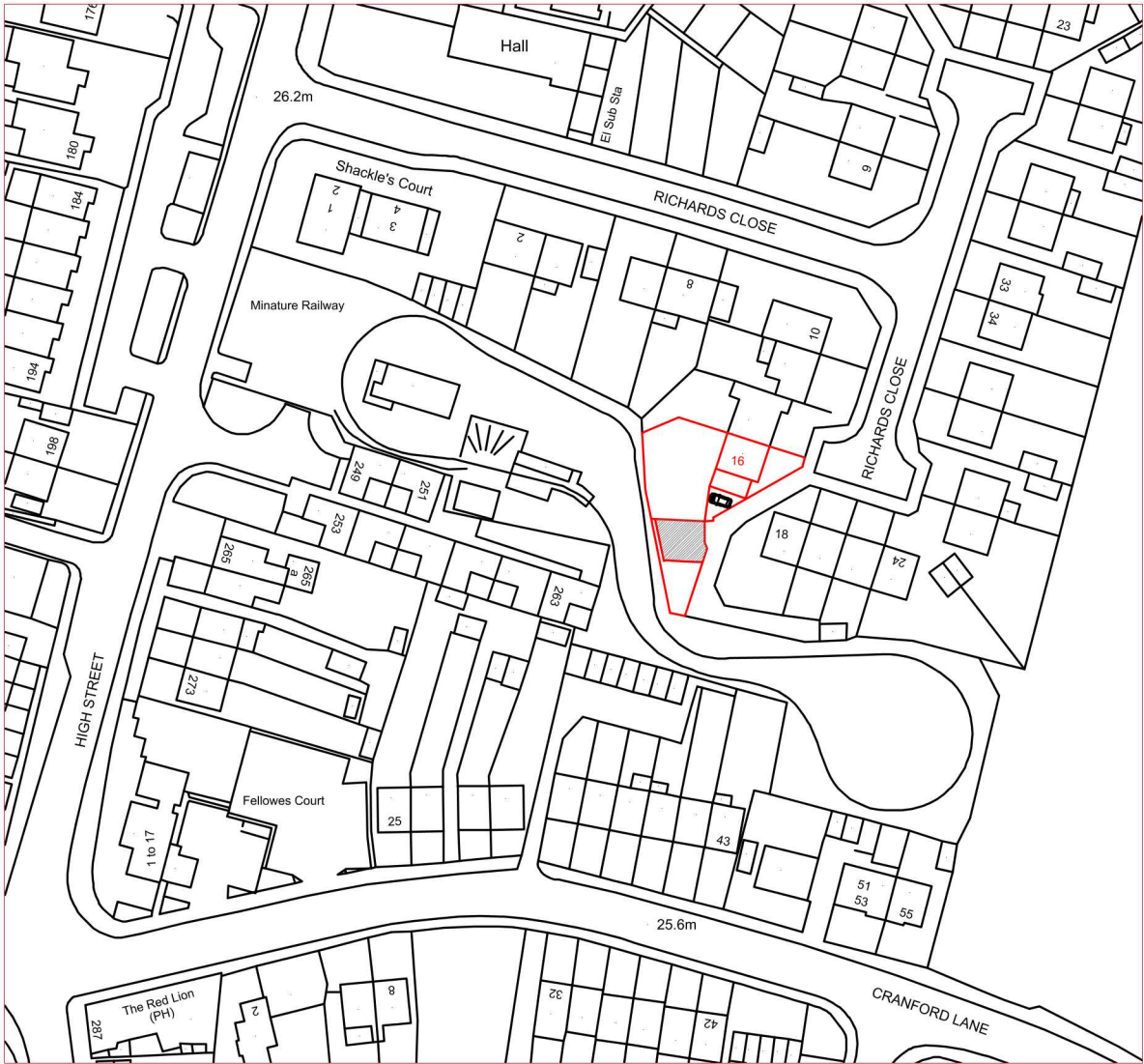
PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHD 2	Outbuildings
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character

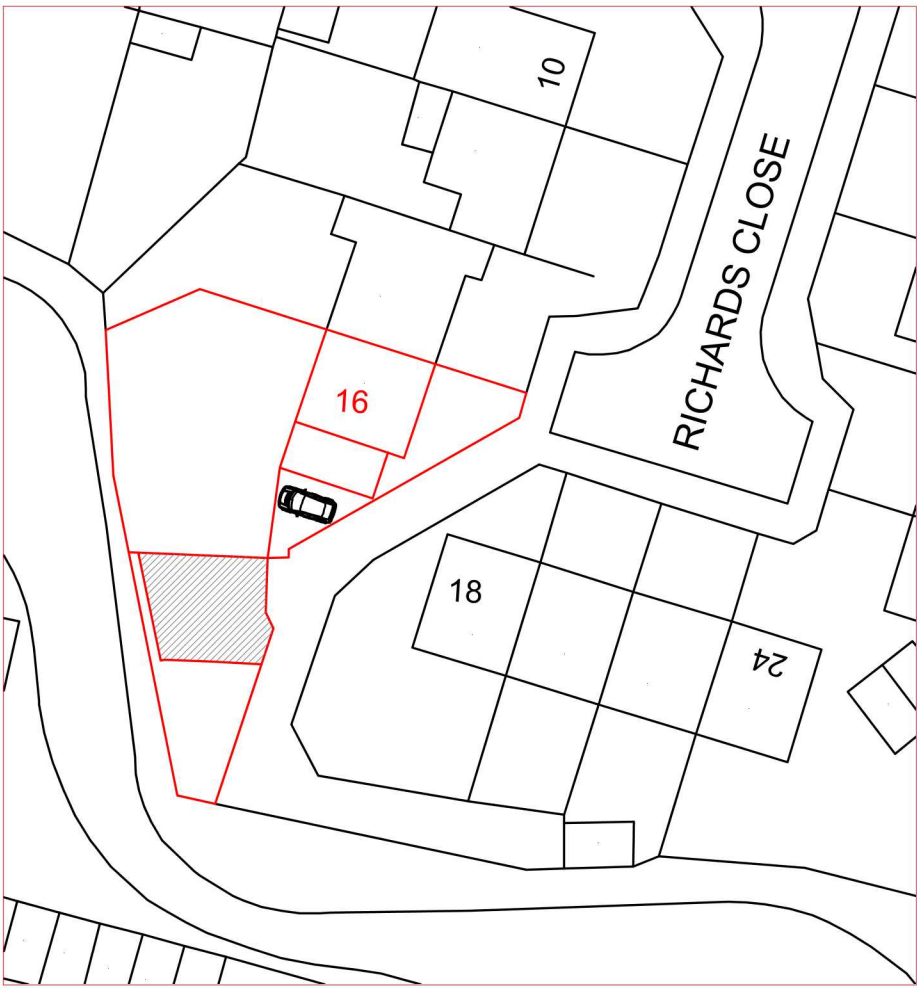
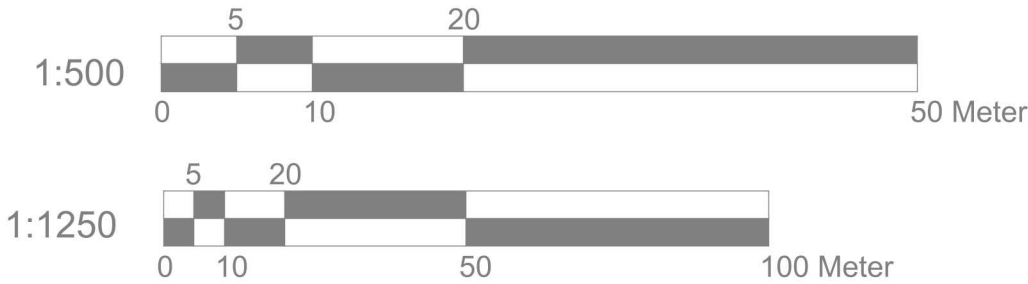
Contact Officer: Batatunde Aregbesola

Telephone No: 01895 250230



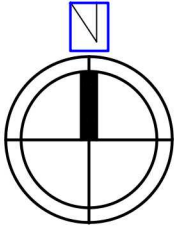
Location Plan

Scale: 1:1250



Block Plan

Scale: 1:500



Site Address

Mr. DALJIT KHOSA

16 RICHARDS CLOSE
HARLINGTON
UB3 5EA

Scale: 1:500/1250@A4

Date: SEP. 2019

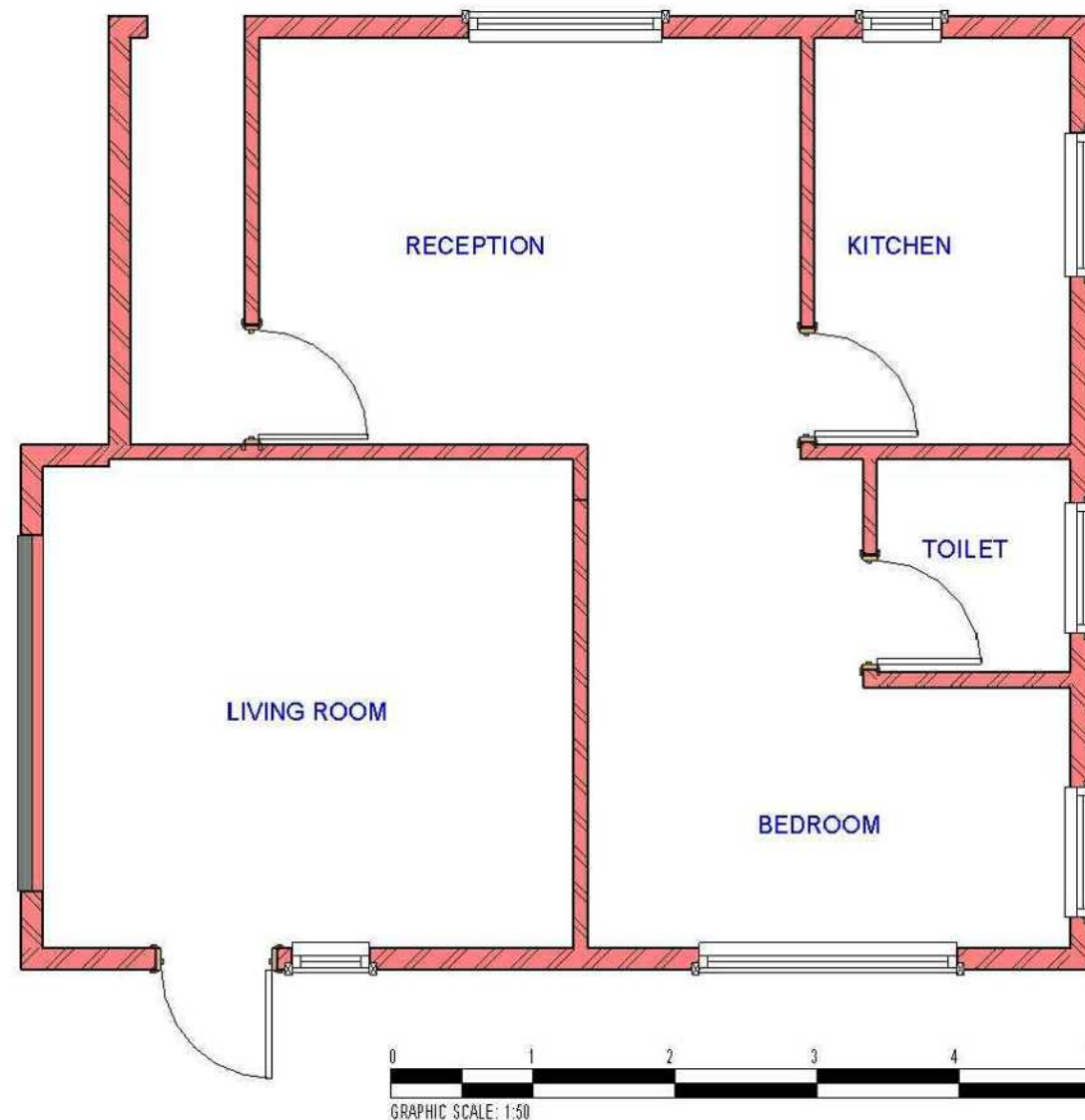
Drawing No.:
DK-01

Drawn By: RP

Revision Date:

e:mail - nisarg@hotmail.com
(M) +44 (0) 7951491310

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1 Existing Ground Floor

1 : 50

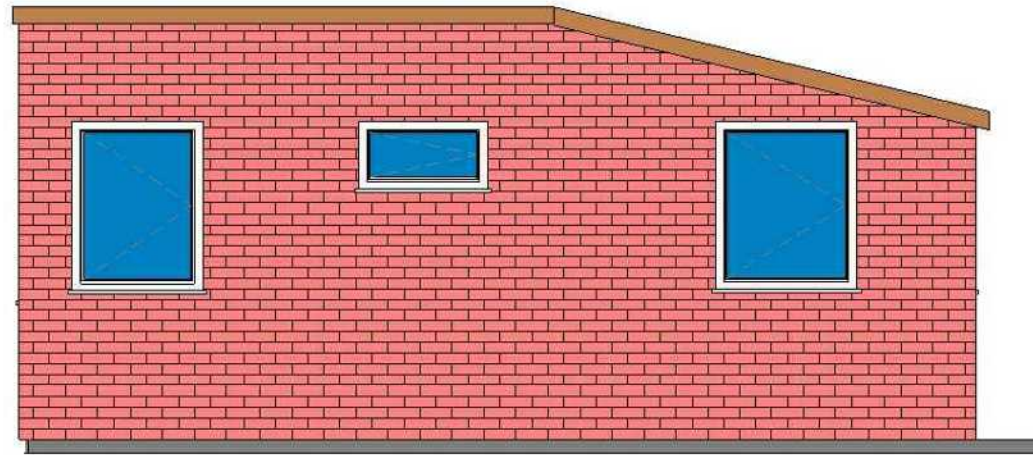
GENERAL NOTES:

- DO NOT SCALE FROM THE DRAWINGS
- ALL DIMENTIONS ARE IN MILLIMETER.
- VERIFY ALL DIMENSIONS AND CONDITIONS BEFORE BUILDING OR STARTING CONSTRUCTION.
- NOTIFY THE DESIGNER IMMEDIATELY OF ANY DISCREPANCY OR VARIATION.
- ALL WORK TO COMPLY WITH CURRENT BUILDING REGULATIONS AND CODES OF PRACTICE.

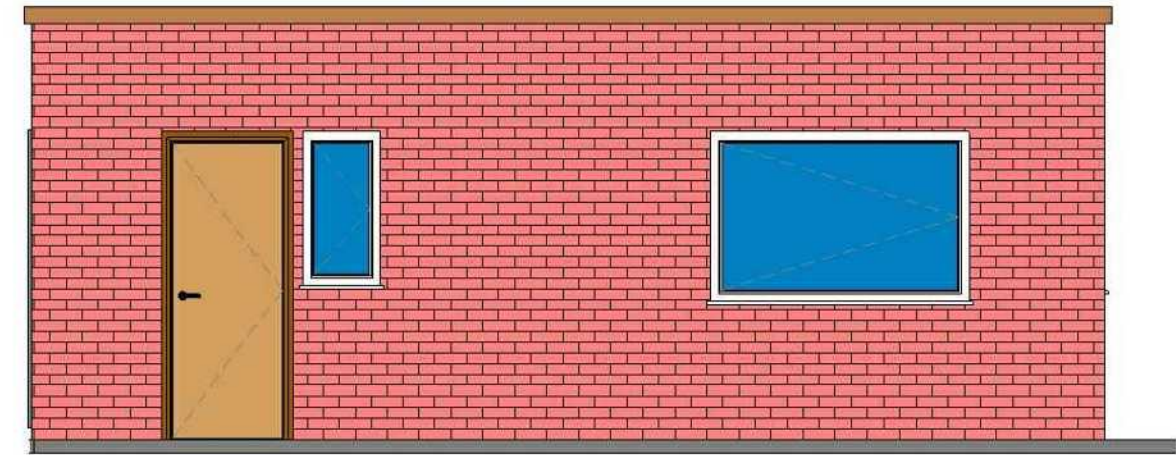


PROJECT	16 Richards Close, Harlington, UB3 5EA		
SHEET	Existing Ground Floor Plan		

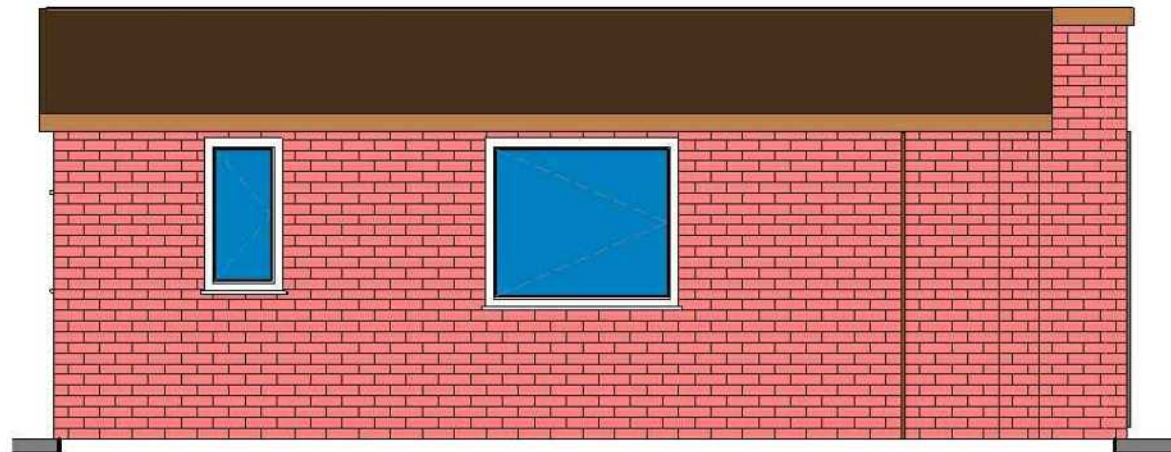
CLIENT		MR DALJIT KHOSA	
Date	Project number	Scale (@A3)	
Issue Date	Project Number		
Drawn by	DRWAING NUMBER		REV
Author	A101		
Checked by			
Checker			



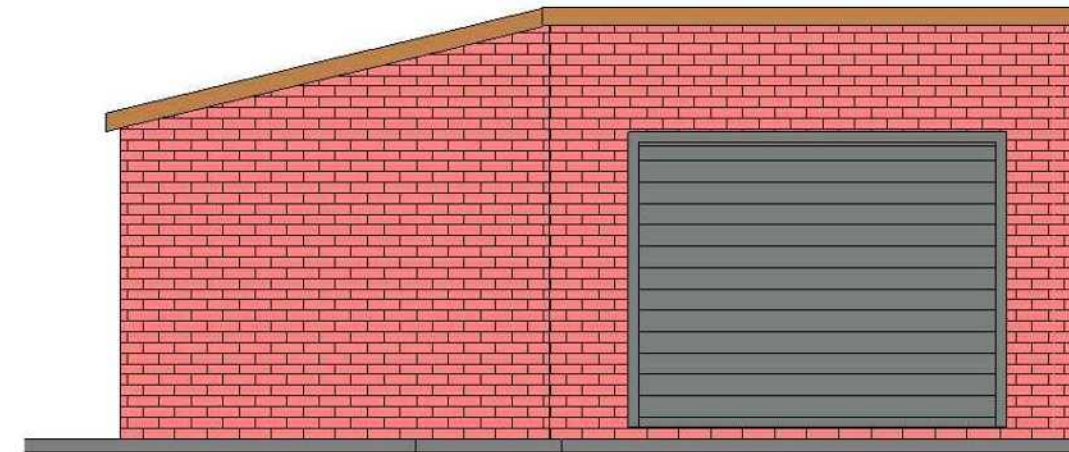
1 Existing East_Elevation
1 : 50



2 Existing South_Elevation
1 : 50



3 Existing North_Elevation
1 : 50



4 Existing West_Elevation
1 : 50

GENERAL NOTES:

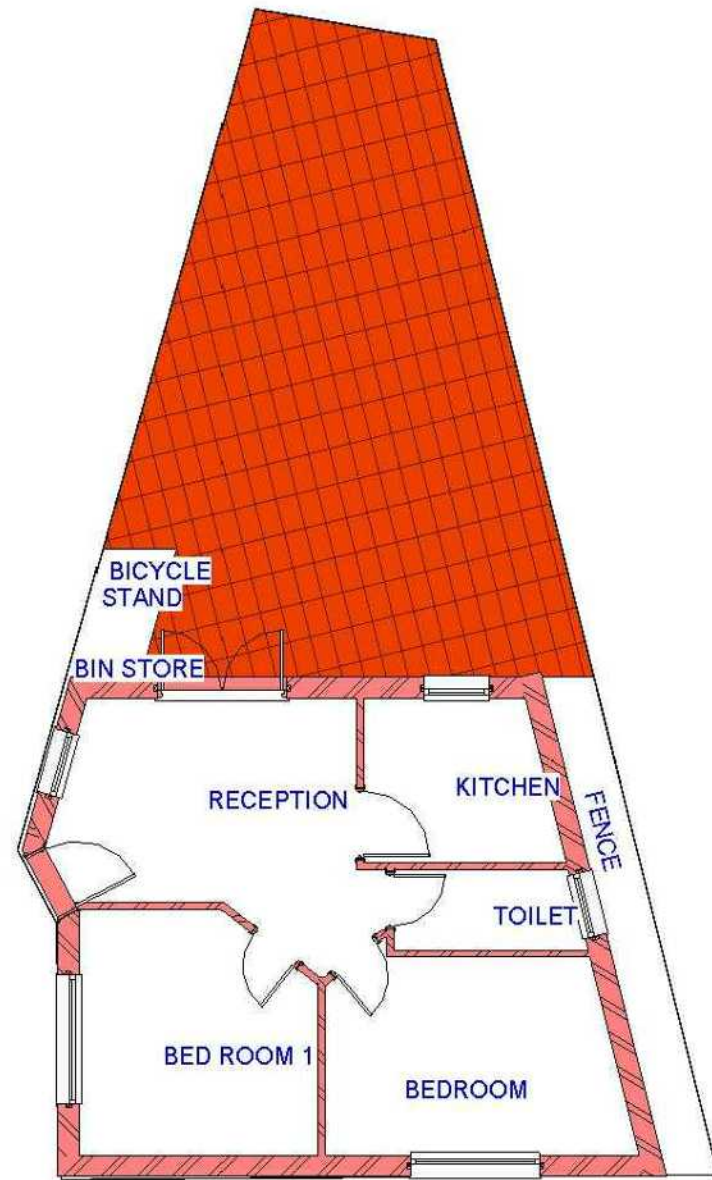
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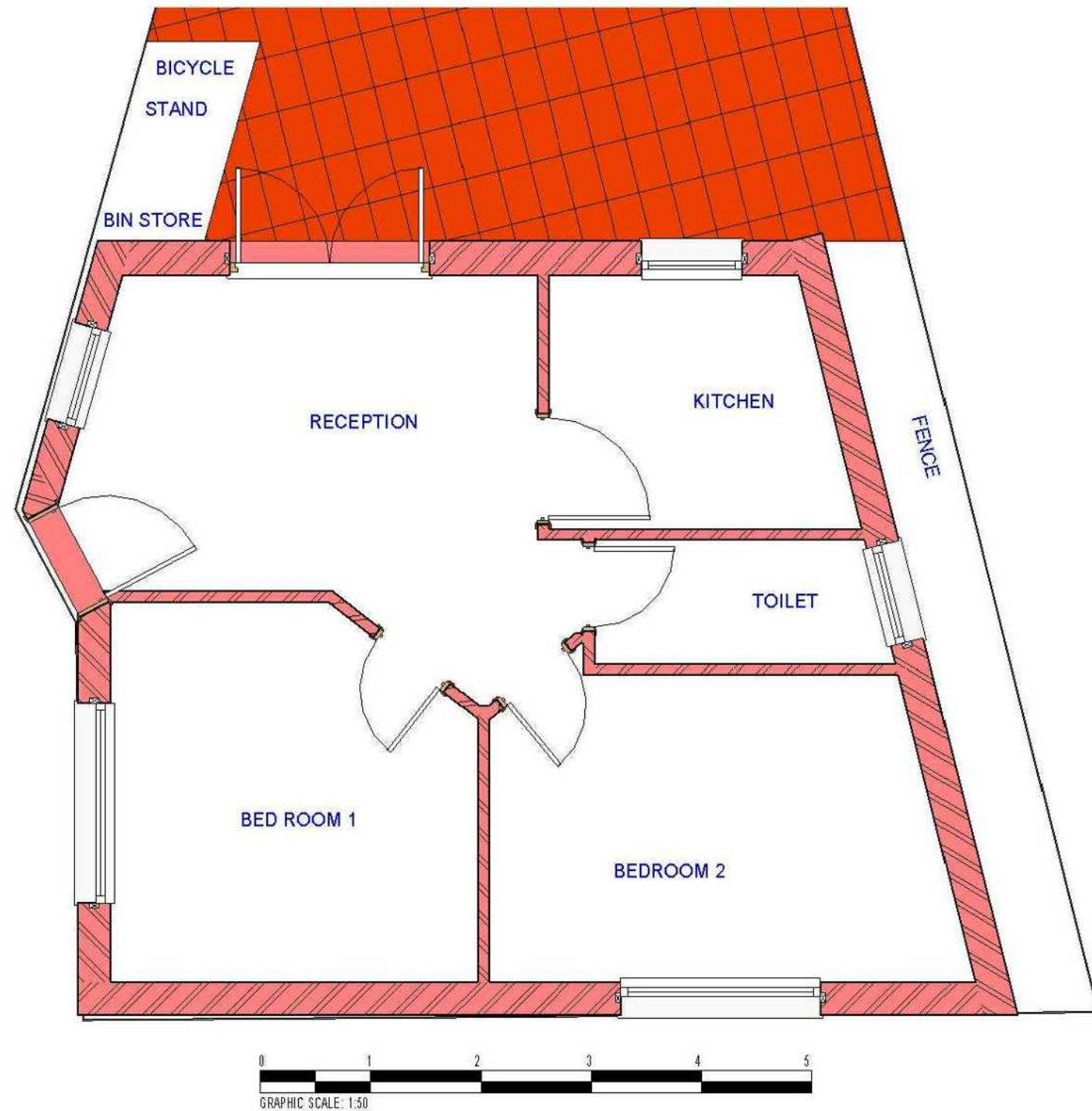
PROJECT
16 Richards Close, Harlington, UB3 5EA

SHEET
Existing Elevations

CLIENT MR DALJIT KHOSA		
Date	Project number	Scale (@ A3)
Issue Date	Project Number	
Drawn by	DRWAING NUMBER	REV
Author	A102	
Checked by		
Checker		



1 Proposed Ground Floor
1 : 100



2 Proposed Ground Floor 1-50
1 : 50

GENERAL NOTES:

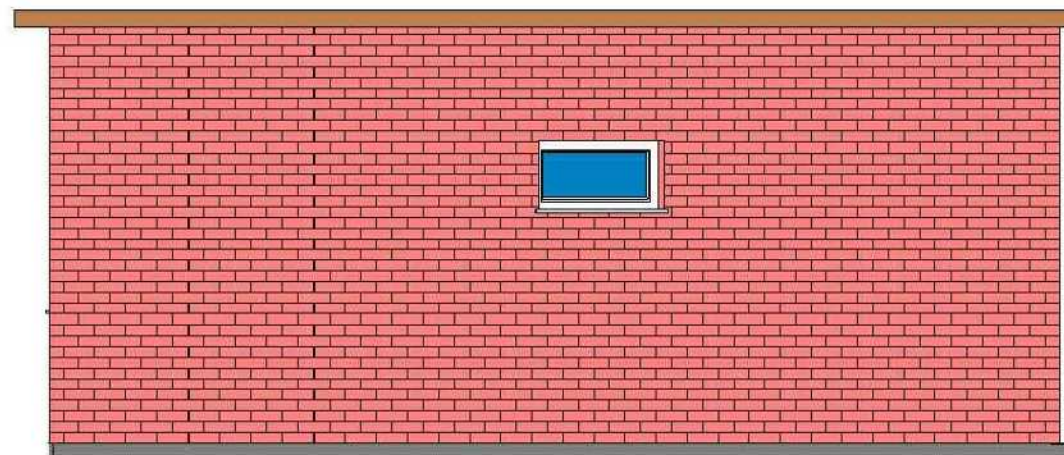
1. DO NOT SCALE FROM THE DRAWINGS
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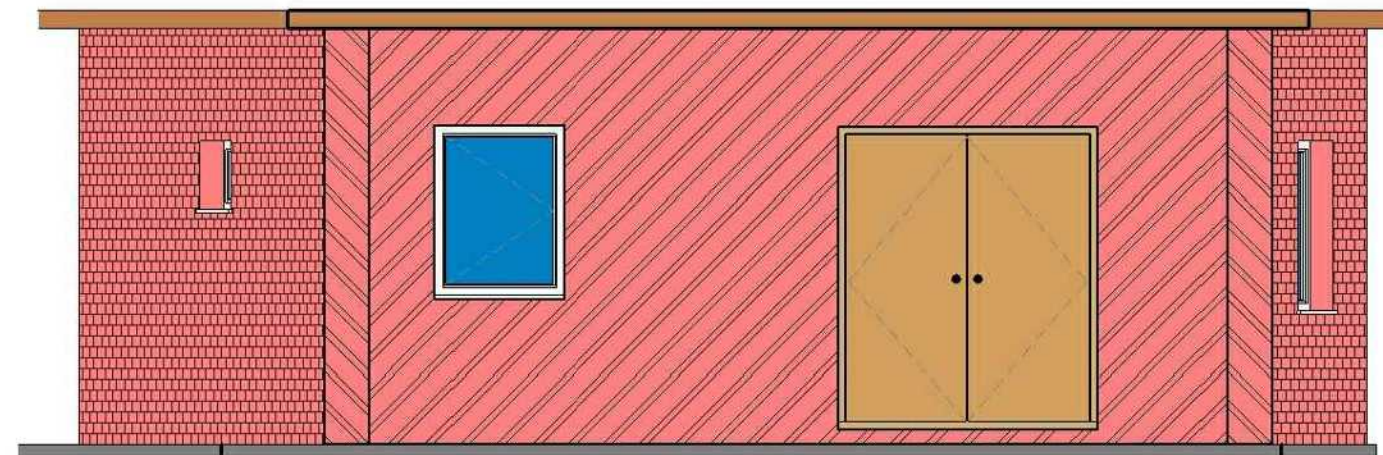
PROJECT
16 Richards Close, Harlington, UB3 5EA

SHEET
Proposed Ground Floor Plan

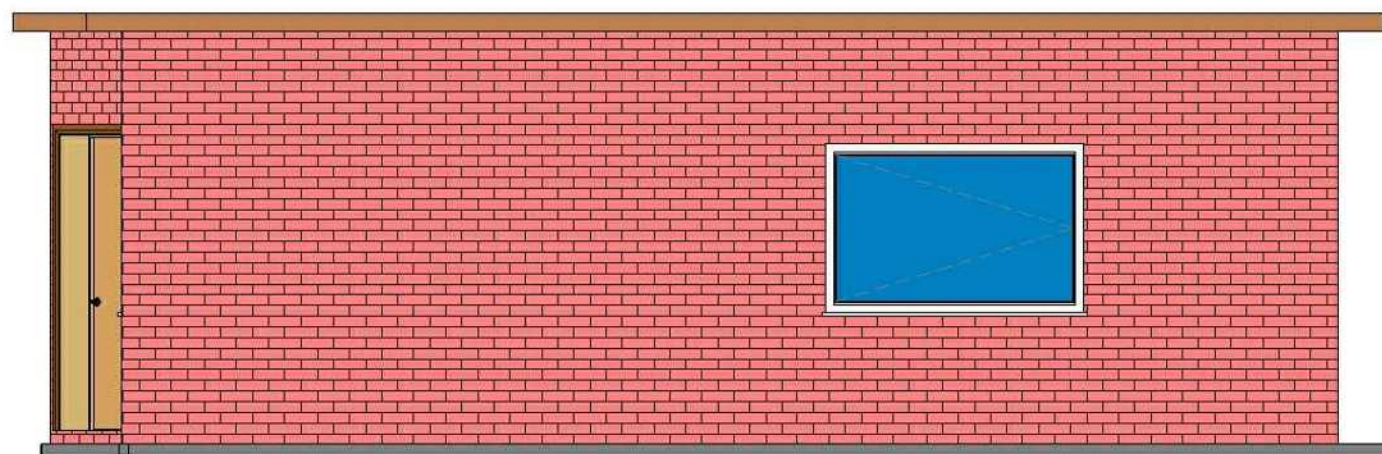
CLIENT MR DALJIT KHOSA		
Date	Project number	Scale (@ A3)
Issue Date	Project Number	
Drawn by	DRWAING NUMBER	REV
Author	A103	
Checked by		
Checker		



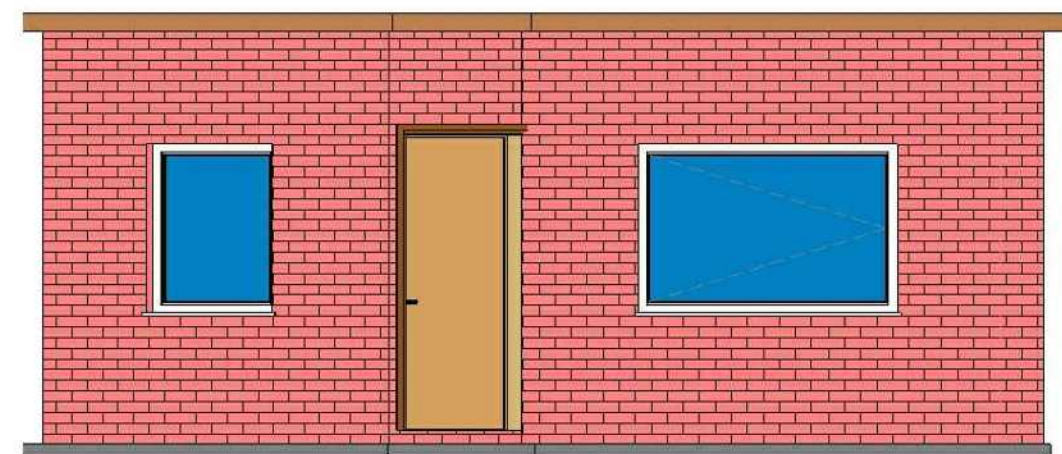
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1 : 50



2 Proposed North_Elevation
1 : 50



3 Proposed South_Elevation
1 : 50



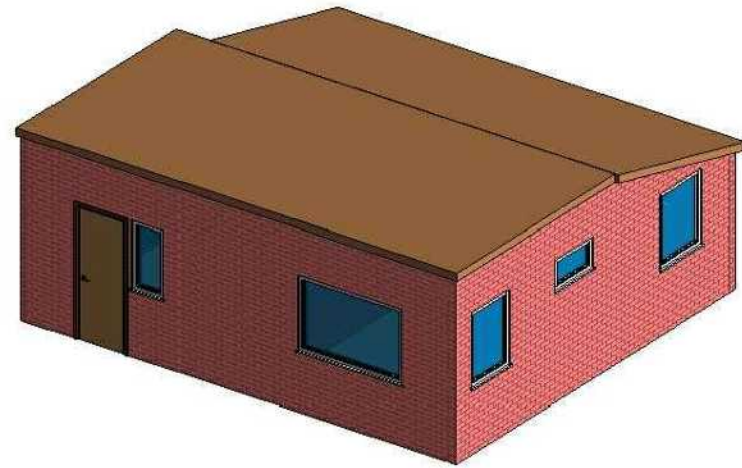
4 Proposed West_Elevation
1 : 50

GENERAL NOTES:

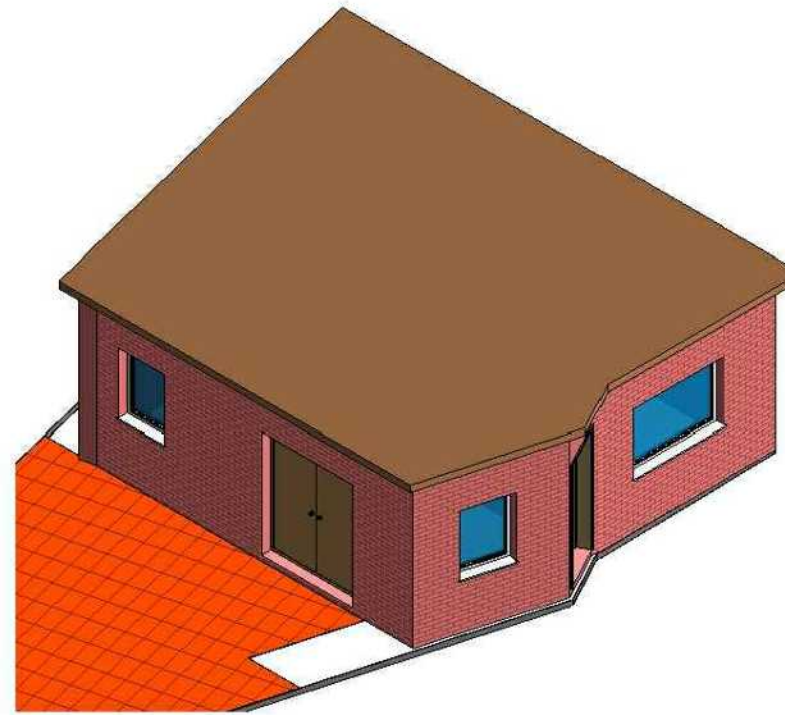
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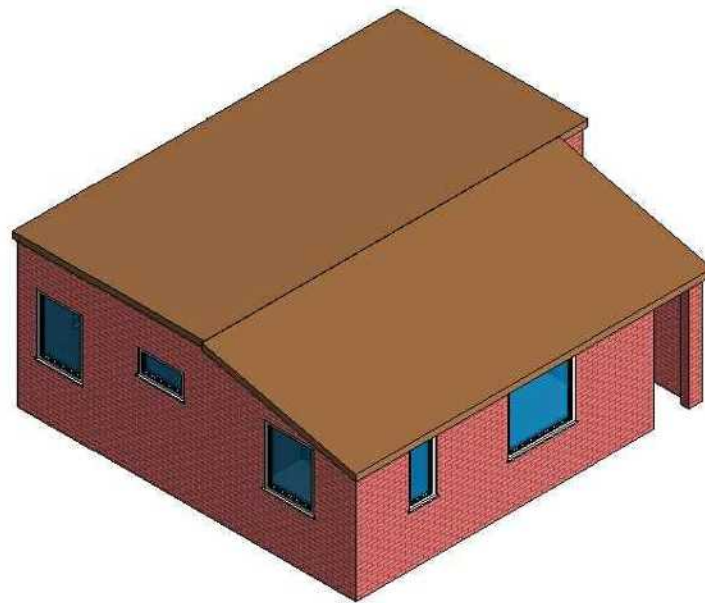
PROJECT	CLIENT			MR DALJIT KHOSA		
SHEET	16 Richards Close, Harlington,UB3 5EA		Date Issue Date	Project number Project Number	Scale (@ A3)	
	Proposed Elevations		Drawn by Author	DRWAING NUMBER		REV
			Checked by Checker	A104		



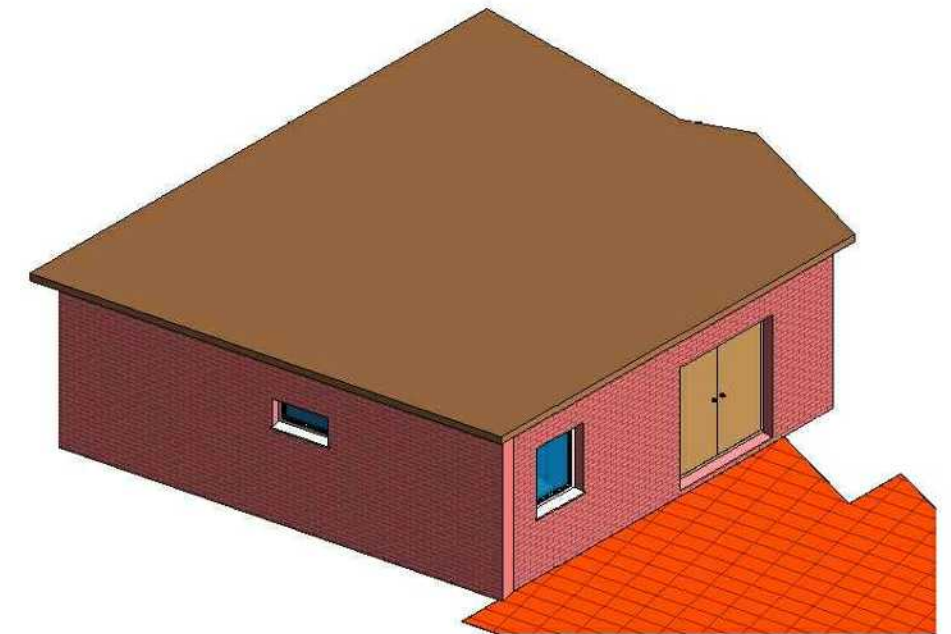
1 3D View 01 Existing



2 3D View 01 Proposed



3 3D View 02 Existing



4 3D View 02 Proposed

GENERAL NOTES:

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PROJECT		CLIENT			
16 Richards Close, Harlington,UB3 5EA		MR DALJIT KHOSA			
SHEET	3D View	Date	Project number	Scale (@ A3)	
		Issue Date	Project Number		
		Drawn by	DRWAING NUMBER		REV
		Author	A105		
		Checked by			
		Checker			