



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY:

Mr Suty Bharrich

FOLLOWING THE REFUSAL OF PLANNING PERMISSON BY:

The London Borough of Hillingdon Council

REF:

67410/APP/2026/387

FOR:

***Use of outbuildings within the residential curtilage of nos. 18-20 Wilmar Close
as ancillary accommodation to the main dwellings***

AT:

18-20 Wilmar Close, Hayes, Middlesex, UB4 8ET

May 2026

1.0 INTRODUCTION

1.1 This appeal relates to the refusal of a planning application for the '***Use of outbuildings within the residential curtilage of nos. 18-20 Wilmar Close as ancillary accommodation to the main dwellings***' at nos. 18 and 20 Wilmar Close in Hayes.

1.2 The planning application was dated 2nd March 2026 and was subsequently refused on 27th April 2026 by the London Borough of Hillingdon Council, with the decision notice stating just two reasons for refusal, as noted below:

- 1 *The proposed development, by reason of the provision of facilities within the outbuilding and independent access to the outbuilding, would be tantamount to the creation of separate self-contained residential units in a position where such dwellings would be unacceptable. Consequently, the proposed development would harm the area's character and appearance and the amenity of neighbouring residents. The proposal is, therefore, contrary to the National Planning Policy Framework (2024), Policies D1, D3, D4, and D6 of the London Plan (2021), and Policies DMH 6, DMHD 2, and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).*
- 2 *The proposed residential use of the outbuildings would generate additional demand for parking which cannot be provided on site and would therefore result in potential displacement of vehicles within the public highway, restricting the safe movement of vehicles and undermining highway safety and amenity contrary to Policies DMT1, DMT2 and DMT 6 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020); and Policies T4 and T6.1 of the London Plan 2021.*

1.3 This proposal follows application 67410/APP/2024/2641, which sought the change of use of two outbuildings to granny annexes and was refused on 18th July 2025 for the following single reason:

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

DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)."

- 1.4 The subsequent appeal APP/R5510/W/25/3371435 was dismissed on 22nd December 2025, with the Inspector stating:

"Concluding on this main issue, I find that the proposal would constitute two separate, self-contained units of residential accommodation, rather than ancillary uses. I have found that this would have an unacceptable effect on the character of the locality and on the living conditions of neighbouring occupiers. The proposal would conflict with relevant provisions of Policy DMH 6, DMHD 2 and DMHB 11 of the Local Plan and Policies D1, D3, D4, and D6 of the London Plan (2021). In summary, these policies seek the most appropriate form of development that responds to a site's context and to maintain neighbouring residential amenity."

- 1.5 In response to the Council's and Inspector's concerns, the scheme has been amended. The previously proposed kitchenettes and dining tables have been removed, ensuring that any future occupiers of the outbuildings remain wholly dependent on the main dwellings. The application now seeks consent for ancillary accommodation, rather than for self-contained "granny annexes".
- 1.6 Taking into consideration the changes implemented to ensure the proposal could not be assessed as self-contained accommodation the appellant rejects the council's reasons for refusal.
- 1.7 The following statement will seek to demonstrate why the council's decision is considered unsound on this occasion and why the scheme conforms to the aims of national and local planning policy.

2.0 APPEAL PROPERTIES AND SITE LOCATION



Nos. 18-20 Wilmar Close

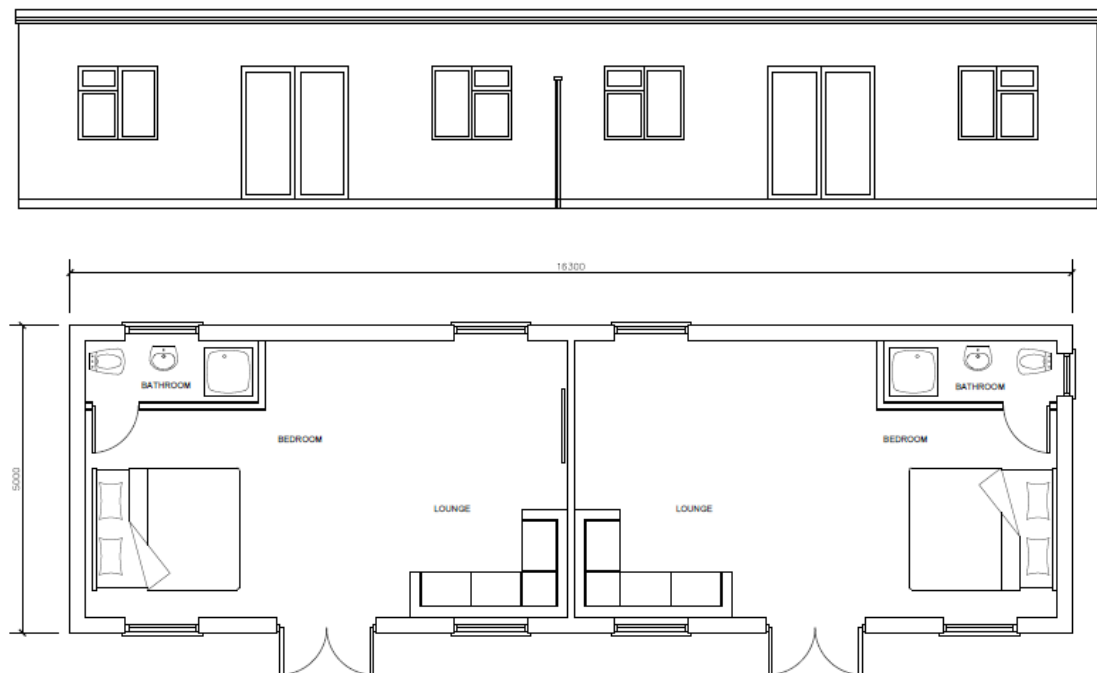
- 2.1 The appeal site comprises a pair of semi-detached, two storey properties which form two independent dwelling houses and are positioned on large wedge-shaped plots.
- 2.2 The properties are positioned at the eastern end of the cul-de-sac within a residential setting. The dwellings are not within a Conservation Area or the curtilage of a listed building.



Aerial view of the appeal site

3.0 PROPOSAL

- 3.1 The proposed scheme sought planning permission for the '*Use of outbuildings within the residential curtilage of nos. 18-20 Wilmar Close as ancillary accommodation to the main dwellings*' at nos. 18 and 20 Wilmar Close.



Proposed annexes: Front elevation and layout

- 3.2 The existing structures are located within the rear gardens of nos. 18 and 20 and span the shared boundary between the two properties. Together they measure approximately 16.3m in total width, 5m in depth, and have a flat roof height of 3m. Originally, they were constructed for recreational use with ancillary storage.
- 3.3 The proposal seeks to convert each outbuilding into a separate annexe comprising an open-plan living/bedroom space alongside an independent shower room.
- 3.4 The outbuildings are intended to accommodate elderly family members of the principal occupiers and would remain ancillary to the residential use of the host dwellings.

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to the National Planning Policy Framework (2024), Policies D1, D3, D4, D6, T4 and T6.1 of the London Plan (2021), and Policies DMH 6, DMHD 2, DMHB 11, DMT1, DMT2 and DMT6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

4.2 The following paragraphs will provide a brief summary of the relevant policies.

National Planning Policy Framework (NPPF)

4.3 The NPPF set out the Government's planning policies for England and how these are expected to be applied.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

Decision-making

4.5 Paragraph 39 states that local planning authorities should approach decisions on proposed development in a positive and creative way.

Achieving well-designed places

4.6 Section 12 of the NPPF refers to design, with paragraph 131 describing how the Government attaches great importance to the design of the built environment, stating that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

4.7 Paragraph 135 states that planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The London Plan 2021

- 4.8 The council embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level taking full account of the borough's character. Policies D1, D3, D4, D6, T4 and T6.1 were referred to within the given reasons for refusal.

Policy D1: London's form, character and capacity for growth

- 4.9 Understanding the existing character and context of individual areas is essential in determining how different places may best develop in the future.

Policy D3: Optimising site capacity through the design-led approach

- 4.10 All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.

Policy D4: Delivering good design

- 4.11 For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in Policy D6 Housing quality and standards. The higher the density of a development the greater this scrutiny should be of the proposed built form, massing, site layout, external spaces, internal design and ongoing management.

Policy D6: Housing quality and standards

- 4.12 Housing development should be of high quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

Policy T4: Assessing and mitigating transport impacts

- 4.13 The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated. Development proposals should not increase road danger.

Policy T6.1: Residential parking

- 4.14 New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.

Hillingdon Local Plan: Part Two - Development Management Policies (2020)

- 4.15 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. Policies DMH 6, DMHD 2, DMHB 11, DMT1, DMT2 and DMT6 were referred to within the decision.

Policy DMH 6: Garden and Backland Development

- 4.16 There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:
- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
 - ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
 - iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
 - iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

Policy DMHD 2: Outbuildings

- 4.17 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.

Policy DMHB 11: Design of New Development

- 4.18 All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including amongst other criteria harmonising with local context; and, ensuring the use of high quality building materials and finishes.

Policy DMT1: Managing Transport Impacts

4.19 Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
- ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;
- iii) provide equal access for all people, including inclusive access for disabled people;
- iv) adequately address delivery, servicing and drop-off requirements; and
- v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

Policy DMT2: Highway impacts

4.20 Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT6: Vehicle Parking

4.21 Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

5.0 GROUNDS OF APPEAL

5.1 The appellant's case will address the concerns raised within the reason for refusal, notably:

- a. Whether the proposal is tantamount to the creation of separate self-contained residential units in a position where such dwellings would be unacceptable; and,
- b. Whether the proposal would harm the area's character and appearance and the amenity of neighbouring residents; and
- c. Whether the proposed use would result in potential displacement of vehicles within the public highway, restricting the safe movement of vehicles and undermining highway safety and amenity

5.2 The following planning considerations are deemed relevant in the determination of this appeal:

- Background
- Principle of development
- Impact on the character and appearance of the area
- Impact on neighbouring amenity
- Relevant planning history

Background

5.3 Nos. 18 and 20 Wilmar Close comprise a pair of semi-detached houses located at the end of a quiet residential cul-de-sac in Hayes. The two properties are owned by the applicant and his brother, who intend to occupy the dwellings with their respective families once the current tenancies end. This intention is confirmed through statutory declarations. The occupation of both houses by the two brothers and their families forms the basis of a single, interdependent household arrangement.

5.4 To the rear of the properties lie two single storey outbuildings of identical scale and form, constructed lawfully under Certificate of Lawful Development ref. 67410/APP/2024/2641. These structures remain unused and their built form is not in dispute. The present application seeks permission for their use as ancillary accommodation for the applicants' elderly parents, who have documented mobility and health needs that make ground floor living essential. Medical evidence confirms that close proximity to family support is required for their ongoing care, safety and wellbeing.

- 5.5 The proposed occupation pattern is supported by statutory declarations: each parent would occupy one of the outbuildings, while the two brothers and their families would reside in the host dwellings. The annexes would share access, garden space and utilities with the main houses, and no subdivision of land or services is proposed. Each outbuilding measures approximately 32.5 sqm - significantly below the Nationally Described Space Standard for a self-contained studio - reinforcing that they are not capable of functioning as independent dwellings.
- 5.6 The previous application for “*granny annexes*” was refused and subsequently dismissed on appeal. The Inspector’s decision was clear that the dismissal arose solely because the outbuildings then contained kitchenettes and dining facilities, which were considered to enable “*day to day private living*” and therefore created the potential for independent occupation. No concerns were raised regarding the physical form of the buildings, their siting, their relationship with neighbouring properties, or any impact on character or amenity.
- 5.7 In direct response to the Inspector’s findings, the revised proposal removes the kitchenettes and dining tables entirely. The outbuildings now contain only a bed/living area and a shower room—facilities that support dependent occupation but do not enable self-contained living. The revised scheme therefore addresses the only issue that led to the previous dismissal.
- 5.8 The Council’s original officer report on the earlier application concluded that the use was ancillary, policy compliant and capable of being controlled by condition. No harm was identified in respect of character, amenity or highways. The revised proposal strengthens that position further by removing the facilities that previously concerned the Inspector.
- 5.9 Relevant application and appeal decisions within Hillingdon confirm that outbuildings can remain ancillary even where primary facilities are present, provided dependency and functional integration are demonstrated.
- 5.10 The present proposal is materially stronger than those cases identified in the later sections of this appeal statement, as the facilities most associated with independent occupation have been removed entirely.
- 5.11 The revised scheme therefore represents a proportionate, policy aligned response to genuine family care needs, using existing lawful structures in a manner that is clearly ancillary to the host dwellings.

Principle of the development

- 5.12 The application seeks planning permission for the use of two existing, lawfully erected outbuildings at Nos. 18 and 20 Wilmar Close as ancillary accommodation for the applicants' elderly parents. Each outbuilding measures approximately 32.5 sqm and sits within the rear gardens of the host dwellings. The proposal does not involve the creation of new dwellinghouses; it provides modest, ground floor accommodation that remains functionally and physically dependent on the main properties.
- 5.13 National policy establishes a clear expectation that housing should meet the needs of different groups in the community, including older people and those requiring support. Paragraphs 61, 63 and 96 of the NPPF emphasise the importance of enabling residents to remain within their families and neighbourhoods, fostering healthy and inclusive communities, and providing adaptable living arrangements that respond to changing needs.
- 5.14 The London Plan reinforces this direction through Policies GG1 and D7, which promote inclusive communities and adaptable homes that allow older and disabled residents to remain in familiar surroundings as their needs evolve. The proposed ancillary accommodation directly aligns with these objectives.
- 5.15 The outbuildings remain fully integrated with the host dwellings. They share access, garden space and utilities, and there is no subdivision of land, no separate postal address and no independent services. The intended occupation pattern is documented through statutory declarations: the two brothers will occupy the main houses with their families, while their elderly parents - who have documented mobility and health needs - will occupy the outbuildings. This arrangement forms a single, interdependent household in which the occupants rely on the main dwellings for daily support, meals and domestic activity.
- 5.16 The revised proposal responds directly to the Inspector's findings in the previous appeal. The earlier scheme was dismissed solely because the outbuildings then contained kitchenettes and dining facilities, which were considered to enable "*day to day private living*" and therefore created the potential for independent occupation. No concerns were raised regarding the physical form of the buildings, their siting, their relationship with neighbouring properties, or any impact on character or amenity. In direct response, the kitchenettes and dining tables have been removed entirely. The outbuildings now contain only a bed/living area and a shower room—facilities that support dependent occupation but do not enable self-contained living. Without cooking facilities, the buildings cannot function as independent dwellings. Their modest 32.5 sqm floor area, significantly below the Nationally Described Space Standard for a self-contained studio, reinforces this.
- 5.17 Policy DMHD 2 states that outbuildings should not contain primary living accommodation "*such as a bedroom, bathroom or kitchen*", but the supporting text

makes clear that such facilities are problematic only where they enable separate and self-contained use. This is how the policy is consistently interpreted in Hillingdon appeal decisions, where Inspectors have allowed annexes containing bedrooms and bathrooms - and in some cases kitchenettes - where the use remained demonstrably ancillary. The Local Plan Annex guidance similarly states that annexes “*should not be capable of being used as a fully self-contained unit*”. This is the decisive test. The guidance does not prohibit detached annexes, nor does it require internal access where the accommodation is clearly dependent and incapable of independent occupation. Numerous appeal decisions across the borough confirm this flexible, context led interpretation.

- 5.18 The Council’s assertion that the proposal would be “*tantamount to the creation of separate self-contained residential units*” is factually incorrect. The Housing Act 2004, which provides the statutory framework for assessing residential units, identifies that a self-contained dwelling must include facilities for sleeping, personal hygiene and the preparation and cooking of food. The outbuildings contain no kitchen or cooking facilities and therefore cannot support day to day private living. While the Housing Act does not determine planning status, its definition is a widely recognised benchmark for assessing whether a unit is capable of independent occupation. The absence of cooking facilities means the outbuildings are not capable of functioning as self-contained accommodation in any statutory or practical sense. The Council’s conclusion that the proposal would create independent dwellings is therefore unsupported by evidence and misapplies the relevant policy tests under DMHD 2 and the Annex guidance.
- 5.19 The Inspector’s previous decision also raised concerns about enforceability, but those concerns arose solely because the outbuildings then contained kitchenettes. With the removal of those facilities, the basis for that concern no longer exists. Without cooking facilities, the outbuildings cannot function independently, and conditions restricting occupation are now precise, reasonable and fully enforceable. Appeal decisions within Hillingdon confirm that such conditions are routinely accepted and enforceable, even where outbuildings contain more extensive facilities than those proposed here. The present scheme is materially stronger, as the facilities most associated with independent occupation have been removed entirely. The appellant would therefore accept conditions restricting the use to purposes ancillary to the host dwellings and limiting occupation to dependent relatives, with the buildings reverting to incidental use upon cessation of such occupation. These conditions are precise, enforceable and directly address the Inspector’s previous concerns.
- 5.20 In light of the above, the principle of the development is acceptable. The revised proposal addresses the only concern identified in the previous appeal, accords with national, regional and local policy, and secures a modest, proportionate form of

accommodation that remains intrinsically tied to the host dwellings. The Council's conclusion that the proposal would create self-contained units is unsupported by evidence and misapplies the relevant policy framework.

Impact on the character and appearance of the area

- 5.21 Paragraph 131 of the NPPF confirms that good design is a key aspect of sustainable development, while paragraph 135 requires development to be visually attractive, function well and be sympathetic to local character.
- 5.22 Policy DMHB 11 of the Hillingdon Local Plan similarly seeks high quality development that harmonises with local context, taking account of scale, massing, height and materials.
- 5.23 In this case, the previous Inspector did not identify any harm arising from the physical form, siting or appearance of the outbuildings. Their scale, massing and position within the rear gardens were not criticised, and the Inspector accepted that the structures already existed lawfully under LDC ref. 67410/APP/2024/2641. The dismissal of the earlier appeal turned solely on the perceived potential for independent occupation arising from the then proposed kitchenettes; no concerns were raised regarding character, visual impact or the built form itself.
- 5.24 The revised proposal does not alter the external appearance of the outbuildings in any material way. The only physical change is the introduction of obscure glazed windows, which do not increase bulk, height or footprint. The buildings remain single storey, visually subordinate to the host dwellings and entirely screened from the public realm. They do not affect the established building line, roofscape or street character of Wilmar Close. As rear garden structures, they sit discreetly within the plot and are typical of the suburban pattern of development in this part of Hayes, where outbuildings are commonplace and form part of the established residential grain.
- 5.25 The Council's refusal reason asserts that the proposal would harm the area's character and appearance because it would be "*tantamount to the creation of separate self-contained residential units*". This conclusion does not relate to the physical form of the development but to a perceived use. However, the revised scheme removes the kitchenettes and dining facilities that previously concerned the Inspector. Without cooking facilities, the outbuildings cannot support day to day private living and are incapable of functioning as independent dwellings. The intensification concerns that underpinned the earlier refusal therefore no longer arise, and the use of the buildings by two elderly, dependent relatives would be low intensity, domestic in nature and entirely consistent with the operation of an extended household.
- 5.26 The officer's report for the current application acknowledged that the outbuildings remain lawful in their built form and that no external alterations of significance are

proposed. The report did not identify any demonstrable harm to character or appearance arising from the revised scheme. The Council's conclusion that the proposal would harm character is therefore inconsistent with both the Inspector's previous findings and its own officer's assessment. There would be no increase in built form, no subdivision of land and no change to the visual relationship between the dwellings and their gardens. The proposal does not introduce visual clutter, over dominance or any disruption to the established suburban grain.

- 5.27 In these circumstances, the development preserves the character and appearance of the area and accords fully with paragraphs 131 and 135 of the NPPF and Policy DMHB 11 of the Local Plan. The Council's concerns relate solely to a theoretical independence of use that the revised proposal no longer enables, and there is no basis to conclude that the character or appearance of the area would be harmed.

Impact on neighbouring amenity

- 5.28 Paragraph 135(f) of the NPPF requires planning decisions to ensure that developments promote health and well-being and maintain a high standard of amenity for existing and future users. Policy DMHB 11 of the Hillingdon Local Plan similarly requires that development does not result in demonstrable harm to neighbouring occupiers. These policies focus on actual, observable impacts rather than theoretical concerns.
- 5.29 In the previous appeal, the Inspector did not identify any harm to neighbouring amenity arising from the physical form, siting or use of the outbuildings. The only concern related to the presence of kitchenettes, which were considered to enable day to day private living and therefore raised questions about independence and enforceability. No concerns were raised regarding noise, disturbance, privacy, outlook or any other amenity related matter. The Inspector accepted that the buildings already existed lawfully and that their use as ancillary accommodation would not, in itself, give rise to unacceptable impacts.
- 5.30 The Council's own officer reached the same conclusion when assessing the earlier application. The original committee report stated that ancillary use of the outbuildings *"is unlikely to generate significant additional levels of activity, noise or disruption compared to other ancillary domestic uses that the building could accommodate"*. That assessment remains correct. The officer's current report acknowledges that ancillary use would not have a substantially negative impact on adjoining properties, but then asserts that harm would arise if the buildings were used as *"separate independent living accommodation"*. This position is circular: it assumes independent occupation in order to justify amenity harm, even though the revised proposal removes the very facilities that previously created that concern.

- 5.31 The revised scheme contains no kitchen or cooking facilities. Without these, the outbuildings cannot support day to day private living and are incapable of functioning as independent dwellings. The basis on which the Council previously suggested that amenity harm might arise has therefore been removed. The occupation of each outbuilding by a single elderly parent, supported by their adult children in the main houses, is inherently low intensity and domestic in character. There is no evidence to suggest that such use would give rise to excessive noise, comings and goings or any form of disturbance beyond that associated with an ordinary extended household. The officer's report refers to *"frequent and regular use at all hours"*, but provides no evidence to support this assertion, nor any explanation as to why two elderly dependants would generate more activity than the lawful use of the outbuildings as games rooms or stores.
- 5.32 A significant number of neighbour representations were submitted, many of which repeated concerns raised during the previous application and appeal. However, the majority of these comments relate to matters that are either factually incorrect, unrelated to the revised proposal, or based on assumptions about independent occupation that the current scheme no longer enables. Public opposition, however strongly expressed, is not a material planning reason for refusal unless supported by evidence of actual harm. In this case, no such evidence has been provided. The outbuildings already exist lawfully; the revised proposal removes the kitchenettes that previously concerned the Inspector; and the occupation by one elderly parent in each building would not generate the levels of activity, noise or disturbance suggested in the representations. The weight that can reasonably be afforded to the neighbour objections is therefore limited.
- 5.33 The proposal does not involve any external alterations that would affect privacy, outlook or daylight. The buildings remain single storey, modest in scale and positioned within the rear gardens where they are already established. There is no change to access arrangements, hard surfacing or the use of shared outdoor space. The relationship with neighbouring gardens remains exactly as it is today. The officer's suggestion that the proposal would result in *"increased activity, noise and disturbance"* is unsupported by any evidence and contradicts both the Inspector's previous findings and the Council's earlier assessment.
- 5.34 It is also relevant that the proposed use supports the well being of the dependent occupants, enabling safe, ground floor living in close proximity to family support. This aligns with the NPPF's emphasis on inclusive, healthy communities and the need to accommodate older residents within familiar environments. The proposal represents a compassionate and proportionate response to genuine family care needs, not an intensification of residential activity.

- 5.35 In the absence of any evidence of harm, and given the clear dependency relationship and the enforceable conditions offered to control occupation, the Council's refusal on amenity grounds is unsubstantiated. The development maintains a high standard of amenity for neighbouring occupiers and fully accords with the objectives of the NPPF and Policy DMHB 11. There is no material planning basis on which to conclude that the proposal would result in adverse amenity impacts.

Highway Impacts

- 5.36 Paragraph 116 of the NPPF requires development to ensure safe and suitable access for all users and makes clear that development should only be refused on highways grounds where the residual cumulative impacts would be severe. This establishes a high threshold for refusal and requires evidence of actual harm, not theoretical or speculative concerns.
- 5.37 The London Plan reinforces this approach. Policy T4 requires development to assess and mitigate transport impacts in a proportionate and evidence based manner, while Policy T6.1 emphasises that parking standards should reflect the scale and nature of the development and should not be used to resist modest ancillary accommodation that does not generate additional car ownership.
- 5.38 At the local level, Policies DMT1, DMT2 and DMT6 of the Hillingdon Local Plan require development to maintain safe and efficient movement within the highway network and ensure that proposals do not result in unacceptable traffic generation or parking stress.
- 5.39 Highway safety and parking impacts were not raised as a reason for refusal in the previous appeal, and the Inspector did not identify any concerns relating to traffic generation, parking demand or access arrangements. The outbuildings already exist lawfully, and their use as ancillary accommodation does not alter the established access pattern to the site or the parking provision available to the host dwellings. Nothing in the revised proposal introduces any change that could materially affect the operation of the local highway network.
- 5.40 The Highway Authority has reviewed the current application and confirmed that the development would not result in increased congestion, parking stress or highway safety issues. The consultation response is clear that the proposal would not generate harmful impacts and that the only requirement would be a condition ensuring the use remains ancillary. This professional highways assessment directly contradicts the Council's refusal reason and demonstrates that there is no technical basis for alleging harm to the highway network. It is also relevant that the intended occupiers are elderly dependants who do not drive and would not generate any vehicle ownership or parking demand. While personal circumstances are not determinative, they reinforce

the fact that the proposal does not introduce any additional pressure on the local highway network.

- 5.41 The officer's report acknowledges the Highway Authority's position but then departs from it on the basis that a condition restricting ancillary use would not be enforceable. This reasoning is circular. It assumes that the outbuildings would operate as independent dwellings, and then uses that assumption to generate hypothetical parking demand. However, the revised proposal removes the kitchenettes that previously concerned the Inspector, and without cooking facilities the outbuildings cannot function as self-contained units. The Council's refusal reason therefore rests on a scenario that the proposal no longer enables. It is not credible to assert that two elderly dependants, occupying modest ancillary accommodation and reliant on the main dwellings for meals and daily support, would generate additional car ownership or parking demand beyond that associated with the existing households.
- 5.42 The officer's report also suggests that the development could lead to "*potential displacement of vehicles within the public highway*", but provides no evidence to support this claim. The host dwellings already benefit from off street parking, and the proposal does not increase the number of households, the number of drivers or the number of vehicles associated with the site. The occupation of the annexes by elderly parents is unlikely to introduce any additional vehicles at all. The suggestion that the proposal would undermine highway safety is therefore speculative and unsupported by any technical assessment.
- 5.43 It is also relevant that the lawful fallback position allows the outbuildings to be used as games rooms or other incidental domestic spaces without any restriction on the frequency of use or the number of occupants. Such uses could generate equal or greater levels of activity without requiring planning permission. The Council has not explained why the lawful use would not give rise to parking or access concerns, yet the proposed ancillary use - serving the same household - would do so. This inconsistency further undermines the refusal reason.
- 5.44 In these circumstances, the Council's position on highways and parking is not supported by evidence, contradicts the Highway Authority's professional assessment, and was not a concern identified by the previous Inspector. The proposal does not increase the number of dwellings, does not intensify vehicle ownership, and does not alter access or parking arrangements. There is no material planning basis on which to conclude that the development would harm highway safety or result in unacceptable parking impacts.

Relevant Appeal/Application History

- 5.45 A substantial body of recent decisions involving Hillingdon Council demonstrates a consistent and well established approach to ancillary accommodation. In each case, Inspectors — and in some instances the Council itself — have accepted that annexes containing primary living facilities can remain ancillary to a host dwelling where the evidence shows dependency, functional integration and enforceable control. These decisions are directly relevant to the present appeal because the outbuildings at Wilmar Close contain fewer facilities than many of the approved schemes and, unlike several of the examples below, do not include any kitchen or cooking provision.
- 5.46 At **No. 40 Greenacres Avenue, Ickenham**, the Council refused an annexe containing a bedroom, shower room, kitchen/dining/living room and independent access (ref. 66743/APP/2025/1777). The subsequent appeal (ref. 6001088) was allowed on 19 January 2026 (Details attached in **Appendix A**). The Inspector concluded that, despite the presence of full living facilities and the potential for separate access, the annexe would operate as part of a single household due to its functional relationship with the main dwelling. Although the Inspector identified technical conflict with DMHD2, they found that the scheme did not undermine the policy's objectives because the use was demonstrably ancillary.
- 5.47 At **No. 47 Daleham Drive, Uxbridge**, the Council refused an annexe containing primary living accommodation (ref. 64868/APP/2024/2763). The delegated report acknowledged that recent appeal decisions confirmed that ancillary use could be controlled by condition. The subsequent appeal (APP/R5510/D/24/3357442) was allowed on 27 May 2025 (Details attached in **Appendix B**), with the Inspector confirming that no harm to living conditions would arise and that the annexe could be appropriately controlled.
- 5.48 At **No. 17 Lawson Gardens, Pinner**, the Council itself approved an annexe containing a sofa bed and a separate shower room (ref. 41959/APP/2025/1428). The delegated report confirmed that the absence of cooking facilities meant the outbuilding could not operate as a self-contained flat and that conditions could secure ancillary use, prevent future installation of kitchen facilities, and ensure shared utilities and access (Details attached in **Appendix C**). This is directly analogous to the present appeal.
- 5.49 At **No. 50 St Martins Approach, Ruislip**, the Council refused an annexe containing a bedroom, shower room, lounge and kitchenette (ref. 26449/APP/2021/4517). The appeal was allowed on 9 August 2022 (Details attached in **Appendix D**). The Inspector accepted that, despite the presence of a kitchenette, the building would be used for purposes ancillary to the host dwelling and that a condition could secure this.

- 5.50 At **No. 24 Wood Lane, Ruislip**, the Council refused an annexe containing a full living/dining/kitchen area, bedroom and shower room (ref. 24891/APP/2021/4264). The appeal was allowed on 3 May 2022 (Details attached in **Appendix E**). The Inspector accepted that, although the building was capable of independent occupation, its siting, relationship with the host dwelling and shared garden meant it could only practicably be occupied in association with the main house.
- 5.51 At **No. 37 Frays Waye, Uxbridge**, the Council refused an outbuilding containing a home office, sofa bed and shower room (ref. 75562/APP/2021/202). The appeal was allowed on 18 August 2021 (Details attached in **Appendix F**), with the Inspector confirming that the degree of interaction between the outbuilding and the host dwelling reinforced its ancillary nature.
- 5.52 At **No. 16 Richards Close, Hayes**, the Council refused an annexe containing two bedrooms, a living room, kitchen and toilet (ref. 10200/APP/2019/4130). The appeal was allowed on 23 December 2020 (Details attached in **Appendix G**). The Inspector accepted that the proposal was for a granny annexe, not an independent dwelling, and confirmed that a condition could prevent future independent occupation.
- 5.53 Taken together, these decisions demonstrate a clear and consistent pattern: Hillingdon Council and the Planning Inspectorate routinely accept annexes with bedrooms, bathrooms, kitchenettes and separate access as ancillary accommodation where the functional relationship with the host dwelling is evident and enforceable. In several cases, the annexes contained more extensive facilities than those proposed at Wilmar Close. In others, the buildings were physically detached, had independent access, or were capable of independent occupation — yet were still found to be ancillary in planning terms.
- 5.54 The Wilmar Close proposal is materially stronger than many of these examples. The kitchenettes have been removed; the outbuildings contain no cooking facilities; the intended occupiers are dependent elderly parents; and the appellants have provided statutory declarations, medical documentation and clear condition wording to secure ancillary use. The Council's refusal is therefore inconsistent with its own decisions and with the approach consistently taken by Inspectors across the borough.

6.0 CONCLUSIONS

- 6.1 The Council has fundamentally mischaracterised the nature of the proposal, treating modest ancillary accommodation for two dependent elderly parents as if it were the creation of separate, self-contained dwellings. This has led to the misapplication of policies intended for new residential units rather than for domestic, family-based arrangements that remain functionally and physically tied to the host dwellings. The revised proposal removes the kitchenettes that previously concerned the Inspector,

and without cooking facilities the outbuildings cannot support day-to-day private living or operate independently of the main houses.

- 6.2 Concerns regarding noise, disturbance or intensified activity are speculative and unsupported by evidence. The occupation of each outbuilding by a single elderly parent is inherently low-intensity and domestic in character, and there is no credible basis to conclude that such use would give rise to harmful levels of noise or activity. The Council's own officer previously accepted that ancillary use would not generate significant additional activity, and the Inspector raised no amenity concerns in the earlier appeal. The suggestion that the revised scheme would harm neighbouring amenity rests entirely on the hypothetical scenario of independent occupation, which the proposal no longer enables.
- 6.3 The appellant has consistently confirmed that the outbuildings will be occupied only in direct connection with the main dwellings at Nos. 18 and 20 Wilmar Close, and solely by his parents, who have documented health and mobility needs (Details attached in **Appendix H**). Statutory declarations and supporting evidence have been provided, and the appellant is willing to accept clear, enforceable conditions restricting occupation to ancillary use and preventing the installation of kitchen facilities. Such conditions are routinely imposed in Hillingdon and have been upheld in numerous recent appeal decisions, including those at 40 Greenacres Avenue, 47 Daleham Drive, 50 St Martins Approach, 24 Wood Lane, 37 Frays Waye and 16 Richards Close (Details attached in **Appendices A–G**). These decisions confirm that annexes with bedrooms, bathrooms, kitchenettes and separate access can remain ancillary where the functional relationship with the host dwelling is clear. The present proposal is materially stronger than many of these examples.
- 6.4 The Council's new reason for refusal relating to highways and parking is similarly unsupported. The Highway Authority has confirmed that the proposal would not result in increased congestion, parking stress or highway safety issues. The development does not increase the number of households, drivers or vehicles associated with the site, and the intended occupiers do not drive. The Council's position relies on the same incorrect assumption of independent occupation and is inconsistent with both the technical evidence and the Inspector's previous findings.
- 6.5 Taken together, the appellant has demonstrated that the proposed use is ancillary, proportionate and fully compliant with the development plan when read as a whole. The proposal delivers clear social benefits by enabling supported living arrangements for elderly family members, consistent with the NPPF's emphasis on inclusive, healthy and adaptable communities. No demonstrable harm has been identified, and the concerns raised by the Council are either hypothetical or based on a misinterpretation of the proposal.

- 6.6 In light of the above, and in the absence of any evidence of adverse impact, we respectfully request that this appeal be allowed, subject to any reasonable and necessary planning conditions that may be deemed appropriate to safeguard the ancillary nature of the accommodation.