

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No. **Report of the Head of Development Management and Building Control**

Address: 18-20 WILMAR CLOSE HAYES

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

LBH Ref Nos: **67410/APP/2026/387**

Drawing Nos: 26_113_01
 S-2
 S-1
 Planning Statement dated 10th February 2026

Date Plans received: 02-03-26 **Date(s) of Amendments(s):**

Date Application valid 02-03-26

1. SUMMARY

Planning permission is sought to use the existing outbuildings within the residential curtilage of nos.18-20 Wilmar Close to a use as ancillary accommodation to the main dwellings. The application follows a previously refused, similar application (67410/APP/2024/2641) that was dismissed at appeal (APP/R5510/W/25/3371435) the defining difference being that the previously proposed kitchenettes have been removed from both annexes in the proposed plans. The amendments are considered to not fundamentally address the previous reason for refusal and the potential for the outbuildings to be used as self-contained living accommodation. 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).

The proposed residential use of the outbuildings would also 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.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

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. NON2 Non Standard reason for refusal

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.

INFORMATIVES

1. I52 Compulsory Informative (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).

I53 Compulsory Informative (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.

DMH 1	Safeguarding Existing Housing
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts

DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D14	(2021) Noise
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T4	(2021) Assessing and mitigating transport impacts

3. CONSIDERATIONS

3.1 Site and Locality

Nos.18 and 20 are a semi-detached pair of two storey houses located at the end of Wilmar Close, a residential cul-de-sac in Hayes. The properties benefit from off-street parking to the front and relatively large rear gardens. There is currently no boundary treatment between the two houses. An attached pair of single storey outbuildings has been constructed to the rear of the properties. The outbuildings are constructed from red brick materials and feature a flat roof. The outbuildings are currently unused.

The site adjoins Nos.16 and 19 Wilmar Close to the south west and north respectively; as well as No.6 Pillions Lane to the south; and Nos.53 to 61 Hayes End Road to the east.

The application site is not within a conservation area or area of special local character. The site is located within Flood Zone 1 and is at a low risk of flooding.

3.2 Proposed Scheme

Planning permission is sought to use the existing outbuildings within the residential curtilage of nos.18-20 Wilmar Close as ancillary accommodation to the main dwellings.

The application is materially similar to an application which was refused in 2025 and dismissed at appeal (67410/APP/2024/2641) also relating to the proposed use of the outbuildings as ancillary accommodation to the main dwellings. The present proposals seek to remove the kitchenettes in both annexes previously shown on the plans.

3.3 Relevant Planning History

67410/APP/2025/878	18 & 20 WILMAR CLOSE HAYES
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Erection of part single part two storey rear extension to No. 18 Wilmar Close, and a first floor rear extension to 20 Wilmar Close.

Decision: 20-05-2025 Refusal

67410/APP/2024/2641 18 & 20 WILMAR CLOSE HAYES

Change of use of 2no. outbuildings to granny annexes

Decision: 18-07-2025 Refusal **Appeal:** 22-12-25 Dismissed

67410/APP/2024/208 18 and 20 WILMAR CLOSE HAYES

Erection of a two storey rear extension with the insertion of 2no. side facing windows. Demolition of existing garages and erection of an outbuilding.

Decision: 21-03-2024 Refusal **Appeal:** 29-10-24 Dismissed

78150/APP/2023/2276 18 and 20 WILMAR CLOSE HAYES

Erection of a two storey rear extension and 1 rear roof light at each property. Erection of outbuildings following demolition of garages (AMENDED DESCRIPTION).

Decision: 01-12-2023 Refusal

67410/APP/2023/1632 18 and 20 WILMAR CLOSE HAYES

Conversion of roof space to habitable use to include hip to gable extensions, rear dormers, gable end windows, front rooflights and removal of chimneys and erection of outbuildings for both no.s 18 and 20 Wilmar Close (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 27-07-2023 Approval

1777/APP/2019/168 18 WILMAR CLOSE HAYES

Hip to gable roof extension, rear dormer window and single storey rear extension and proposed use as a six person House in Multiple Occupation (HMO) (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 14-03-2019 Approval

1777/APP/2018/1151 18 WILMAR CLOSE HAYES

Single storey rear extension and conversion of roof space to habitable use to include a rear dormer, 2 front rooflights and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 31-05-2018 Approval

Comment on Planning History

A lawful development certificate was granted in July 2023 for the conversion of the roof space to a habitable use to include hip to gable extensions, rear dormers, gable end windows, front rooflights and removal of chimneys and erection of outbuildings for both 18 and 20 Wilmar Close (67410/APP/2023/1632). The plans accompanying this application included two detached outbuildings located to the rear of Nos.18 and

20 Wilmar Close. The space inside both outbuildings is described as a 'games room', a use that would be classed as ancillary to the main dwelling.

As noted above planning permission was refused in July 2025 to change the use of the 2no. outbuildings to granny annexes. An appeal against refusal was dismissed in December 2025 (APP/R5510/W/25/3371435). The appeal and comments from the inspector are highly relevant to the planning application under consideration and are considered further in the relevant sections of the report below.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

PUBLIC COMMENTS

A petition has been received in objection to the development on the following grounds:

- Development has already been refused on the site and dismissed at appeal.
- The proposal represents an attempt to introduce separate residential units in a backland location.
- Proposed use would not be ancillary to the main dwelling.
- Whilst the dining table and word 'kitchenette' has been removed from the plans the building would still be capable of supporting independent use.
- The proposals would be an intensification of the residential uses on the site and would harm the character of a quiet residential cul-de-sac.
- The proposal would place additional pressure on parking within Wilmar Close.
- Concerns regarding loss of residential amenity.
- Concerns that the proposal is not genuinely ancillary.
- Request for the Council to take into account planning history.
- Extension and loft planning permission have already been granted, which is sufficient space without having to overdevelop the garden space.
- Neither 18 or 20 are owner occupied, instead multiple adults and children rent and occupy the property on a room by room basis.
- There is no clear or credible evidence to support the claim that the outbuildings will be occupied by the applicant's elderly parents.
- The development would have an adverse impact on the street scene and character of the area.
- Concern that the two outbuildings may be merged to create a larger residential dwelling.

A total of 7 individual letters of objection have also been received in relation to the development, which raise the following as matters of concern:

- Development has already been refused on the site and dismissed at appeal.
- The property is currently in use as an HMO.
- The existing use is creating issues including noise, disturbance, parking issues and mismanagement of waste.
- The proposed development would have a negative impact on the amenity of adjoining properties as a result of increased noise, disturbance, overlooking and loss of privacy.
- Damage has previously been caused to adjoining properties during the course of works.

- Concern that the outbuildings are capable of use for purposes not ancillary to the main dwellings.
- Concern regarding the scale of development proposed.
- The development would have an adverse impact on parking, traffic and access.
- The Section 21 notice to terminate tenancies has not been implemented.

STATUTORY CONSULTEES

Highways

A Planning Statement has been submitted in support of the proposal.

The Statement confirms that, in response to previous concerns raised by both the Council and the Inspector, the scheme has been amended. All kitchenettes and dining facilities have now been removed to ensure that any future occupiers of the outbuildings remain wholly reliant on the main properties. The proposal therefore seeks consent for ancillary accommodation only, rather than independent or self contained "granny annexes".

The Highway Authority (HA) has reviewed the submitted material and is satisfied that the development would not result in increased congestion, parking stress, or highway safety issues. However, to ensure the use remains ancillary to the host dwellings and does not function as separate residential units, a condition securing ancillary use is required.

Officer response:

For the reasons outlined in the report below, it is considered that a condition cannot reasonably be applied to ensure that the annexes must be used for purposes ancillary to the host dwellings. On this basis concerns remain regarding the potential impact of the siting of the units in regard to parking provision and highway amenity

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.H1	(2012) Housing Growth

Part 2 Policies:

DMH 1	Safeguarding Existing Housing
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMT 2	Highways Impacts

DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D14	(2021) Noise
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T4	(2021) Assessing and mitigating transport impacts

In addition: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for the London Borough of Hillingdon currently consists of the following:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The London Plan (2021)
The West London Waste Plan (2015)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance. The proposed development has been assessed against development plan policies and all relevant material considerations.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy D3 of the London Plan (2021) states that developments deliver appropriate outlook, privacy, and amenity and achieve indoor and outdoor environments that are comfortable and inviting for people to use.

Policy D6 of the London Plan (2021) states that housing development should have a high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Qualitative aspects of development are key to ensuring successful, sustainable housing. Table 3.2 of The London Plan details key qualitative elements which should be addressed in the design of housing developments.

Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space to provide an appropriate living environment.

Policy DMHD 1 of Hillingdon Council's Local Plan Part Two Development Management Policies (2020) states that planning applications relating to dwelling alterations and extensions will be required to ensure that a satisfactory relationship with adjacent dwellings is achieved and there is no unacceptable loss of outlook to neighbouring occupiers. Policy DMHB 2 seeks to ensure that development proposals do not adversely impact the amenity, daylight, and sunlight of adjacent properties and open space.

As noted in the officers report relating to the previous planning application, the outbuildings can be independently accessed to the side of the property which if used for residential purposes would result in increased activity along either side of the property, where the annexes would be accessed. Compared with the certified lawful use, the proposed use as an annex or separate self-contained living space would result in frequent and regular use at all hours. This includes use of the building and spaces surrounding the building.

The siting of two separate dwellings to the rear of Nos.18 and 20 would have an unacceptable impact on the amenity of adjoining properties by reason of increased activity, noise and disturbance given the siting of the outbuilding which adjoins the private gardens of several properties. Access to the outbuildings immediately adjoins the side elevation of Nos.16 and 19 Wilmar Close and any use of the outbuildings as separate living accommodation would have a particularly negative impact on the amenity of the occupiers of these properties. There would also be a notably negative impact on the amenity of the occupiers of No.6 Pillions Close which adjoins the outbuilding and includes habitable windows, serving living spaces which face the site.

Within the recently dismissed appeal on the application site, the inspector similarly supported the view that the development would have an unacceptable effect on the character of the locality and on the living conditions of neighbouring occupiers. The amendments are considered to not overcome the previously identified harm to the amenity of adjoining occupiers, particularly as detailed below it is considered that a condition cannot be applied to restrict that the uses remain ancillary to the main dwellings.

On this basis the development would be contrary to Policy DMHB 11 of the Local Plan which seeks to ensure that development proposals do not adversely impact on the amenity of adjacent properties.

7.2 Impact on Street Scene

See Urban Design section of this report below.

7.3 Traffic Impact/Pedestrian Safety

Assessed below in relation to parking provision.

7.4 Carparking & Layout

Hardstanding exists to the front of Nos.18 and 20 Wilmar Close providing off-street parking. Parking is not clearly laid out and access appears to overlap with the boundary of the adjoining properties, however there would be at least one parking space per existing dwelling. The provision of additional ancillary annex space would be treated as an extension to the existing living accommodation and as such would not require additional parking. No alterations are proposed to the parking or access to the front of the dwellings.

As set out within this report, the scheme would allow for completely independent living accommodation without the requirement to use the amenities within the main dwelling. This would be contrary to DMHD 2 and warrants a wider assessment in terms of the impact upon neighbour amenity and local highway network as each unit should be provided with off street parking. In the

absence of parking provision on site or information to demonstrate that there is capacity on street. In the absence of such an assessment the development would 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.

7.5 Urban Design, Access and Security Considerations

The two outbuildings have already been constructed and no physical works to the outbuildings are proposed or required. There would however be harm to the character, appearance and visual amenities of the area arising from the distinct difference between the lawful, incidental use of the outbuildings and the proposed residential use of the outbuildings. The introduction of residential use to the outbuildings located to the rear of the two properties is fundamentally at odds with the defined character of the area, which consists primarily of semi-detached dwellings with relatively large rear garden plots, often with incidental outbuildings of varying scale. The introduction of back land residential uses would read in this context as a visually incongruous form of development that would fail to relate appropriately to the character and appearance of the area. These matters are addressed further in the context of Policy DMHD 2 of the Local Plan, however it is considered that the development would conflict with 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).

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT

Policy DMHD 2 of the Local Plan states that 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.

Paragraph A1.17 with Appendix A of the Local Plan Part 2 - Development Management Policies (Development Management Policies) sets out specific guidance relevant to the provision of residential annexes. It is stated 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."

As noted above the outbuildings have already been constructed on site and use of the outbuildings for purposes that are incidental to the main dwelling (games room) has been certified as lawful under an application to obtain a lawful development certificate application (67410/APP/2024/2641). Given that the buildings have already been constructed, and the structures are lawful, this application only considers whether the intended use is acceptable given that no external alterations are proposed.

The subtext to Policy DMHD 2 sets out that an outbuilding which is considered to be 'incidental' does not require the provision of facilities such as a bathroom, bedroom or kitchen. These facilities are considered to be primary living accommodation located within the main house.

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

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

As a general guide, an outbuilding should be no greater than 30 square metres and should not significantly reduce private amenity space or the landscape.

The proposed outbuildings each measure 20sqm in terms of internal floor area and would function as two separate annexes to the main houses (18 and 20 Wilmar Close). The proposed plans indicate that each of the annexes would contain a lounge, bedroom and WC/Shower. The core difference compared with the proposals refused under planning application 67410/APP/2024/2641 is that the current proposed outbuildings do not contain a kitchenette or cooking facilities.

The internal living space is small, compared with the guideline minimum space standards for a studio flat (37sqm) allowed for within the Governments Nationally Described Space Standards. The removal of the kitchens would suggest that future occupiers would be dependent upon the main dwelling for cooking facilities, however either a kitchen or other cooking facilities could be installed at a later time. A condition to control the scope of cooking equipment that could be installed in the dwelling cannot reasonably be enforced. Furthermore the outbuildings contain all other facilities necessary for independent living and are detached from the main dwellings. On this basis, there is a policy conflict regarding the intended use of the outbuildings and their internal layout, where assessed against Policy DMHD 2 and Paragraph A1.17 of the Local Plan Part 2.

The primary aim of parts iii and iv of Policy DMHD 2 is to prevent the use of outbuildings as independent living accommodation in unsuitable locations, where such uses may impact negatively on the character of the area, residential amenity or present other negative implications such as increasing parking pressure or affecting access. Given the siting of the outbuildings to the rear of the main houses, use of the outbuildings as separate dwellings would not be acceptable as the size of the internal living spaces would be inadequate for use as an independent unit separate to the main dwelling and would not be provided with separate external amenity spaces.

Furthermore as noted in the above section of the report, the siting of two separate dwellings to the rear of Nos.18 and 20 would have an unacceptable impact on the amenity of adjoining properties by reason of increased activity, noise and disturbance given the siting of the outbuilding which adjoins the private gardens of several properties. Access to the outbuildings immediately adjoins the side elevation of Nos.16 and 19 Wilmar Close and any use of the outbuildings as separate living accommodation would have a particularly negative impact on the amenity of the occupiers of these properties. There would also be a notably negative impact on the amenity of the occupiers of No.6 Pillions Close which adjoins the outbuilding and includes habitable windows, serving living spaces which face the site.

Paragraph 56 of the NPPF 2024 makes clear that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions or planning obligations. Given that the application is not submitted on the basis that outbuildings would be occupied as separate living accommodation and would instead be linked to the use of the main dwellings at Nos.18 and 20, due regard must be given as to whether an appropriately worded planning condition could be applied to ensure that use of the outbuildings remains ancillary to the residential use of Nos.18-20 Wilmar Close.

Given the nature of the facilities provided within both living spaces proposed at 18-20 Wilmar Close, alongside the independent nature of the access to the annexes controlling that occupation is limited to a use ancillary to the respective properties would fail the test of enforceability applied to planning conditions as set out in Paragraph 57 of the NPPF. Whilst use of the outbuildings for ancillary purposes would not have a substantially negative impact on the amenity of adjoining properties, their use as separate independent living accommodation would have a clearly negative impact. In the absence of the ability to impose such a condition the amenity of adjoining properties cannot be adequately safeguarded. As such the proposals would be contrary to 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).

The submitted Planning Statement outlines that the two brothers (the applicants) will occupy the main houses with their families, while their parents (who have documented mobility and health needs) will occupy the annexes. It is stated that this arrangement is supported by statutory declarations and medical evidence which can be provided on request.

The two dwellings are not currently occupied by the applicant or his brother and are currently let to tenants. During the course of the process relating to the previous planning application on the site, the applicant provided statutory declarations which stated that the applicant and his brother would be occupying the properties and that the accommodation would be used for their parents. A Section 21 Notice was provided indicating that notice had been served on the tenants letting the property it was indicated that the applicant and his brother would be occupying the property from June 2025. At the time of the planning committee held on Thursday 17th July 2025 when members resolved to refuse the planning application, the present tenants were still living in the property. Reliance on the assertion that the properties would be occupied by the applicant and family members is therefore unsound. On this basis it cannot reasonably be assumed that the applicant would occupy the property. It is understood that the applicant is still not occupying the property, which substantially weakens both the case that the annexes are needed, or would be used by the applicant and family members.

The applicants Planning Statement suggests the use of a condition to restrict use of each annexe to 'purposes ancillary' to the houses and to state that they must not be used as self-contained residential units. In this regard, officers would note the comments of the previous appeal inspector which were as follows:

"To overcome that concern, it is suggested that a condition could be imposed to restrict use of each annexe to 'purposes ancillary' to the houses and to state that they must not be used as self-contained residential units. An additional suggested condition would limit use of the annexes to parents or dependents of the same household that is living at the houses and require them to revert to an incidental use when no longer occupied as such. A further suggested condition would require the kitchen and bathroom facilities to be removed when either of the annexes is no longer required by a dependent.

The Council considers that such conditions could not be enforced, specifically as detecting a

change in the use to use as independent residential units would be difficult given the extent of facilities provided. On the evidence before me, and having regard to the secluded position of the outbuildings, I see no reason to disagree with their conclusion. It would be unduly onerous for the Council to investigate and monitor whether occupiers of the two outbuildings continue to meet an imprecise definition of 'other dependent relatives forming part of the same household', as has been suggested. The group of occupiers which this condition would permit would not be founded on any policy basis or on specific, acknowledged personal circumstances which justify the development in perpetuity.

In regard to removing facilities at a later date, I am not persuaded that this would be reasonable, particularly as there is no convincing justification for the extent of facilities proposed in the first place (I return to the matter of personal circumstances in Other Matters). Those suggested conditions would therefore fail to meet the policy tests for conditions. In the absence of an enforceable mechanism to regulate their use, the annexes would be capable of use as independent residential accommodation due to their location and extent of facilities provided"

Similar conclusions were reached in recent appeals in the borough at 41 Grange Road, Hillingdon APP/R5510/D/23/3319518 and APP/R5510/D/24/3336869 and at Oxford Avenue, Harlington (APP/R5510/W/25/3364331).

The Council maintain the view that the imposition of a condition would be unsound as this would fail the enforceability test as set out in Paragraph 57 of the NPPF. The removal of the kitchen spaces from the proposed floor plans does not alter the Councils previous position as such facilities could be added a later time. In the absence of the ability to appropriately restrict the use of the outbuilding the amenity of adjoining properties cannot be adequately safeguarded. As such the proposals would be contrary to 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).

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