
Appeal Decision

Site visit made on 14 July 2015

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 July 2015

Appeal Ref: APP/R5510/D/15/3028095

15 Ross Close, Hayes UB3 1TS

- 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 Miss Amrit Shinji against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10285/APP/2015/12 was refused by notice dated 25 February 2015.
 - The development proposed is described on the application form as 'convert part of outbuilding into bedroom and bathroom for elderly couple'.
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Decision

1. The appeal is allowed and planning permission is granted for the part conversion of an existing single storey outbuilding to habitable use for use as a granny annex involving alterations to the front elevation, at 15 Ross Close, Hayes UB3 1TS in accordance with the terms of the application Ref 10285/APP/2015/12, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AUG/14/11 Rev DEC/14.
 - 3) The building hereby permitted to be used as a granny annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 15 Ross Close.

Preliminary Matter

2. I have used the description of development given on the appeal form and the Council's decision notice in making this decision, rather than that on the application form, as this more accurately reflects the proposal.

Main Issues

3. The main issues in this appeal are whether the proposal would be tantamount to the creation of a self-contained dwelling and the implications for matters such as the character and appearance of the locality, the privacy of the occupiers of the existing dwelling at 15 Ross Close, amenity space and car parking.

Reasons

4. In the Council's Supplementary Planning Document (SPD), Hillingdon Design and Accessibility Statement (HDAS), Residential Extensions, December 2008, it is indicated that annexes that are capable of being used as (or easily adaptable to) a fully self-contained unit will not be permitted. It is also explained that an annex allows for the extension of the property to provide accommodation for a relative. On this basis the property should not have a separate private entrance of its own and must be connected to the existing property internally.
5. The converted outbuilding would not be connected to the associated dwelling but comprise a freestanding structure within the back garden. The Council claims that the existing outbuilding has a footprint of about 38 sq m, which exceeds the minimum size for a self-contained one person flat set out in the London Plan.
6. However, this calculation appears to include the store, which would not form part of the annex. The submitted drawing shows that the bedroom would only have an area of about 15 sq m, with the only other space comprising a relatively small shower room/WC. The accommodation would therefore be fairly modest in extent and significantly smaller than the Council suggests.
7. A side gate into the rear garden would enable the entrance to the annex to be reached from the street without going through the house at 15 Ross Close, contrary to the SPD. However, this would only be possible through a particularly narrow gap between the house and annex. As a result it seems to me that access to the new accommodation may well be fairly dependent on going through the associated dwelling, especially in relation to the movement of bulky items such as furniture. Even more significantly, the converted building would not have a kitchen, so that all the necessary facilities for independent occupation would not be available.
8. These factors would result in occupiers of the annex having a significant dependency on the existing house at 15 Ross Close and appreciably limit the potential for it being used separately. In consequence, I do not consider that the proposal would be tantamount to the creation of a self-contained dwelling. In any event, it is not the intention to use the annex as a separate dwelling. It would be occupied by the Appellant's parents who would also have their meals in the associated house. The proposal would result in a residential annex and a new planning permission would be needed to create a self-contained dwelling. Furthermore, for the avoidance of doubt, a condition could be imposed restricting the occupation of the building to purposes ancillary to the use of the house.
9. As an annex there would be no need for separate amenity space and the existing rear garden would be sufficient for the occupiers of the host dwelling and annex. On the same basis, there would also be no requirement for dedicated car parking specifically for occupiers of the annex and the existing dwelling has off-road car parking provision at the front. The building already exists and is, in any case, fairly modest in scale so that it would not be overly dominant, with there being no detrimental effect on the spacious character and appearance of the locality. The outbuilding would be occupied by close relatives of the Appellant as an annex, so that despite having windows looking over the garden of the host dwelling there would be no unacceptable loss of privacy.

10. London Borough of Hillingdon Unitary Development Plan (UDP) (Adopted 1998) Saved Policies, 27 September 2007, Policy BE23 concerns the adequate provision or maintenance of amenity space. Policy BE19 is concerned with the amenity and character of the area, while Policies BE21 and BE24 relate to residential amenity and privacy. Due to the above findings there would be no detrimental effects in relation to any of these matters. There is also nothing to show that there would be any conflict with UDP Policy AM14, which seeks compliance with the car parking standards in Annex 1.
11. Given the absence of any demonstrable harm, the conflict with the Council's SPD would not justify rejection of the proposal in this instance. For the above reasons and taking account of all other matters raised, it is therefore determined that the appeal succeeds. In reaching this decision I have considered the views of a local resident.
12. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. In addition to that concerning ancillary use of the building, a condition specifying the approved plans is, therefore, also justified. As the proposal concerns an existing building, a condition regarding materials is not needed.

M Evans

INSPECTOR