



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr R Rajeev

Proposal:

Conversion of garage to habitable use for use as an annex with alterations to elevations
(Application for a Certificate of Lawful Development for a Proposed Development).

Appeal Site:

Copse Cottage, Rickmansworth Road, Northwood

Our Ref:
Your Ref:

70467/APP/2021/1223
APP/R5510/X/21/3283141

1. Introduction

1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant permission for Conversion of garage to habitable use for use as an annexe with alterations to elevations (Application for a Certificate of Lawful Development for a Proposed Development).

1.2 The LPA refused planning permission on 27.05.2021 for the following reasons (as stated on the decision notice):

The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 as the proposal would be tantamount to the creation of a self contained separate dwelling which could not be considered to result in the provision of a building required for a purpose incidental to the enjoyment of the dwellinghouse as such.

1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.

1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

2.1 The appellant has commented that the change of existing ancillary residential outbuilding for primary residential accommodation (sleeping areas) would not constitute a material change of use of the building or land (both uses remaining under class C3 with no new unit of accommodation provided). It is a matter of fact that the annexe would share service arrangements with the existing dwelling, would share access onto the street through and alongside the existing building, would share garden and parking areas with the main property and would look onto the main home to a degree that is only acceptable when occupied by the same family unit as the relationship affords no privacy. Users of the annexe would also be dependant on access to the main property for full kitchen and laundry facilities. These ties to the main property make clear there is no new unit created.

2.2 It is considered the key issue to be considered is whether the proposed use would be incidental to the enjoyment of the main dwelling house and therefore considered to be ancillary and incidental to the enjoyment of the dwelling house as set out in Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. The use of the outbuilding as a self-contained annexe, with living area, bedroom, potential kitchen area and bathroom is not considered to be incidental to the use of the dwellinghouse and would be tantamount to the creation of a separate dwelling, capable of separate occupation and use. The proposed use of the outbuilding would not therefore fall within the conditions of Class E. The applicant has stated in the application form the intended use of the outbuilding will be an annexe incidental to the main dwellinghouse. However, the plans show the presence of a potential kitchen area and it could be assumed cooking facilities would allow the outbuilding to be used as a separate unit independent of the main dwelling.

3. Conclusion

- 3.1 For the reasons set out in the delegated report, the Council considers that proposal would be unacceptable. The Inspector is therefore respectfully requested to dismiss the appeal.

Appendices

Appendix 1 – Planning Officer's Delegated Report