
Appeal Decision

Site visit made on 11 April 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.04.2024

Appeal Ref: APP/R5510/D/24/3336869

41 Grange Road, Hayes, UB3 2RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darshan Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 19772/APP/2023/3232, dated 2 November 2023, was refused by notice dated 20 December 2023.
 - The development proposed is use of the outbuilding at rear of the garden as bedroom ancillary to the main house.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The planning permission¹ granted for the erection of the single storey outbuilding subject of this appeal was implemented, and I saw that the building is substantially complete and used for storage. A recent appeal² against the Council's refusal to allow the use of the outbuilding as a habitable room for guests was dismissed. These aspects of the planning history are material to my considerations.
3. The appeal site is located within the Greenway Conservation Area (CA).
4. As part of my assessment, as well as visiting the appeal site, I also visited the rear garden of 38 Queens Road, to the rear of the appeal site.

Main issues

5. The main issues are the proposal's compatibility with development plan policy and its effect on the character of the locality.

Reasons

6. Policy DMHD 2 of the Hillingdon Local Plan: Part Two – Development Management Policies (DMP2), which I regard as the most relevant policy for this appeal, is specifically directed to outbuildings within residential gardens. It provides that proposals for outbuildings will need to meet several criteria.

¹ Ref 19772/APP/2021/1787 dated 28 June 2021

² Ref APP/R5510/D/23/3319518 dated 5 September 2023

7. As planning permission was granted for the erection of the outbuilding, it appears that the Council was satisfied that two of the criteria were met. In order to ensure compliance with the policy's third & fourth criteria the Council imposed the following condition in granting permission:

The outbuilding hereby approved shall only be used for the purpose(s) stated on the application form and approved drawings and shall not be used for purposes such as a living room, bedroom, kitchen, study, as a separate unit of accommodation or for any business purposes.
8. Within 18 months of the date of the permission, and with the outbuilding having been erected, the appellant sought, in effect, to challenge that condition and the relevant policy by proposing that the outbuilding be used as a habitable room for guests. That application was refused permission by the Council, and the subsequent appeal was dismissed.
9. Within 2 months of the appeal's dismissal the appellant sought again to challenge the condition by proposing that the outbuilding be used as a bedroom ancillary to the main dwelling. His application was refused by the Council, resulting in this appeal.
10. The fourth criterion of the relevant policy provides that '*primary living accommodation such as a bedroom, bathroom or kitchen will not be permitted*', within outbuildings. The justification for this is provided in the supporting text to the policy, which says that:

'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'.
11. There is therefore little doubt in my mind that the current proposal conflicts with the relevant policy. The appellant's brief grounds of appeal say that he '*would like to make better use of the outbuilding*' and that '*use as bedroom is to be used entirely for the benefit of the main house and for the family*'.
12. Whilst noting that it is not the appellant's intention to create a separate dwelling, there is insufficient justification to convince me to depart from the provisions of the development plan especially in circumstances where the outbuilding was erected recently in full knowledge of the restriction on its use imposed by the Council, in accordance with its policy. My colleague Inspector on the previous appeal remarked that a condition designed to restrict the use of the outbuilding to that applied for would prove difficult to enforce. I share the thrust of that observation in this case.
13. Judging from my observations at the site visit this is a pleasant residential area where properties and gardens are generally well maintained. I saw some other outbuildings in nearby gardens, but there is no suggestion that these were not used for their intended, incidental purposes in accordance with policy. To my mind, the introduction of living accommodation into the outbuilding would alter the feel and character of the area to its detriment. Accordingly, the character of the locality and the CA would not be enhanced or preserved.
14. I therefore conclude that the proposal would conflict with aspects of policy DMHD 2 of DMP2 and would harm the character of the CA. There is insufficient reason to persuade me that a departure from the provisions of statutory policy is justified.

Other matters

15. The Council has referred to other development plan policies but those which I have relied on are considered the most relevant in the context of this appeal.
16. I have also considered and taken account of the comments made by local residents.
17. All other matters raised in the representations have been taken into account, but none is of such strength or significance as to outweigh the considerations that led me to my overall conclusions.

G Powys Jones

INSPECTOR