



Appeal Decision

Site visit made on 5th September 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 29th September 2023

Appeal Ref: APP/R5510/D/23/3319518

41 Grange Road, Hayes, Hillingdon 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 London Borough of Hillingdon.
- The application Ref.19772/APP/2023/80, dated 10 January 2023, was refused by notice dated 7 March 2023.
- The development proposed is the "Use of outbuilding at the rear of garden as a habitable room for guests."

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on the character and appearance of the area, on the living conditions of the occupants of 43 Grange Road by reason of noise or disturbance, and on the living conditions of future occupants of the outbuilding and the occupants of 41 Grange Road.

Reasons

Character and appearance

3. The appeal site lies within the Hayes Village Conservation Area. It is a semi-detached bay-fronted dwelling on the west side of Grange Road with 5 bedrooms. It has off-road parking at the front and a rear garden. Access to the rear garden can be gained around the north-facing side elevation of the dwelling. A detached single storey building has been erected in the rear part of the rear garden. It has 2 rooflights, one small window at the rear and two windows and a door in the front elevation. The rear garden in which it sits meets the rear garden of no.40 Queens Road. No.43 Grange Road is situated to the north of the appeal site.
4. The typical grain and pattern of development is semi-detached houses (though not exclusively) facing Grange Road and semi-detached houses facing Queens Road. There does not appear to be backland or tandem housing development in the area.
5. The proposal is to change the use of the detached outbuilding to a guest room to be used ancillary to the main house. No external alterations are proposed.

The internal floor area would be approximately 40 sqm. The submitted plans show an L-shaped kitchen area within the main room (annotated as a guest lounge and bedroom) and a separate WC and shower room. A key question is whether what is being proposed would have the distinctive characteristics of a dwellinghouse such that it would comprise a self-contained separate residential unit. It is established through case law that the distinctive characteristic of a dwellinghouse is its ability to afford to those who use it the facilities required for day-to-day private domestic existence (see *Gravesham Borough Council v. Secretary of State for the Environment* (1984) 47 P & CR 142). Furthermore, the Housing Act 2004 implies that a separate unit for independent occupation would need the basic amenities of a toilet, personal washing facilities and cooking facilities.

6. What is proposed in the outbuilding in this appeal would provide a potential occupier with the basic amenities for day-to-day private domestic existence. He or she would not need to access the main house in order to achieve a day-to-day existence in the outbuilding. Furthermore, access to the outbuilding would not be dependent on walking through the inside of the main house.
7. I have considered if a planning condition which specified that the outbuilding must not be used as an independent self-contained unit of occupation would be appropriate and workable. However, a condition such as that would be very difficult to enforce. Detecting a self-contained use would be problematic for the Local Planning Authority and the building would have its own kitchen, living/sleeping area and a WC and shower room and independent front door. A condition would not therefore overcome concerns or meet policy tests for conditions.
8. A separate self-contained dwelling in the rear garden at the appeal site would harm the characteristic pattern and grain of residential development in the immediate area. Two self-contained units on the plot would appear squeezed in and incongruous and the residential pattern of the Conservation Area would not be preserved.
9. Policy DMHD 2 "Outbuildings" of the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies (2020) "LP" indicates that the use of an outbuilding shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation. In this case, the outbuilding as shown in the submitted plans would be capable for use as independent residential accommodation contrary to that policy. That policy also states that primary living accommodation such as a kitchen or bathroom will not be permitted in an outbuilding and so the proposal before me would breach the policy in that respect also.
10. Consequently, I conclude that that proposed development would harm the character and appearance of the area and be contrary to policy DMHD 2 of the LP.

Living conditions of Occupants of 41 & 43 Grange Road and Future Occupants of the Outbuilding

11. The comings and goings of a separate household in the rear garden of no.41 Grange Road would be likely to cause undue noise and disturbance to the adjoining occupants of 43 Grange Road to the north. Nos 41 and 43 have contiguous gardens.

12. The windows in the front elevation of the outbuilding would be overlooked from the rear windows of no.41 Grange Road such that the privacy of the future occupants would be unduly compromised, and similarly, the privacy of the occupants of no.41 would be compromised by overlooking from the residential occupants of the outbuilding. Furthermore, I am concerned that the rear garden of no.41 could not provide adequate private amenity space for two self-contained residential units (i.e. no.41 and the proposed development as a self-contained new home).
13. On these issues, I conclude that the proposed change of use would harm the living conditions of the occupants of 43 Grange Road in respect of noise and disturbance. It would also harm the living conditions of the occupants of no.41 Grange Road in respect of loss of privacy and it would harm the future occupants of the outbuilding by reason of loss of privacy. There would be breaches of policies DMHB 11(B) and DMHD 2 of the LP.

Overall Conclusion

14. Having taken into account all representations made including those of the Appellant, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR