



# DEMOLITION OF EXISTING OUTBUILDING & ERECTION OF AN ANCILLARY ANNEXE

*Planning, Design and Access Statement*

**35 Copperfield Avenue  
Uxbridge  
UB8 3NX**

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# Introduction

This Planning, Design and Access Statement has been prepared by NAPC Ltd to support the planning application for the demolition of an existing outbuilding and the erection of a single-storey, timber, prefabricated annexe, for ancillary residential use associated with the dwelling *35 Copperfield Avenue, Uxbridge, UB8 3NX*.

The purpose of the proposed annexe is to accommodate the applicant, whilst his family move into the annexe. Due to advancing age and declining health, the proposed annexe will allow for the close care and support of the applicant's family. The erection of this annexe will allow the applicant to maintain a degree of independence while having the necessary care readily available.

In support of the application, a supporting letter has been included (Appendix A), offering additional context and background to demonstrate the need for the proposed annexe.

Other supporting documents submitted as part of this application will include:

- Location Plan
- Existing Block Plan
- Proposed Block Plan
- Proposed Elevations
- Proposed Floor Plan
- Supporting Letter from the Applicant

## Proposal

This application seeks approval for the erection of a single-story, timber, pre-fabricated annexe within the curtilage of an established Class C3 dwellinghouse.

The purpose of the annexe is to serve as an ancillary space to the main dwelling, fostering strong functional connections between the two. The occupants will regularly engage in activities within the main dwelling, including preparing and consuming meals, relaxing, socialising with family, and using existing household facilities.

The proposed annexe will **not** have any separate or independent:

- Address
- Post box
- Utility metres
- Services (such as internet, phone line, and television)
- Parking area
- Garden area or residential curtilage
- Access

The use of the annexe is heavily reliant on the main dwellinghouse. It is important to clarify that this proposal does **not** constitute a separate, standalone unit of accommodation and it could not operate as such, given the site constraints and reliance on the main dwellinghouse.



# Site Context

## Application Site

The application site is situated on the western side of Copperfield Road, in the south-east of Uxbridge, within the administrative boundaries of the London Borough of Hillingdon. The dwelling itself is a detached Class C3 bungalow, finished in brickwork and a pitched tiled roof. The site benefits from ample private amenity space to the west and off-road parking to the front of the dwelling.

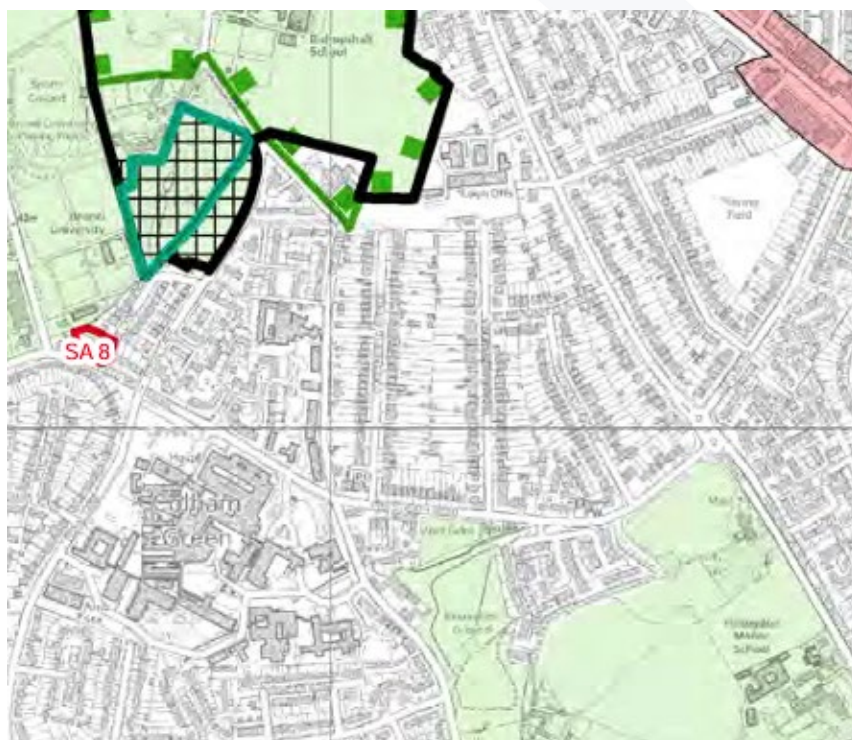
The plot is bordered by neighbouring gardens to the northern and southern boundaries. The residential curtilage is clearly defined with domestic fencing and mature vegetation, serving as an effective screen to minimise any potential impact on neighbouring amenity and on the street scene.

The surrounding area is primarily residential, meaning it is therefore not out of character to find ancillary outbuildings located in gardens.

## Site Designations

As per the adopted Hillingdon policies map extract below, the application site is not covered by any specific planning or landscape designations.

Figure 1: Extract from the Hillingdon policies map (accessed April 2025).



The Environment Agency's Flood Risk Map confirms that the site is within Flood Zone 1, which is categorised as having the lowest risk of flooding from rivers and the sea.

# Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions must be made in accordance the Local Development Plan unless material considerations suggest otherwise.

The relevant policies for assessing this proposal are outlined in Parts 1 and 2 of the adopted Hillingdon Local Plan, The London Plan (2021), and the National Planning Policy Framework (NPPF) (2024).

## Hillingdon Local Plan Part 1 (2012)

- Policy NPPF1 – Presumption in Favour of Sustainable Development
- Policy BE1 – Built Environment

## Hillingdon Local Plan Part 2 (2020)

- Policy DMH 6 – Garden and Backland Development
- Policy DMHB 11 – Design of New Development
- Policy DMHD 2 – Outbuildings

## SPDs/SPGs

- Design and Accessibility Statement SPD (2008)

## The London Plan (2021)

- Policy D4 – Delivering good design
- Policy D12 – Fire safety

## NPPF (2024)

- Paragraph 8 – Achieving sustainable development
- Paragraph 11 – Presumption in favour of sustainable development
- Paragraph 39 – Approaching decision making in a positive and creative way
- Paragraph 63 – Creating homes for older people
- Paragraph 96 – Achieving healthy, inclusive and safe places
- Paragraph 124 – Making effective use of land
- Paragraph 131 – Creating high quality, beautiful and sustainable buildings and places

# Planning Assessment

## Principle of Development

Hillingdon Local Plan Part 2 (2020) Policy DMHD 2 states that primary living accommodation will not be permitted in residential outbuildings. However, this policy also states that the use of residential outbuildings should be incidental to the enjoyment of the dwellinghouse and not capable for use as independent residential accommodation.

The use of residential annexes is one that is typically considered ancillary/incidental to that of the main dwellinghouse. In this instance, the proposed annexe would share a clear functional relationship with the main dwelling, as well as garden area, access, and services. The unit is therefore not capable of being used as an independent unit of accommodation and complies with the above policy criterion.

Furthermore, we strongly consider that very special circumstances exist to justify this proposal, despite the restrictive policy, in the form of the personal need for the annexe, and the fact that this will be replacing an existing outbuilding on the site.

### Personal Need

This proposal seeks to erect an annexe to provide ancillary accommodation for the applicant, who, due to advancing age and declining health, requires an increasing level of care and support from his family, who will move into the main dwelling (see supporting letter in Appendix A for further details).

The erection of the annexe is motivated by the family's desire to provide ongoing support now and in the future. The annexe is essential to fulfil the care and support needs of the applicant, and the family is committed to addressing day-to-day requirements such as cooking, socialising, laundry, errands, appointments, and overall support without relying on state care. This aligns with the government stance that promotes and supports multigenerational living. This not only alleviates stress on state-funded care but contributes towards sustainable development at a local level.

### Replacement of Existing Outbuilding

The 60.8 sqm annexe will be replacing an existing outbuilding of 60.34 sqm which is currently located in the rear garden of the property. These two outbuildings are of near-identical sizes and scales. This outbuilding is currently used as a garage, a use that is incidental to the main dwelling. This means that the use of the garden area for an incidental is already well established on the site. As the annexe will be replacing this outbuilding and is of a near-identical size and scale, the use of this garden area for incidental purposes will not be altered. Most dwellings along Copperfield Avenue have rear outbuildings within their gardens and these are characterised by a strong building line. The proposed annexe maintains this building line.



Figure 2: Aerial image showing the building line of existing outbuildings along Copperfield Avenue (accessed April 20205).

Given the fact we are replacing the footprint of an existing outbuilding almost like-for-like, the impact on the character of the area and the amenity of the neighbouring properties will not be altered, as the impact and massing of the annexe will match that of the existing outbuilding (this will be discussed further below in the following sections). It is a strong material consideration that the applicant could install primary living facilities into the existing outbuilding without planning permission, provided this is still incidental/ancillary to the existing Class C3 use of the main dwellinghouse.

### Ancillary Use

As noted above, although the annexe won't be physically attached to the main dwellinghouse, it will have a clear dependence on the dwelling for essential services. The clear functional relationship between the main house and the annexe, along with the site layout, clearly indicate that independent use would be challenging and undesirable.

To confirm, the proposed annexe will have **no** separate:

- Access
- Address
- Utility metres
- Garden
- Residential curtilage
- Septic tank
- Post box

Residential annexes are typically considered ancillary units, even if they contain all the facilities necessary for independent living (such as a kitchen, bathroom, and bedroom). The key distinction is that they are functionally linked to the main dwellinghouse, rather than being separate, self-contained units of accommodation. Furthermore, annexes are typically designed to accommodate family members, such as elderly relatives, and are used to allow them to live close to the primary household while remaining part of the same residential unit. The physical layout, including proximity to the main house and shared access points, demonstrates that annexes are extensions of the main dwellinghouse.

The above point carries notable significance considering the *Uttlesford v SoS (Environment & White)* landmark case. In that case, the Inspector acknowledged that the annexe, while equipped with all the facilities for day-to-day domestic life, had the potential to function as a separate dwelling.

However, the Inspector emphasised that the capability for independent use did not necessarily imply that it had been used as such. Notable factors in this determination included the lack of separate utility meters, a distinct postal address, and a dedicated telephone line. Additionally, the Inspector highlighted the absence of any separate curtilage or distinct access arrangements as relevant considerations in assessing the independent nature of the annexe.

This is supported by the case of *R. (on the application of Fuller) v London Borough of Bromley* [2012] EWHC 191 (Admin), where the High Court held that the Planning Inspector had identified that an annexe was designed to be ancillary to the main dwelling, even if it was capable of independent use.

It is a common misconception that annexes with self-contained primary living facilities, such as kitchens, are too independent to be considered ancillary to the main dwelling and effectively create a separate dwelling. However, past case law and appeal decisions prove otherwise. The *Uttlesford v Secretary of State for the Environment & White* case, along with the appeal precedents below, confirm that it is common for ancillary annexes to include kitchen facilities. This allows occupants to prepare meals while still receiving help and support when needed, reinforcing the functional relationship.

#### **Appeal Ref: APP/B0230/D/24/3341255 (Appendix B)**

The above appeal was made against a refusal to grant planning permission for a rear outbuilding to be used as a 2-bed annexe. One of the main issues was whether the proposal would be greater than reasonably required to serve as annexe accommodation. The council raised concerns about the inclusion of kitchen facilities and that this would render the annexe capable of being used independent of the main dwelling. However, the Inspector disagreed with the council, stating in Para. 8 that:

*The Council raises a specific concern about the possible provision of kitchen facilities, such as a cooker. The distinctive characteristic of a dwellinghouse is its ability to afford those who use it the facilities required for day-to-day private domestic existence. The Uttlesford case, however, confirms that there is no reason in law why the provision of facilities for a degree of independence (such as bedroom, bathroom, lavatory, small kitchen, somewhere to sit and own front door) should consequently create a separate planning unit – and thereby a separate dwelling. This is a matter of fact and degree to assess on a case-by-case basis. I see no clear reason why some kitchen facilities should not be provided for annexe accommodation here.*

#### **Appeal Ref: APP/H0724/D/20/3247360 (Appendix C)**

The above appeal involved refusal to grant planning permission for a granny annexe due to conditions related to its layout and the inclusion of a kitchen. The main issue was whether the annexe would serve as an ancillary unit or as a separate dwelling. The Inspector allowed the appeal, stating that the annexe would be ancillary to the main dwelling and not encourage separate occupation. The Inspector commented the following in Para. 6 and 7:

*‘...the key question for the appeal is whether the inclusion of a kitchen would fall within the scope of the original permission such that it would still be ancillary to the original property or whether it is of a form that would inevitably lead to the creation of an independent dwellinghouse. The Council’s concerns relating to future living conditions would only potentially arise if the property was used as a separate dwellinghouse. In other words, if the development is used in a manner that is ancillary to the existing dwelling, the Council’s concerns would not materialise because the garden would be used by members of the same household.*



*If it were used as a separate dwellinghouse, unconnected to the main property, a separate planning permission would be required, and the Council could consider the merits at that stage. That is not a scenario that I need to consider here because, if I was to find that the proposal would not be ancillary the appeal would fail because the proposal would not fall within the scope of the original permission.'*

#### **Appeal Ref: APP/B0230/D/20/3248323 (Appendix D)**

The above appeal was made against the refusal of permission for the addition of a kitchen to a granny annexe, with one of the main issues being whether the annexe was ancillary to the main dwelling. The Inspector found that the annexe was ancillary and used an appropriate condition to ensure that the annexe remained ancillary to the main house. The Inspector stated in Para. 7, 8 and 9 that:

*'...the application clearly states that the development is for the addition of a kitchen to the existing granny annexe and the appellant has consistently asserted that it is required to accommodate his elderly mother so that she can be looked after, albeit with a degree of independence. Further, the Council validated the application on that basis.*

*The granny annexe shares the garden of the host dwelling, along with its services and utilities. It also shares the same address, and it is occupied by a family member. The building was occupied by the appellant's elderly mother having a meal in the granny annexe during my daytime site visit. I also observed the potential challenges created by the long sloping rear garden for the appellant's elderly mother in making the journey up to the main house on a daily basis, particularly in cold weather and during the hours of darkness.*

*I am therefore satisfied that safeguards could be put in place to ensure the building, with the additional kitchen facility, was used as an annexe accommodation ancillary to the host dwelling rather than as an independent residential unit.'*

The above appeal precedents above clearly show that including kitchens or kitchen facilities in residential annexes does not automatically mean they are tantamount to separate dwellings, nor does this mean they are no longer ancillary to the main dwelling's Class C3 residential use. Annexes are, by their very nature, are typically intended to include kitchens, as they are often used by dependent relatives who may need help with cooking and meal preparation. Based on this, an ancillary annexe with kitchen facilities remains acceptable in principle.

#### **Future Use**

The applicant would be happy to agree to an appropriate condition to restrict the use of the annexe solely for ancillary purposes. Whilst the National Planning Practice Guidance published on 6<sup>th</sup> March 2014 and Circular 11/95 was cancelled, Appendix A of the Circular is currently retained. Therefore, such a condition continues to be promoted by the Government.

Quoting the circular, it emphasises that if there are valid planning reasons why the creation of an additional dwelling would be unacceptable, it is appropriate to impose a planning condition ensuring that the building permitted is used solely as accommodation ancillary to the main dwelling house. The applicant will accept the following condition, derived from model condition 47 (Circular 11/95):

*'The proposed building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.'*

Considering the above, whilst there may be some policy conflict with 2 Policy DMHD 2, considering compliance with other elements of the policy, and the very special circumstances created by the personal need for the annexe and the replacement of the existing outbuilding, the principle of development can therefore be considered acceptable on a site-specific basis.

## Design and Character

Hillingdon Local Plan Part 1 (2012) Policy BE1 and Part 2 (2020) Policy DMHB 11 state that new development should be of a high-quality design and maintain the quality of the built environment. Furthermore, Policy DMH6 states that: *‘...there is a presumption against the loss of gardens due to the need to maintain local character, amenity space.’*

In line with these policies, the proposed annexe has been designed to ensure that it is high-quality and appropriately located so that it is sympathetic to the character of the surrounding area. The annexe will be situated in the rear garden of the property, replacing the existing outbuilding. Its single-storey nature matches that of the main dwelling, but its inferior size and scale is subordinate to the dwelling and proportionate to this. As the annexe will match the outbuilding in both size and scale, it will have no greater impact on the character of the surrounding area and the overall massing and visual presence will remain unchanged. Furthermore, as mentioned above, it maintains the strong building line of outbuildings to the rear of Copperfield Avenue. As such, this complies with Policy DMH6.

The annexe will use high-quality materials that have been carefully chosen to ensure it reads as an ancillary/incidental residential outbuilding and matches the character of the area. As such, the materials for the proposed annexe are as follows:

- **Foundations** – Screw Pile Foundation System
- **Roof Construction** – Dark Grey Calderdale pitched roof
- **Fenestration** – White PVCu windows and doors
- **External Cladding** – Grey Green Fibre Cement Lap Weatherboard Cladding

The annexe has been designed to complement the residential character of the surrounding area. Its appearance will be consistent with that of a typical ancillary garden outbuilding, ensuring it sits comfortably within its setting without drawing undue attention. The muted colour palette, traditional pitched roof form, and domestic-scale detailing all contribute to a design that is visually cohesive with the main dwelling and neighbouring properties. As such, the annexe will read as a natural and appropriate addition to the site, maintaining the established character of the surrounding area.

Considering the above, the proposal complies with Policies BE1, DMH6, and DMHB 11 from Hillingdon Local Plan Parts 1 (2012) and 2 (2020) and is therefore acceptable regarding its design and impact on the character of the surrounding area.

## Neighbouring Amenity

Policy DMH6 of the Hillingdon Local Plan Part 2 states that: *‘...neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided.’* The proposed annexe, which will replace an existing outbuilding of identical size and scale, will not result in any increased overshadowing or loss of sunlight. Existing boundary treatments, including domestic fencing, will continue to provide effective screening, preventing any unacceptable overlooking of neighbouring gardens, particularly the property to the north. To further safeguard privacy, only a small window has been incorporated on the northern elevation, ensuring that the amenity of the neighbouring properties is preserved. As such, the proposal complies with Policy DMH6 and is therefore acceptable regarding its impact on neighbouring amenity.

## Access

Access to the proposed annexe will utilise the existing arrangement, with no provision for independent access. This means there will be no requirement for a separate highway access or any alterations to the existing access point.

# Sustainability

NPPF Chapter 2 states that: *‘the purpose of the planning system is to contribute to the achievement of sustainable development.’* This planning statement has clearly demonstrated how the proposed annexe is compliant with the social objective of sustainability and the environmental objectives will be discussed further in this section.

## Offsite Manufacturing

Most of the annexe is pre-constructed in the iHus factory, including floor cassettes, wall panels, and roof trusses. These kits are then transported to the site. Offsite construction offers several advantages over traditional methods, including:

- **Reduced environmental impact** – Construction waste and emissions can be halved, by virtue of production efficiencies and increased recycling.
- **Reduced waste** – Factory production brings about design consistencies to minimise the waste of components. WRAP believes this to be as much as 70-90% waste savings.
- **Environmentally friendly** – The reduced time on actual building sites provides a less intrusive environment for surrounding businesses, households, and road networks.
- **Safety** – The factory is a far more predictable setting than the physical construction site, which eliminates the variables of weather and visibility. Having the conditions be the same every time makes errors much less likely. Most of onsite construction’s most dangerous hazards: like fall from height and equipment accidents, are not an issue in the factory.
- **Less greenhouse gas** – As well as the solid waste that goes to landfill, the machinery used in construction can't avoid pumping various pollutants into the atmosphere. However, if air pollution can't be avoided, it can at least be minimised. Reducing works traffic reduces noxious nitrates, which limits local air pollution but greenhouse gases like carbon dioxide are a more global problem that are already causing significant climate change around the world.

## Materials

Sustainably sourced or environmentally friendly materials are used for proposed annexe:

### Foundations

The foundations used are a screw pile system. This creates almost zero mess, removing the need for skips or other transport requirements for waste spoil a traditional foundation system would produce. Screw Piles are helping drive down carbon emissions against conventional methods. Concrete is now the second most consumed substance on Earth after water. On average, each year 3 tonnes of concrete are consumed for every person on the planet, with 10% of all global carbon emissions because of cement production.

### Timber Frame

95% of the timber used in the construction of the annexe is FSC grade certificate wood. FSC controlled wood is defined as virgin wood or wood fibre, which has been verified as having a low probability of including wood from any of the following categories:

1. *Illegally harvested wood.*

2. *Wood harvested in violation of traditional and civil rights.*
3. *Wood harvested in forests in which high conservation values are threatened by management activities.*
4. *Wood harvested in forests being converted from natural and semi natural forest to plantations or non-forest use.*
5. *Wood from forests in which genetically modified trees are planted.*

Forest management certification is awarded to forest managers or owners whose management practices meet the requirements of the FSC Principles and Criteria and the applicable FSC national forest stewardship standard.

### OSB

OSB3 is an engineered, load-bearing wood-based panel product used to create the wall panels, free of knots and voids, and suitable for structural use in humid situations.

FSC certified OSB3 is a safe and sound choice for the construction industry and is used extensively in timber frame housing and for flooring, wall sheathing, roofing. OSB3 is sourced from locally managed forests that are independently certified to Forest Stewardship Council (FSC) criteria. Logs used to manufacture OSB3 are a natural bi-product of the thinning process that takes place in managed woodlands to help it thrive. Only the smaller trees are selected to make OSB3, leaving the larger, stronger trees to grow on for years and provide suitable raw material for the saw milling industry.

### Electric Heating and Waste

Electric heating is environmentally friendly because it does not create emissions and leaves the inside and surrounding outdoor air clear. Electric heating does not produce dangerous carbon monoxide and leaves no build-up of debris like other heating sources. Government figures released in 2018 show that electric heating is better for the environment than gas. This revelation is due to investments in renewable energy, plus a reduced reliance on coal-fired power stations. Another big influence is a re-think on how carbon emissions for new houses are measured.

### Lighting

All LED used throughout the annexe is A+ rated and ninety percent energy saving vs Halogen with a 25,000 Hr life.

### Economic

This objective seeks to build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure. The proposal provides affordable ancillary accommodation for the applicant, and in many cases releases a family home into the housing stock.

Multigenerational living also has great financial savings because households share common resources, such as food, childcare, eldercare, heat, electricity, transportation, and mortgage/rent, thereby reducing the cost of living relative to individual or single-family living arrangement. The family will care for each other this will reduce the use of state funded social health services therefore reducing the burden on such provisions.



# Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions must be made in accordance with the Local Development Plan unless material considerations suggest otherwise. In this case, several material considerations are deemed relevant in the decision-making process.

## Appeal Precedents

### Appeal Ref: APP/Q5300/D/16/3147827 (Appendix E)

The appeal, challenging the refusal of an annexe application by the London Borough of Enfield, was allowed. Despite concerns that the proposal might create a separate dwelling, the Inspector disagreed, noting the importance of a model condition to restrict use to ancillary purposes.

This appeal highlights the Inspector's view that the inclusion of facilities for independent occupation does not mean that an annexe would be used as such, highlighting the enforceability of a condition restricting the annexe to remain in ancillary use.

### Appeal Ref: APP/B3438/A/12/2188171 (Appendix F)

The appeal against the decision of Staffordshire Moorlands District Council resulted in permission being granted. The Inspector acknowledged that while the proposed annexe could contain independent facilities, its small size and basic amenities were indicative of ancillary use. The Inspector also recognised the enforceability of a model condition to maintain ancillary occupation.

This case reinforces the notion that certain characteristics, such as size and amenities, support the ancillary nature of the proposed unit. It emphasises the enforceability of conditions outlined in national planning guidance.

### Appeal Ref: APP/R5510/D/15/3005825 (Appendix G)

The above appeal against the London Borough of Hillingdon was allowed. Despite the restrictive policy resisting self-contained residential annexes, the Planning Inspector found that the annexe would not be tantamount to a separate dwelling and thus not have unacceptable adverse effects on living conditions for neighbours and future residents. The annexe featured a bedroom, shower room, lounge area, and small kitchen / storage room.

### Appeal Ref: APP/R5510/D/22/3296373 (Appendix H)

The above appeal was made for a detached annexe for an elderly relative, which was initially refused by the London Borough of Hillingdon. The main issue was whether the proposal would constitute a separate unit of residential accommodation or an ancillary use, with considerations for living conditions, flood risk, and car parking. The Inspector found that the annexe did not constitute a separate unit and would not have an adverse impact on living conditions or parking. The Inspector further noted that the annexe did not conflict with Policy DMHD 2 of the Hillingdon Local Plan (Part 2). Therefore, the appeal was allowed, with a suitably-worded planning condition preventing the annexe from being used as a separate dwelling.

## Consistency in Decision-Making

Planning law emphasises consistency in decision-making to ensure fairness in the determination of planning applications. This principle has been reinforced through case law, where courts have repeatedly stressed that decision-makers should aim for consistency to uphold fairness, equality, and the rule of law in planning decisions.

A key case that reinforces this point is *North Wiltshire District Council v Secretary of State for the Environment* [1992] 3 PLR 113, which highlights the importance of consistency in decision-making. In this case, it was held that local planning authorities should not depart from their previous decisions unless there are good reasons to do so, and if they do depart, they must clearly justify why. This judgment has often been cited to underscore that fairness requires similar cases to be decided in a similar manner unless there is a significant material difference in circumstances.

While recognising the uniqueness of each application, consistency in decision-making is crucial for instilling confidence in the planning system. This principle aligns with legal precedents and decisions by appeal Inspectors. Consistency is not only paramount for public confidence but has legal weight, as evidenced in High Court decisions and appeal Inspector statements.

Considering the above, it is argued that the proposed annexe aligns with established principles, emphasising the enforceability of conditions to restrict usage. These considerations should carry weight in the decision-making process to ensure a fair and consistent application of planning principles.

### Personal Need

The personal circumstances surrounding the need for the proposed annexe, as detailed in the supporting documents, hold significant weight in the planning decision-making process. Lord Scarman's commentary in *Westminster City Council v Great Portland Estates plc* [1985] emphasises that personal circumstances, including personal hardship, are essential factors in the administration of planning control, as excluding the human factor would be inhuman pedantry.

The legal precedent set by *Great Portland Estates plc v Westminster City Council* [1985] A.C. 661 further supports the acknowledgment of personal circumstances as exceptional or special circumstances in the context of development control.

We strongly consider that the personal circumstances of the applicant constitute a strong material consideration that warrants due weight in the decision-making process. The documented supporting letter outlines the significant need for the annexe, aligning with the 'relevant protected characteristics' under Section 149 of the Public Sector Equality Duty in the Equality Act 2010.

The proposed development is essential to cater to the specific needs of the applicant, encompassing various aspects of daily life and health care that cannot be adequately addressed in their current accommodation. A refusal of the application would have severe and negative consequences on their day-to-day lives and overall health.

Considering the above, it is respectfully asked that the council recognises the personal circumstances and the need for the proposed annexe, giving them due consideration in the decision-making process.

# Conclusion

This planning, design and access statement has been prepared by NAPC Ltd to support the planning application for the demolition of an existing outbuilding and the erection of a single-storey, timber, prefabricated annexe, for ancillary residential use associated with the dwelling *35 Copperfield Avenue, Uxbridge, UB8 3NX*. This statement has demonstrated that the proposals align with both national and local planning policies, particularly regarding amenity, design, and visual impact.

Furthermore, the proposal seeks to erect an ancillary annexe to enable the family to stay together, while facilitating the provision of essential care and support. Beyond the familial context, the proposal also addresses a broader societal concern by alleviating pressure on our public healthcare system. Additionally, it is an extremely sustainable form of development which should be championed.

We therefore respectfully request that this application is granted planning permission without delay.

## Positive and Proactive Decision-Making

NPPF Paragraph 39 states that local planning authorities should approach decisions positively and proactively, working with the applicants and agents to reach amicable solutions. As such, we ask that Hillingdon Council works positively and proactively with the applicant and agent on this application. Should the council require any further information or any clarification on any aspects of the application, we ask that this is requested from NAPC Ltd before a decision is issued, to ensure that a positive outcome can be reached on the application.

# Appendices

## Appendix A – Supporting Letter





Dear Sir/Madam,

**Re: Proposed planning at 35 Copperfield Avenue, Uxbridge, UB8 3NX.**

I am writing this to support the application for an annexe at the above address.

Myself, my partner Lewis, and my young daughter have been living with my grandfather since November 2022 with the goal to save for a deposit to buy a home. Around this time, the nursery my daughter attends planned to increase fees which meant we could no longer afford to pay our mortgage and the increased fees. This was when my grandfather offered us the chance to move in with him to cut costs and save some money for the future.

In July 2024 I had a son. I knew making this choice meant we would likely be adding years to our shared living situation. As I am sure you can appreciate, having children in current times feels to be a luxury rather than the standard in previous years. Costs of childcare, rent and all other necessities seem to be ever increasing, and it is looking to be near to impossible that we will be homeowners before our children grow up. This solution of having the annexe would enable us as a family to stay together in the area we have always known and grown up in as both mine and Lewis's family live within the Hillingdon borough. With house prices and the current cost of living, we would need to move out of the borough in order to afford a home.

My grandfather bought this house in 2003 when I was 6 years old. Although not my full-time childhood home, I spent a lot of time here growing up with many fond memories. I hope my children are able to make happy memories of their own here too.

My nan and grandad have always been a big part of my life and now he has also been able to have an active role in my children's lives. He regularly helps me with collecting my daughter from nursery to fit around mine and my partner's work hours. Although my nan passed in 2019, living with my grandfather, I hope, has given him companionship where he would have otherwise been living alone, and my children love him dearly and enjoy being able to see him every day.

Although in good health at the moment at the age of 75, as time goes on, with us living in one property, me and my partner will be able to give him any assistance he may need. It would be a comfort to all my family to have us living in close proximity should anything happen. Our plan is for my grandad to move into the annexe and myself, my partner and two children will live in the house. My grandad felt this would be the best living situation since he doesn't require as much space as we will, and living on one single level would be more manageable for him mobility wise, and easier to maintain.

We hope that you will kindly consider our application for planning permission.

Kind regards,

Aimee Willows & Family

Dear Sir/Madam,

I am writing in support of the planning application for an annexe at 35 Copperfield Avenue, Uxbridge, UB8 3NX.

My granddaughter and her partner and their little girl have been living with me for about 3 years as they could no longer afford to pay a mortgage and nursery fees. It's a setup that is very helpful for them and ensures there is always company in the house for me, as my wife died in 2019. However my granddaughter had a little boy last year and as he grows, we will run out of bedrooms. When I saw an advert for these annexes, I thought it would provide the perfect solution. I could move into the annexe, and they could have the house giving them plenty of room for a growing family. I am 75 now and as the annexe is all on one level, as I get older it would make my mobility easier but at the same time, I will still be close to my family.

I hope this clarifies the reason for doing this and that it is acceptable to you.

Yours sincerely,

Bob Joyce

## Appendix B – Appeal Ref: APP/B0230/D/24/3341255





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## Appeal Decision

Site visit made on 15 July 2024

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>TH</sup> August 2024**

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### **Appeal Ref: APP/B0230/D/24/3341255 68 Waller Avenue, Luton LU4 9RR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Mohammad Razak against the decision of Luton Borough Council.
  - The application Ref is 23/01323/FULHH.
  - The development proposed is the erection of a rear outbuilding to use as a 2 bed annexe (retrospective).
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a rear outbuilding to use as a 2 bed annexe (retrospective) at 68 Waller Avenue, Luton LU4 9RR in accordance with the terms of the application, Ref 23/01323/FULHH, subject to the following conditions:
  - 1) The building hereby permitted shall not be used other than as part of or for purposes incidental to the residential use of the dwelling at 68 Waller Avenue, Luton LU4 9RR and shall at no time be occupied as a separate dwelling.
  - 2) The building hereby permitted shall not be occupied unless and until the window on the rear (southeastern) elevation is fitted with obscured glazing, and no part of that window less than 1.7 metres above the floor of the room in which it is installed is capable of being opened.

### **Preliminary matters**

2. The description of the proposed development, as set out above, is different to that set out on the application form. The amended description was agreed between the appellant and the Council at application stage and has been used by both parties in their submissions. I therefore also use it for this decision.
3. At my site inspection I noted that the building as built is slightly taller than indicated on the submitted plans, particularly at the back. Bearing in mind that no plans are legally necessary for retrospective applications<sup>1</sup>, and that all concerned appear to have been aware that the proposal relates to the existing building, I will consider the appeal on that basis rather than on the basis of the submitted plans.

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<sup>1</sup> Article 7(1)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)



## Main issues

4. The main issues are:

- i) Whether the proposal would be greater than reasonably required to serve as annexe accommodation;
- ii) The effect of the proposal on the character and appearance of the local area; and
- iii) The effect on living conditions at neighbouring properties, particularly in terms of outlook, privacy, noise and disturbance.

## Reasons

### Annexe

5. The appeal building sits at the end of No 68's rear garden with pedestrian access only - through the house or a narrow path to the side of the house or possibly via a narrow, shared rear walkway. There is a previous permission for an outbuilding to provide a playroom, store and shower here. Instead, a larger building has been constructed, providing a living room, 2 bedrooms and a bathroom.
6. The Council's concern is about a lack of justification of both the scale of the building and its functional link with the principal dwelling. I agree with this concern to the extent that, if this sizable outbuilding was to be used as a separate dwelling it would substantially intensify use of this plot. This would potentially cause issues in regard to local character and peoples' living conditions - including those of occupiers of the main house, the new dwelling and neighbouring properties.
7. The appellant is clear, however, that the proposal is intended to provide annexe accommodation rather than a separate dwelling. He confirms a need for this accommodation for a family member, for health reasons. This is supported by a recent Doctor's letter. Although large enough to be used as a separate dwelling, the building is proportional to and subsidiary to the size of the larger main house and the bedrooms are fairly small. Overall, it is of a reasonable size for the provision of supplementary accommodation. The structure is close to and closely associated with the main house. It shares the same, relatively small garden area and parking area. It could potentially be partitioned off with a separate pedestrian access, but this is not the expressed intention or detail.
8. The Council raises a specific concern about the possible provision of kitchen facilities, such as a cooker. The distinctive characteristic of a dwellinghouse is its ability to afford those who use it the facilities required for day-to-day private domestic existence. The *Uttlesford* case<sup>2</sup>, however, confirms that there is no reason in law why the provision of facilities for a degree of independence (such as bedroom, bathroom, lavatory, small kitchen, somewhere to sit and own front door) should consequently create a separate planning unit – and thereby a separate dwelling. This is a matter of fact and degree to assess on a case by case basis. I see no clear reason why some kitchen facilities should not be provided for annexe accommodation here.
9. Weighing up these various factors and recognising the Council's legitimate concerns, I am satisfied that the proposal should be taken as submitted. The

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<sup>2</sup> *Uttlesford District Council v Secretary of State for the Environment and another* - [1991] 2 PLR 76

use of a condition to secure this is dealt with below. I conclude that the proposal is reasonably required to serve as annexe accommodation in accordance with Luton Local Plan 2011-2031 (LLP) policy LLP19(B) and the National Planning Policy Framework (the Framework).

#### *Character and appearance*

10. The Council's concern in this respect seems to relate back to the potential use as a separate dwelling. It accepts that the building is not readily visible from within the public domain and that there are no material implications for the local street scene. The building can of course be seen from neighbouring properties. I note that some neighbours raise concerns about unfinished concrete block walls. By the time of my site visit, however, the building had been rendered and painted acceptably. The building is of simple design and good quality and does not overly crowd the plot.
11. I conclude that the building does not harm local character and appearance. It accords in this respect with LLP policies LLP1, LLP19 and LLP25 and the Framework, which aim to secure high quality design with the scale, mass, layout, design and external materials of annexes being consistent with and proportionate to the dwelling and streetscape.

#### *Living conditions*

12. The appeal building is higher than shown on the proposed plans, particularly at the back - as seen from the rear windows and gardens of the houses at 14, 15 and 16 Malham Close. It is, however, still a low single storey building, set back from the ends of those gardens and far enough away from the houses themselves so that it is not overbearing or overly intrusive in their outlook and should not cause undue loss of light. In its location at the end of No 68's garden, it would likewise have little effect on outlook or light at the neighbouring properties to either side. Neighbour's privacy can be adequately protected by fencing or other boundary features and by the obscure glazing of a high level rear bathroom window.
13. Concerns are also raised about increased noise and disturbance. Use of the building as annexe accommodation, however, should not lead to a notable increase in this respect. Any such nuisance that may arise could still be dealt with under other legislation.
14. I conclude that the proposal does not and should not have any unacceptable impact on neighbours' living conditions. It also therefore accords with LLP policies LLP1, LLP19 and LLP25 and the Frameworks' general aim to ensure that development does not adversely affect the amenity of nearby occupiers.

#### *Conditions*

15. A condition limiting use of the building is needed so that it does not become an independent dwelling, because the potential impacts of such a use have not been assessed here. I have used wording now recommended by the Inspectorate instead of the Council's suggested wording. The Council suggests a limit to 'incidental' use only but this could prevent use for accommodation such as bedrooms and a living room. I consider that this condition would be enforceable and should provide an adequate safeguard. I see no need for an additional condition preventing the planning unit from being split, as this would

effectively duplicate control. A condition requiring obscure glazing of a rear, high level, bathroom window is required to protect neighbours' privacy.

16. There are several other standard or suggested conditions which are not justified here. The usual 3 year commencement condition is not needed because the development has been carried out. As there are discrepancies between the built development hereby approved and the submitted plans, there can be no condition specifying the approved drawings. Finally, I do not see adequate justification for the Council's suggested requirement of 1.8m high fencing to the side boundaries. There are walls and fences in place at present and others can be erected by either the site owners or their neighbours as may be considered necessary in the future.

### **Conclusion**

17. The proposal accords with the development plan for the area, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR

## Appendix C – Appeal Ref: APP/H0724/D/20/3247360







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## Appeal Decision

Site visit made on 7 July 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

### Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

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### Appeal Ref: APP/H0724/D/20/3247360

#### 56 Station Lane, Hartlepool TS25 1BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr and Mrs Clayton against the decision of Hartlepool Borough Council.
  - The application Ref H/2019/0398, dated 3 September 2019, was refused by notice dated 28 October 2019.
  - The application sought planning permission for demolition of outbuilding and erection of a single storey timber granny annexe for ancillary use to the main dwelling without complying with conditions attached to planning permission Ref H/2019/0233, dated 23 July 2019.
  - The conditions in dispute are Nos 2 and 3 which state that: *The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Location Plan, Ref. 1788.3, Ver. 1, Rev. 0 (1:1250); Proposed Block Plan, Ref. 1788.5, Ver. 1, Rev. 0 (1:500); Elevations (Proposed), Ref. 1788.2, Ver. 1, Rev. 0 (1:100), all received 17th May 2019 by the Local Planning Authority; and Footprint (Proposed Floor Plan), Ref. 1788.1, Ver. 1, Rev. 1 (1:50), received 19th July 2019 by the Local Planning Authority; and The ancillary living accommodation (annexe) hereby approved shall be laid out strictly in accordance with the Footprint (Proposed Floor Plan) received by the Local Planning Authority on 19th July 2019 (Ref. 1788.1, Ver. 1, Rev. 1) and shall not include a kitchen.*
  - The reasons given for these conditions are: *For the avoidance of doubt and in the interests of a satisfactory form of development, to comply with Policy HSG12 of the Hartlepool Local Plan.*
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of outbuilding and erection of a single storey timber granny annexe for ancillary use to the main dwelling at 56 Station Lane, Hartlepool TS25 1BG in accordance with the application Ref H/2019/0398, dated 3 September 2019, without compliance with condition numbers 2 and 3 previously imposed on planning permission Ref H/2019/0233, dated 23 July 2019 and subject to the conditions stated in the attached schedule.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Background and Main Issues

3. An application for the demolition of an outbuilding and erection of a single storey timber granny annexe for ancillary use to the main dwelling <sup>1</sup> was approved and granted permission on 23 July 2019. Condition No 2 of this permission required that the development granted approval should only be carried out in accordance with the approved plans which were considered in determining the application and condition no 3 required that the approved development shall not include a kitchen.
4. The appellant is seeking to vary this condition regarding revised design plans to include a kitchen, however the outline footprint has not changed. The appellant maintains that the changes would provide ancillary accommodation for the appellant's family and would not be used as a separate dwelling. The Council considers that the inclusion of the kitchen would effectively mean that the proposal would not serve as an ancillary unit of accommodation and that it would be of a form that would encourage occupation as a separate dwelling in future. If that did occur, the Council contends that the proposal would reduce private amenity space within the curtilage to the detriment of living conditions of future occupiers.
5. It is important to understand the nature of the proposal and the remit of the appeal. The original application was submitted as a householder proposal for an outbuilding that was ancillary to the use of the existing dwelling. It was approved on that basis. The appeal proposal sought to vary conditions 2 and 3 to facilitate the inclusion of a kitchen. If the proposal, including the kitchen, is not capable of being used in an ancillary manner planning permission it would fall outside the scope of the original permission. A separate planning permission would be required for the erection of a new dwellinghouse and that is not something that can be considered within the scope of this appeal.
6. Therefore, the key question for the appeal is whether the inclusion of a kitchen would fall within the scope of the original permission such that it would still be ancillary to the original property or whether it is of a form that would inevitably lead to the creation of an independent dwellinghouse. The Council's concerns relating to future living conditions would only potentially arise if the property was used as a separate dwellinghouse. In other words, if the development is used in a manner that is ancillary to the existing dwelling, the Council's concerns would not materialise because the garden would be used by members of the same household.
7. If it were used as a separate dwellinghouse, unconnected to the main property, a separate planning permission would be required, and the Council could consider the merits at that stage. That is not a scenario that I need to consider here because, if I was to find that the proposal would not be ancillary the appeal would fail because the proposal would not fall within the scope of the original permission.
8. As such, the main issue in this appeal is whether the proposed development would serve an ancillary function to the existing dwelling or whether the design and function of the property would encourage its occupation as a separate dwelling when no longer required.

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<sup>1</sup> H/2019/0233

## Reasons for the Recommendation

### *Principle of development – use and occupation*

9. The outbuilding to be demolished is located within the curtilage of no.56 Station Lane. The amended proposal would include as previously approved a living area, shower room, a bedroom and would now include a kitchen within the previously approved living area.
10. The Council's concern that the proposal would give the occupant the facilities of a self-contained unit and could be used as a separate dwelling is acknowledged, however the appellant has stated that the proposal is only intended to function as an annex and would be occupied by family relatives sharing living activity in company with the family in the main dwelling. I can only base my decision based on evidence before me and given that the appellant has not applied for a separate planning unit with its own access and parking, I find no reason to suggest that the proposal would be used contrary to what has been applied for.
11. The appellant has also made reference to the case of *Uttlesford DC v SSE & White [1992]* in which the judge considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling – instead it would be a matter of fact and degree. In that case the accommodation gave the occupant the facilities of a self-contained unit although it was intended to function as an annex with the occupant sharing her living activity in company with the family in the main dwelling. There was no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling. I find no reason to dispute this judgement and apply same reasoning in consideration of this appeal.
12. In other words, each case must be considered on its individual merits. In this case, the annex would be used by a member of the family of the main house, there would be no separate access or postal address and all services would be connected and metered to the main house. The garden would not be segregated and the appellant states that the occupants would spend time eating and socialising in the main house. On the information provided I am satisfied that the building would be used in an ancillary manner. Whilst a kitchen may be included to enable the occupant to prepare meals it does not follow that they would lead a life independent of the other residents of the household. Rather, the information presented suggests that they would form part of the household in the sense of being a relative but also in a functional sense. They would no doubt prepare some meals in the annex but would also share accommodation at other times with members of the family. Consequently, I am satisfied that the building, including a kitchen, would be used in an ancillary manner.
13. Furthermore, occupation as a separate dwelling would be prevented by condition 4 of the existing approval, which is to be retained, which requires that occupation is solely for purposes ancillary to the residential use of the main dwelling and thus cannot be used for any other purpose. There is nothing to suggest that the appellant has any intention of using the building other than in the manner specified in the appeal statement. If such circumstances did arise, and the property was used as a separate dwellinghouse occupied independently of the main house, that would amount to a breach of condition 4

and it would be open to the Council to consider taking enforcement action at that stage.

14. In addition, it does not follow that the inclusion of a kitchen would encourage use as a separate dwellinghouse in future. The annex would be situated in close proximity to the main house and the garden area would be shared. That is an arrangement that may well be acceptable where occupants are from the same family, but residents of the main house are less likely to find that proximity acceptable if there was no connection between them and the occupants of the annex. Thus, the position in the plot is likely to discourage separate occupation. If occupation by the currently intended relative should cease, other family members could make use of the building or it could be repurposed for other ancillary activities. Therefore, I am not satisfied that the design or location would necessarily encourage use as a separate dwellinghouse, notwithstanding the inclusion of a kitchen.
15. I find that the addition of a kitchen to the proposal would not change the intended use as applied for, and that the proposed development would serve an ancillary function to the existing dwelling and is not of a form that would encourage its occupation as a separate dwelling. Accordingly, I find no conflict with the National Planning Policy Framework (NPPF) and policy HSG12 (criteria 2) of the Hartlepool Local Plan (2018) (the 'LP') which seeks to ensure that residential annexes are designed so that it will serve an ancillary function to the existing dwelling and are not of a form that would encourage occupation as a separate dwelling when no longer required.

### **Conditions**

16. In addition to the standard time limit condition a condition is necessary to ensure that the proposed development is carried out in accordance with approved plans, in the interests of clarity. It is also necessary to impose a condition which limits the occupation of the annex to ensure the accommodation remains ancillary to the main dwelling in line with the development for which permission was sought. It is also necessary to attach a condition to ensure that the materials used are in accordance with the details within the Planning, Design and Access Statement submitted in support of the application, in order to ensure a satisfactory appearance.
17. Additionally, in order to enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property, a condition is necessary to remove permitted development rights to prevent the extension or alteration of the approved ancillary living accommodation without prior approval of the Local Planning Authority.
18. In the interests of the amenities of the occupants of neighbouring properties with regards to noise and disturbance, a condition is necessary in order to control the timing of construction and other associated activity related to developing the proposal.
19. Given that condition 2 would now include the revised footprint, condition 3 of the previous approval (H/2019/0233) which excludes the addition of a kitchen is no longer required.

### **Conclusion and Recommendation**

20. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be allowed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

21. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be allowed.

*Chris Preston*

INSPECTOR

### **Schedule 1 – Conditions**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details: Location Plan, Ref. 1788.3, Ver. 1, Rev. 0 (1:1250); Proposed Block Plan, Ref. 1788.5, Ver. 1, Rev. 0 (1:500); Elevations (Proposed), Ref. 1788.2, Ver. 1, Rev. 0 (1:100),; and Footprint (Proposed Floor Plan) 1788.1 Version 1 Revision 2.
3. The ancillary living accommodation (annexe) hereby approved shall be occupied in conjunction with the use of the existing property (56 Station Lane, Seaton Carew) as a single dwellinghouse (C3 Use Class) only and shall not be used as a separate dwellinghouse (C3 Use Class), holiday accommodation (C1 Use Class) or for any other use class.
4. The external materials used for the development hereby approved shall be carried out in accordance with those stipulated within the Planning, Design and Access Statement (Ref. 336/OWIHUS), received on 18 June 2019 by the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the ancillary living accommodation hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
6. No construction/building works or deliveries shall be carried out except between the hours of 08.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.



## Appendix D – Appeal Ref: APP/B0230/D/20/3248323



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# Appeal Decision

Site visit made on 7 July 2020

**by David Troy BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 July 2020**

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**Appeal Ref: APP/B0230/D/20/3248323**

**287 Hitchin Road, Luton LU2 7SL**

- 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 Tony Lettman against the decision of Luton Council.
  - The application Ref 19/01350/FULHH, dated 11 October 2019, was refused by notice dated 13 January 2020.
  - The development is addition of a kitchen to Granny Annexe.
- 

## Decision

1. The appeal is allowed and planning permission is granted for addition of a kitchen to Granny Annexe at 287 Hitchin Road, Luton LU2 7SL in accordance with the terms of the application, Ref 19/01350/FULHH, dated 11 October 2019, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the approved plans: DC1, DC02, DC04 and DC05.
  - 2) The annexe hereby permitted shall remain incidental to the dwellinghouse at 287 Hitchin Road at all times and shall at no time be subdivided or occupied as a separate or self-contained residential unit without the prior permission of the Local Planning Authority.

## Procedural Matter

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the granny annexe is on the site and is in use. I shall determine the appeal on this basis accordingly.

## Main Issues

3. The main issues are the effect of the development on
  - (i) whether the annexe is ancillary or incidental to the main dwelling or a separate independent dwelling unit; and
  - (ii) the living conditions of the occupiers of the neighbouring properties at Nos. 285 and 289 Hitchin Road with particular regard to noise and disturbance.

## Reasons

### *Ancillary or incidental to the main dwelling or a separate independent dwelling unit*

4. The appeal site comprises of a detached granny annexe located in the rear garden of 287 Hitchin Road (No. 287), a traditional mid-terrace two storey dwelling located within a mature well-established residential area. The annexe is set down at the bottom of a long narrow sloping rear garden and is set back from the host property. Pedestrian access is provided via an entrance to the side of the property.
5. Planning permission was granted for a granny annexe without a kitchen facility in 2018<sup>1</sup>. The appellant states that since the original planning permission, due to the slow deterioration in his mother's health and the challenges in walking uphill to the main dwelling on a daily basis, a kitchen facility has been added to allow his mother to at least have meals in the annexe during the day when the occupants of the main house are at work.
6. The Council argues that as the granny annexe is physically detached from the host property and because the scheme includes a kitchen, living area, bedroom and shower/wc and is potentially capable of being accessed independently, it could be used as an entirely separate self-contained residential unit.
7. None of these factors can be disputed and I agree that the introduction of an independent dwelling to the garden of the host dwelling is not appropriate for a variety of reasons. Nevertheless, the application clearly states that the development is for the addition of a kitchen to the existing granny annexe and the appellant has consistently asserted that it is required to accommodate his elderly mother so that she can be looked after, albeit with a degree of independence. Further, the Council validated the application on that basis.
8. The granny annexe shares the garden of the host dwelling, along with its services and utilities. It also shares the same address and it is occupied by a family member. The building was occupied by the appellant's elderly mother having a meal in the granny annexe during my daytime site visit. I also observed the potential challenges created by the long sloping rear garden for the appellant's elderly mother in making the journey up to the main house on a daily basis, particularly in cold weather and during the hours of darkness.
9. As such, based on the evidence before me and from my inspection, the use of the site, in its entirety, would remain for single-family occupation. On this basis, it is clear to me that the granny annexe forms part of the original planning unit. Contrary to the Council's suggestion, the use and occupancy of the building could be restricted by a suitably worded planning condition and no compelling reasons have been advanced to persuade me that such a condition could not be monitored and readily enforced.
10. I am therefore satisfied that safeguards could be put in place to ensure the building, with the additional kitchen facility, was used as an annexe accommodation ancillary to the host dwelling rather than as an independent residential unit. Given that the development involves no external changes to

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<sup>1</sup> 17/01756/FULHH

the building, I am also satisfied that such a use is appropriate and does not appear out of context in this domestic setting.

11. Consequently, I find no conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (LP) which, amongst other things, require development proposals, including annexes, to be of a high quality design that demonstrates a functional link between the principal dwelling and annexe and is ancillary to the principal dwelling in terms of its size and facilities. In addition, it accords with the National Planning Policy Framework (the Framework) that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

*Living conditions of the occupiers of the neighbouring properties*

12. The pedestrian access for the granny annexe is provided via an alleyway between No. 285 and 287 and is separated from the gardens at the rear of the adjacent properties by a high close boarded fence running along the route of the access way and the common shared boundaries.
13. Whilst I accept that there is some impact from the development, the occupiers of Nos. 285 and 289 would be used to a certain degree of noise and disturbance from the existing use. Given the modest scale of the changes, together with the boundary treatment and the separation distance between the properties, I do not consider that the development would lead to a significant increase in noise levels, nor result in significant harm to the occupiers in the garden areas at the rear of the adjacent properties. The Council have not provided any evidence which demonstrates the additional kitchen facility generates a more harmful level of noise or disturbance compared to the development originally permitted.
14. As such, I conclude that the development does not adversely harm the living conditions of the occupiers of the neighbouring properties Nos. 285 and 289 Hitchin Road with particular regard to noise and disturbance. Accordingly, it is consistent with Policies LLP1, LLP19 and LLP25 of the LP which seek, amongst other things, to ensure that development, including annexes, create quality places that do not adversely affect the amenity of nearby occupiers. In addition, it accords with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

**Conditions**

15. Having regard to the Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. I have specified the approved plans as this provides certainty and a condition is also necessary to ensure the granny annexe remains ancillary to the main house.

**Conclusion**

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

*David Troy*

INSPECTOR

## Appendix E – Appeal Ref: APP/Q5300/D/16/3147827



# Appeal Decision

Site visit made on 13 July 2016

**by Gary Deane BSc (Hons) DipTP MRTPI**

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

**Decision date: 16 August 2016**

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**Appeal Ref: APP/Q5300/D/16/3147827**

**82 Perry Mead, Enfield EN2 8BS**

- 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 Leslie Ernest and Ella Blinko against the decision of the Council of the London Borough of Enfield.
  - The application Ref 16/00020/HOU, dated 5 January 2016, was refused by notice dated 1 March 2016.
  - The development proposed is the erection of an ancillary granny annexe.
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## Application for costs

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

## Decision

2. The appeal is allowed and planning permission is granted for the erection of an ancillary granny annexe at 82 Perry Mead, Enfield EN2 8BS in accordance with the terms of the application Ref 16/00020/HOU, dated 5 January 2016, subject to the conditions set out in the schedule to this decision.

## Main issues

3. The main issues are firstly, whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary use; and secondly, the effect of the proposal on the character and appearance of the local area.

## Reasons

*Whether a separate unit of residential accommodation*

4. Although the Council considers that the proposal is tantamount to a new independent unit of residential accommodation that is not what has been applied for. The application forms lodged with the Council make clear that planning permission is sought for the erection of an ancillary granny annexe. The Council validated the application on that basis.
  5. The Council supports its opinion with reference to the intended occupier, which would be the appellant's daughter, the self-contained nature of the accommodation to be provided, the limited connection to the main house, and the ability to provide separate access and to subdivide the plot that is to be shared with No 82. With a bedroom, lounge, kitchen, bathroom and store, the
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new building would have adequate facilities and sufficient space within and around it potentially for independent use by a separate household. Therefore, the Council's concern is not unfounded.

6. However, the evidence is not conclusive that the proposal would actually be used in this way. The appellants contend and have repeatedly stated in writing that it would not. The new building would provide for the needs of the appellant's daughter, enabling her to be on hand to care for her elderly parents that reside within the main dwelling. From my inspection of the plans, the use of the site, in its entirety, would remain for single-family occupation. The proposal would not have a separate address nor would it have separate utility provision or garden. All of these matters consistently point towards the ancillary nature of the proposal.
7. The use of the new building as an annexe could also be controlled by a condition if planning permission were to be granted. The model condition for granny annexes put forward in national guidance is designed to prevent the creation of an additional dwelling. This condition is capable of being enforced in this instance because there is no obvious reason why the Council should not be able to investigate and take any action with regard to any alleged breach of the condition.
8. A request to use the new building independently could be made in the future. However, its location within the garden of No 82, away from the road, with only pedestrian access would indicate that the building would not be suitable for use as a separate dwelling. If such a proposal did come to pass, it could be resisted on the grounds that the building would be unsuitable for use as a separate residential unit with support from adopted planning policies.
9. With a suitably worded condition in place to restrict the use of the new building to an ancillary annexe, I conclude on the first main issue that the proposal does not constitute a separate unit of residential accommodation and that it would be ancillary to No 82. Therefore, I find no conflict with Policy DMD 12 of the Enfield's Development Management Document (DMD). This policy notes that proposals for outbuildings will only be permitted if its criteria are met, which include a requirement that the building is ancillary to the use as a dwelling.
10. As the proposal is not for a separate dwelling, it follows that Policies 3.5 and 3.8 of the London Plan and DMD Policy DMD 8 are not applicable.

#### *Character and appearance*

11. The new addition would be a single storey detached building with timber walls and a dual pitched tiled roof. It would stand to one side of No 82 within its side and rear garden. It would be a sizeable addition and larger than ancillary outbuildings and structures that are generally found in the gardens of residential properties. During the site visit, I saw no outbuildings there were comparable in size to the proposal.
12. Even so, the proposal would be clearly subordinate in relation to the more substantive 2-storey host building and the site. A good-sized garden would remain with the new built form in place. With appropriate external materials and a low profile due to its modest height and shallow pitched roof, the new building would not be obtrusive. While the full-length windows would give the

proposal a residential character, its design would be simple with a utilitarian appearance that would not look out of place in a residential garden setting. Consequently, the new building would not be incongruous in its context.

13. The proposed building would be partly screened from public view by the main house and the boundary fence around the perimeter of the back garden. Only a small part of the new building would be glimpsed from the road, between the existing buildings. From this direction, the new development would be inconspicuous and have no discernable effect on the character and quality of the street scene. The upper part of the new addition would be visible from some gardens and windows of nearby properties. In these views, it would be largely seen in the context of the more substantial 2-storey flank wall of an adjacent property. In that context, the appeal development would not appear excessively large or an overly dominant addition.
14. For these reasons, I conclude on the second main issue that the proposal would not be out of keeping with the character and appearance of the local area. Accordingly, I find no material conflict with CS Policy CP30 and DMD Policies DMD 7, DMD 12 and DMD 37 insofar as they aim to ensure that development is appropriate to, and reflects an understanding of, its context and does not harm the character of the local area.

#### *Other matters*

15. The Council is critical of the appellants for failing to provide sufficient evidence to demonstrate a need for the proposed accommodation. In this instance, the proposed annexe would enable the appellant's daughter to live close to but independent from her parents. In this way, the appellants could stay in their home, thereby providing continuity and stability, while enabling them to be cared for and supported as they become more infirm and dependent. The appellants have provided a cogent case that the proposal, when taken together with the main house, would meet a need that is particular to their personal circumstances. In those circumstances, the new annexe would not, in itself, satisfy a specialist housing need, to which DMD Policy DMD 15 refers, but the application was not promulgated on the basis that it would.
16. Reference is made to case law and several recent appeal decisions involving proposals for annexes elsewhere. From the limited information provided, none appear to reflect the particular circumstances of this case. In the absence of full background details, I am unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance.

#### **Conditions**

17. I have considered the conditions suggested by the Council in the light of relevant advice contained within the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition is necessary to require that samples of external materials are agreed before construction work starts. In addition, a condition is also necessary to ensure the proposed building remains ancillary to the main house.

## **Conclusion**

18. For the reasons set out above, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 0392-12-15/1A, 0392-12-15/2A, 0392-12-15/3A and 0392-12-15/4A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 82 Perry Mead, Enfield EN2 8BS.

## Appendix F – Appeal Ref: APP/B3438/A/12/2188171





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# Appeal Decision

Site visit made on 30 April 2013

**by Alison Partington BA (Hons) MA MRTPI**

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

**Decision date: 6 June 2013**

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**Appeal Ref: APP/B3438/A/12/2188171**

**Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP**

- 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 Kevin Corkery against the decision of Staffordshire Moorlands District Council.
  - The application Ref 12/00578/FUL, dated 13 July 2012, was refused by notice dated 9 November 2012.
  - The development proposed is the replacement of existing garage to provide living accommodation for dependent relative.
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## Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing garage to provide living accommodation for dependent relative at Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP in accordance with the terms of the application, Ref 12/00578/FUL, dated 13 July 2012, subject to the conditions set out in Annex A:

## Main Issues

2. The main issues of the appeal are:
  - Whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use.
  - The effect of the proposed development on the character and appearance of the area.

## Reasons

### *Whether an ancillary use*

3. The appeal site is a detached house with a variety of outbuildings situated in a rural location on the edge of the village of Hollington, and in a Special Landscape Area (SLA). The proposed accommodation for the dependent relative would be built on the site of the existing double garage. It would therefore be separate from the main dwelling but would be directly facing and in close proximity to it.
4. The accommodation would comprise a bedroom, bathroom and living room that would include a small kitchen area. In the Council's view therefore because the accommodation is physically separate from the main dwelling and due to the range of facilities proposed within the unit, it could be used as an independent residential unit.

5. However, the appellant has stated that the accommodation is not to be used in this way but to provide accommodation for a dependent relative for whom they have to provide care. I have only been provided with limited evidence regarding the level of care needed by the relative, but the need to provide care for them has been corroborated by the local councillor. Furthermore given the nature of the illnesses suffered by the relative I consider that the need to provide care will increase with time.
6. Whilst I accept that the proposed accommodation would contain all the facilities required for it to be used as an independent unit, its overall size would be small and the level of facilities it would provide would be basic, which is what would be expected for accommodation that is ancillary to the main dwelling.
7. Furthermore the accommodation would be provided with no separate outdoor space of its own and would share the same access as the main dwelling. Given its proposed location adjacent to the boundary of the site and in close proximity to the main dwelling I cannot envisage any way that it would be possible to provide separate outdoor space for the property or a separate access either now or in the future. Consequently any occupiers of the accommodation would have to utilise the outdoor space and access associated with the main dwelling.
8. In addition it has been stated that the accommodation would not have a separate address nor would it have separate utility provision. These factors again indicate that it would be ancillary to the main dwelling.
9. I recognise that the grant of planning permission could result in pressure for the building to be used as a separate dwelling at the some point in the future. For the reasons set out above I consider that it is very unlikely to be occupied independently of the main dwelling. Moreover Circular 11/95 provides a model condition which could be attached to this permission to ensure that the occupation of this unit remains ancillary. The fact that such a condition is included in national guidance is an indication that it is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action on any breach of the condition.
10. I note the concerns of the Council regarding whether adequate consideration has been given to either providing the required accommodation within the existing house or by extending the existing dwelling. However given the constraints of the site it is not clear to me that the extension of the house would be feasible. Furthermore, given the relative limited size of the current dwelling and the lack of any bathroom facilities on the ground floor I consider that it would not be possible to provide the required accommodation in the existing dwelling without extending it.
11. Overall therefore I conclude that the proposed development would be ancillary to the main dwelling rather than an independent residential unit. As an ancillary use the proposal represents a sustainable form of development and therefore accords with Policies D1 of the *Staffordshire and Stoke on Trent Structure Plan (as amended) (adopted May 2001)* (SSSP) and SS1 of the *Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (Revised Submission Document December 2011)* (SMCS). Since I have concluded that the proposed development is not a separate dwelling Policies H11 of the SSSP, H7 of the *Staffordshire Moorlands*

*Local Plan (adopted September 1998)* (SMLP) and R2 of the SMCS are not applicable.

### *Character and Appearance*

12. The existing garage is a concrete structure that is in a poor state of repair and is not in keeping with the stone buildings that are the predominant building type in the area. The proposed building which would be constructed with stone walls and a slate roof would therefore reflect the surrounding buildings and be more in keeping with the area.
13. Whilst I accept that the proposed building would have a greater height than the existing garage, as a single storey building I consider it would still appear subordinate to the main dwelling which is 2 storeys. Further, in terms of its visual impact on the wider area, when approached from Quarry Road the proposed building would be partially screened from view by the wall and vegetation that forms the boundary treatment at this point. In addition, given the local topography and the close proximity of the proposed accommodation to the existing house I am satisfied that the proposed building would not have an adverse impact on any views from the nearby public footpath.
14. The Council have argued that the demolition of the existing garage could result in additional outbuildings being constructed for the same purpose which could have an adverse impact on the countryside. In the short term the evidence before me indicates that it is unlikely that appellants would want to do this. Furthermore given a suitable condition can be used to ensure that this cannot be done under permitted development rights, the acceptability of any future outbuilding could be considered by the Council. Consequently I consider that this does not constitute a reason for refusing this current application.
15. As a result I consider that the development would respect the character and appearance of the area and it would not materially detract from the high quality of the SLA. As such it would accord with Policies D2, D4, NC1 and NC2 of the SSSP, Policies N8, N9 and B13 of the SMLP and Policies SS6c, SO8, SO9, DC1 and DC3 of the SMCS which seek to ensure that development respects the character, appearance and local distinctiveness of the area and protects the open countryside for its own sake.

### **Conclusions and Conditions**

16. For the reasons set out above I conclude the appeal should be allowed.
17. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the building. A condition is also necessary to ensure the proposed building remains ancillary to the main house.



18. I am not persuaded it is necessary to remove all the permitted development rights suggested by the Council. Circular 11/95 *The Use of Conditions in Planning Permissions* indicates that such restrictions should be exceptional. However, in order to protect the character and appearance of the area I have restricted rights relating to the development of outbuildings.

*Alison Partington*

INSPECTOR

## Appendix G – Appeal Ref: APP/R5510/D/15/3005825



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# Appeal Decision

Site visit made on 14 May 2015

**by D Cramond** BSc MRTPI

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

**Decision date: 10/06/2015**

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**Appeal Ref: APP/R5510/D/15/3005825**

**20 Redmead Road, Hayes, Middlesex, UB3 4AU**

- 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 Paramjit Gill against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 57105/APP/2014/4159, dated 15 November 2014, was refused by notice dated 20 January 2015.
  - The development proposed is a single storey detached outbuilding to rear for use as a granny annexe ancillary to the main dwelling.
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## Decision

1. The appeal is allowed and planning permission is granted for a single storey detached outbuilding to rear for use as a granny annexe ancillary to the main dwelling at 20 Redmead Road, Hayes, Middlesex, UB3 4AU in accordance with the terms of the application, Ref 57105/APP/2014/4159, dated 15 November 2014, subject to the following conditions:
  1. The outbuilding hereby permitted shall not be occupied at any time other than for domestic or other purposes ancillary to the residential use of the dwelling known as 20 Redmead Road, Hayes.
  2. The existing solid wall of approximately 2 metres in along the north east rear boundary of the curtilage of 20 Redmead Road, Hayes height shall be permanently retained and no gateways or other means of pedestrian or vehicular passage shall reinstated or created which would enable access from outside the curtilage into the open area behind the outbuilding hereby permitted.

## Procedural Matter

2. The development has been completed and the use sought is retrospective; this does not alter my approach to determining the merits of the proposal.

## Main Issue

3. The main issue is whether appeal proposal would be tantamount to a separate dwelling with consequent effects on living conditions for neighbours and future residents.

## Reasons

4. The appeal property as a terraced two storey dwelling in an area of generally similar homes which form an established residential neighbourhood of pleasing

character and appearance. The property has a reasonable averaged sized rear garden for the area and is far from unique locally in having an outbuilding of this size and character. The proposal is as described above and is a single storey flat roofed structure of about 40 square metres floor area.

5. Planning history on the site includes an enforcement notice being issued against the rear outbuilding. The breach of planning control as alleged in the notice was, without planning permission, the erection and residential use of a single-storey self contained outbuilding. The notice was appealed under reference APP/R5510/C/13/2209789. The decision was made on 14 October 2014, with the appeal being dismissed and the notice varied. It was deemed that the physical structure could remain together with the internal partitions, however, the use as a residential dwelling was considered unacceptable and hence the kitchen and bathroom were to be removed. These works have not been undertaken and the Appellant wishes to (continue) the use of the building as granny annexe with the clear stated intent that it would not be used a separate dwelling.
6. The Inspector in the enforcement case made the point that in the then absence of a 'ground (a) appeal' and a deemed planning application he/she was not able to consider the planning merits of the case, as they apply to the requirements of the notice, nor was the Inspector able to impose planning conditions.
7. The Council is not raising any issue with regard to the physical structure in aesthetic or amenity terms. Rather it draws attention to the internal and external characteristics of, and access to, the building being such that the structure is tantamount to a separate dwelling which could be used for independent living. The alleged ramifications from this could be impact on neighbours and the failure to meet needs of the would-be occupiers such as amenity space.
8. However, the structure has no separate address, no separate utility meters, all services derived from the main house, pedestrian access only in part through the main dwelling and minimal kitchen facilities all of which would to my mind point to this not being an individual dwelling or a separate planning unit. There is a narrow contorted overgrown pedestrian rear access lane but it is clear this has not been used for a considerable period and the rear boundary, which lies beyond a very small open area behind the appeal building, is presently solidly blocked up with a high level wall. Only if this rear access was to be used might the structure lean more towards the definition of a separate dwelling; it would then be less reliant on the main dwelling.
9. The Appellant's statement both generally, and in the present circumstances set out with regard to his mother, makes it clear that he is open to planning conditions which would re-assure the authorities that this building is to be used as a genuine granny annexe, or for matters such as storage, and not a separate dwelling. Two aspects underlined by the Appellant are pertinent – the nature of the occupation and use as well as access to the building. I would deem that the structure should be tied by a planning condition to ancillary occupation and use and that the solid wall to the rear lane should remain in situ. Both these conditions would to my mind prevent individual residential occupation and protect local amenities and character.

10. In the circumstances of these 'new' conditions I would look afresh at the previous requirement to remove the kitchen and bathroom facilities and deem that this would not now be necessary. I would also conclude that there would be no conflict with Policies AM14, BE19, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) or the Supplementary Planning Documents HDAS; *Residential Extensions* and HDAS; *Residential Layouts*. Taken together and amongst other matters these policies and documents seek to ensure suitable parking, safeguard an area's character, provide for adequate amenity and protect living conditions for neighbours.

*Conditions*

11. The Council suggests the standard commencement condition along with the requirements for materials to match the existing building and works to be carried out in accordance with listed, approved, plans. However, given that the proposal is a retrospective one these conditions would not be appropriate. The Appellant anticipates controlling conditions to ensure ancillary domestic use, I discuss these above, and I shall apply the two conditions in question in the interests of protecting the living conditions for neighbours and the character of the area.

*Overall conclusion*

12. For the reasons given above I conclude that the appeal proposal would not be tantamount to a separate dwelling and thus not have unacceptable adverse effects on living conditions for neighbours and future residents. Accordingly the appeal is allowed.

*D Cramond*

INSPECTOR

## Appendix H – Appeal Ref: APP/R5510/D/22/3296373



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# Appeal Decision

Site visit made on 7 July 2022

**by Mr M Brooker DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> August 2022**

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**Appeal Ref: APP/R5510/D/22/3296373**

**50 St. Martins Approach, Ruislip HA4 7QQ**

- 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 & Mrs W James against the decision of London Borough of Hillingdon.
  - The application Ref 26449/APP/2021/4517, dated 13 December 2021, was refused by notice dated 23 March 2022.
  - The development proposed is described as a detached annexe for an elderly relative.
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## Decision

1. The appeal is allowed and planning permission is granted for a detached annexe for an elderly relative at 50 St. Martins Approach, Ruislip HA4 7QQ in accordance with the terms of the application, Ref 26449/APP/2021/4517, dated 13 December 2021, subject to the following condition:
  - 1) The building hereby permitted to be used as a residential annex shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 50 St. Martins Approach.

## Applications for costs

2. The appellant has submitted an application for costs. This application is the subject of a separate decision.

## Preliminary Matters

3. I saw at the site visit that the building subject of this decision has already been built and appeared to be largely complete. Furthermore, I have amended the description removing reference to 'retention' and 'existing' because this is not development. I note that a Certificate of Lawful Use or Development<sup>1</sup> for a single storey outbuilding, referred to as being used as a gym has been granted.

## Main Issue

4. The main issue is whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary use; and if so, the effect of the proposal on the living conditions of the occupiers of the annex and host dwellings, with particular regard to internal space and outdoor private space, flood risk, the character and appearance of the area; and the effect of the appeal scheme on car parking.

## Reasons

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<sup>1</sup> 26449/APP/2020/1535 dated 5 June 2020



### Use and Living Conditions

5. Policies DMHD 2, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) are relevant to the appeal scheme and amongst other matters require that outbuildings be used for purposes incidental to the enjoyment of the dwelling house only, that new development respects the living conditions of local residents and the local context of the area.
6. I am aware that the distinctive characteristics of a dwellinghouse is its ability to afford those who use it the facilities required for day-to-day private domestic existence. Nonetheless even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling.
7. The outbuilding is to be sited within the enclosed rear garden, the proposed outbuilding's mass is materially smaller and it is visually subservient to the host dwelling. Access to the building is from the rear garden of the appeal property, I saw at the site visit that a narrow pedestrian access is provided from St. Martins Approach down the side of the host property to the rear garden, thus there is a clear relationship between the host property and the annex subject of this appeal.
8. Internally, the proposed outbuilding would include, as described by the appellant "a bedroom with a shower room and a small open plan lounge with a kitchenette." I saw at the site visit that the latter had not yet been installed and that overall the scale of the facilities contained within the annex were limited. Due to the limited size, scale of facilities contained within and proximity to the host dwelling, the annex does not appear to be designed for use as an independent dwelling.
9. Furthermore, the appellant has confirmed that the building would be used for purposes ancillary to the host dwelling only and I am satisfied that such a restriction could be secured by the imposition of a planning condition. I consider that in this instance such a condition would be necessary in the interests of certainty and to protect the living conditions of the occupiers of the host and neighbouring dwellings.
10. Should at any time in the future a planning application be submitted for the change of use of the annex to a separate dwelling, associated matters relating to living conditions, the internal floor area, flood risk and parking provision would then need to be taken into consideration.
11. For the reasons detailed above, it is my planning judgement that the proposal would not constitute a separate unit of residential accommodation and as an annex to the main building, I find that it would not have an adverse impact on the living conditions of the occupiers of the with regards internal or external space.
12. As such the appeal scheme is not in conflict with Policies DMHD 2, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

### Car Parking

13. The Officer's report details that the appeal property currently provides 2 off-street car parking spaces and that an additional bedroom results in the need for additional on site car parking as required by the Local Plan. However, Policy DMT 6 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies details that exceptions to this requirement are allowed where "the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity".
14. I saw at the site visit that, while on-street car parking was clearly in demand in the area spaces were still available and I have no substantive evidence to show that there is no capacity to absorb the very limited potential increase in demand for on street car parking resulting from the appeal scheme. Therefore, I do not find that the appeal scheme would have an unacceptable impact on highway safety.
15. I accept that one consequence of placing additional reliance upon on-street car parking is that existing and future residents of the area would to some extent be inconvenienced by an increased competition for the available spaces. This would manifest itself in terms of taking longer to find a parking space, or residents having to park further away from their homes. Whilst I acknowledge that this would be an inconvenience to local residents, I do not find that this would amount to an unacceptable impact on their living conditions.
16. Consequently, I find that the proposed development would potentially lead to a very limited increase in demand for on-street car parking and that this would not have an unacceptable impact on highway safety or the living conditions of local residents. Therefore I find no conflict with Policy DMT 6 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies.

### **Conditions**

17. In the interests of the living conditions of the occupiers of the future occupiers of the annex, the host and neighbouring properties, I have included a condition to prevent the occupation of the annex as a self-contained dwelling.

### **Conclusion**

18. For the reasons given I conclude that the appeal should succeed.

*Mr M Brooker*

INSPECTOR