



Appeal Decision

Site visit made on 4 June 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/R5510/W/24/3358241

54 Chelston Road, Ruislip, Hillingdon HA4 9SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Atul Gupta against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 3085/APP/2024/2549.
- The application sought planning permission for a single storey detached outbuilding for home office, physical fitness and storage without complying with a condition attached to planning permission Ref 3085/APP/2023/2028, dated 5 Oct 2023.
- The condition in dispute is No 3 which states that: *"The outbuilding hereby permitted shall be used only for purposes incidental to the residential use of the No.54 Chelston Road, Ruislip and shall remain within the same planning unit. The outbuilding shall at no time be used for purposes such as a living room, bedroom, kitchen or as a separate unit of accommodation".*
- The reason given for the condition is: *"To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use and in the interests of protecting the amenity of adjoining residential properties in accordance with Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan - Part Two (2020)".*

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- Whether the proposal adheres to development plan policy;
- The effect on the character and appearance of the area;
- The effect on neighbouring amenity for occupiers of 52 & 56 Chelston Road, with particular regard to noise and disturbance; and
- Whether the proposal would result in acceptable living conditions for occupants of the appeal site.

Reasons

Adherence to policy

3. The appeal concerns an outbuilding (the building) in the garden of an end of terrace dwelling. The building is split by an internal dividing wall, creating two rooms. The larger room already includes a small bathroom, with a sink, shower,

and WC. Permission was granted for the building under the current development plan.

4. The appellant proposes to vary the disputed condition so that it allows for the use of part of the building as an annexe for a nanny/carer, who would eat with the appellant's family in the host dwelling rather than in the building. The proposed plans show the larger room with the bathroom retained, and with a single bed and a sofa added. No external alterations are proposed. I have not been provided with a draft replacement condition but based on the above the proposal involves at least the removal of the words '*purposes such as a living room, bedroom*'.
5. Policy DMHD 2 of the Hillingdon Local Plan - Part Two (2020) addresses outbuildings and, as such, is directly pertinent. It has four requirements; The first is for a high standard of design that does not compromise neighbouring amenity, the second regulates proportions. Insofar as the physical dimensions and appearance of the building are concerned, these two requirements have no bearing on the appeal as permission for the building has already been granted.
6. The third requirement is that outbuildings be used for a purpose incidental to the enjoyment of the dwelling house, and that they not be capable for use as independent residential accommodation. The fourth prohibits primary living accommodation such as a bedroom, bathroom, or kitchen.
7. The Council contends that the proposal would render the building capable of independent occupation. Two factors are highlighted; the availability of access to the building via a side alley, leading to one of two separate gates into the appeal site garden, and the provision of internal facilities, specifically the bed, bathroom, and a sink within a bench, said to be capable of use ultimately as a kitchen.
8. The alley, gates, bathroom, and bench exist already. I have no evidence they are unlawful. As elements of the proposal they do little, therefore, to render the building any more capable of use as independent residential accommodation than it already is.
9. Whilst a kitchen would usually have a sink, it would also usually require cooking, food storage, refrigeration, and freezing facilities before it could function. Given this, I see no reason why the presence of a sink, as per the proposed plans, would in itself make the subsequent creation of a functioning kitchen materially more likely than it is at present, as it would be so small a step towards that outcome.
10. However, to my mind the lawful presence of a bed and living room, in conjunction with the existing arrangements, would have implications for the capability of the building to be used as independent residential accommodation. I note that Policy DMHD 2 does not distinguish between lawful and unlawful instances of such a use. I do not doubt that the appellant uses, and would continue to use, the building in accordance with planning control but I must consider how the proposal could potentially affect the use of the site in future, including if it were owned by someone else.
11. As things stand, all parties appreciate that nobody should be living or sleeping in the building. Any such activity would be readily distinguishable from the lawful use of the site. This would likely deter breaches or result in them being reported. Removing the current restrictions would make it more difficult for unauthorised independent residential accommodation to be identified, were it to occur. For this

reason, overall, I find the proposal at odds with the third requirement of Policy DMHD 2.

12. Even if no kitchen or cooking facilities were added, the proposal would conflict with the fourth requirement of Policy DMHD 2 as it would involve the creation of a living and bedroom.
13. For the reasons set out above, the proposal conflicts with development plan policy DMHD 2.

Character and appearance; Neighbouring amenity

14. The physical appearance of the building would not alter as a result of the proposals and, in that respect, there would be no harm to the appearance of the area or to neighbouring visual amenity.
15. However, even if the building were used exclusively by a nanny/carer who ate in the main house, that person would still have some free time, likely in the evening and at weekends. When not working, I would expect that person to come and go using the gate nearest to the building, so as not to disturb the appellant's family in the host dwelling.
16. Whilst the arrangement described above may differ from wholly independent residential use, it would still bring about some comparable effects; Someone would come and go from the building in the evening, using the alley and gate. There would be the sound of the gate and door opening and closing, a torch may be used to illuminate the alley, lights would be on in the building in the evening, with indications of a television or radio being on. In short, general domestic activity unrelated to the main dwelling would be apparent.
17. I observed other garden buildings near the appeal site, but I have no evidence that they are used for accommodation. The site and its neighbours back on to a school playing field, so the rear gardens are likely to be quiet in the evenings and on weekends. As such, occupation of the building would introduce a new, unusual element of activity that would be particularly noticeable in the setting.
18. Given the above, the proposal would result in an alien, intrusive feature, at odds with the character of the area and harmful to the amenities of occupiers at 52 & 56 Chelston Road, contrary to Policies DMHD 2 and DMHB 11 of the Hillingdon Local Plan: Part Two (2020). These require, amongst other things, that development respect local character and not compromise neighbouring amenity.

Living Conditions

19. The proposal would make the larger room of the building the bed and living room of an employee; a person likely unrelated to the appellant's family. However, the door and window to the room face directly out on the garden of the host dwelling, such that for the employee to obtain privacy they would need to keep the openings closed and covered. This would make the room dark and gloomy and prevent natural ventilation. It would be an oppressive and dispiriting environment.
20. Given the above, even if the building is assessed as a room of the host dwelling, it would provide unacceptably poor living conditions. As such, the proposal is contrary to Policy D6 of the London Plan (2021), and to Policies DMHB 16 and

DMHB 18 of the Hillingdon Local Plan: Part Two (2020), where they require all development to provide an appropriate living environment.

Other Considerations

21. The harms I have identified above are those resulting from the use of the building as accommodation for a nanny/carer employed in association with the host dwelling. As such, a condition limiting the use of the building to such a person as proposed by the appellant would not overcome my concerns.
22. My attention has been drawn to a previous appeal at a different site¹. From the information available, the circumstances of that case were notably different to those before me; The building considered in the previous appeal was already used for ancillary accommodation, it had a separate entrance door, and private amenity space of its own. As such, allowing that building to be used as an annex did not introduce residential occupation where it would not otherwise exist, did not result in the same alterations to the character of the area or to neighbouring amenity, and did not result in unacceptable living conditions. I attach minimal weight to the previous appeal, therefore.

Conclusion

23. For the reasons given above, the appeal is dismissed.

A Knight

INSPECTOR

¹ Appeal Decision APP/R5510/D/20/3256126.