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## Appeal Decision

Site visit made on 10 November 2025

**by H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 November 2025**

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### **Appeal Ref: APP/R5510/W/25/3370737 126 Station Road, West Drayton UB7 7JS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Dhanjal against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 34971/APP/2025/705, dated 27 February 2025, was refused by notice dated 12 June 2025.
  - The application sought planning permission for the raising of existing single storey roof including reconfiguration and erection of an outbuilding to rear garden without complying with a condition attached to planning permission Ref 34971/APP/2024/771 dated 24 May 2024.
  - The condition in dispute is No 4 which states: The outbuilding hereby permitted shall be used only for ancillary storage purposes in conjunction with the Day Centre, 126 Station Road and shall not at any time be used for any other purpose or use.
  - The reason given for the condition is: In the interests of protecting the amenity of adjoining residential properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan – Part Two (2020).
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### **Decision**

1. The appeal is allowed and planning permission is granted for the raising of existing single storey roof including reconfiguration and erection of an outbuilding to rear garden at 126 Station Road, West Drayton UB7 7JS without complying with condition No 4 attached to planning permission Ref 34971/APP/2024/771, dated 24 May 2024, subject to the attached Schedule of Conditions.

### **Background and Main Issues**

2. A Certificate of Lawful Development (CLD) for the change of use of 126 Station Road (No 126) from a veterinary medical centre to a day centre, was issued in 2023<sup>1</sup>. Planning permission was originally granted for the raising of an existing single storey roof including reconfiguration and erection of an outbuilding in May 2024 (Council ref: 34971/APP/2024/771) (original permission). I saw on my site visit that No 124 is currently in use as a day centre, with the evidence before me indicating that this use is linked to adult social care initiative. The outbuilding subject of this appeal has been constructed to the rear of No 126.
3. The appeal proposal seeks to vary Condition 4 of the original permission, so that the use of the outbuilding is not limited to ancillary storage purposes.

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<sup>1</sup> Council ref: 34971/APP/2023/1926

4. The main issues are the effect of varying Condition 4 on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and parking provision on the site.

## **Reasons**

5. The appeal site comprises a two-storey detached building fronting Station Road, a well-trafficked route leading through West Drayton. While the area is predominantly residential, nearby uses include a library and a petrol station, in addition to the established day centre use of the appeal site. Footways and cycle lanes run along both sides of Station Road, and a bus stop is located close to the site, adjacent to the library. On-street parking is restricted by single yellow lines.
6. A driveway to the side of No 126 leads to a gated access. Beyond the gate is an area of hardstanding used for parking and the outbuilding subject of this appeal which is positioned adjacent to the side boundary of 130a Station Road and the boundary with the rear garden areas of 55 Drayton Gardens and 124 Station Road.
7. The day centre use of No 126 is established through the CLD. Consequently, any noise effects or increased parking demand arising from the use of the main building is not material to this appeal. However, the proposed use of the outbuilding would increase the overall floorspace of the day centre, and its use for a wider range of purposes ancillary to the main facility could lead to additional users, staff, deliveries and activities on the site. Precise details of existing and proposed numbers have not been provided and the Council indicate that the lack of detail submitted with the original permission as being one of the reasons for imposing the disputed condition. Nevertheless, any increase in comings and goings or parking demand related to the outbuilding is likely to be limited, given its modest size.
8. The disputed condition is also inconsistent with Drawing number 126-24-01-003, referenced in Condition 1 of the original permission which annotates the outbuilding as being intended for ancillary use and not ancillary storage use. The appellant states that it was always intended for the outbuilding to primarily host quiet indoor activities such as reading or conversation. Even if a broader range of ancillary uses were to occur, there is no substantive evidence to suggest that these activities, including movement between the main building and the outbuilding, would generate noise or disturbance levels that would exceed those associated with the established day centre and surrounding uses. Accordingly, a noise survey specific to the outbuilding is not necessary.
9. I noted during my site visit that on-street parking spaces nearby are limited, and interested parties have raised concerns about indiscriminate parking along Station Road causing inconvenience and a hazard to road users. When granting the original permission, the Council has not clarified which specific parking standard the proposal would fail to meet under Policy DMT 6 of the LP. Furthermore, the Council raised no concerns regarding the loss of the parking spaces that would directly result from the siting of the outbuilding, subject to a condition requiring a Parking Management Plan (PMP). I find no reason to dispute this and the effective implementation of a PMP would also assist in ensuring the appropriate operation of the car park and would assist in preventing inappropriate/informal parking by site users. Given the likely modest increase in demand for parking, a transport statement specific to the outbuilding is unnecessary. Moreover, there is no substantive evidence to suggest the proposed use of the outbuilding would result in

an unacceptable impact on highway safety or a severe residual impact on the highway.

10. Overall, there is no clear justification for the use of the disputed condition as currently worded, and it is not necessary to make the development acceptable in planning terms in accordance with Paragraph 56 of the National Planning Policy Framework (the Framework).
11. I conclude that the effect of varying condition 4, would not result in a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; or upon parking provision on the site. In this regard, there would be no conflict with Policies DMHB 11 and DMT 6 of the LP for the aforementioned reasons.

### **Other Matters**

12. While I am not aware the use of the building is already occurring in breach of Condition 4, it has been brought to my attention that development may not been constructed in accordance with the approved plans. This is a separate matter which the Council can investigate and does not preclude a decision being made on this appeal.
13. Various concerns have been raised by interested parties, including in relation to the scale and design of outbuilding, the quality of its construction, disturbance during construction works, installation of CCTV, loss of privacy, the cutting back of a tree, alleged damage to a boundary fence, and loss of light restricting vegetation growth. An interested party has also been suggested that the outbuilding be demolished or reduced in size. However, matters relating to the physical presence of the approved outbuilding cannot be revisited as part of this appeal. Any other matters raised linked to the use of the outbuilding are not matters in dispute and following my site visit, I find no reason to reach a different view from the Council with regards to these issues.
14. The map of the West Drayton Green Conservation Area (CA) shows that the appeal site is not located in the CA. Although the potential for the proposed development to impact on the setting of this heritage asset has been raised, it is not a matter disputed by the main parties. Having considered the spatial relationship between the appeal site and this asset and the proposal before me, I am satisfied that no harm to the significance of the CA would arise.

### **Conditions**

15. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. I have limited information before me about on the status of the other conditions imposed on the original planning permission, although the Council indicate that pre-occupation condition 5 (access to buildings for people with disabilities) and pre commencement conditions 6 and 7 imposed on the original planning permission have not been discharged. I shall impose all those that I consider remain relevant and I have made changes to wording to add precision as appropriate. In the event that some have in fact been fully discharged, that is a matter which can be addressed by the parties.

16. Conditions 1, 2 and 3 have been reimposed. Reference to the word 'storage' has been removed from Condition 4. Conditions 5, 6 and 7 have been re-imposed, with amended implementation clauses where appropriate to ensure that the conditions are enforceable. Reference to the retention of the approved details thereafter has been removed from Condition 2, 6 and 7 as this is not reasonable or necessary.

### **Conclusion**

17. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission substituting Condition 4 and reinstating (and amended as required) those undisputed conditions that are still capable of taking effect.

*H Marriott*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:  
PA-01  
PA-02  
126-24-01-003
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The windows in the side elevation relating to WCs and Shower Rooms of the day centre building shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.7 metres taken from internal finished floor level for so long as the development remains in existence.
- 4) The outbuilding hereby permitted shall be used only for ancillary purposes in conjunction with the Day Centre, 126 Station Road and shall not at any time be used for any other purpose or use.
- 5) Prior to the use of the outbuilding hereby permitted, details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the use of the outbuilding.
- 6) Prior to the use of the outbuilding hereby permitted, a detailed management plan shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i. details of how the proposed opening and closing of the main building and outbuilding will be managed;
  - ii. measures to ensure that only users of the Day Centre can access/use the buildings;

iii. measures to manage activities held within the main building and outbuilding to minimise disturbance to residents.

Thereafter, the development shall only be operated and maintained strictly in accordance with the approved details.

- 7) Prior to the use of the outbuilding hereby permitted, a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. At no time shall the site be used for parking by non-users of the Day Centre and the plan shall detail the arrangements for all parking onsite and include provisions for managing, monitoring, enforcement and review. Plans should include safe pedestrian access between the main building and the outbuilding. The approved Plan shall be implemented as soon as the outbuilding is brought into use and shall remain in place thereafter.

**END OF SCHEDULE**