



Appeal Decision

Site visit made on 18 June 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/R5510/W/25/3359768

1 Nicholls Avenue, Hillingdon, Uxbridge UB8 3JL

- 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 Ian Cook against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 54817/APP/2024/839.
- The development proposed is replacement of garden store building.

Decision

1. The appeal is allowed and planning permission is granted for replacement of garden store building at 1 Nicholls Avenue, Hillingdon, Uxbridge UB8 3JL in accordance with the terms of the application, Ref 54817/APP/2024/839, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposed development would be tantamount to the creation of a self-contained residential unit.

Reasons

3. The appeal site is a mostly open parcel of land which consists of overgrown vegetation. It is located in a predominantly residential area and there is also a garage building within the site.
4. Planning permission has been granted¹ for the erection of three self-contained, independent dwellings over two levels. However, no substantial works to implement this permission appear to have taken place.
5. I acknowledge the Council's concerns in relation to the layout of the building which includes its own entrance, landscaped garden and its physical separation from the proposed self-contained dwellings. However, it is clear from the description of development and proposed plans that a garden store is proposed and it is intended to compliment and be used in connection with the proposed self-contained dwellings.
6. I note the Council's concern that a condition could not be used to tie the proposed building to the currently unfinished development. However, there is no need to tie the building to this, instead a condition could be used to prevent it being converted into a separate self-contained dwelling. This would prevent its use as a self-contained dwelling even if it was constructed before the extant permission.

¹ Council reference: 54817/APP/2022/2568

7. I therefore conclude that the proposed development would not be tantamount to the creation of a self-contained dwelling. I find no conflict with Policy D3 of the London Plan (2021), and Policies DMHD 2 and DMHB 11 of Hillingdon Local Plan: Part Two - Development Management Policies (2020) (LP2). Amongst other things, these seek to ensure that development makes the best use of land and the use of the building shall not be capable for use as independent residential accommodation.

Other Matter

8. The Council consider that insufficient information has been provided to assess the level of internal living accommodation for any future occupiers, however, as no residential occupation is proposed this information is not necessary. For this reason, I find no conflict with Policy D6 of the London Plan and Policy DMHB 16 of the LP2.

Conditions

9. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Condition 3 is required in order to ensure that the building is not used as a separate self-contained dwelling.
10. The Council have requested a condition requiring a landscaping scheme to be submitted. However, on the basis of the small site area and landscaping already shown on the proposed plans. As well as the Council's consideration that the development would not cause harm to the character and appearance of the street scene or the surrounding area in terms of its physical appearance. I find that this condition would be unnecessary to make the development acceptable.

Conclusion

11. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on submitted plans numbers:

NA10-01a

NA10-02b

NA10-03a

NA10-D&S

Thereafter be retained/maintained for as long as the development remains in existence.

3. The outbuilding hereby approved shall only be used for the purpose(s) stated on the approved drawings. It shall not be used for purposes such as a living room, bedroom, kitchen, or as a separate unit of accommodation.