



Appeal Decision

Site visit made on 25 February 2025 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Appeal Ref: APP/R5510/D/24/3357442

47 Daleham Drive, Uxbridge, Hillingdon UB8 3HP

- 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 Abdul Malik against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 64868/APP/2024/2763.
- The development is described as 'Demolition of the existing outbuilding. Erection of an outbuilding to be used as a 1-bedroom residential annexe (retrospective application)'.

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing outbuilding. Erection of an outbuilding to be used as a 1-bedroom residential annexe at 47 Daleham Drive, Uxbridge, Hillingdon, UB8 3HP in accordance with the terms of the application, Ref 64868/APP/2024/2763, subject to the following conditions:
 - 1) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those shown in the approved plans.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: PL01 (dated 10/10/24) and PL02 (dated 10/10/24).
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 47 Daleham Drive, Uxbridge, Hillingdon.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. It is noted that the description of development was changed and agreed with the Council during the planning application process. I have used the amended description in my assessment.
4. The outbuilding is already in place and the appeal has been considered on this retrospective basis.

Main Issue

5. The main issue is whether the development allows for satisfactory living conditions for current and future occupiers of the appeal property with regard to outdoor amenity space.

Reasons for the Recommendation

6. The appeal property is a semi-detached dwelling. It has recently been extended to provide accommodation in the loft space, including a rear dormer which, along with the annex has increased the number of bedrooms at the property to four or more.
7. The outbuilding has been built at the far end of the garden and there are no other buildings or structures of note which leaves the remaining garden area as usable amenity space.
8. Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) (the 'Local Plan: Part Two') states, amongst other things, that planning applications relating to alterations and extensions of dwellings will be required to ensure adequate garden space. Policy DMHB 18 of the Local Plan: Part two requires new 4 bedroom houses to have at least 100 square metres of private outdoor amenity space. The National Planning Policy Framework (the 'Framework') also requires development to provide a high standard of amenity.
9. The Council's decision was based on information that the garden at the appeal property measured around 65 square metres. The appellant has provided a new plan with the appeal, confirming the rear garden measures about 90.16 square metres. Whilst this is larger than the measurements provided to the Council, it is still below the 100 square metres required by Policy DMHB 18. The appeal property could reasonably accommodate a large family. However, notwithstanding the different measurements submitted by the Council and appellant, the remaining garden area provides a good quality private space of sufficient size to accommodate typical garden activities and domestic paraphernalia.
10. Whilst the garden does not meet the size requirements set for outdoor amenity space in Policy DMHB 18, in this particular case, I am satisfied that no harm to living conditions has occurred. I conclude therefore that satisfactory outdoor amenity space is available for current and future occupiers and the development accords with Policy DMHD 1 of the Local Plan: Part Two and the Framework.

Other Matters

11. Whilst I note that neighbouring properties have not been extended to the same degree as the appeal property and are unlikely to have as many bedrooms, the appeal site does not seem overdeveloped or out of proportion with the garden size.

Conditions

12. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the Framework and the Planning Practice Guidance.
13. I have imposed the standard condition specifying the relevant plans in order to provide certainty. I have included a condition requiring the external materials to

match the approved plans to protect the character and appearance of the appeal property.

14. I have also included a condition preventing the outbuilding being used as an independent dwelling, to ensure that it is only used ancillary to the main dwelling house.

Conclusion and Recommendation

15. For the reasons given above, the proposal complies with the development plan when taken as a whole and there are no material considerations, including the Framework, that would outweigh this finding. Consequently, I recommend that the appeal should be allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

F Wilkinson

INSPECTOR