
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: 9th August 2022

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.

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 Development¹ 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

¹ 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 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