



Appeal Decision

Site visit made on 29 November 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/R5510/W/22/3303091

76 Long Lane, Hillingdon, Uxbridge UB10 0EQ

- 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 and Mrs P Birk-Patel against the decision of London Borough of Hillingdon.
 - The application Ref 16463/APP/2022/1093, dated 30 March 2022, was refused by notice dated 27 May 2022.
 - The development proposed is outbuilding for use as annexe.
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Decision

1. The appeal is allowed and planning permission is granted for outbuilding for use as annexe at 76 Long Lane, Hillingdon, Uxbridge UB10 0EQ in accordance with the terms of the application, Ref 16463/APP/2022/1093, dated 30 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DRAWING NO.003 Dated March 2022.
 - 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 76 Long Lane, Hillingdon, Uxbridge UB10 0EQ.
 - 4) 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 and shall thereafter be retained as such.

Main Issue

2. The main issue is whether the annexe is ancillary to the main dwelling or a separate independent dwelling unit.

Reasons

3. Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies seeks to resist proposals for outbuildings that are considered to "be capable of independent occupation from the main dwelling and which effectively constitute a separate dwelling in a position where such a dwelling would not be accepted".
4. With regards relevant case law, I am aware that the judge in Uttlesford DC v SSE & White [1992] considered that, 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.

5. The submitted plans show an outbuilding of some scale accommodating the facilities needed for day to day living; including a combined lounge and kitchen area, bathroom and bedroom. The plans show the kitchen with what appears to be a full scale sink and oven. As such, I acknowledge that the appeal scheme appears to be capable of being occupied independently from the main dwelling on the site, albeit with unacceptable harm to the living conditions of future occupiers of both the outbuilding and the main dwelling.
6. However, the appellants statement details that the proposed outbuilding would be occupied by a relative who would take their meals with the family in the main dwelling and would otherwise be part of "the single family occupying the site, including travel".
7. Furthermore, it is my planning judgement that the proposed outbuilding is not disproportionately large in comparison to both the site and the existing dwelling and as shown on the submitted plans, outdoor amenity space would be shared. At the site visit I saw that other properties in the area also had outbuildings that were of a not dissimilar size.
8. On the basis of the evidence before me I am satisfied that proposed outbuilding is entirely capable of being occupied as an annexe. While the Council is clearly concerned that the appeal scheme will now or in the future be used as a separate dwelling and I acknowledge that concern, such a proposal is not before me.
9. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.
10. Therefore, notwithstanding the conflict with Policy DMHD 2 that I have identified, in the absence of any identified harm and given that the proposal is clearly stated as being for an annexe to the main dwelling, I find that this particular scheme would not undermine the objectives of this policy or the wider development plan.

Conditions

11. I have considered imposing conditions, including those suggested by the Council, in accordance with the Planning Practice Guidance.
12. Conditions 1 and 2 are necessary as it provides certainty and clarity. In the interests of the living conditions of the occupiers of the proposed outbuilding and neighbouring properties it is necessary to restrict the occupancy of the outbuilding to being ancillary to the main dwelling, no.76.
13. In the interests of the character and appearance of the area I have included a condition to control the materials used in the external surfaces of the outbuilding.
14. I have not included a number of conditions suggested by the Council including those removing permitted development rights and those preventing the use of the roof as "a roof garden, terrace, balcony, patio or similar amenity area"

because I have no substantive evidence before me to demonstrate that such conditions are necessary. In particular I note that there is no obvious access to the roof shown on the submitted plans.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

INSPECTOR

