

Appeal Decision

Site visit made on 3 April 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 APRIL 2017

Appeal Ref: APP/R5510/D/17/3167565

85 Falling Lane, Yiewsley, West Drayton UB7 8AB

- 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 Dr Wazir Khan against the decision of the London Borough of Hillingdon Council.
 - The application Ref 56688/APP/2016/3270, dated 31 August 2016, was refused by notice dated 4 November 2016.
 - The development proposed is for a granny annexe studio (ancillary to 85 Falling Lane UB7 8AB) using the existing detached permitted building.
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Decision

1. The appeal is allowed and planning permission is granted for a granny annexe studio (ancillary to 85 Falling Lane UB 7 8AB) using the existing detached permitted building at 85 Falling Lane, Yiewsley, West Drayton UB7 8AB in accordance with the terms of the application Ref 56688/APP/2016/3270, dated 31 August 2016, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 1:500 Site Plan and drawing identifying existing elevations and floor plan and proposed floor plan.
 3. The building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 85 Falling Lane, Yiewsley, West Drayton UB7 8AB.

Application for Costs

2. An application for costs has been made in respect of this proposal and is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the appeal proposal on the character of the area and upon the living conditions of the occupants of neighbouring properties and of the appeal site.

Reasons

4. The appeal site is situated within an established residential area, and the subject building is in situ, currently being used for purposes ancillary to the main occupation of the dwelling at 85 Falling Lane. At the time of my visit it contained two sofas, a desk and book cases. The building is located at the end of the garden and its only access to the public highway is via the side gate to the flank elevation of the host dwelling. Therefore, it is clear that there is no independent access to the proposed annexe.
5. Taking into account the presence of the existing building, with no material change to its external elevations being proposed, from a purely physical perspective, the proposal would have no material impact upon the character or appearance of the area. Furthermore, in terms of its overall use, as it is proposed that the building be used as for ancillary purposes, there would be no material change of use, with the whole of the red line appeal site being maintained as a single planning unit.
6. Consequently, as the subject building is relatively modest in its proportions, I consider that its use for additional ancillary living accommodation during times when the appellant's family members stay in the main house, would not give rise to a significant increase in activity. I therefore consider the proposal would not result in an overdevelopment of the site, nor would it be out of character with the prevailing pattern of development within the area.
7. The Council's Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document – Residential Extensions (2008) (SPD), where concerning detached outbuildings, highlights that these should be used solely as ancillary to a main house, because to be used as a self-contained residential unit could give rise to a number of privacy, overlooking, noise and disturbance problems.
8. The Council states that the proposal would give rise to an unacceptable loss of amenity to occupants of neighbouring properties, but the reasons for refusal do not specify what harm would ensue. The Committee report does make reference to a loss of privacy, including to that of the host dwelling, however, this is not substantiated. Taking into account the fact that the proposal relates to a single storey building, with high boundary treatments situated along both sides of the garden, I consider that there would be no material level of mutual overlooking between the subject building and the immediately adjacent neighbouring dwellings. Furthermore, as the building would be used for purposes ancillary to the host dwelling, I fail to understand how a mutual loss of privacy could ensue between the annexe and the host dwelling, as they would remain as one planning unit.
9. I am therefore confused as to why the Council considers that the annexe would be capable of independent occupation, when it contains no facilities for cooking. I also fail to understand from the evidence before me why the fenestration arrangement would render it capable of independent occupation in any case. I accept that there is no physical link to the main house, however the SPD does not require such a connection. As I consider that the subject building would not be a dwelling in its own right, it would not be necessary to provide separate parking or outdoor amenity space. The Council have not highlighted what an

increased demand for off-street parking within the locality would constitute and with very little evidence advanced in this respect, I can only give this limited weight against the proposal.

10. I consider that there is a clear functional and physical relationship between the subject building and its host, and I conclude that the proposal would not give rise to an unacceptable loss of amenity to the occupants of neighbouring properties or the host dwelling. In the absence of the subject building being an independent unit of residential accommodation, I consider that the Technical Housing Standards – Nationally Described Space Standards (2015) and the Housing Standards Minor Alterations to the London Plan (2016) do not apply in this instance. The proposal would however provide adequate internal living conditions for the purposes of an annexe to a dwellinghouse.
11. I consider that in totality the proposal complies with Policies BE1 and BE19 of the Hillingdon Local Plan: Part 2 – Saved UDP Policies (November 2012) which seek to ensure that new development within residential areas complements or improves the amenity and character of the area, as well as maintaining the quality of the built environment, in order to create successful and sustainable neighbourhoods where people enjoy living and working and that serve the long-term needs of all residents. Furthermore, I have found no direct conflict between the proposal and the Housing Standards as referred to above or any conflict with the Council's SPD where concerning the use of outbuildings for ancillary residential purposes.

Conclusion and Conditions

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.
13. In addition to the imposition of the standard time limit condition the Council has suggested a condition requiring that development is carried out in accordance with the approved plans, as well as a further condition restricting the occupation of the annexe to purposes ancillary to the occupation of 85 Falling Lane. I consider that these conditions are appropriate and necessary, in the interests of maintaining the character and appearance of the surrounding area, as well as the living conditions of the occupants of neighbouring residential properties.

C J Tivey

INSPECTOR