

Appeal Decision

Site visit made on 7 June 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/R5510/D/17/3171819

98 North Hyde Road, Hayes, Middlesex UB3 4NG

- 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 Charanjit Rattu against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 59074/APP/2016/4011, dated 28 October 2016, was refused by notice dated 31 January 2017.
 - The development proposed is the conversion of a garage space which forms a part of an outdoor building to a Granny Annex.
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Application for Costs

1. An application for costs was made by Mr Charanjit Rattu against Council of the London Borough of Hillingdon. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission granted for conversion of a garage space which forms a part of an outdoor building to a Granny Annex at 98 North Hyde Road, Hayes, Middlesex UB3 4NG in accordance with the terms of the application, Ref 59074/APP/2016/4011, dated 28 October 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: Ordnance Survey Location Plan; Existing Elevations and Plans; Proposed Block Plan and Proposed Elevations and Plans.
 3. The granny annex hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 98 North Hyde Road, Hayes, Middlesex UB3 4NG.

Procedural Matter

3. For reasons of clarity, only the first part of the description of development included on the application form has been adopted. This approach is consistent with the Council's description included on the decision notice.
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Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

5. The proposed development includes the change of use of part of an existing outbuilding from a garage to a granny annex. It is stated by the appellant that the proposed annex would be occupied by a family member who would also use the existing shower room/WC. In the absence of kitchen facilities, the occupier of the proposed granny annex would still have to rely upon the host property.
6. The Council's *Hillingdon Design and Accessibility Statement Supplementary Planning Document – Residential Extensions* (HDAS) highlights that detached outbuildings should be used solely as ancillary accommodation to a main house. The outbuilding clearly has an extensive planning history but the full details have not been provided except that it was considered by a previous Inspector to be capable of being used as incidental accommodation to the enjoyment of 98 North Hyde Road as a dwelling house.
7. The outbuilding is sited within the rear garden of No. 98 and, based upon the site visit, is currently being used for purposes incidental to the host property. The outbuilding's accommodation comprised a garage, shower room/WC and a gymnasium. There were some chairs, a sewing machine and other small items of furniture within the gymnasium area. The only access to the public highway is via the drive between Nos. 96 and 98 with no independent access. It is only the modest sized garage which is proposed to be used as the granny annex and this extends to about 30sq m.
8. The Council's reason for refusal is somewhat vague and generalised about the precise harm the use of part of the outbuilding as a granny annex would have on the character and appearance of the area. The outbuilding currently exists and there would be no increase in built development so as to result in an over-development of the curtilage of No. 98. Although the existing garage door would be replaced by French doors, this change was assessed in the Planning Officer's report as having no adverse visual impact. By reason of the presence of the existing building within the garden and minimal change to the external appearance, the appeal scheme would have no detrimental impact upon the character or appearance of the surrounding area especially where outbuildings in gardens are a common feature.
9. For the reasons identified by the appellant, the proposed granny annex use would be ancillary or incidental to the host property and there would be no material change of use with the curtilage of No. 98 being maintained as a single planning unit. The proposed small granny annex would not result in a material intensification of the residential use of the curtilage of No. 98. In the absence of any material change of use, including through intensification, the Council's concerns regarding the provision of adequate amenity space and parking for 2 potential separate dwellings are not reasons for this appeal to fail.

10. The Council's other concern is that outbuilding, as a whole, could be used as a separate dwelling rather than only being used incidental to No. 98. As noted by the appellant in the costs application, it would be possible to consider the use of conditions to control the proposed development. I am satisfied such conditions would be capable of being reasonably enforced by the Council whether by inspections or in response to concerns raised by neighbouring occupiers.
11. It is therefore concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with Policies BE27 and OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (LP) and the HDAS. Amongst other matters these policies require new development to complement, rather than be detrimental to, the character of an area. The policies are consistent with the National Planning Policy Framework's (the Framework) core principle of securing high quality design. By reason of the ancillary use, there would not be a conflict with LP Policy BE23 concerning the provision of external amenity space for residential buildings.

Living Conditions

12. The HDAS identifies that the use of an outbuilding as a self-contained residential unit could give rise to a number of privacy, overlooking, noise and disturbance problems. The Council identifies that the appeal scheme would give rise to an unacceptable loss of amenity to occupants of neighbouring properties whether used as ancillary accommodation or, potentially, a separate residential unit. However, the reason for refusal is vague and does not specify what harm would ensue. The Planning Officer's report refers to the potential issues associated with separate self-contained accommodation as including loss of privacy, overlooking, noise and disturbance. If the proposed development did create a separate unit of residential accommodation then these concerns would be well founded.
13. However, the size and nature of the proposed granny annex would provide accommodation which would have a functional and physical relationship to No. 98. There would be a new window erected to replace the garage door but the outbuilding already possesses windows which face towards both the host and neighbouring properties. Accordingly, the types of issues or concerns raised in the Planning Officer's report associated with the proposed ancillary accommodation to No. 98 would not result in a significant change to the current levels of residential amenity, including levels of privacy, and would not amount to a reason why this appeal should fail.
14. On this issue, it is concluded that that the proposed development would not give rise to unacceptable harm being caused to the living conditions of the occupants of neighbouring properties and, as such, it would not conflict with LP Policies BE21 and BE24 and the HDAS. These policies require development not result in a significant loss of residential amenity and to protect the privacy of occupants and neighbours. The policies are consistent with the Framework's core principle of securing a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

15. In addition to the imposition of the standard time limit condition the Council has suggested conditions requiring that development is carried out in accordance with the approved plans and for the external materials to match those of the existing building. By reason of the nature of the alteration to the external appearance of the building a condition controlling materials is unnecessary. The reference to the approved plans would properly define the extent of the granny annex use and not alter the planning status of the remainder of the outbuilding.
16. Further, and in response to the appellant's suggested approach to imposing conditions, a condition to restrict the use of the proposed development to a granny annex associated with the host property is also necessary. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR