
Appeal Decision

Site visit made on 21 November 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/R5510/W/17/3181688
24 Hillside, Harefield, UB9 6AU

- 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 Mrs C Blackett against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 12225/APP/2017/1368, dated 11 April 2017, was refused by notice dated 3 July 2017.
 - The development proposed is the conversion of existing garage into bedroom with ensuite bathroom.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing garage into bedroom with ensuite bathroom at 24 Hillside, Harefield, UB9 6AU, in accordance with the terms of the application, Ref 12225/APP/2017/1368, dated 11 April 2017, 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: Site Location Plan Reference 020-A-101; Floor Plans and Elevations as Existing and Proposed, Reference 020-A-102; and perspective images – existing and proposed.
 - 3) The development hereby permitted shall not be utilised at any time other than for purposes ancillary to the residential use of the main dwelling at No 24 Hillside, and shall not be let, sublet or otherwise disposed of as a separate unit of accommodation at any time.

Main Issues

2. The main issues are whether the proposal would be tantamount to the formation of a separate dwelling, and the effect on the living conditions of neighbouring occupants, with particular regard to noise and disturbance.

Reasons

3. The appeal site comprises an extended semi-detached dwelling fronting onto Hillside, with a detached garage situated at the rear of the site, fronting onto Dellside.

4. I accept that the garage is relatively large, however, not all of its floor space would be converted into bedroom accommodation, with the front section remaining as garage storage. Whilst the Council say that an outbuilding of this size exceeds the minimum floor area of a one person single storey dwelling as required by the London Plan, the supporting Design and Access Statement confirms that the proposed habitable floor space would amount to 30m², thereby falling significantly short of the 37²m standard of the London Plan. No dimensions are provided by the Council to dispute this position.
5. The plans show the space being used for a bedroom and ensuite bathroom. Whilst there might be potential to incorporate a very small sitting area, I'm not convinced that there is sufficient space to accommodate cooking facilities, and indeed none are shown. This is consistent with the appellant's explanation that the use of the bedroom would be ancillary to the main dwelling and that she would still require use of its general facilities such as kitchen and lounge. The clear physical and functional relationship with the main dwelling would therefore remain and I do not consider its use would be illogical or impractical.
6. I accept that the building is capable of independent access from Dellside. However, in my judgement the altered outbuilding would not be of sufficient size and layout to be capable of independent occupation from the main dwelling. Thus, I do not consider that the space is too large to be required for purposes incidental to the enjoyment of the dwellinghouse.
7. Given the physical and visual relationship with the existing dwelling, an independent use of the outbuilding would likely result in undue harm to the living conditions of occupiers of both buildings. It would also raise further concerns such as the provision of external amenity space. I am, however, satisfied that the imposition of a planning condition could adequately ensure that the building is not occupied at any time other than for purposes ancillary to the residential use of the dwelling. This would ensure that its use would not unacceptably increase the level of activity, noise or disturbance arising or give rise to the requirement for separate amenity space.
8. Whilst the Council state that the imposition of a restrictive condition would not adequately address the issue of its future use, it is not explained why this is the case. In my experience this is a matter which is routinely controlled by way of condition and no evidence has been provided to demonstrate why this approach would not be acceptable in this case.
9. The Council's reason for refusal also refers to the requirement for car parking but states that there is extensive on-street parking in Dellside. I have noted the objection on this issue but the evidence before me does not demonstrate that there is a parking problem of a severity that would justify withholding planning permission, whether or not the building was used as an independent dwelling.
10. Given the modest nature of the proposals and separation to the main dwellings on the opposite side of Dellside, as well as the intervening built features and existing means of enclosure to the appeal site, no material harm would be caused to the living conditions of the occupants of those properties. Similarly, due to the separation and physical relationship with the adjoining dwelling at Hillside and subject to the aforementioned condition, the proposal would have no material effect on the living conditions of the occupants of that property.

I've no evidence to suggest that the proposal would give rise to the requirement for additional lighting which would be harmful to wildlife.

11. The physical size of the structure would remain the same and external alterations would be very limited. Indeed, it is unlikely that any physical changes would be visible from public views outside of the site. I do not consider therefore that the outbuilding would appear uncharacteristic within a domestic curtilage, as suggested. Its clear subordinate function and appearance to the main house would remain unchanged.
12. I therefore conclude that the proposal would not be tantamount to the formation of a separate dwelling and in any case, this can be adequately controlled by way of condition to ensure no harm to the living conditions of any neighbouring or future occupants. I do not therefore find conflict with Policies BE19, BE21, BE23, BE24 or AM14 of the Hillingdon Local Plan: Part Two – Saved Unitary Development Plan Policies or the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layouts. These seek, amongst other matters, to ensure that new development within residential areas complements or improves the amenity and character of the area and that new development will only be permitted where it is in accordance with the Council's adopted car parking standards.

Conditions

13. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition is also necessary to ensure the ancillary use of the building.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

INSPECTOR