



Appeal Decision

Site visit made on 30 September 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2020

Appeal Ref: APP/R5510/D/20/3246840

332, High Street, Harlington, Hayes UB3 5LE

- 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 Kamaljit Chadha against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 5944/APP/2019/3259, dated 17 November 2019, was refused by notice dated 13 January 2020.
 - The development proposed was originally described as the retention of detached garage converted to an annex.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of a detached garage into an annexe at 332, High Street, Harlington, Hayes UB3 5LE in accordance with the terms of the application, Ref: 5944/APP/2019/3259, dated 17 November 2019, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: drawings 1369/2019/RA-01 (Rev A) and RA-02 (Rev A).
 2. 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 332, High Street, Harlington, Hayes UB3 5LE.

Procedural Matters

2. I note that the conversion of an existing outbuilding had commenced prior to the submission of the associated planning application. Nonetheless, I have based my assessment on the submitted plans because that is what the appellant sought planning permission for and is also what the Council's decision was based upon.
3. The description of development in the banner heading above has been taken from the planning application form. Nevertheless, a different wording which was cited in the decision notice was entered on the appeal form. The Council dealt with the scheme on the basis of the latter and in the interests of clarity so shall I. Thus, I have amended my description of the scheme in paragraph 1 accordingly, although I have deleted the reference to 'part retrospective', as that is not an act of development.

4. The Council has advised that since the decision was issued, with the exception of Policy BE1 of the London Borough of Hillingdon Local Plan Part 1 - Strategic Policies (adopted November 2012), the policies relied upon have been superseded by policies DMT 6, DMHB 11, DMHB 18, DMHD 1 and DMHD 2 of the Hillingdon Local Plan Part 2 - Development Management Policies (adopted version January 2020). From the evidence before me, I am satisfied that the appellant is aware of this. The appeal is determined on that basis.

Main Issues

5. The main issues are the effect on:

- character and appearance of the host dwelling and the wider area.
- parking requirements and any possible issues of highway safety; and
- the living conditions of occupants of the host property, annexe and existing neighbouring properties, with particular regard to the provision of outdoor space and privacy.

Reasons

Character and Appearance

6. The conversion scheme relies upon minimal changes to the external appearance of an existing detached outbuilding. The Council's own evidence confirms that the works in question would not be unsightly and I concur with that view. For these reasons, I find that the appeal scheme would not be harmful to the character and appearance of the host dwelling or the wider area.
7. Policy BE1 of the London Borough of Hillingdon Local Plan Part 1 - Strategic Policies (adopted November 2012) seeks to improve and maintain the quality and design of the built environment. Policy DMHB 11 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (adopted version January 2020) reiterates this and requires the design of new development harmonises with the local context. Policy DMHD 1 of Part 2 of that plan requires that no adverse cumulative impacts on character and appearance arise. Furthermore, safeguarding character and appearance is required by Policy DMHD 2 of that plan.
8. In the absence of any harm to character and appearance of the appeal site or wider area, I do not find any conflict with the development plan in those regards.

Parking Requirements and Highway Safety

9. The resulting increase in bedrooms would not contravene the parking standards for a single dwelling house set out in Appendix C of Part 2 of the Local Plan. Neither therefore would it affect the demand for further on-street car parking and pose the associated hazards which could otherwise be presented to highway users.
10. For these reasons, I find that the appeal scheme would neither result in a shortfall of off-street car parking provision or be harmful to highway safety.
11. Policy DMHD 1 requires adequate off-street car parking to be retained in accordance with the Council's adopted parking standards and this is also a

requirement of Policy DMT 6. In the absence of any shortfall, reduction or harm, I do not find any conflict with the development plan in this respect.

Living Conditions

12. The Council, by its own admission, has confirmed that sufficient amenity space would be retained. On the basis that the outbuilding would be occupied in association with the host dwelling, then it follows that there would be no shortfall in outdoor amenity space or privacy implications for either the occupants of the host dwelling or the resulting annexe.
13. There is an existing substantial fence along the common rear garden boundary with No 330 High Street. Therefore, coupled with the resulting separation distance, I do not find that existing privacy levels between these properties would be diminished to a degree that would be harmful. A new window opening would be incorporated within the side elevation that faces towards the rear elevations and gardens of residential properties in West End Road. However, the existing common boundary enclosure is of a height and position that would ensure that mutual privacy would not be unduly compromised.
14. For these reasons, I find that the appeal scheme would not be harmful to the living conditions of occupants of the resulting annexe, the host property nor to the existing neighbouring properties, with particular regard to the provision of outdoor space and privacy.
15. Policy BE 1 seeks to protect the amenity of surrounding land and buildings, particularly residential properties and safeguard against inappropriate development of gardens. Policy DMHB 11 requires that proposals do not adversely impact upon the amenity of occupiers of adjacent properties. Policy DMHB 18 prescribes the required standards for private outdoor amenity space. Policy DMHD 1 requires a satisfactory relationship with adjacent dwellings is achieved and adequate garden space is maintained. In the absence of any harm, I do not find any conflict with these policies.
16. Policy DMHD 2 is also relevant as it seeks to safeguard the amenity of local residents from inappropriate development including 'beds in sheds.' It requires the use of residential outbuildings to be for a purpose incidental to the enjoyment of the dwelling house and not be capable for use as independent residential accommodation. This policy does not lend support to the provision of primary living accommodation such as a bedroom, bathroom or kitchen. The appeal scheme therefore conflicts with this policy in that latter regard.

Other Matter

17. I must determine the appeal based on what has been applied for and the evidence before me. The Council appears to have treated the proposal as a new dwelling, based it seems, primarily on the inclusion of a shower room and toilet, living and sleeping areas. Having done so, it appears to have concluded that such a dwelling would be detrimental to the living conditions of occupants of the annexe, No 332, High Street and other neighbouring properties.
18. I acknowledge the Council's concerns that the outbuilding may be used as a separate dwelling at some future date. Nonetheless, the proposal has been submitted as a householder application for conversion of an existing outbuilding into an annexe to be occupied in conjunction with No 332 only and not as a separate dwelling. The modest floor plan does not include kitchen facilities.

Furthermore, utility services, outdoor amenity space and parking would be shared with the host dwelling. I note that the appellant has confirmed that he is willing to accept a planning condition which restricts occupancy to that which is incidental to No 332, which serves to further evidence his future intentions.

19. For these reasons, I find that the proposal for my consideration and determination is for the conversion of an existing outbuilding to be used for purposes incidental to the host dwelling. Notwithstanding the conflict with Policy DMHD 2 that I have identified, in the absence of any harm and given the incidental nature of the usage proposed, I find that this particular scheme would not undermine the objectives of this policy or the wider development plan.

Conditions

20. Condition 1 is necessary as it provides certainty. However, as it is not disputed between parties that the scheme has commenced, I have not attached a commencement time limit condition.
21. For the reasons given, I have not considered the potential implications of any other possible use of the building other than as an annexe to be occupied in association with the existing residential use of No 332. Parties have suggested a planning condition to restrict the occupancy of the resulting annexe. I find that such a condition is necessary to provide clarity and ensure that the future integrity of Policy DMHD 2 is not affected.
22. The appellant has also suggested a condition to restrict the creation of a future means of access into the building from the rear lane in response to the Council's concerns about future occupancy. However, I find that the attachment of the occupancy condition would be sufficient to safeguard against independent occupation in the future. Therefore, the application of such a condition would not meet the test of necessity currently prescribed in the Framework and associated guidance.

Conclusion

23. I have not identified any harm associated with the occupation of the resulting annexe in the manner proposed. Furthermore, I find that in this particular instance the conflict with Policy DMHD 2, can be addressed through the imposition of an occupancy condition. Therefore, for the reasons set out above and subject to conditions specified the appeal should be allowed.

C Dillon

INSPECTOR