



Appeal Decision

Site Visit made on [Event Date]

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2020.

Appeal Ref: APP/R5510/D/20/3256126

16 Richards Close, Hayes UB3 5EA

- 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 Daljit Khosa against the decision of London Borough of Hillingdon.
 - The application Ref 10200/APP/2019/4130, dated 18 December 2019, was refused by notice dated 23 April 2020.
 - The development proposed is erection of a single storey unit to the side/rear of the garden for use as a granny annexe using existing footprint of the building.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey unit to the side/rear of the garden for use as a granny annexe using existing footprint of the building at 16 Richards Close, Hayes UB3 5EA, dated 18 December 2019, and the plans submitted with it, 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 drawing numbers: DK-01; A101; A102; A103; A104 and A105.
 - 3) No development shall take place until a method statement detailing measures to be taken during construction to protect the health of the existing boundary trees adjacent to the granny annex hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in full throughout the construction phase.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing dwelling.
 - 5) 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 16 Richards Close, Hayes UB3 5EA.

Main Issues

2. The main issues in this appeal are:

- i) whether the proposal would constitute a separate dwelling;
- ii) whether an adequate standard of accommodation would be provided for future occupiers;
- iii) the effect of the proposal on the character and appearance of the appeal property and the surrounding area, including the likely long-term effect on nearby trees; and
- iv) the effect of the proposed parking arrangement on highway safety on Richards Close.

Reasons

Whether a Separate Dwelling

- 3. No 16 comprises one half of a pair of two-storey semi-detached dwellings located within a residential cul-de-sac setting. An existing single storey outbuilding used for ancillary residential accommodation in connection with No 16 is located a short distance to the side and rear of the main dwelling and accessed via the existing shared drive between No 16 and the neighbouring dwelling at No 18 Richards Close. The Council indicate that they are investigating the use of the existing outbuilding as an independent residential unit through their enforcement powers.
- 4. The proposal would have a separate entrance door and private amenity space to No 16, and include 2 bedrooms, a living room, kitchen and a toilet. The intended occupiers of the annex, the elderly dependents of the appellant, would be reliant on the main dwelling for the use of shower and bathing facilities.
- 5. Due to the nature of the accommodation to be provided, the Council considers the proposal would be tantamount to the provision of a new dwelling and have assessed it on this basis. It would also conflict with Policy DMHD 2 iii) and Appendix A of the Local Plan Part 2¹ which advises against annexes having a separate entrance, while they must be connected internally to the existing property. However, the appellant has made it clear that the proposal is for a granny annex and not for an independent dwelling. Future occupiers would also be reliant on the main dwelling for shower and bathing facilities as these facilities are not proposed within the annex. These amenities would be a short distance away and future occupiers would be able to access the main dwelling either through an adjoining side gate or the front entrance.
- 6. I recognise that a grant of planning permission could result in pressure for the building to be used as a separate dwelling at some point in the future. However, I am satisfied that a condition can ensure the occupation of the unit remains ancillary. Such a condition is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action it considered necessary on any breach of the condition. As such I consider the appeal should be determined on the basis that the proposed accommodation would be ancillary to the main dwelling.

¹ London Borough of Hillingdon Local Plan Part 2, Development Management Policies, Adopted Version 16 January 2020

7. Therefore, whilst the proposal would breach some technical aspects of the Local Plan Policies DMHD 1 and DMHD 2 of the Local Plan Part 2 in relation to the provision of primary accommodation and having a separate entrance, on the basis of the information supplied in this appeal, I conclude that the proposal would not constitute a separate dwelling.

Living Conditions

8. The Council's second concern relates to the fact that as a separate residential unit, the accommodation would not provide adequate living conditions for future occupiers, while also falling short of the 61m² internal space standard required for a two-bedroom single storey dwelling. Even though, the shortfall in this case of some 6m² is marginal, I have nevertheless found that the accommodation would be ancillary and would have a functional dependency on facilities in the main dwelling. It would not therefore be a separate residential unit and the space standards which the Council refers to would not apply in this particular case.
9. In concluding on this main issue, an adequate standard of accommodation would be provided for future occupiers, and there would be no conflict with Policies DMHB 16 and DMHB 18 of the Local Plan Part 2, Policy 3.5 of the London Plan (2016), the Mayor of London's adopted Supplementary Planning Guidance – Housing (March 2016); Housing Standards Minor Alterations to the London Plan (March 2016) and the Department of Communities and Local Government Technical housing standards (March 2015). These prescribe minimum internal space standards for new housing and as the proposal would be ancillary accommodation these standards do not apply in this case.

Character and Appearance

10. The properties in the street comprise pairs of two storey semi-detached dwellings and short terraces laid out in a geometric pattern around the cul-de-sac. The short gaps between dwellings consist of driveways and from the street, single storey flat roofed garages can be seen discretely positioned behind the dwellings. The existing garages are largely modest in scale, whilst having a utilitarian and unremarkable appearance. The existing outbuilding at the appeal site is larger compared to the neighbouring garages, yet this cannot be appreciated from the street as the appeal dwelling, the neighbouring dwelling at No 18 and the large mature trees to its rear obscure its overall depth and width.
11. The proposed granny annex's set back position from the road frontage and its overall height just short of 3m, would not make it a prominent structure when viewed from Richards Close, while its siting to the rear of the main dwelling would be consistent with other garages and outbuildings in the street. It would have a built footprint much larger than the neighbouring garages, yet its scale would not be clearly perceptible given the short gap in which it would be viewed from the street and the presence of the taller dwellings either side of it and the mature trees to its rear. The proposal would be subordinate to the much larger and taller main dwelling in terms of its height and scale. Moreover, the utilitarian appearance and separation distance in relation to the main dwelling, would be similar to other ancillary structures in the cul-de-sac, and would therefore not appear discordant in this context.

12. The large mature trees to the west and south of the appeal site form part of an extensive belt located close to the rear boundaries of properties on the southern side of Richards Close. From the street, these are seen rising above the dwellings and their gardens and make a positive contribution to the character of the area. A small number of these trees have branches that overhang the existing outbuilding at the appeal site. This would also be the case in respect of the proposed granny annex building.
13. The proposal has not been accompanied by a tree assessment, to assess the effect of the granny annex on nearby trees. However, the appellant confirms that the footings of the existing outbuilding would be used in the construction of the granny annex, and that further ground excavation works would not be necessary.
14. During my site visit, the existing outbuilding and nearby trees appeared well established and have likely coexisted together for some time. Notwithstanding the lack of a professional assessment, I did not observe any obvious signs of defects relating to the nearby trees and given that the proposal would result in ground excavation works that would utilise the existing footings, I do not consider that the proposal would pose a substantial risk to the future health of the trees, particularly below ground roots. In order to safeguard the tree a condition requiring root protection measures can be imposed prior to the construction of the granny annex.
15. If the appeal were to be allowed, it is likely that in the future that the occupiers of the building would want to undertake pruning and/or lopping works to the overhanging trees. In such circumstances the removal of overhanging branches would not adversely harm the health of the wider group of trees or erode the significant amenity value afforded by the trees to the overall character and appearance of the area.
16. Consequently, I conclude that the proposal would not detract from the character and appearance of the appeal site and the surrounding area, including the likely long-term effect on nearby trees. It would accord with the aims of Policies DMHD 2, DMHB 11, DMHB 12 and DMBH 14 of the Local Plan Part 2 and Policy BE1 of the Local Plan Part 1², insofar as they require proposals to be proportionate and in keeping with the scale and design of the surrounding area, and to respect and retain existing landscape features. The proposal would also accord with Policy 7.4 of the London Plan (2016), in having regard to local character.

Parking

17. At present No 16 does not have any off-street parking spaces, however, the proposal would introduce 1 off-street parking space. The proposal would provide ancillary accommodation for two elderly dependents and given that the appellant indicates that they require care, I would not expect them to require the need for a car and therefore off-street parking provision. Yet, I noted during my site inspection, whilst only a snapshot in time, that there was sufficient space along Richards Close to accommodate additional parking in the event that those residents require it. Although this may result in further car parking on the street, I have not been presented with any evidence that there

² Hillingdon Local Plan: Part 1 – Strategic Policies, Adopted November 2012

is existing parking stress in the area, or that this would result in harm to highway safety.

18. The proposed parking arrangement would not have an unacceptable effect on highway safety, and therefore accords with Policies DMT 2 and DMT6 of the Local Plan Part 2, where they require proposals to ensure no deterioration in the safety of road users and residents.

Other Matters

19. The Council has referred to the impact on existing and adjoining dwellings, although it has not been explicitly clear on the effect that the proposal would have in this respect. Nevertheless, I am satisfied that the granny annex would maintain sufficient distance away from the neighbouring property, No 18, while being of a scale that would not result in unacceptable harm to the living conditions of those occupiers in terms of outlook, daylight and privacy.
20. The existing trees to the rear of the proposal are predominantly within the Harlington Village Conservation Area (HVCA). The HVCA comprises suburban housing development and its significant features include the uniformly designed and arranged dwellings positioned amongst mature street and garden trees. As I have come to the view that the proposal would not adversely harm the health of the nearby trees, the proposal would preserve the character and appearance of the HVCA.

Conditions and Conclusion

21. 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. These are considered necessary in the interests of clarity and the character and appearance of the area.
22. A condition requiring a method statement detailing tree protection measures during construction works is necessary to safeguard the health of the adjacent boundary trees. This is required before works start in order to establish the extent of the safeguarding measures required.
23. Further, in response to the main parties' suggestion, 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.

RE Jones

INSPECTOR