



Appeal Decision

Site visit made on 29 December 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/R5510/D/20/3258999

2 The Avenue, Uxbridge UB8 3AD

- 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 Ms and Mr Kubasiewicz and Walker against the decision of the London Borough of Hillingdon.
 - The application Ref 32872/APP/2020/1755, dated 9 June 2020, was refused by notice dated 7 August 2020.
 - The development proposed is described as the conversion of garage to habitable use and single storey link extension.
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Decision

1. The appeal is allowed, and planning approval is granted for the conversion of the garage to habitable use and single storey link at 2 The Avenue, Uxbridge UB8 3AD in accordance with the terms of the application Ref 32872/APP/2020/1755, dated 9 June 2020 and subject to the following conditions:
 - i) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - ii) The development hereby permitted shall be carried out in accordance with the following documents and plans:
ST-M20-2AVE-000, ST-M20-2AVE-001 and ST-M20-2AVE-002.

Main Issues

2. The main issues are (i) whether the proposal would result in the creation of a separate dwelling and, if so, whether it would cause harm to the living conditions of the occupiers of neighbouring properties in respect of noise, disturbance, overlooking or any other planning matter, or harm to the living conditions of the host property or appeal dwelling in respect of the availability of adequate on-site car parking or outside amenity space provision and (ii) the effect of the link extension upon the character and appearance of the building and the area.

Location and site description

3. The area surrounding the appeal site is very largely residential with mainly two storey dwellings with double pitched roofs and with tree lined streets. This applies to The Avenue and where the appeal building is located. It is a semi-

detached property set back from The Avenue and with a hard-surfaced amenity space in front capable of providing parking for up to four vehicles. The building has two storeys with a hipped roof and has a frontage which is mainly cream rendered but also with some brick. It has a single storey side elevation with a mono-pitch roof and this is separated from its double garage by a gated footpath of about one metre wide. The garage has a hipped roof on all sides.

Whether the proposal would result in a separate dwelling

4. The householder application is for a parent who currently lives alone. It would contain principally one bedroom, a kitchen and a living area. It would have an access through a proposed link to the main dwelling and which would also have a door leading to the outside of the premises.
5. The proposed use of the garage in this way could be considered to comprise primary living accommodation and to which the Local Planning Authority (LPA) objects as it could be '*capable of independent occupation from the main dwelling*' and '*which could result in unacceptable impact on adjoining occupiers and additional requirements for amenity space and parking*'.
6. However, the proposed development is not for an independent dwelling, but is a householder application for an annexe to the existing house. Moreover, it makes use of an existing, related garage adjoining the main house. Its potential use as a separate dwelling would be within the control of the Local LPA either in the form of the consideration of a separate planning application or indeed in terms of using its enforcement powers should future unauthorised development arise.
7. The submitted plans show no separation of the existing amenity spaces surrounding the dwelling and I was able to see on my site visit that there would be sufficient space to the front for parking. The existing blank wall to the garage facing the adjoining property to the South would remain as such, and I have not been presented with any credible reason why the living conditions of the occupants of this, or any other property, might be adversely affected by noise, overlooking or any other reason.
8. The evidence before me is that the annexe would be used by a family member and that the garden and car parking area would be shared. The application has not been made on the basis of the appeal building being used as a separate dwelling. Subject to the imposition of a planning condition which ensured that the appeal building was only used on an incidental basis in connection with the primary use of the land as a dwellinghouse (i.e. 2 The Avenue), I am satisfied that the proposal would not comprise a separate dwellinghouse. On that basis, I consider that on-site car parking and outside amenity space provision would be adequate.
9. Therefore, I conclude that the proposed development would accord with policy DMHB11 of the Hillingdon Local Plan Part 2 (Development Management Policies) 2020 (HLP) concerning good design, with its policy DMHB18 relating to habitable room standards and amenity space, and with DMT6 concerning parking standards.
10. I find some conflict with policy DMHD2 of the HLP relating to the use and design of outbuildings and which states that the Council will strongly resist proposals for detached outbuildings which are considered to be capable of

independent occupation from their main dwellings. However, in this instance, the garage already exists and would not be a new outbuilding. It is of a permanent and substantial construction nature and forms a subordinate, attractive and integral part of the character of the dwelling as a whole. Furthermore, I consider that the aims of the policy can be protected by means of a suitable condition. These are material considerations which outweigh any minor conflict with policy DMHD2 of the HLP as no actual harm would be caused as a result of the conversion of the garage to incidental residential accommodation. I conclude that the proposed development would accord with the design aims of policy 3.5 of the London Plan 2016.

Character and appearance

11. The dwelling and garage are separated by a gated narrow path. The proposal is to join the two buildings together by a single storey link. This would be a very limited addition. I find that it would not unbalance the building and because of its limited extent and height, it would have an insignificant impact upon its character and appearance and that of the street scene.
12. For these reasons, I conclude that the proposed development would accord with HLP policy DMHB11 which requires good design and with policy DMHD1 relating to alterations and extensions to residential properties.

Conditions

13. Planning permission if granted subject to the standard three-year time limit condition.
14. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
15. It is necessary to impose a condition to ensure that the development remains incidental to the primary use of the site as a dwelling house in the interests of certainty.

Conclusion

16. For the reasons outlined above, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR