



Appeal Decision

Site visit made on 22 November 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/R5510/D/24/3353474
24 Lodge Close Cowley Hillingdon UB8 2ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Beata Bahja against the decision of the London Borough of Hillingdon.
 - The application Ref is 39258/APP/2024/1453.
 - The development proposed is Existing Detached Garage conversion to Outbuilding
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the whether the proposed development would be ordinarily incidental to the primary residential use of 24 Lodge Close.

Preliminary Matter

3. The description of development appearing on the Decision Notice is materially different from that on the application form and the appeal form. Whilst the description used by the Council is clearer (in that a garage is an outbuilding), as it has not been confirmed to me that the appellant has agreed to that change I have determined this appeal according to the original description which does not propose to create a dwelling for independent occupation. I have identified the main issue accordingly.

Reasons

4. The appeal site, (No.24) is a semi-detached two storey dwelling set in a corner location within a residential cul-de-sac. It is proposed to convert the garage to habitable accommodation, however the appellant has made clear that no change of use¹ is intended and that the proposal would provide accommodation incidental to the residential use of the site within the same planning unit. In such circumstances it would only be works that materially change the external appearance of the building which require consent being, in this case, those which are apparent on the submitted drawings.
5. The existing garage lies fully within the established curtilage of the host dwelling set some distance behind the high gated access point and not visible from the street.

¹ Meaning the creation of an independent dwelling

No subdivision of the site or separate access is proposed and, if considered on its existing appearance without reference to drawings, the building appears as being accommodation for activities which would be incidental, or ancillary, to the primary residential use of No.24 and therefore not requiring permission other than for building works.

6. Policy DMHD2 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) (HBLP Part 2) requires residential outbuildings to be constructed to a high standard of design and for a purpose *incidental* to the primary (residential) use. Significantly, Policy DMHD2 at (iv) specifies that ‘primary living accommodation such as a bedroom, bathroom or kitchen’ will not be permitted.
7. This goes to the main issue in this matter and the Council’s Reason for Refusal (RFR) in seeking to prevent the creation of independent or substandard dwellings in unsuitable locations. In this case the submitted drawings describe the proposals as an ‘outbuilding for annex use’ and show a bathroom, kitchen and bed/living space. Whilst the appellant clearly intends to use the proposed accommodation as *ancillary* to the primary residential use and not create a separate dwelling, habitable accommodation such as a bedroom is not *ordinarily incidental* to that use in the way that a garage, home office or games room might be.
8. The works proposed to the existing building which appear to be limited to changes to (or insertion of) doors and windows present no problems with regard to residential amenity or visual impact. However, as the layout plans submitted show such works being for the purpose of creating habitable accommodation² (which thereby might be capable of being occupied independently) it is impossible to avoid a conclusion as to a direct conflict with Policy DMHD2 of the HBLP Part 2 at (iv) which must be fatal to the appeal.
9. As there is no objection in principle to incidental³ use, I have considered whether the proposal could otherwise be made acceptable in planning terms. The application of conditions to prevent the subdivision of the dwelling curtilage and to not allow the building to be occupied as a main or sole residence would be appropriate, however it would not be reasonable to apply a condition to prevent the installation of a kitchen or a bathroom as these elements are plainly apparent on the plans which are sought to be approved. Consequently, having considered all matters raised and for the reasons set out, it is impossible for the appeal to be successful in the terms submitted.

Andrew Boughton

INSPECTOR

² Notwithstanding that such internal works do not of themselves fall within the definition of ‘development’ but in this case would provide all the facilities of a dwelling.

³ In the way defined