



Appeal Decision

Site visit made on 12 November 2025

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/R5510/W/25/3371435

18-20 Wilmar Close, Hayes, Middlesex UB4 8ET

- 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 Mr Suty Bharrich against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 67410/APP/2024/2641.
 - The development proposed is 'Change of use of 2no. outbuildings to granny annexes'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Suty Bharrich against the Council of the London Borough of Hillingdon. This application is the subject of a separate decision.

Preliminary Matters

3. I have used the description of development given in the appeal form, as this concisely describes the development and does not refer to extraneous matters.
4. The proposed plan¹ is marked 'retrospective'. This statement contradicts the application form which states that the development has not begun. I saw at my site visit that a single building has been constructed within the gardens of 18-20 Wilmar Close, sited so that its centre roughly straddles the common boundary. The exterior is largely complete. However, I observed no furniture or interior fittings.
5. The plan also shows alterations to the windows fitted to this structure, which I observed had already been carried out. The Council raises no objection to this element of the scheme and I see no reason to disagree with that conclusion. As the proposal has not been completed in full, I have considered the appeal based on the proposed plan.

Main Issue

6. The main issue is whether the proposal would constitute two separate, self-contained units of residential accommodation, rather than ancillary uses and, if so, the effect of the proposal on the character of the locality and living conditions of neighbouring occupiers.

¹ Drawing numbered S18+20/A-4 Sht S-2/B-A

Reasons

7. The application relates to a pair of 2-storey, semi-detached properties ('the houses') on Wilmar Close. The area is characterised by similarly specified properties with generous rear gardens, some with garages and outbuildings.
8. A lawful development certificate (LDC)² is said to have been granted in relation to proposed outbuildings at the appeal site. I do not have the full details of that scheme before me but am advised that their intended use was as games rooms in association with the houses. The appeal proposal is to use the outbuildings as annexes associated with the respective houses in whose gardens they stand.
9. Policy DMHD 2 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020) ('Local Plan') deals with outbuildings and requires them to meet certain technical criteria. These include that they *shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation* and that within such buildings *primary living accommodation such as a bedroom, bathroom or kitchen will not be permitted*.
10. The appellant intends for their parents to live separately in the annexes, while the appellant's and sibling's families would occupy the houses. The appellant envisages that the parents would spend much of their time and take meals in the houses. However, none of the intended occupiers currently reside at the appeal site. I do not doubt that regular movement between the buildings, the proximity of family members to provide support and care and the shared postal and utility connections indicate an intended functional connection between the houses and annexes.
11. However, in terms of physical arrangements, side entrances to the rear gardens at each of the houses would permit unimpeded street access to both annexes. The outbuildings are set some distance away from the rear of the houses. The plans show the proposed annexes would each feature a bathroom with a WC and shower, a kitchenette, an open plan living area and a double bed. Therefore, the layout would include primary living accommodation, and each annexe would provide the basic facilities required for day-to-day private living despite a relatively constrained layout. Whilst it is contended the internal floor area would be below the minimum set out in the Nationally Described Space Standard, there is no substantive evidence before me which suggests meeting those standards would be a pre-requisite for a building to be described as a dwelling.
12. No details of the layout of the houses and facilities they each provide are before me. Therefore, I am unable to determine whether the facilities proposed within each annexe are proportionate in their extent and scale compared to the main houses. Nonetheless, the proposed kitchenette facilities are likely to be disproportionate as the appellant has stated that main meals would not be prepared within the annexes.
13. The Council's core concern is the building's long-term use beyond the appellant's intended purposes. Concern about pressure to use the annexes as self-contained accommodation goes beyond conjecture in this case. I find it is justified given the

² Application Ref: 67410/APP/2023/1632

extent of facilities proposed and the feasibility of unimpeded access to the outbuildings at this site from the street, without the need to enter the houses.

14. To overcome that concern, it is suggested that a condition could be imposed to restrict use of each annexe to '*purposes ancillary*' to the houses and to state that they must not be used as self-contained residential units. An additional suggested condition would limit use of the annexes to parents or dependents of the same household that is living at the houses and require them to revert to an incidental use when no longer occupied as such. A further suggested condition would require the kitchen and bathroom facilities to be removed when either of the annexes is no longer required by a dependent.
15. The Council considers that such conditions could not be enforced, specifically as detecting a change in the use to use as independent residential units would be difficult given the extent of facilities provided. On the evidence before me, and having regard to the secluded position of the outbuildings, I see no reason to disagree with their conclusion. It would be unduly onerous for the Council to investigate and monitor whether occupiers of the two outbuildings continue to meet an imprecise definition of 'other dependent relatives forming part of the same household', as has been suggested. The group of occupiers which this condition would permit would not be founded on any policy basis or on specific, acknowledged personal circumstances which justify the development in perpetuity.
16. In regard to removing facilities at a later date, I am not persuaded that this would be reasonable, particularly as there is no convincing justification for the extent of facilities proposed in the first place (I return to the matter of personal circumstances in Other Matters). Those suggested conditions would therefore fail to meet the policy tests for conditions. In the absence of an enforceable mechanism to regulate their use, the annexes would be capable of use as independent residential accommodation due to their location and extent of facilities provided.
17. Considering their use as self-contained residential units, the siting and scale of the buildings and the resulting small plot sizes would be contrary to the spacious suburban grain of development that characterises this area. Moreover, there would be more intensive use of the gardens to meet the requirements of occupiers of the annexes and the houses, and there is likely to be a material increase in comings and goings. On the evidence before me, such intensive use of the site would not be in keeping with the character of the area. Cumulatively, I find the increased activity from two back-land residential units likely to result in disturbance to adjoining occupiers.
18. Concluding on this main issue, I find that the proposal would constitute two separate, self-contained units of residential accommodation, rather than ancillary uses. I have found that this would have an unacceptable effect on the character of the locality and on the living conditions of neighbouring occupiers. The proposal would conflict with relevant provisions of Policy DMH 6, DMHD 2 and DMHB 11 of the Local Plan and Policies D1, D3, D4, and D6 of the London Plan (2021). In summary, these policies seek the most appropriate form of development that responds to a site's context and to maintain neighbouring residential amenity.

Other Considerations

19. The proposal is intended to provide convenient accommodation for older relatives of the appellant, who have specific medical conditions and religious requirements. Having regard to the Public Sector Equality Duty³, the scheme could minimise disadvantage for groups with protected characteristics including age, disability and religion. The objectives of enabling and supporting healthy lives and providing accessible housing are both supported by the Framework. I also recognise that the proposal would facilitate the appellant's desire for their extended family to live together on the site. Moreover, I accept that supporting a family to provide care may reduce pressure on social care services more generally. These represent benefits of the proposal which carry moderate weight.
20. However, set against this, there is no evidence to demonstrate that the houses could not be adapted to meet the same needs, or that other suitable accommodation could not be found elsewhere. As such, these matters do not outweigh the policy conflict and the significant harm I have identified. The aims of the development plan are in the interest of the wider public. Dismissing the appeal would be proportionate in this case.
21. My attention has been drawn to several allowed appeal decisions⁴ within Hillingdon. These all relate to annexes where Inspectors have found an 'ancillary occupancy' condition (of the kind advocated by the appellant here) to be suitable. The Council has also referred me to cases which reach a contrary conclusion. Whilst I note those decisions, I am not bound by the conclusions reached there, particularly where there are differences in specific circumstances.
22. The schemes considered at 37 Frays Waye and 16 Richards Close did not provide comparable facilities to those in the appeal scheme. One is without a kitchenette and one without bathing facilities. Unlike the layout of the units in the appeal scheme, this factor indicates a clear reliance on the main dwelling to which they relate for the facilities of day to day living.
23. The appeal decision at 24 Wood Lane concerned an ostensibly similar proposal. However, I note that the Inspector was satisfied that there was sufficient evidence that it "*would be used as ancillary accommodation in connection with the family's already multi-generational occupation of the main house*". The Inspector was satisfied that the main dwelling was occupied as a family home and considered those arrangements to amount "*restricted conditions*" on the particular facts of the case. In contrast, the appeal before me relates to two properties not presently occupied by the families concerned and I have no plans of the layout of those houses with which to make a meaningful comparison, despite the evidence that has been submitted.
24. Another appeal decision⁵ to which the appellant refers is in relation to an LDC which is not an application for planning permission. Overall, I do not consider the circumstances of those cases to be directly comparable and they have not led me to an alternative conclusion on the main issue.

³ As set out under the Equality Act 2010.

⁴ Appeal references: APP/R5510/D/20/3256126; APP/R5510/D/21/3272937; APP/R5510/W/22/3303091; APP/R5510/D/22/3296373; APP/R5510/D/22/3292279 and APP/R5510/D/20/3263868.

⁵ APP/R5510/X/18/3206551

25. I am aware that the scheme at 50 St. Martins Approach has similarities to the appeal proposal in terms of accessibility from the street. However, the accommodation provided had a slightly smaller floor area than is proposed for the two annexes in this case, and this would make it less attractive as an independent residential dwelling. Whilst that decision is a material consideration of some weight in favour of this appeal, I have other evidence before me that would not have been before the Inspector in that case. This includes two later appeal decisions concerning 41 Grange Road⁶ which concern a proposal in similar physical circumstances. These effectively support the Council's case regarding an ancillary occupancy condition not meeting the policy tests for conditions. I agree with those pertinent findings, as I have set out above, and these weigh against allowing the appeal.
26. I am mindful of the importance of consistency in decision-making. However, I have a duty to determine the application in accordance with the development plan unless material considerations indicate otherwise. I give significant weight to the conflict with development plan policies and conclude that none of these considerations outweigh that conflict.

Other Matters

27. The appellant notes there would be no change to the streetscene, nor harm to neighbours by way of overlooking or impacts on outlook or daylight. It is also said that parking arrangements would remain unchanged. These are not areas of dispute with the Council, nor advanced in its Reason for Refusal or Statement of Case. I see no reason to disagree. However, this does not lead me to an alternative conclusion on the main issue.
28. I am aware that an earlier iteration of the appeal scheme had been recommended for approval. However, I have assessed the merits of the scheme before me.
29. I have been referred to Policies GG1 and D7 of the London Plan (2021). However, those policies are not before me. The appellant also claims that no objections were raised by Environmental Health or Highways, although there is no evidence before me to substantiate this. Consequently, I have not taken these factors into account in my decision.

Conclusion

30. For the reasons above, having regard to the conflict with the development plan, and to all other material considerations, I therefore conclude the appeal should be dismissed.

S F Barnes

INSPECTOR

⁶ Appeal references APP/R5510/D/23/3319518 and APP/R5510/D/24/3336869.