



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Ms Rebecca Cockeram

Proposal:

Demolition of existing garage and erection of an outbuilding to the rear garden
(Application for a Certificate of Lawful Development for a Proposed Development).

Appeal Site:

11 Roy Road, Northwood, Hillingdon, HA6 1EQ

Our Ref:
Your Ref:

9510/APP/2025/1326
APP/R5510/X/25/3370265

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant application reference: 9510/APP/2025/1326.
- 1.2 The LPA refused planning permission on 08-07-25 for the following reason (as stated on the decision notice):
 1. The proposed development does not constitute permitted development by virtue of the provisions of Class E, Schedule 2, Part 1, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) because it has not been demonstrated, on the balance of probabilities, that the proposed outbuilding would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse at 11 Roy Road.
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 The appellant's statement of case states that the size and proposed use of the proposed outbuilding to be erected under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2016 would be incidental to the enjoyment of 11 Roy Road, and that the proposed outbuilding would not be used as a self-contained unit.
- 2.2 The key reasoning for refusal relates to the argument that the building in its current form is not considered incidental to the enjoyment of the dwelling house.
- 2.3 Class E conveys permitted development rights to provide within the curtilage of a dwellinghouse any building required for a purpose incidental to the enjoyment of the dwellinghouse, subject to certain limitations. The footprint of the proposed outbuilding would be 128.23sq.m, compared against the host dwelling's footprint of 97sq.m. The scale/footprint of the proposed outbuilding would be greater than the ground floor of the main dwellinghouse, and therefore goes beyond what could reasonably be considered subordinate or incidental.
- 2.4 In *Emin v SSE & Mid Sussex DC* [1989] JPL 909, it was established that the physical size of an outbuilding is not conclusive but is a material factor in assessing whether the building is genuinely required. In this case, the sheer size, coupled with the multiple self-contained rooms, undermines the incidental quality of the proposal.
- 2.5 The plans show a multiple of rooms and uses within the building including a garage, two offices, a store room, plant room, toilet and gym. The very nature of the layout where rooms are compartmentalised into smaller rooms lends more to a layout

associated with a self-contained unit. The internal subdivision into several distinct rooms gives the building a form and layout that could lend itself to more independent occupation, rather than functions ordinarily considered incidental to the main dwelling.

- 2.6 While the current proposal is not for a self-contained unit, and the Council acknowledges that any such use would require a separate grant of planning permission, the size and layout of the proposed outbuilding, together with potential independent access from the street from the proposed extended driveway, adds to the perception that the accommodation could be used more separately from the host property. Further to this, the overall size of the footprint of the building is bigger than the main dwelling house which would put further doubt on the very nature of the building being defined as incidental to the main dwelling. The level of individual uses in the building itself, with 2 offices (measuring 30sq.m in total), a storage unit and garage as well as a gym, is significantly more than what would be expected for an incidental use.
- 2.7 The proposed garage would be dual aspect with an access door on both the front and rear elevations. However, the proposed access door on the front elevation is unlikely to cater for a vehicle; when measuring the front garage door facing the access route, it appears to be under 2.4m in width. This would be below the modern-day standards for providing vehicular access (2.4m x 4.8m). The overall size of the garage area at 50m² is significantly larger than what would be expected for a domestic arrangement. Even if one was to consider that a car could fit through the garage doors, the level of space needed for parking would amount to approximately 12m². There is also doubt on the need for a secondary glazed area facing the rear garden and serving the garage. It is also questionable given the overall size of the garage why there is a further need for both a storage area and plant room. Such is the level of rooms and the need for mechanical equipment or plant room would give the perception of a use that is greater than the main dwelling house. Similarly, the need for roof lights within the apex of the roof and the very nature of the design (triple aspect) gives the perception of a stand alone building separate from the main building.
- 2.8 Whilst individually, the uses identified can in principle be incidental, the LPA is not satisfied that the appellant has demonstrated that such a large multi-room structure is reasonably required and that the scale of provision is proportionate to the reasonable domestic needs of the household.
- 2.9 It is noted that the appellant has drawn attention to an appeal where the Inspector accepted a large domestic outbuilding. However, each case is assessed on its own merits and the information submitted under the current application does not provide sufficient comfort to the Council that the use would remain incidental to the main dwelling.
- 2.10 The LPA would also point to a dismissed appeal decision in 2022, ref: APP/R5510/X/20/3264413 (Appendix 2) which involved a much smaller outbuilding of 44m². Within this decision, the Inspectorate concluded that the overall size and scale of the building was disproportionately large to accommodate the stated proposed use.

***Para 10** With a footprint of around 44 m², the outbuilding would be of significant size, albeit somewhat smaller than the 60 m² figure referred to by the Council. The outbuilding would have a considerably greater footprint than, for example, a single garage or a similarly-sized curtilage structure that might be used by many householders for domestic storage purposes. Therefore, I cannot be certain that the outbuilding would be other than disproportionately large in relation to what would reasonably be required to accommodate the stated proposed use*

***Para 11** In addition, the submitted drawings show that the outbuilding would have a large area of glazing and a door in the garden-facing elevation, with pairs of three-light windows in each side elevation and a second door in the rear elevation. The arrangement of elevational openings in the outbuilding is not explained by the proposed storage use. It is not clear why such extensive areas of glazing would be required in a non-habitable structure. To my mind, the elevational treatment adds to the doubt over whether the outbuilding is reasonably required.*

(Appendix 2 - APP/R5510/X/20/3264413)

- 2.10 Whilst individually, the uses identified can in principle be incidental, the LPA is not satisfied that the appellant has demonstrated that such a large multi-room structure is reasonably required. The evidence provided is insufficient to demonstrate that the scale of provision is proportionate to the reasonable domestic needs of the household. The LPA would therefore argue that the detail submitted does not demonstrate the need for such a large outbuilding is reasonably required which would be nearly equivalent in size to a standard 3 bedroom residential flat.
- 2.11 The appellant relies heavily on larger outbuilding cases where Inspectors have accepted the reasonableness of uses. However, each case is assessed on its own merits and the information submitted under the current application does not provide sufficient comfort to the Council that the use would remain incidental to the main dwelling.

3. Conclusion

- 3.1 For the reasons set out in the delegated report, the Council considers that the proposed outbuilding would not comply with the conditions set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2016. The Inspector is therefore respectfully requested to dismiss the appeal.

Appendices

Appendix 1 – Planning Officer’s Delegated Report

Appendix 2 – Dismissed Appeal APP/R5510/X/20/3264413 – 43 Monmouth Road