

Appeal Statement of Case

11 Roy Road

Prepared For
**Param Patel & Rebecca
Cockeram**

4869
July 2025



bell cornwell

CHARTERED TOWN PLANNERS

Bell Cornwell LLP, Unit 2, Meridian Office Park, Osborn Way,
Hook, Hampshire RG27 9HY

01256 766673 | info@bell-cornwell.co.uk | bell-cornwell.co.uk



CONTENTS

1 INTRODUCTION

2 PROPOSAL, SITE AND SURROUNDINGS

3 PERMITTED DEVELOPMENT RIGHTS

4 INTERPRETATION OF INCIDENTAL USE

5 CONCLUSION

6 APPENDICES



1 INTRODUCTION

- 1.1 This appeal is submitted under section 78 of the Town and Country Planning Act 1990 (TCPA). In accordance with the procedural guidance for appeals, this appeal has been submitted to the Planning Inspectorate within the relevant 12-week period post-decision.
- 1.2 This appeal is against the refusal of certificate of lawfulness of proposed development to establish that a detached outbuilding incorporating a garage, two offices, a store room, plant room, toilet and gym would be lawful at 11 Roy Road. The Council's Decision Notice is included at Appendix A.
- 1.3 It is anticipated that in line with The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (as amended) that the appeal would follow the Part 1 procedure as a 'fast-track' householder appeal.
- 1.4 The certificate was refused for a single reason;

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.

- 1.5 The Officer Report (OR) at Appendix B demonstrates the Council's assessment.



2 PROPOSAL, SITE AND SURROUNDINGS

- 2.1.1 The appeal site comprises a detached 2-storey dwelling and detached garage. Roy Road is a residential road There is frontage parking for the majority of plots.
- 2.2 The planning history demonstrates that permitted development rights (PD rights) under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) remain intact for no.11 Roy Road.
- 2.2.1 The site is not located within any Conservation Area, nor area subject to any Article 4 controls.
- 2.3 The full set of drawings and plans have been provided to the Planning Inspectorate at the time of the submission of the appeal questionnaire. The following images show the positioning and design of the proposal:



3 PERMITTED DEVELOPMENT RIGHTS

Legislative context

- 3.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (the “GPDO”) affords deemed planning permission for householders under Part 1 of Schedule 2. The legislation sets out in Article 3 of the GPDO that (2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2. The specific exceptions, limitations and conditions relating to the appeal scheme under Schedule 2, Part 1, Class E are set out later in this section.
- 3.2 At Article 3(4) it confirms that “Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 or Part 13 of the Act otherwise than by this Order.” There are no conditions imposed on any earlier permission which remove PD rights, therefore they remain intact and exercisable by the appellant.
- 3.3 At Article 3(5) of the GPDO it confirms that:

“The permission granted by Schedule 2 does not apply if—

- (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
- (b) in the case of permission granted in connection with an existing use, that use is unlawful.

Criterion (a) is not applicable to the appeal proposal and criterion (b) is met as there are no unlawful uses taking place on the site.

Class E – buildings incidental to the enjoyment of a dwellinghouse

- 3.4 Under Part 1, Class E of the GPDO permitted development (PD) rights exist for householders to erect buildings within the curtilage of a dwellinghouse which are ‘incidental to the enjoyment of a dwellinghouse’ as follows:



E. The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

3.5 Under E.4 (Interpretation of Class E) it clarifies that:

“For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.”

3.6 The appeal proposal has been submitted under Part 1, Class E as a development which comprises a building required for a purpose incidental to the enjoyment of the dwellinghouse, to meet the domestic needs and personal enjoyment of the occupants of 11 Roy Road. The various exceptions, limitations and conditions of Class E are set out as follows:

E.1 Development is not permitted by Class E if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

(d) the building would have more than a single storey;



- (e) the height of the building, enclosure or container would exceed—*
 - (i) 4 metres in the case of a building with a dual-pitched roof,*
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or*
 - (iii) 3 metres in any other case;*
- (f) the height of the eaves of the building would exceed 2.5 metres;*
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;*
- (h) it would include the construction or provision of a verandah, balcony or raised platform;*
- (i) it relates to a dwelling or a microwave antenna; (j) the capacity of the container would exceed 3,500 litres.; or*
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

3.7 None of the criteria (a) to (k) restrict the appeal proposal as it is compliant with the legislative parameters and limitations. The exceptions set out at E.2 and E.3 are not relevant to the appeal proposal as the site is not within any of the designated areas.

3.8 The appeal proposal meets all of the qualifying criteria of the legislation and as such comprises permitted development.

Permitted development rights for householders - Technical Guidance

3.9 The technical guidance published by the Ministry of Housing, Communities & Local Government (MHCLG) in 2016 (copy included at Appendix C). Beyond the definition of ‘incidental’ set out at E.4 and relayed above, the technical guidance gives further clarity on the interpretation of ‘incidental’ in relation to Class E PD rights:

“But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a



house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.”
(Technical guidance, page 41).

- 3.10 In addition, recent appeal decisions ¹have given a steer from the Planning Inspectorate’s interpretation of ‘incidental’ particularly in respect of outbuildings with a sizeable footprint:
- 3.11 In addition, established case law confirms that in the context of a dwelling, ‘required’ for an incidental purpose should be interpreted as ‘*reasonably* required’. The physical size of an outbuilding, alone or in comparison to a host dwelling, might be an important consideration but is not by itself conclusive. The Emin case ² held that the size of an outbuilding is not relevant for the purposes of Class E, but the building must be ‘required for some incidental purpose’ in relation to the dwellinghouse. When dealing with cases such as this it is necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwellinghouse, and whether the building is genuinely and reasonably required to accommodate the proposed use or activity, and to achieve that purpose.
- 3.12 In the Emin case it was held that it was wrong to conclude that an outbuilding could not be said to be incidental as such because it would provide more accommodation for secondary activities than the dwellinghouse provides for primary purposes.
- 3.13 There are two primary factors that relate to whether an outbuilding is incidental under Class E:
- Physical size – this may be of relevance, but it should not be determinative. The relevance of size is linked to the scale of uses proposed and whether they would be subordinate to the main use of the dwellinghouse. Class E hasn’t imposed a size limit on an outbuilding in comparison to the host dwellinghouse

¹ APP/Y3615/X/24/3340338 and APP/Y3615/X/22/3295550

² Emin v SSE & Mid Sussex DC [1989] JPL 909



and the absence of any such requirement supports the conclusion that the outbuilding doesn't have to be subordinate in footprint terms to the dwellinghouse.

- Proposed use(s) – the question here is whether the uses proposed within the building are in themselves *incidental* rather than *ancillary*. Also, whether the proposed uses could be accommodated within the main dwellinghouse then whether the size of the rooms proposed are reasonable for the proposed uses. There are a plethora of appeal decisions and judgments which conclude that gyms, garages and home offices are uses incidental to the enjoyment of the main dwelling and are in and of themselves reliant on the primary use.

3.14 From the research undertaken in developing this proposal and the necessity for appealing the refusal of the London Borough of Hillingdon, decisions always come down to fact and degree in certificates. As a result there is no need to submit a raft of appeal decisions as these all differ slightly from this case in terms of size of outbuilding, size of plot, size of main dwellinghouse and mixture of proposed uses.

3.15 Notwithstanding this, one appeal decision ³is of particular relevance as it relates to a Council's conclusion that the desired outbuilding was not incidental due to "its excessive scale" in relation to its indicated use. That appeal decision and plans of the proposed outbuilding within Appendix D of this appeal statement. The Inspector stated at Paragraph 8 of their decision that:

"8. It has been established by case law that an incidental use should be functionally related to the primary use (as a dwellinghouse). By definition, then, an incidental use cannot be one that is integral to or part and parcel of the primary use. The functional relationship should be one that is normally found and not based on the personal choice of the user. Whether a use should be regarded as incidental will be a matter of fact and degree. It is necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwelling and answer the question as to whether the proposed

³APP/Y3615/X/22/3295550



building is genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose. The size of the building in relation to the dwelling is relevant but not a conclusive factor”.

3.16 The Inspector goes on to state at paragraphs 10 and 11 that:

“10. Case law has established that a wide range of activities are capable of being considered incidental to the enjoyment of a dwelling. The provision of a swimming pool and bar area could reasonably serve a purpose incidental to the enjoyment of the dwellinghouse, and it is reasonable for the appellant to want some circulation and relaxation space around the pool for their family to enjoy.

11. It is not unusual to have a home gym or entrance lobby and these areas would not be excessive in size for their intended purpose. A shower room/changing area could be primary accommodation but, in this case, it would not be unreasonable to regard it as part of the incidental use with the gym and swimming pool. While the outbuilding would be large, the facilities would be reasonable in size and likely to be what is needed to achieve their purpose. I also observed that these facilities could not be accommodated within the existing house”.

3.17 In respect of size and proposed use, taking account of material considerations which include case law, appeal decisions and the Technical Guidance, the proposed outbuilding to be erected under Class E PD rights would be incidental to the enjoyment of 11 Roy Road.



4 INTERPRETATION OF INCIDENTAL USE

Balance of probabilities

- 4.1 It is established above that the proposal fully complies with the conditions and limitations of the GPDO in respect of Schedule 2, Part 1, Class E. The DN includes a single reason for refusal which incorrectly applies the legal test ‘on the balance of probabilities’ for certificates of lawfulness of existing uses or development under Section 191 of The Town and Country Planning Act 1990 (as amended) (the ‘TCPA’). The proposal is not *existing* development. As such, the ‘balance of probabilities’ is not applicable to certificates of lawfulness submitted under Section 192 (lawfulness of proposed use or development) to ascertain whether a proposed development would be lawful if implemented at the time of the application.

Declarations and legal implications of offences under the TCPA

- 4.1.1 The OR criticises on page 4 that no information has been provided by the appellant to explain why the building is reasonably required. However the application form for the LDC (Appendix E) states under the section titled “Grounds for Application” that:

“The plans show that the building will be used as a domestic garage, a pair of home offices and a home gym. The building will be used by the owners of the property for their personal use...”

- 4.1.2 The application form for the LDC includes a declaration on the final page, part of which reads:

“I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.” This was signed and dated to accompany the application.

- 4.2 On page 4 of the OR the Case Officer criticises the provision of an extended driveway (under PD rights) and incorrectly purports that this means the outbuilding could be used as a self-contained unit. Plainly any use of any building erected under Schedule 2, Part 1, Class E – whether or not a certificate had been applied for, which is not a



prerequisite - which does not accord with Class E PD rights relating to an incidental use, whether a standalone residential use or other use, would constitute a breach of planning control.

4.3 The TCPA affords powers to Local Planning Authorities to deal with such breaches under Part 7 with a range of tools available such as the entry onto land and into buildings to ascertain whether a breach has taken place, the service of notices and ensuring compliance with notices. In any event it cannot be presumed that a breach of planning control would take place on a site. This presumption on the part of the Council is unfounded and prejudices the appellant's lawful exercise of their PD rights.

4.4 Section 194 of the TCPA makes clear that it is an offence to procure a certificate of lawfulness under either s191 or s192 of the TCPA where the person (applicant or agent) has the following intentions or conduct:

194(1) If any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for the issue of a certificate under section 191 or 192—

(a) knowingly or recklessly makes a statement which is false or misleading in a material particular;

(b) with intent to deceive, uses any document which is false or misleading in a material particular; or

(c) with intent to deceive, withholds any material information,
he shall be guilty of an offence.

4.5 Section 194(2) of the TCPA then sets out the consequences of such offence which include imprisonment or fine, or both.

4.6 In addition, if a breach of planning control were to take place on any site where a certificate of lawfulness had been granted on the basis of false or withheld material information then Section 193 of the TCPA affords powers to Local Planning Authorities under s193(7) for the revocation of such a certificate:



(7)A local planning authority may revoke a certificate under either of those sections if, on the application for the certificate—

(a) a statement was made or document used which was false in a material particular; or

(b)any material information was withheld.

- 4.7 The OR acknowledges on page 4 states that the provision of the building (for a garage, two offices, store room, plant room, toilet and gym) could ‘individually be considered to be incidental uses’ however makes no conclusion on the collective provision of garage, offices, store room, plant room, toilet and gym in respect of ‘incidental’ use.
- 4.8 The OR continues that the ‘potential for the outbuilding to be used as a self-contained unit’ resulted in their assessment concluding that the outbuilding would not be reasonably required for a purpose incidental to the enjoyment of 11 Roy Road. As set out above, the potential for a future breach of planning control to take place on any site is not justification to withhold a certificate of lawfulness. If a breach has not taken place, it cannot be pre-empted or relied upon by a LPA as a definitive outcome.



5 CONCLUSION

- 5.1 For the reasons set out above the proposal comprises permitted development and a certificate of lawfulness under s192 of the TCPA ought to be granted at appeal.

APPENDIX A – DECISION NOTICE



Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Mr Andy Tropia
Atdesigned Ltd
25 Woodend Drive
Ascot
SL5 9BD

Application Ref: **9510/APP/2025/1326**

The Council of the London Borough of Hillingdon as the Local Planning Authority, hereby **REFUSE** the application for a Certificate of Lawfulness of Proposed Development under Section 192 of the above Act.

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

Location of development: 11 Roy Road Northwood

Date of application: 13th May 2025

Plan Numbers: See attached Schedule of plans

The grounds for the Council's decision are listed on the attached schedule:-

R Schin

Head of Development Management and Building Control

Date: 8th July 2025

NOTES: Your attention is drawn to the attached sheet which sets out the rights of applicants who are aggrieved by the decision of the Local Planning Authority.

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 9510/APP/2025/1326

SCHEDULE

The grounds for the Council's decision are as follows:-

Reason for Refusal:

- 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.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

END OF SCHEDULE

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

**Sections 191 and 192
(as amended by section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Ref: 9510/APP/2025/1326

Schedule of Plans

1586_0004 Rev 1 Proposed Elevations - received 12 May 2025

Covering Letter Dated 09 May 2025 - received 12 May 2025

1586_0001 Rev 1 Location & Site Plans - received 12 May 2025

1586_0003 Existing & Proposed Site Plans, Proposed Ground Floor, Section & 3D View - received 12 May 2025

**RIGHTS OF APPLICANTS AGGRIEVED BY DECISION
OF LOCAL PLANNING AUTHORITY**

TOWN AND COUNTRY PLANNING ACT 1990

Application for Certificate of Lawfulness

Notes

If you are aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate under Sections 191 or 192 of the Town and Country Planning Act 1990 (as amended) or to refuse it in part, you may appeal to the Department of Communities and Local Government (DCLG), under Section 195 of the Act (as amended).

Notice of appeal must be given in writing to the Planning Inspectorate, 3/02 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel; - 0117 372 8428). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://www.planning-inspectorate.gov.uk>. Copies of all relevant documents, including the application, the notice of decision and all plans, drawings and correspondence, must be supplied to the Inspectorate.

You are advised to consult the brief official guide and appeals, published by the Department of Communities and Local Government (DCLG), this and appeal forms can be obtained from the Planning Inspectorate on request.

Address:

Development Management
Directorate of Place
Hillingdon Council
3 North, Civic Centre, High Street, Uxbridge UB8 1UW
www.hillingdon.gov.uk

APPENDIX B – OFFICER REPORT

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Report of the Head of Development Management and Building Control

Address: 11 ROY ROAD NORTHWOOD

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

LBH Ref Nos: 9510/APP/2025/1326

Drawing Nos: Covering Letter Dated 09 May 2025
1586_0001 Rev 1 Location & Site Plans
1586_0003 Existing & Proposed Site Plans, Proposed Ground Floor, Section & 3D View
1586_0004 Rev 1 Proposed Elevations

Date Plans received: 12-05-25 **Date(s) of Amendments(s):**

Date Application valid 13-05-25

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the proposed development described above in respect of the land edged red on the attached plans for the following reasons:

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.

This determination is based on your submitted plans. All measurements are taken from existing ground level.

INFORMATIVES

2.0 Planning Considerations

The application site comprises a detached dwelling located on the northern side of Roy Road. 9 Roy Road is located along the western site boundary. 13 Roy Road is located along the eastern site

boundary. To the north, the rear of the site backs onto the rear gardens of 16, 18 and 20 Chester Road. 6, 8 and 10 Roy Road are located to the south, on the opposite side of the road. The application site is located within the Old Northwood Area of Special Local Character, as designated within the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). The application site is located within a Critical Drainage Area, as identified in the Surface Water Management Plan (SWMP) for Hillingdon.

An application for a Certificate of Lawful Development for a Proposed Development is sought for the demolition of existing garage and erection of an outbuilding to the rear garden. The proposed outbuilding would be set in 2m from the side boundaries and 5.411m from the rear site boundary. The proposed outbuilding would be 14.13m deep along the western site boundary with a width of 5.82m; there would be a 3.12m set back from the front elevation and a 2.9m set back from the rear elevation before a further 5.76m projection to the side and a depth of 8.12m along the eastern site boundary. The proposed outbuilding would have a footprint of 128.23sq.m. The proposed outbuilding would have a 4m high dual pitched roof with 2.5m high eaves and four rooflights on either side of the roof ridge; the roof at the rear would extend over the open north-eastern corner at the rear of the proposed outbuilding. The proposed outbuilding would provide a garage, two offices, a store room, plant room, toilet and gym.

Planning History:

9510/APP/2000/2237 - Erection of a two storey rear and side extension (involving demolition of garage - Approved 23/11/2000. Condition 4 removed Permitted Development Rights for any additional windows or doors to be constructed in the walls of the development hereby approved facing Nos 9 and 13 Roy Road.

The application is not located within a Conservation Area, World Heritage Site or AONB. Whilst Condition 4 of Planning Permission ref: 9510/APP/2000/2237 removed Permitted Development Rights for any additional windows or doors to be constructed in the walls of the approved development facing Nos 9 and 13 Roy Road, the condition only applies to the development approved. Therefore, although no additional windows or doors could be installed in the previously approved development, additional windows could be installed on the original dwelling. There are no Article 4 Directions or planning conditions restricting this particular proposal.

The plans indicate that the proposed outbuilding would:

- i) not result in more than 50% of the curtilage surrounding the original dwellinghouse being covered by buildings
- ii) not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- iii) not have more than one storey;
- iv) not consists or include the construction or provision of a balcony, veranda or raised platform;
- v) not have a height that would exceed 2.5m in the case of a building, enclosure or container located within 2m of the boundary of the curtilage of the dwelling house;
- vi) not have eaves with a height that exceeds 2.5m

Notwithstanding the above, the main planning consideration is whether the proposed outbuilding constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E and of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 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.

In addition to whether the location and dimensions of the proposed outbuilding comply with the

limitations set out in Class E, a further determining issue is whether or not the proposed outbuilding is required for purposes incidental to the enjoyment of the dwellinghouse. The onus of proof is firmly on the applicant in this regard.

The judgement in *Emin v Secretary of State for the Environment & Mid Sussex District Council* held that the scale of the activities that go on in an outbuilding is important in deciding whether that outbuilding is required for a purpose incidental to the enjoyment of a dwellinghouse as a dwellinghouse and for extraneous purposes. The question of scale and size is considered to be relevant because there must be a prospect that the nature and scale of such activities could go beyond a purpose merely incidental to the enjoyment of the dwelling as such.

In this case, the proposed outbuilding would have a footprint of 128.23sq.m. The proposed outbuilding would provide a garage, two offices, a store room, plant room, toilet and gym. No kitchen facilities would be provided.

The existing garage located at the side of the application property would be removed. The existing site access would be retained, and the existing driveway would be extended to the rear garden in order to provide access to the garage within the proposed outbuilding. Given the overall size/footprint of the proposed outbuilding and that the proposal would create a vehicular access to the rear of the application site, it is considered that the proposed outbuilding could be used as a self-contained unit.

Whilst the provision of a garage, two offices, a store room, plant room, toilet and gym, could individually be considered to be incidental uses, given the overall size and scale of the proposed outbuilding, the potential for the outbuilding to be used as a self-contained unit, that the footprint of the proposed outbuilding would be 32% larger than the footprint of the existing dwellinghouse, and that no information has been provided by the applicant to explain why an outbuilding which equates to 128.23sq.m is reasonably required, it is considered that it has not been demonstrated that the proposed outbuilding would be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse at 11 Roy Road.

For the reasons given above, it is considered that, as a matter of fact and degree, it has not been shown on the balance of probabilities that the proposed outbuilding would be permitted development within Class E of the GPDO. The proposed development would therefore fail to comply with all the criteria stated under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application is therefore recommended for refusal.

3.0 Relevant Planning History

9510/PRC/2024/220 11 ROY ROAD NORTHWOOD

Erection of 2 Bed dwellinghouse.

Decision Date: 23-01-25 Objection

9510/APP/2000/2237 11 ROY ROAD NORTHWOOD

ERECTION OF A TWO STOREY REAR AND SIDE EXTENSION (INVOLVING DEMOLITION OF GARAGE)

Comment on Planning History

4.0 ALL CLASSES

Is the dwelling a flat or a maisonette?

NO

Is there a planning condition removing permitted development rights?

YES - Condition 4 of Planning Permission ref: 9510/APP/2000/2237 removed Permitted Development Rights for any additional windows or doors to be constructed in the walls of the approved development facing Nos 9 and 13 Roy Road. However, this condition only applies to the development approved under Planning Permission ref: 9510/APP/2000/2237.

Is the building listed/ in a Conservation Area?

NO

CLASS E - Outbuildings

Does the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?

NO

Does any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?

NO

Does the building have more than one storey?

NO

Does the height of the building, enclosure or container exceed-

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case?

NO

Does the height of the eaves of the building exceed 2.5 metres?

NO

Is the building, enclosure, pool or container situated within the curtilage of a listed building?

NO

Does it include the construction or provision of a veranda, balcony or raised platform (means a platform with a height greater than 300 millimetres)?

NO

Does it relate to a dwelling or a microwave antenna?
NO

Does the capacity of the container exceed 3,500 litres?
NO

In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse
NO

5.0 Other including Measurements

Proposed Outbuilding Roof Height: 4m

Proposed Outbuilding Eaves Height: 2.5m

Proposed Outbuilding Footprint: 128.23sq.m

Existing Garage (to be removed): 12.58sq.m

Site Curtilage: 930sq.m

Footprint of Original Dwelling House: 97sq.m

Site Curtilage - Footprint of Original Dwelling House = 833sq.m

Contact Officer:	Katherine Mills	Telephone No:	01895 250230
-------------------------	------------------------	----------------------	---------------------

APPENDIX C – GPDO TECHNICAL GUIDANCE



Ministry of Housing,
Communities &
Local Government

Permitted development rights for householders

Technical Guidance



© Crown copyright, 2019

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

This document/publication is also available on our website at www.gov.uk/mhclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/mhclg>

September 2019

Contents

Introduction	4
General Issues	6
The structure of the rules on permitted development	8
Class A – enlargement, improvement or alteration	10
Class B – additions etc to the roof	33
Class C – other alterations to the roof	38
Class D - porches	40
Class E – buildings etc	41
Other Classes under Part 1	47
Class F – hard surfaces	47
Class G – chimney, flues etc	48
Class H – microwave antenna	49

Introduction

Permitted development rights allow householders to improve and extend their homes without the need to apply for planning permission where that would be out of proportion with the impact of works carried out. Larger single storey rear extensions are subject to a neighbour consultation scheme (see page 17). It is important that homeowners understand how they can exercise their rights to carry out development while protecting the interests of their neighbours and the wider environment. The Ministry of Housing, Communities and Local Government has produced this technical guidance to help them. It is designed to be used by anyone who wants to understand more about the detailed rules on permitted development and the terms used in those rules. However, anyone who has no previous knowledge of permitted development issues will find it useful to look at the Planning Practice Guidance first at: <https://www.gov.uk/guidance/when-is-permission-required>.

The guidance set out below gives an explanation of the rules on permitted development for householders, what these mean and how they should be applied in particular sets of circumstances. Diagrams have been included for illustrative purposes only and these are not drawn to scale. Given the very substantial variations in the design of individual houses, this guide cannot cover all possible situations that may arise. Where there is any doubt as to whether a development would be permitted development, advice should be sought from the local planning authority. To be certain that a proposed development is lawful and does not require an application for planning permission it is possible to apply for a 'Lawful Development Certificate' from the local authority. Further information on this can be found in the Planning Practice Guidance at: <https://www.gov.uk/guidance/lawful-development-certificates>.

Permitted development rights do not remove requirements for permissions or consents under other regimes such as the building regulations¹ and the Party Wall Act².

Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended³. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

These rights do not apply to houses created through the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order, from shops, premises offering financial and professional services, hot food takeaways, betting shops, pay day loan shops, amusement arcades, casinos, launderettes, premises

¹ Information on building regulations can be found at <https://www.gov.uk/building-regulations-approval/when-you-need-approval>

² Guidance on the Party Wall etc. Act 1996 can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>

³ The Order and subsequent amendments can be found at: <http://www.legislation.gov.uk/uksi/2015/596>.

offering storage or distribution services, light industrial premises and agricultural buildings; or any houses which are flats. In these cases planning permission should be sought.

General Issues

Some of the terms used are defined in the Order. These include:

“Article 2(3) land” - this includes land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites.

“Building” - includes any part of a building and includes any structure or erection, but does not include mechanical plant or machinery or gates, fences, walls, or other means of enclosure.

“Dwellinghouse” - does not include buildings containing one or more flats or a single flat contained within a building. *(Note, however, that for the purposes of this guidance, the word “house” is used rather than “dwellinghouse” except where quoting the legislation directly.)*

“Existing” - means a building as it existed immediately before the permitted development (for example a house extension) is undertaken. *The existing house will include previous development to the house, whether undertaken as permitted development or as development resulting from a planning permission from the local authority.*

“Height” - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)

“Highway” – is a public right of way such as a public road, public footpath and bridleway. For the purposes of the Order it also includes unadopted streets or private ways.

“Original” - means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.

“Raised” - in relation to a platform means a platform with a height greater than 0.3 metres.

“Terrace house” - means a dwellinghouse situated in a row of 3 or more dwellinghouses used or designed for use as single dwellings, where

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of subparagraph (a).

“Unadopted street” – means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980.

Some terms used in this guidance are not defined in the Order but are understood as follows:

“Curtilage” - is land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.

“Enlarged part of the house” - is the enlargement which is proposed to be carried out under Class A (pages 10-32).

“Total enlargement” – is the proposed enlargement together with any existing enlargement of the original dwelling house to which it will be joined.

“Principal elevation” – in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.

The structure of the rules on permitted development

The rules on permitted development, set out in Schedule 2 of the Order, are sub-divided into a series of Parts. Part 1 specifically deals with development within the curtilage of a house. Part 1 is then sub-divided into Classes covering various types of development:

Class A covers the enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors. There is a neighbour consultation scheme for larger rear extensions under Class A, paragraph A.1(g).

Class B covers additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows.

Class C covers other alterations to roofs such as re-roofing or the installation of roof lights/windows.

Class D covers the erection of a porch outside an external door.

Class E covers the provision of buildings and other development within the curtilage of the house.

Class F covers the provision of hard surfaces within the curtilage of the house such as driveways.

Class G covers the installation, alteration, or replacement of a chimney, flue or soil and vent pipe.

Class H covers the installation, alteration, or replacement of microwave antenna such as satellite dishes.

There are also other Parts of the Order that may be relevant to householders. For example, Part 2 covers matters such as erection or construction of gates, fences and walls, exterior painting, charging points for electric vehicles and CCTVs. Part 14 covers the installation of domestic microgeneration equipment such as solar panels.

When considering whether a development proposal is permitted development, all of the relevant Parts of the Order and all the Classes within those Parts need to be taken into account. For example, Part 1 Class A prevents the installation, alteration or replacement of a chimney, flue or soil and vent pipe from being permitted development because these works are specifically provided for in Class G subject to the rules set out under that Class. Similarly, changes to the roof of a house are not permitted development under Class A, but may be permitted development under Class B or C.

In order to be permitted development, a proposal must meet all the limitations and conditions under each Class relevant to the proposal. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

For example, where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development. If the works also include the creation of a dormer window to enlarge the roof space, either in the extension or the original roof space, then they would also need to meet the requirements of Class B.

Further restrictions on permitted development

It is important to note that a local planning authority is allowed to remove permitted development rights in some or all of its area by issuing what is known as an Article 4 Direction; or may have removed those rights on the original, or any subsequent, planning permission for the house. Where permitted development rights have been removed in either of these ways a planning application will be needed for development. Before undertaking any development, checks should be undertaken with the local planning authority to determine whether any such restrictions on permitted development have been made.

The remainder of this guidance provides further explanation about the detailed rules covering what improvements can be made to a house and its surroundings as permitted development. In particular, it provides more details on the limits (for example on size) and the conditions that will need to be complied with if development is to take place without the need for an application for planning permission. The guidance covers in detail Classes A-E of Part 1 of the Order which cover common development projects such as extensions, loft conversions, alterations to a roof, porches, and buildings on land surrounding the house. The rules for Classes F-H are included in this document for reference but detailed guidance on them is not included, although cross-references are included to other guidance published by the Ministry of Housing, Communities and Local Government.

Class A – enlargement, improvement or alteration

This provides permitted development rights for the enlargement, improvement or other alteration of a house.

Under Class A the following limits and conditions apply:

A.1 Development is not permitted by Class A if –

- (a) ***permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)***

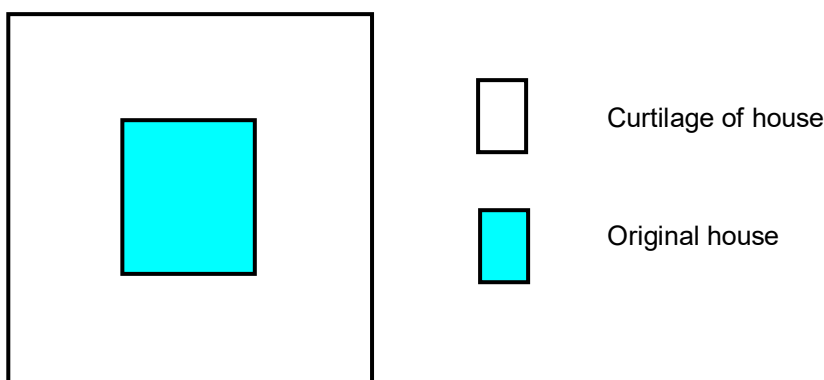
Enlargement etc. is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) ***as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)***

Extensions (including any extensions to the original house under Class A or under a separate planning permission) and other buildings must not exceed 50% of the curtilage.

The 50% limit covers all buildings so will include existing and proposed outbuildings as well as any existing or proposed new extensions to a house. It will exclude the area covered by the original house but will include any later extensions or any separate detached buildings, even where they were built prior to 1948, or if the house was built after that date, built when the house itself was built (for example a detached garage or garden shed).

In the diagram below, the maximum area that can be built on as permitted development, whether as an extension to the house or outbuildings erected under Class E, would be 50% of the white area.



(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse

Any enlargement, improvement, or alteration to a house must not exceed the height of the highest part of the roof of the existing house. If it does, an application for planning permission will be required.

The highest part of the roof of the existing house will be the height of the ridge line of the main roof (even though there may be other ridge lines at a lower level) or the height of the highest roof where roofs on a building are flat.

Chimneys, firewalls, parapet walls and other protrusions above the main roof ridge line should not be taken into account when considering the height of the highest part of the roof of the existing house.

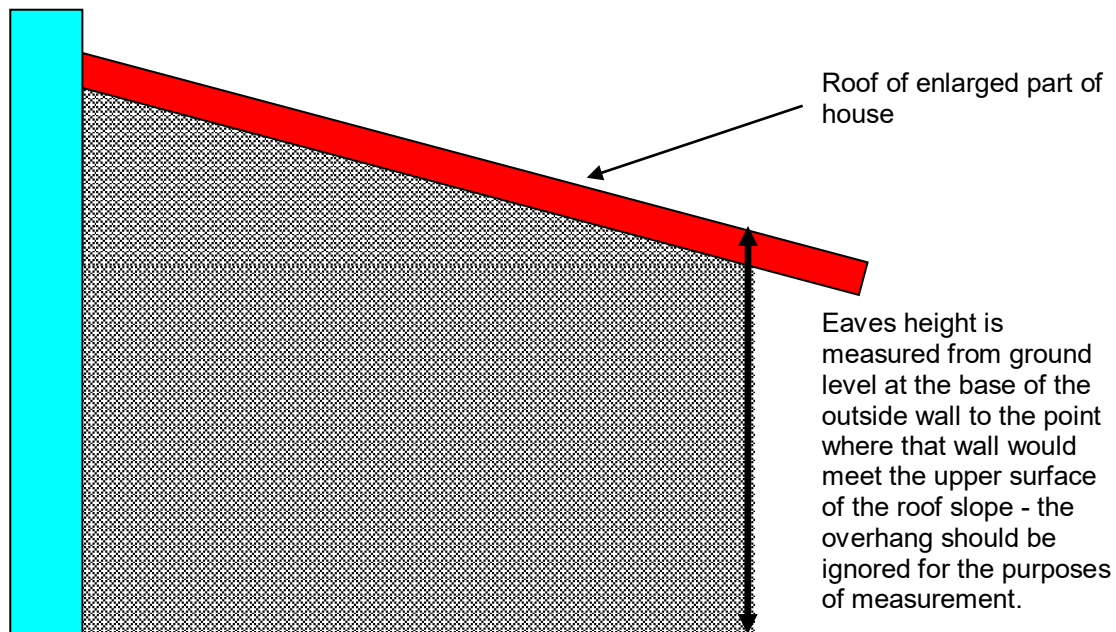
However, when calculating the height of the enlarged part of the house, this measurement should be at the highest part of the enlargement and may include any protrusions above the roof such as parapet walls etc.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse

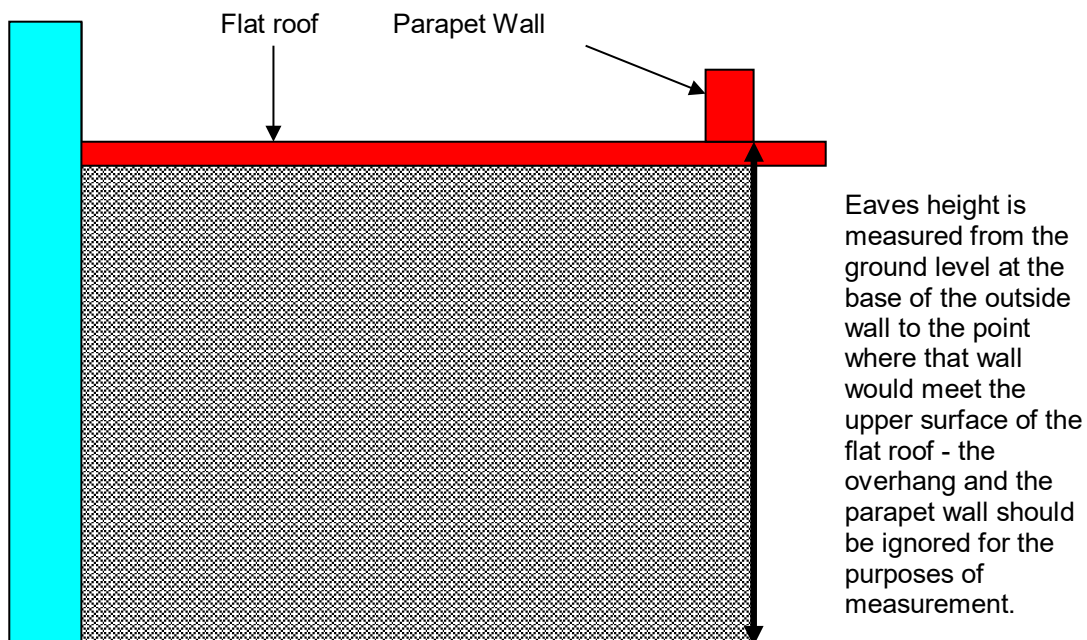
For the purpose of measuring height, the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall.

The height of the eaves will be measured from the ground level at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.

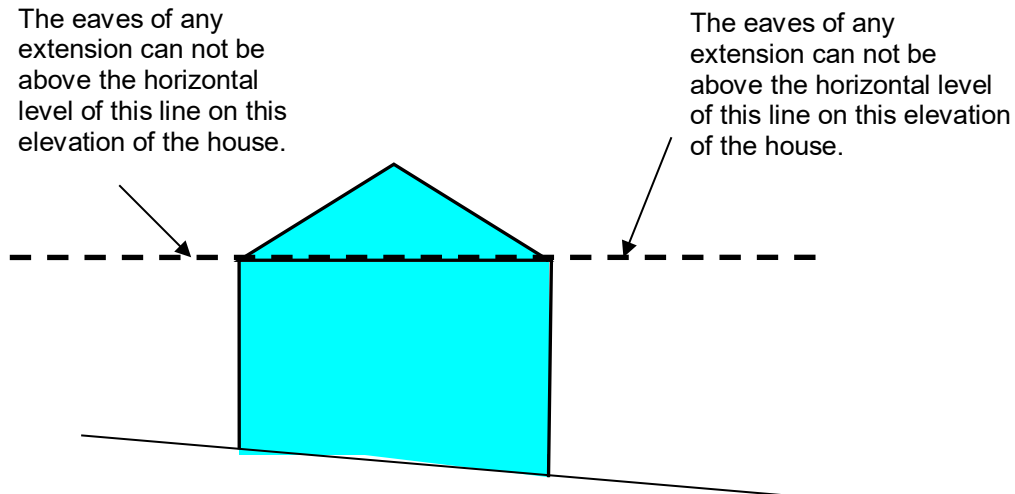
The following example shows the side view of an extension with a pitched roof:



Where there is a flat roof, a similar approach should be taken for measuring eaves:



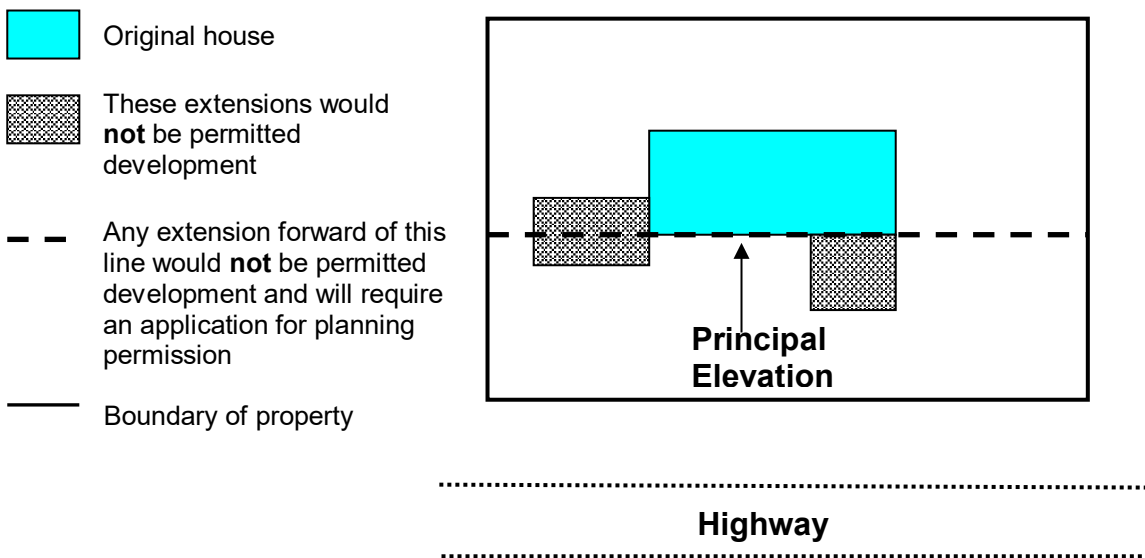
Where the existing house has eaves of different heights, then the restriction on the height of the eaves for the part of the house enlarged, improved or altered is measured against the highest level of eaves on the existing house. However, where a house is built on sloping ground, the height of the eaves on the existing house should be measured in terms of the elevation from which any extension of a house is to be made.



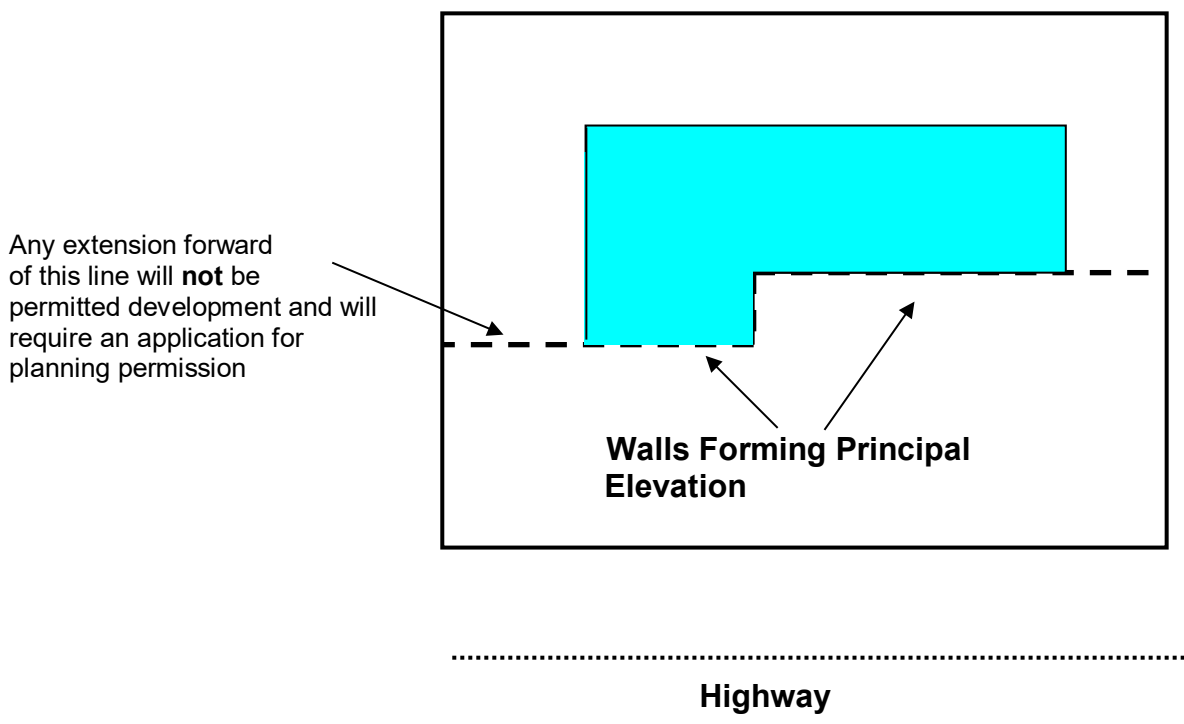
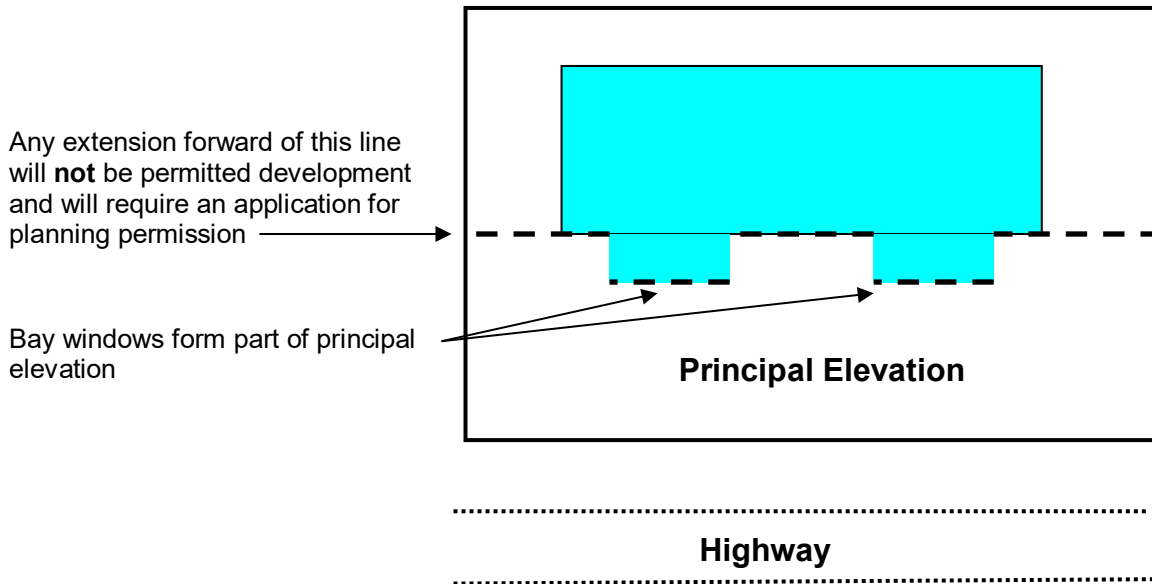
- (e) ***the enlarged part of the dwellinghouse would extend beyond a wall which -***
- (i) ***forms the principal elevation of the original dwellinghouse; or***
- (ii) ***fronts a highway and forms a side elevation of the original dwellinghouse***

This restriction means that any development to enlarge a house that is in front of a principal elevation, or in front of a side elevation that fronts a highway will require an application for planning permission. Principal elevation has the meaning set out in the 'General Issues' section of this document (see page 7).

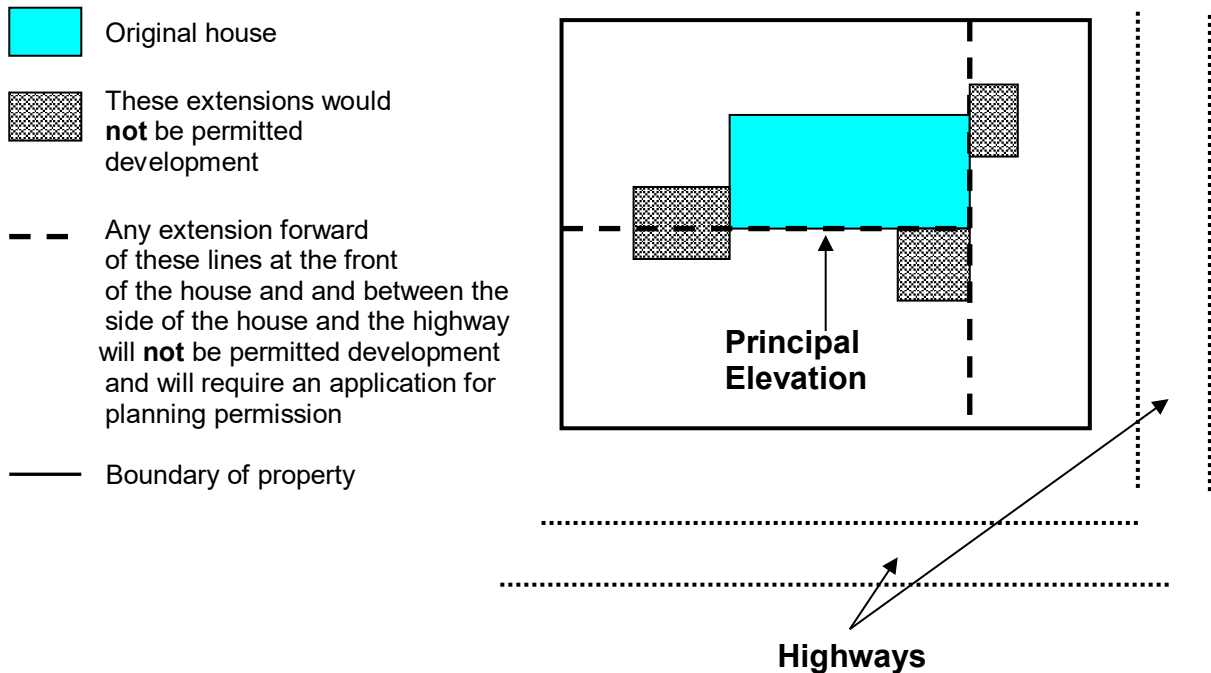
In this context, 'extend beyond a wall' comprises not only the area immediately in front of the wall, but also an area in front of a line drawn from the end of the wall to the boundary of the property. In the diagram below, neither extension shown would be permitted development - they both extend beyond a wall forming a principal elevation that fronts a highway.



The principal elevation could include more than one wall facing in the same direction - for example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.



If a house sits on a corner plot where a side elevation fronts a highway, there will be an additional restriction on permitted development to the side of the house.



The extent to which an elevation of a house fronts a highway will depend on factors such as:

- (i) the angle between the elevation of the house and the highway. If that angle is more than 45 degrees, then the elevation will not normally be considered as fronting a highway;
- (ii) the distance between the house and the highway - in cases where that distance is substantial, it is unlikely that a building can be said to front the highway. The same may be true where there is a significant intervening area of land in different ownership or use between the boundary of the curtilage of the house concerned and the highway.

Where a new extension is joined to an existing extension, under paragraph (ja) (see page 28) the limits in (e) apply to the total enlargement (being the proposed enlargement together with the existing enlargement).

(f) the enlarged part of the dwellinghouse would have a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or***
- (ii) exceed 4 metres in height***

A single-storey extension must not extend beyond the rear of the original house by more than 4 metres if a detached house, or by more than 3 metres in any other case. In both cases, the total height of the extension must not be more than 4 metres. The rear wall or walls of a house will be those which are directly opposite the front of the house.

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or***
- (ii) exceed 4 metres in height***

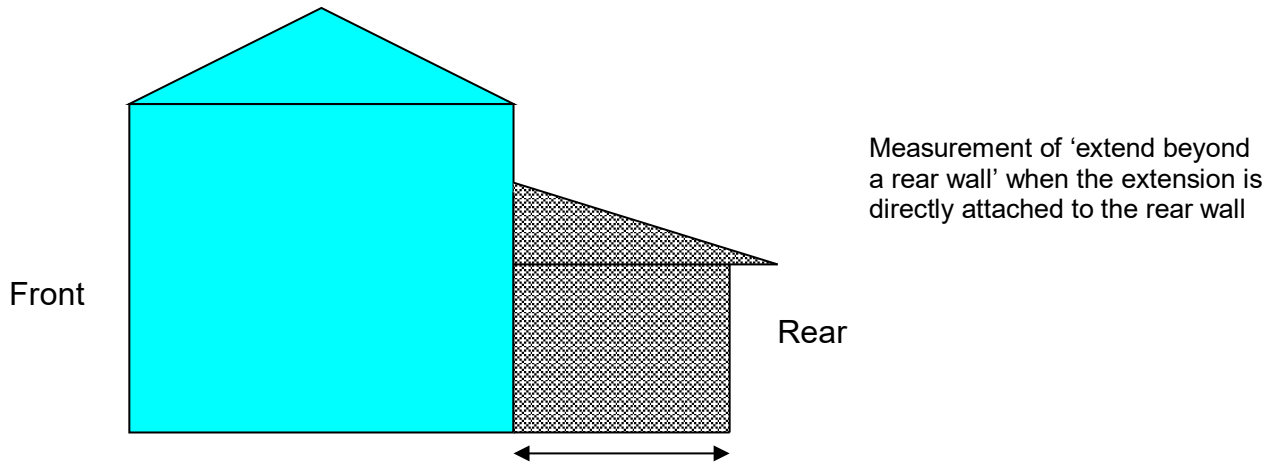
A single-storey extension to a house which is not on article 2(3) land or on a site of special scientific interest can be larger than allowed under paragraph (f) above, but it must not extend beyond the rear of the original house by more than 8 metres if a detached house, or by more than 6 metres in any other case. In both cases, the total height of the extension must not be more than 4 metres. The rear wall or walls of a house will be those which are directly opposite the front of the house.

These larger single-storey extensions, extending beyond the rear of the original house by more than 4 metres and less than 8 metres if a detached house, or by more than 3 metres and less than 6 metres in any other case, are subject to a neighbour consultation scheme to assess the impact of the proposed development on the amenity of their property. The requirements of the neighbour consultation scheme are set out in paragraph A.4 of Class A.

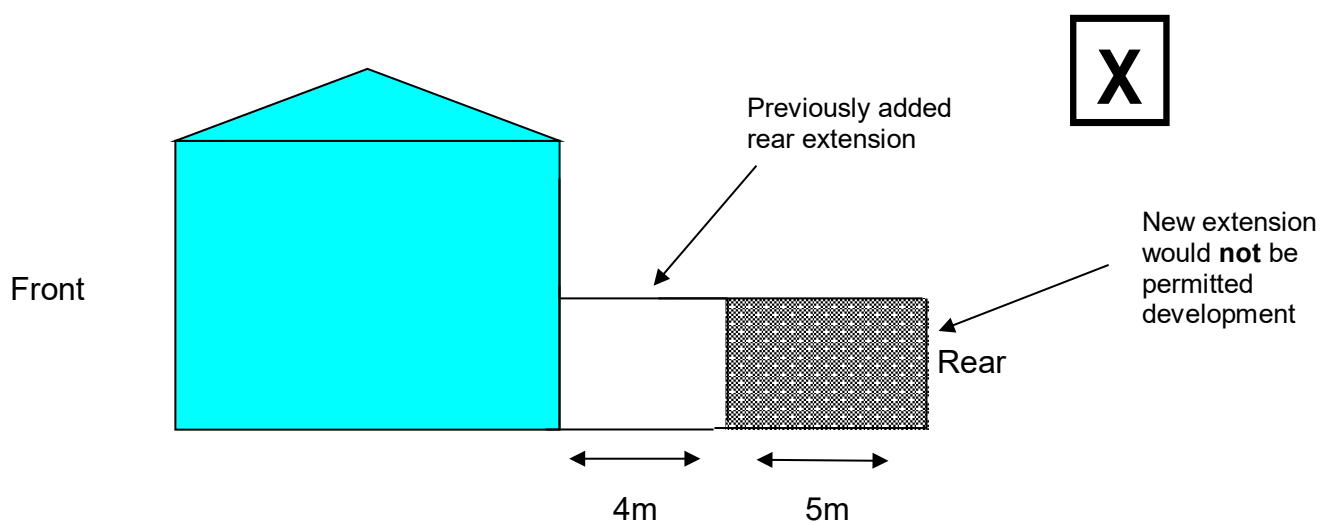
Householders wishing to build a larger extension have to notify the local planning authority about the proposed extension and the local planning authority must give adjoining neighbours notice of the proposals and the opportunity to object. Works cannot commence until the local planning authority notifies the householder that no prior approval is required, or gives prior approval, or 42 days have passed without any decision by the local planning authority.

Single-storey extensions that do not extend beyond the rear of the original house by more than 4 metres of a detached house, or by more than 3 metres in any other case, (as set out in paragraph (f) above) are not subject to a neighbour consultation scheme.

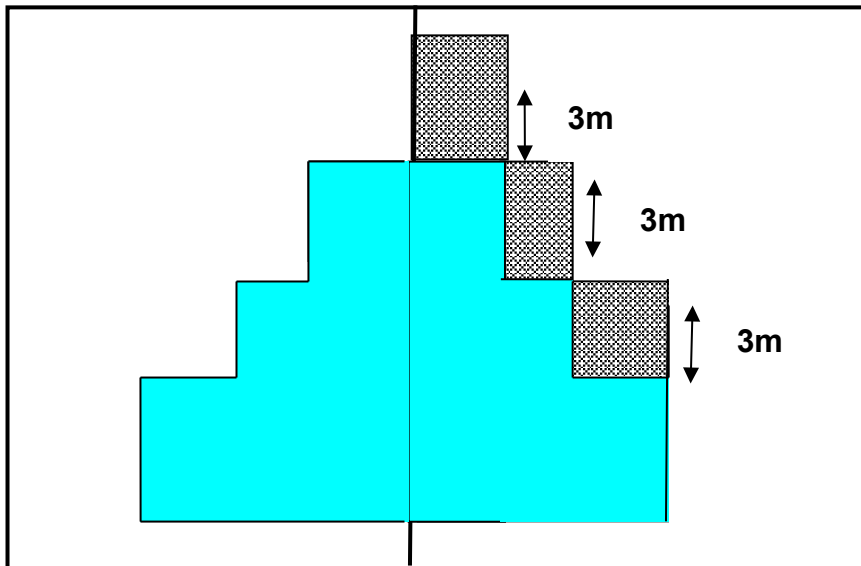
Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house to the outer edge of the wall of the extension (not including any guttering or barge boards).



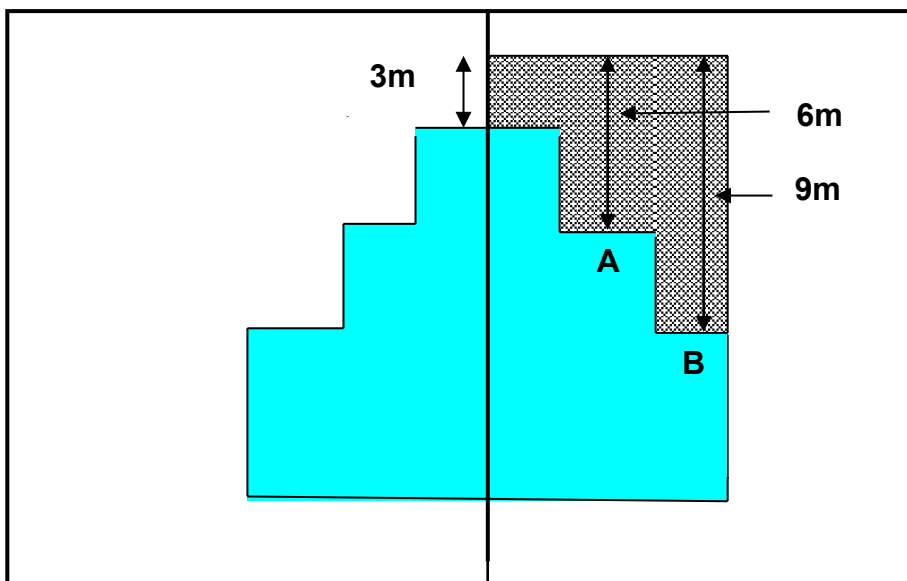
Where a new extension is joined to an existing extension, under paragraph (ja) (see page 28) the limits in (f) or (g) apply to the size of the total enlargement (being the proposed enlargement together with the existing enlargement). The following example, showing a side view of a detached house, would not be permitted development. If a detached house has an existing, single storey, ground floor extension that was not part of the original house, and which extended beyond the rear wall by 4 metres, then it would not be possible to add an additional single storey, ground floor extension of 5 metres without an application for planning permission - because the enlarged part of the house would then extend beyond a rear wall by more than 8 metres (or more than 4 metres on article 2(3) land or sites of special scientific interest).



Where the original rear wall of a house is stepped, then each of these walls will form 'the rear wall of the original dwellinghouse'. In such cases, the limits on extensions apply to any of the rear walls being extended beyond. In the example below showing a plan of a semi-detached house with an original 'stepped' rear, each of the extensions (shaded) would meet the requirements for a single storey extension as they do not extend more than 6 metres beyond the rear wall (or more than 3 metres on article 2(3) land or sites of special scientific interest).

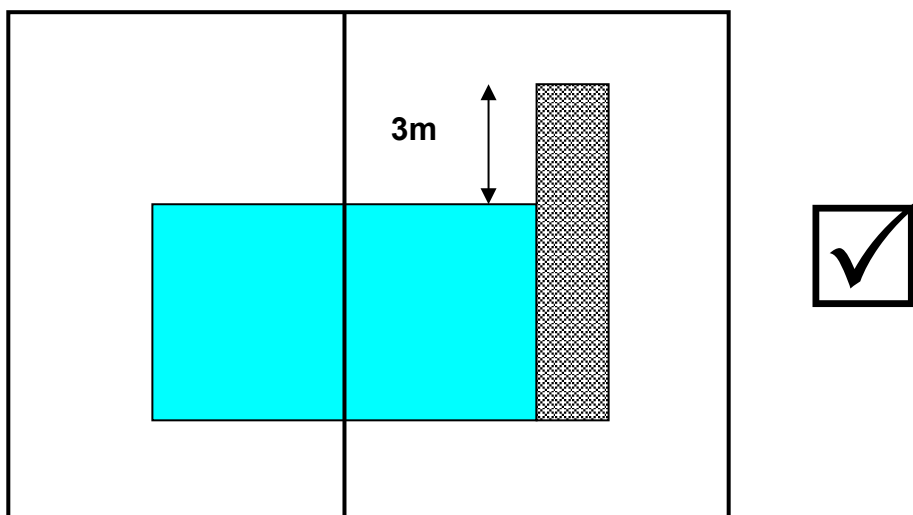


However, the extension shown below would not meet the requirements for permitted development. In the case of rear wall 'B', the extension goes more than 6 metres beyond that rear wall (or on article 2(3) land or sites of special scientific interest the extension to rear walls 'A' and 'B' is more than 3 metres beyond those walls).



Side wall extensions extending beyond rear walls

An extension on a side wall that extends beyond a rear wall, but is not attached to a rear wall will be subject to the restrictions that apply to rear walls as well as the restrictions on side walls (these are covered under section (j) of the rules - see page 22). So in the example below, the extension is limited to 6 metres (or 3 metres on article 2(3) land or sites of special scientific interest) beyond the rear wall of the semi-detached house as well as being restricted by the limits set for extensions from side walls.



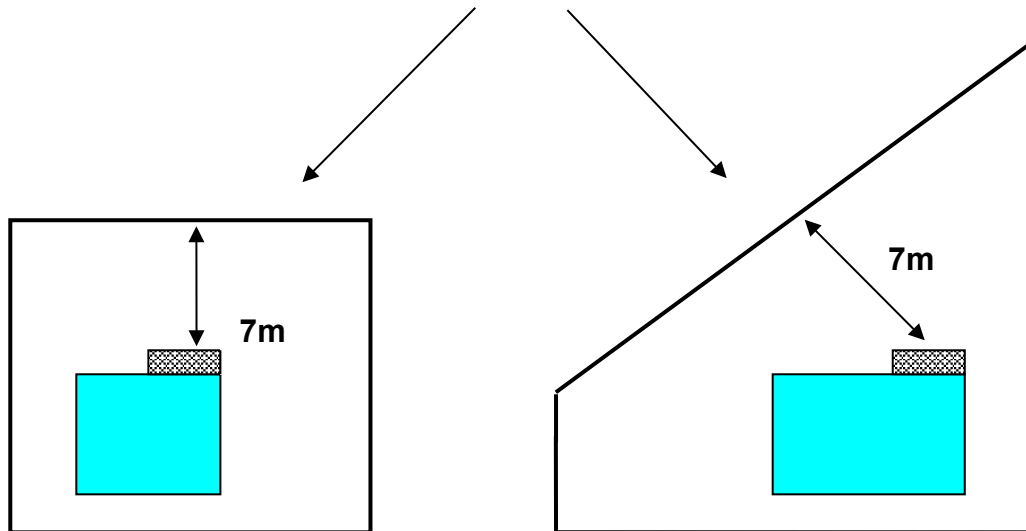
h) the enlarged part of the dwellinghouse would have more than a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or***
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse***

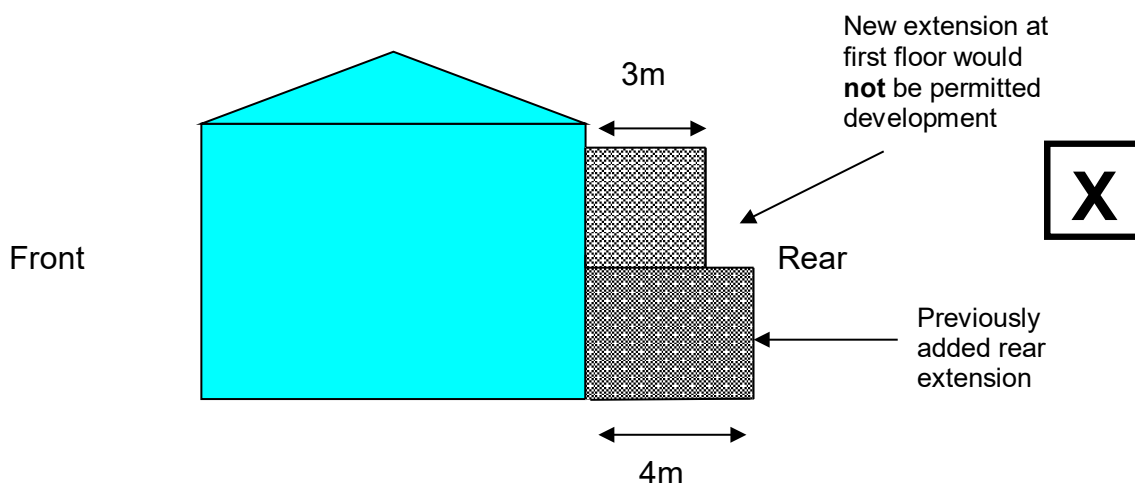
Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house that the enlargement extends beyond. Again, this limit applies to any rear wall being built out from (see diagrams under (g) above). Other limits in Class A also apply where relevant, for example the height limits in (c) and (d) above.

In addition, where the extension or enlarged part of the house has more than one storey, it must be a minimum of 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged. For example:

Boundary of the curtilage opposite the rear wall



The enlarged part could be a two storey extension to a house, or might comprise the addition of a storey onto an existing single storey extension. Where a new extension is joined to an existing extension, under paragraph (ja) (see page 28) the limits in (h) apply to the size of the total enlargement (being the proposed enlargement together with the existing enlargement). The following example, showing a side view of a detached house, would not be permitted development. If a detached house has an existing, single storey, ground floor extension that was not part of the original house, and which extended beyond the rear wall by more than 3 metres, then it would not be possible to add an additional first floor extension above this without an application for planning permission – this is because the total enlargement of the house would then consist of more than one storey and would extend beyond a rear wall by more than 3 metres.



(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres

Where any part of a proposed extension to a house is within 2 metres of the boundary of its curtilage, then the maximum height of the eaves that is allowed for the proposal is 3 metres. Under paragraph (ja) (see page 28) if the proposed extension is within these limitations, but is being joined to a previous enlargement which exceeds these limitations, it will not be permitted development.

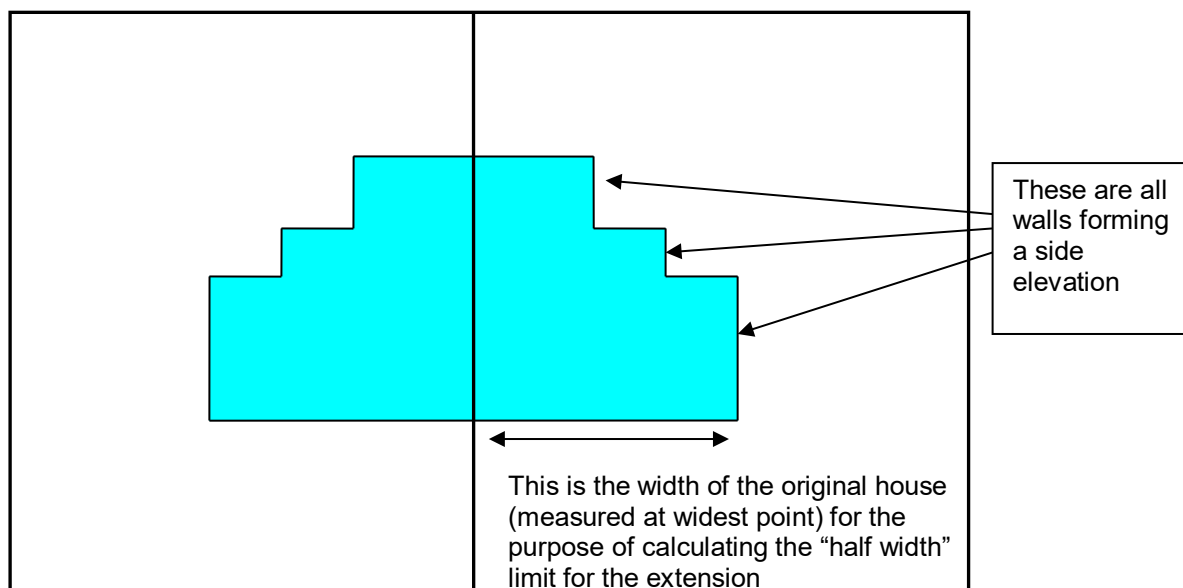
Guidance on measurement of height of eaves is covered under paragraph (d) above.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

- (i) exceed 4 metres in height,**
- (ii) have more than a single storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse**

A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls.

For example:



Where an extension is beyond any side wall, the restrictions in (j) will apply. Any extension can only be a single storey, must be less than 4 metres in height and can

not be more than half the width of the original house. The width of the original house should be calculated at its widest point.

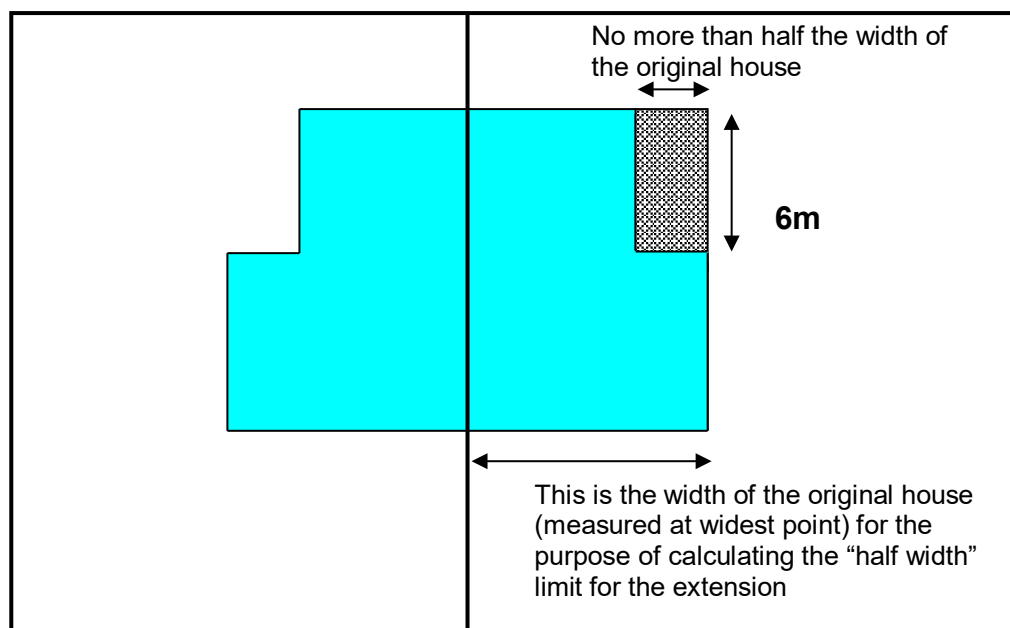
Under paragraph (ja) (see page 28) if the proposed extension is being joined to a previous enlargement, it will not be permitted development if the size of the total enlargement (being the proposed enlargement together with any previous enlargement) exceeds these limitations. For example, if a proposed extension of 3 metres in height is added to an existing extension which exceeds 4 metres in height, or if the proposed extension creates a total enlargement which has a width greater than half the width of the original dwellinghouse, it would not be permitted development.

Rear and side extensions

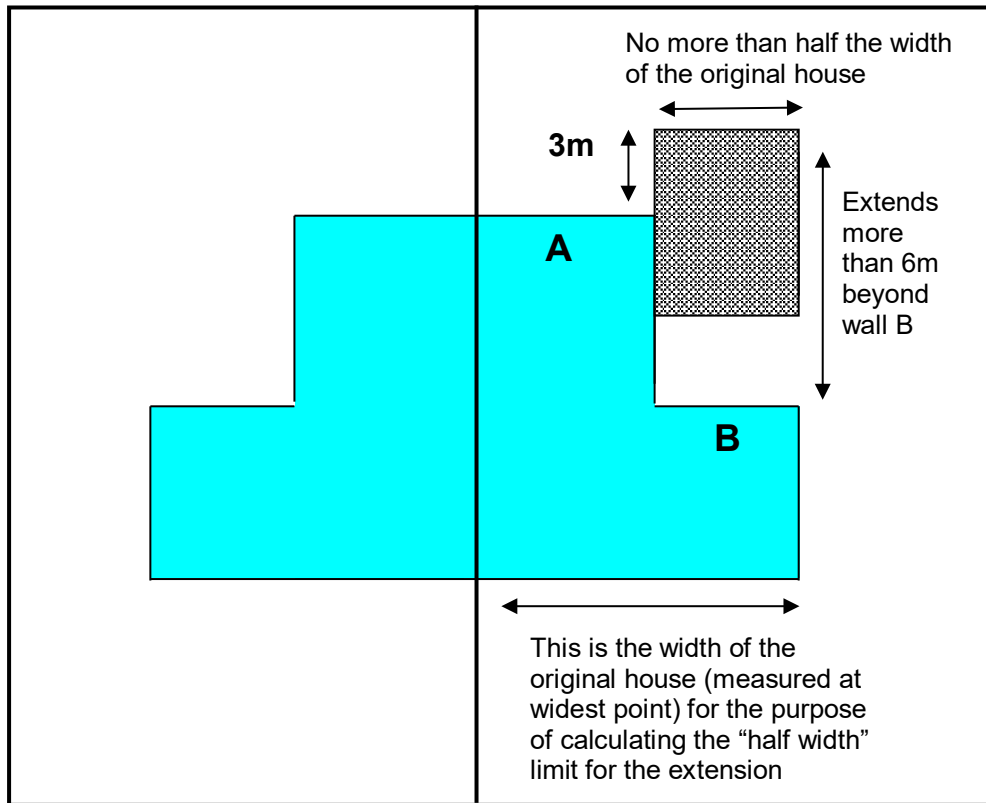
Where an extension fills the area between a side elevation and a rear wall, then the restrictions on extensions beyond rear walls and side walls will both apply (see also page 20). The extension must:

- (i) extend no more than 6 metres beyond the rear wall, or no more than 8 metres in the case of a detached house (or no more than 3 metres beyond the rear wall, or 4 metres for a detached house on article 2(3) land or sites of special scientific interest),
- (ii) be a single storey and must not exceed 4 metres in height;
- (iii) have a total width that does not exceed more than half the width of the house (measured at its widest point).

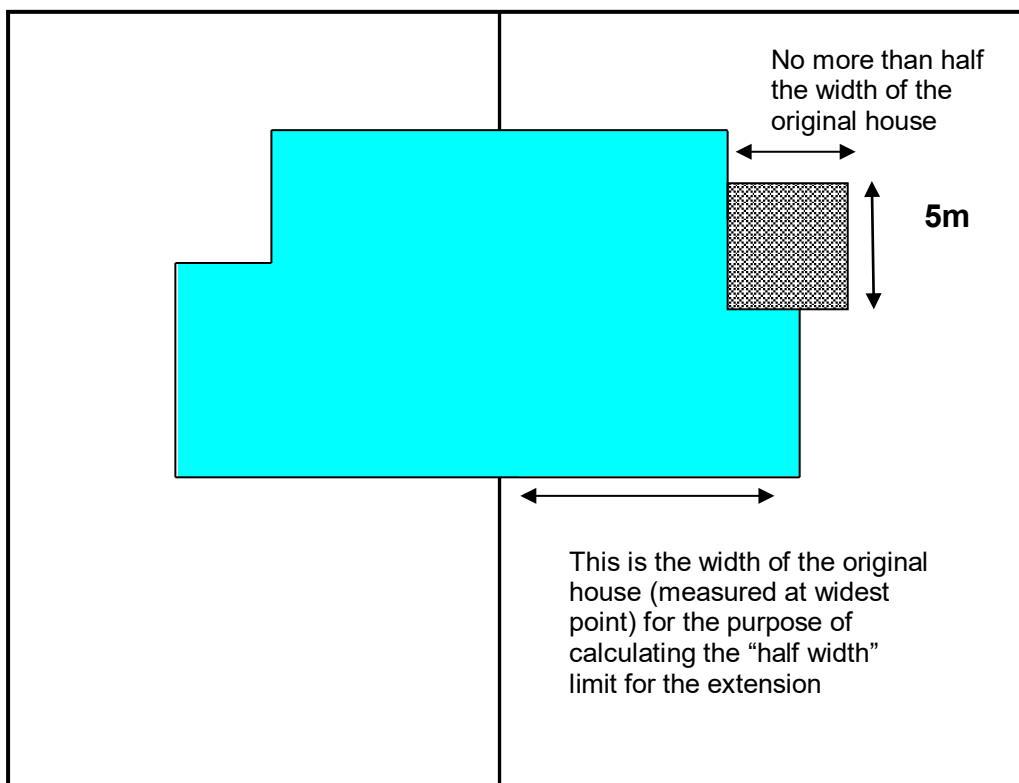
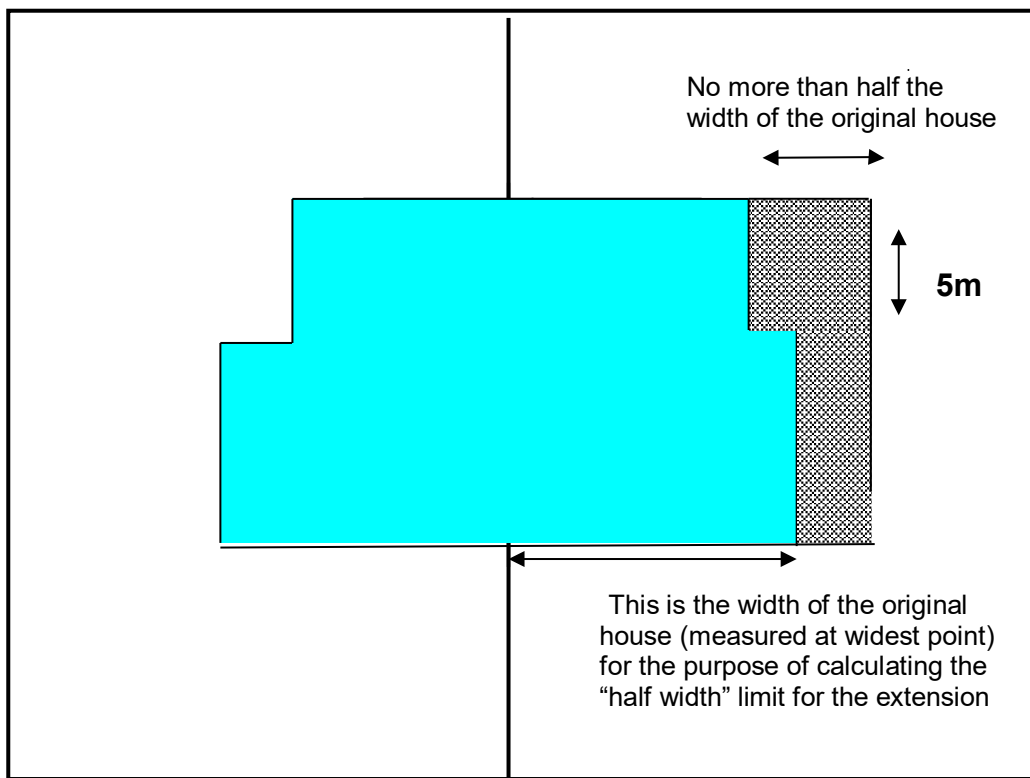
For example:



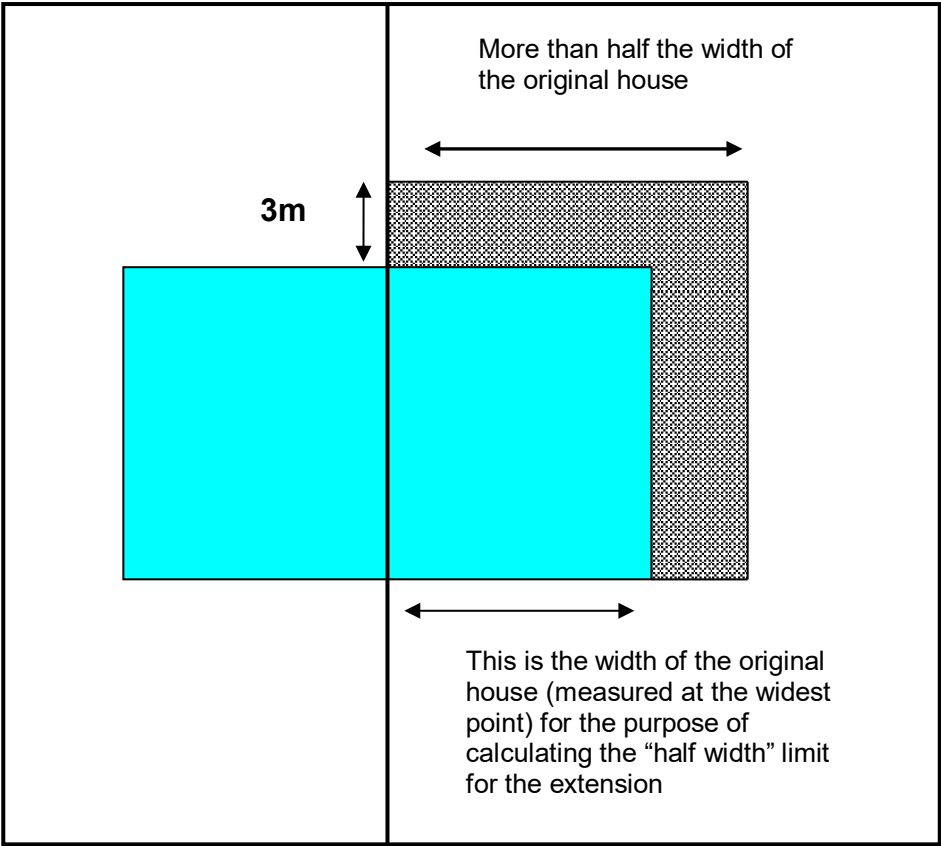
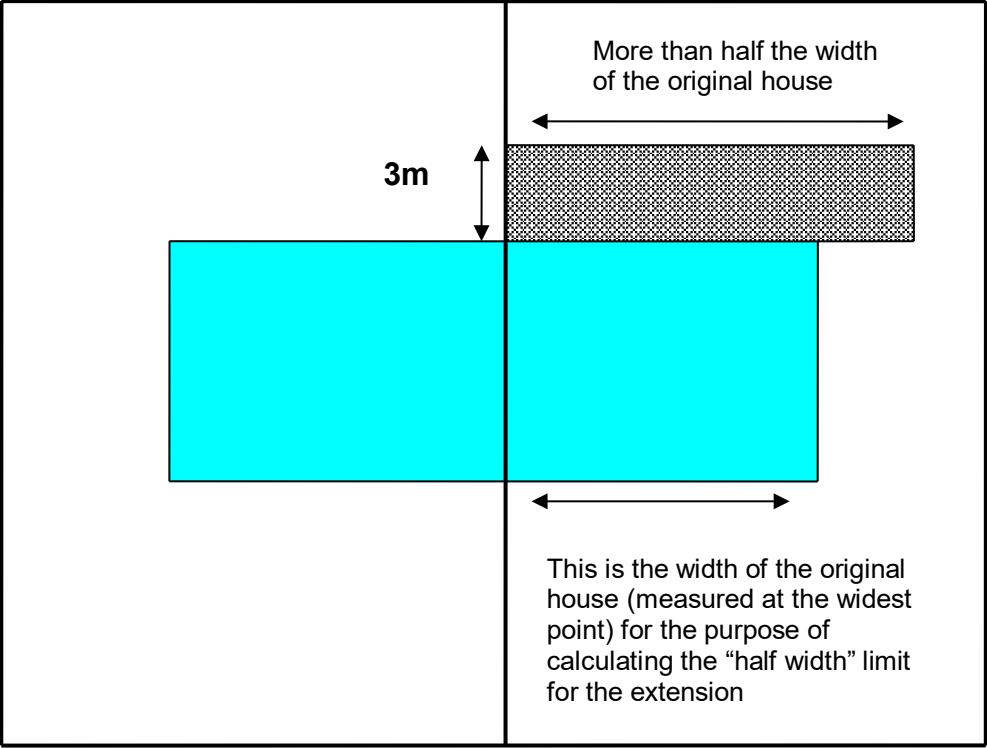
In the following example, although the extension is less than half the width of the original house and extends beyond the rear wall at 'A' by only 3 metres, it extends beyond the rear wall 'B' by more than 6 metres (or 3 metres on article 2(3) land or sites of special scientific interest). It would therefore not be permitted development and will require an application for planning permission.



In other cases, an extension may comprise both elements of a rear and side extension. Examples could include:

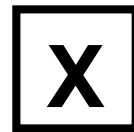
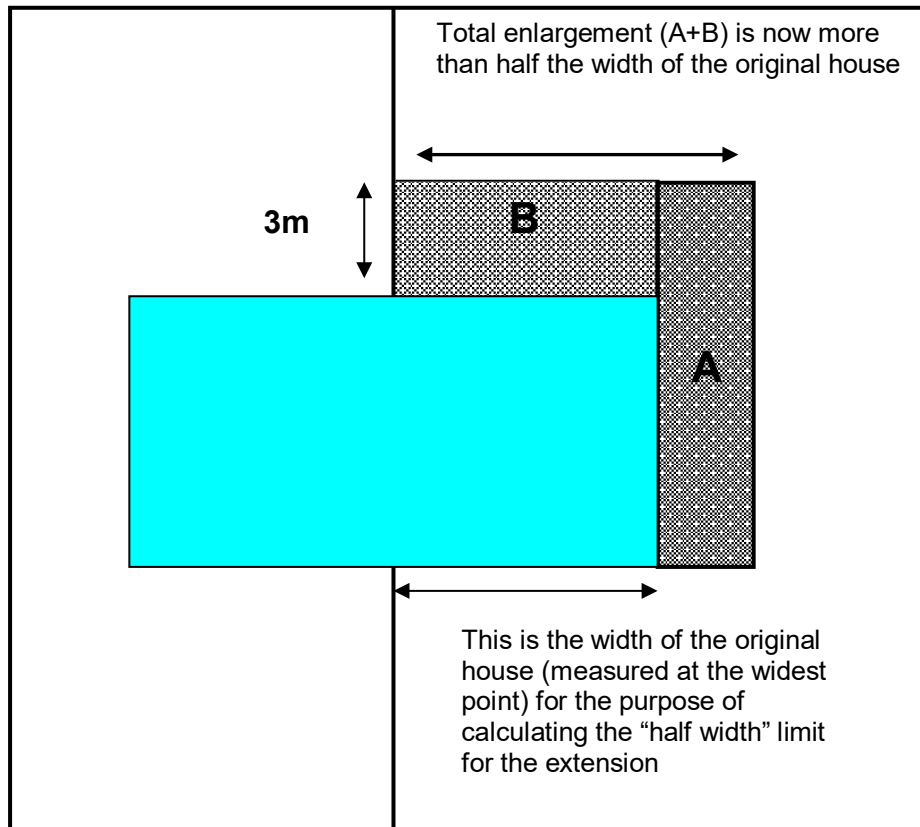


The following examples, however, would not be permitted development. In each case, the extension extends beyond a side wall and is more than half the width of the original house. An application for planning permission would therefore be required.



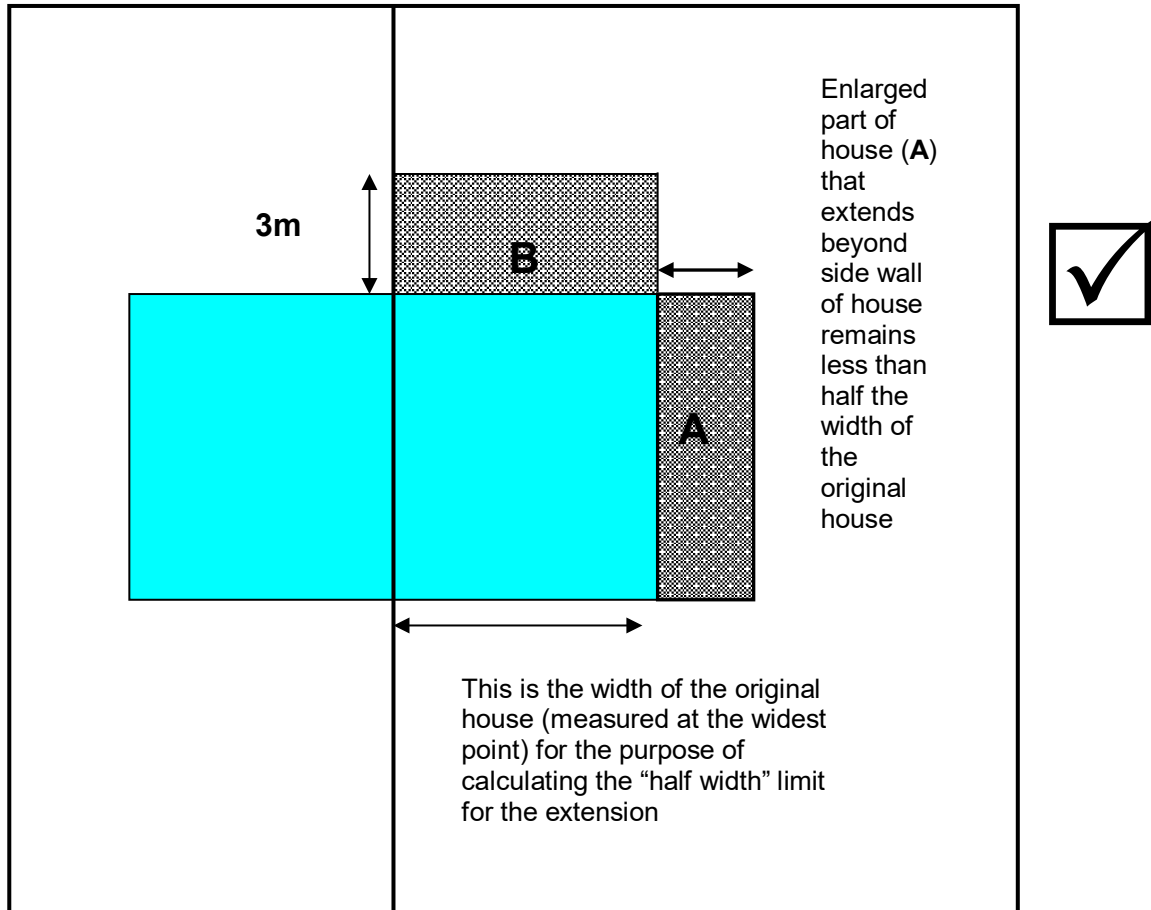
In some situations it may be that development is undertaken in separate stages. For example, a side extension may be built first, and then a rear extension added at a later date. In this case, under paragraph (ja) (see page 28) the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account.

For example:



In the example above, if the side extension **A** was built first, it would meet the requirement for being no more than half of the width of the original house. However, the later addition of the rear extension **B** would mean that the total width of **A + B** at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.

The next example would be permitted development. The original side extension **A** extends beyond a side wall by no more than half the width of the original house and would be permitted development (subject to meeting the other rules that are relevant under Class A). If the rear extension **B** is added at a later date, it has no effect on the width of the side extension (as it does not join it).



- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);**

Where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j) above (see examples on pages 18, 21 and 27).

(k) it would consist of or include -

- (i) the construction or provision of a verandah, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) an alteration to any part of the roof of the dwellinghouse.**

Verandahs, balconies and raised platforms are not permitted development and will require planning permission.

A veranda is understood to be a gallery, platform, or balcony, usually roofed and often partly enclosed, extending along the outside of a building at ground level.

A balcony is understood to be a platform with a rail, balustrade or parapet projecting outside an upper storey of a building. A 'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development.

A raised platform is any platform with a height greater than 0.3 metres and will include roof terraces.

Although the items set out in (i), (ii), (iii) and (iv) are not permitted development under Class A of the Order, some may be permitted development under other Classes subject to the limitations and conditions set out in those Classes:

- Class B covers enlargement of houses through alterations or additions to the roof and Class C covers other alterations to the roof of a house.
- Where an extension to a house under Class A includes works that would require an alteration to the existing roof of the house (for example where the roof of the extension joins the existing roof), the alterations to the existing roof of the house will need to meet the requirements of Class B or C (as appropriate) in order to be permitted development.
- Class E covers provision of a 'building' within the area around the house required for a purpose incidental to the enjoyment of the house but restricts the height of raised platforms. A 'Building' has the meaning set out in the 'General Issues' section of this document and includes any structure or erection (see page 6) – so Class E allows garden decking provided it is not more than 0.3 metres high.
- Class G covers the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- Class H covers the installation, alteration or replacement of a microwave antenna.

A.2 *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if -*

- (a) *it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;***
- (b) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;***
- (c) *the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;*
or**
- (ca) *any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)***

This section of the rules sets out additional restrictions for National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and land within World Heritage Sites. In these areas:

- the cladding of any part of a house, whether it be the original house or any enlarged part is not permitted development and requires an application for planning permission.
- extensions beyond any side wall are not permitted development in these areas.
- an extension from a rear wall is not permitted development if it results in an enlarged area of the house that has more than one storey.

Where an extension is to be joined to an existing enlargement to the original house, the total enlargement must be within the limits set out in (b) and (c) above.

Conditions

A.3 Development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse**

The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials.

For example:

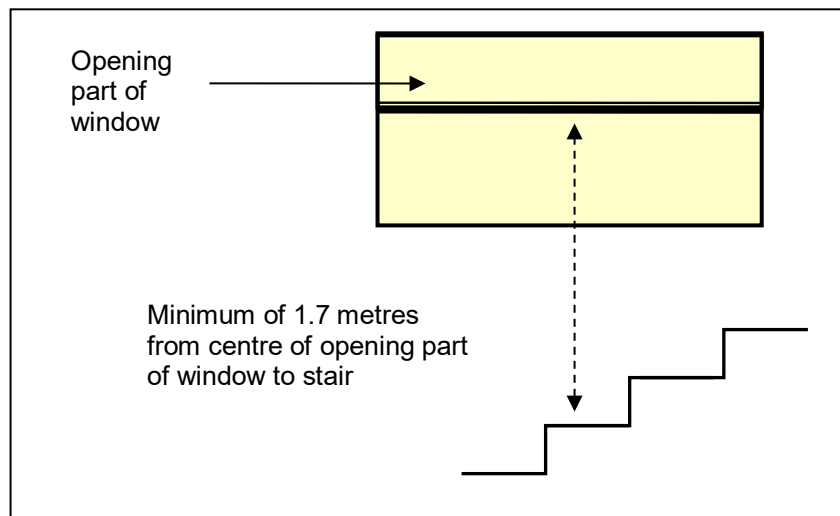
- the external walls of an extension should be constructed of materials that provide a similar visual appearance - for example in terms of colour and style of brick used - to the materials used in existing house walls.
- a pitched roof on an extension should be clad in tiles that give a similar visual appearance to those used on the existing house roof. Again, colour and style will be important considerations; flat roofs will not normally have any visual impact and so, where this is the case, the need for materials of similar appearance should not apply.
- it may be appropriate to replace existing windows with new uPVC double-glazed windows or include them in an extension even if there are no such windows in the existing house. What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames.

The requirement for similar visual appearance does not apply to conservatories.

- b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -**
- (i) obscure-glazed, and**
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed**

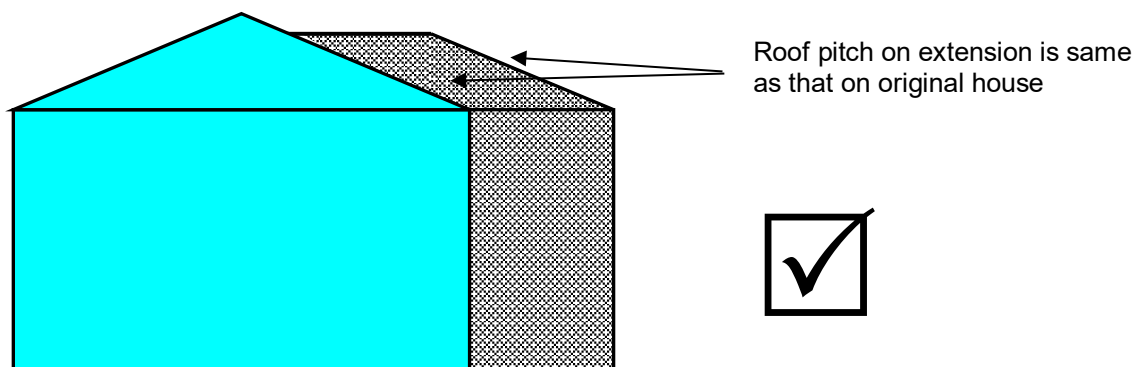
This condition requires upper-floor windows in any part of the side of a house to be obscure glazed. Glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy. To be permitted development, side windows should be obscure glazed to minimum of level 3. Obscure glazing does not include one-way glass.

Where such a window is on a staircase or landing (i.e. not in a room) the 1.7 metre measurement should be made from the stair or point on a landing immediately below the centre of the window, upwards to the opening part of the window.



- (c) ***where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse***

For example:



Solid Wall Insulation

The installation of solid wall insulation constitutes an improvement rather than an enlargement or extension to the house and is not caught by the provisions of (e), (f), (g), (h) and (j).

Class B – additions etc to the roof

This provides permitted development rights for the enlargement of a house consisting of an addition or alteration to its roof.

Under Class B the following limits and conditions apply:

B.1 Development is not permitted by Class B if –

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)***

Enlargement is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof***

Additions and alterations made to a roof to enlarge a house (for example a loft conversion or the replacement of an existing flat roof with a pitched roof) will only be permitted development if no part of the house once enlarged exceeds the height of the highest part of the roof of the existing house. If it does, planning permission will be required.

The highest part of the roof of the existing house will be the height of the ridge line of the main roof (even though there may be other ridge lines at a lower level) or the height of the highest roof where roofs on a building are flat.

Chimneys, firewalls, parapet walls and other protrusions above the main roof ridge line should not be taken into account when considering the height of the highest part of the roof of the existing house.

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway***

The effect of this is that dormer windows as part of a loft conversion, or any other enlargement of the roof space, are not permitted development on a principal elevation that fronts a highway and will therefore require an application for planning permission. Roof-lights in a loft conversion on a principal elevation may however be permitted development as long as they meet the requirements set out under Class C (see page 38). Principal elevation has the meaning set out in the 'General Issues' section of this document (see page 7).

The principal elevation could include more than one roof slope facing in the same direction. For example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the

principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes (see guidance on Class A (e) for an illustration of this on page 15).

The extent to which an elevation of a house fronts a highway will depend on factors such as those set out in relation to Class A (e) (see page 16).

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case

For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

To be permitted development any additional roof space created must not increase the volume of the original roof space of the house by more than 40 cubic metres for terraced houses and 50 cubic metres for semi-detached and detached houses. Any previous enlargement to the original roof space in any part of the house must be included in this volume allowance. 'Terrace house' has the meaning set out in the 'General Issues' section of this document (see page 6).

'Original roof space' will be that roof space in the 'original building' (see 'General Issues' on page 6 for the definition of this).

(e) it would consist of or include -

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

Alterations to the roof of a house for loft conversions involving the creation of balconies are not permitted development and will require planning permission. 'Balcony' can be understood as set out on page 29.

Installation, alteration or replacement of chimneys, flues or soil and vent pipes will often be necessary when loft conversions are undertaken. Whilst these are not permitted development under Class B of Schedule 2 to the Order, they may be permitted development under Class G.

(f) the dwellinghouse is on article 2(3) land

In National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and land within World Heritage Sites, roof extensions are not permitted development and will require an application for planning permission.

Conditions

B.2 Development is permitted by Class B subject to the following conditions -

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse***

This condition is intended to ensure that any addition or alteration to a roof for a loft conversion results in an appearance that minimises visual impact and is sympathetic to the existing house. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials or match exactly. The visual impacts of the materials used will be the most important consideration. For example:

- the flat roofs of dormer windows will not normally have any visual impact and so, in this case, the use of materials such as felt, lead or zinc for flat roofs of dormers will therefore be acceptable.
- the face and sides of a dormer window should be finished using materials that give a similar visual appearance to existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level. Window frames should also be similar to those in the existing house in terms of their colour and overall shape.

- (b) the enlargement shall be constructed so that –***

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –***

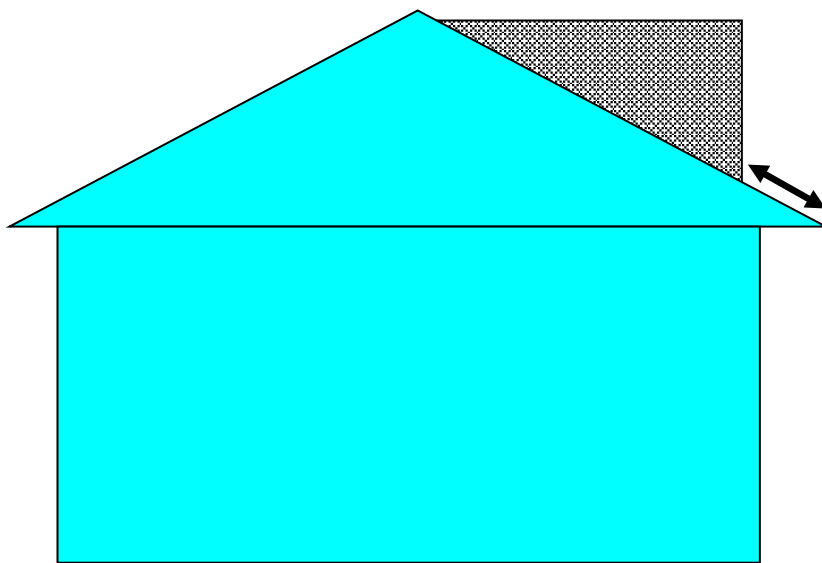
(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse***

It is sometimes necessary to remove the eaves of the original roof while works are carried out. To be permitted development eaves that are temporarily removed should be reinstated.

The measurement of 0.2 metres should be made along the original roof slope from the outermost edge of the eaves (the edge of the tiles or slates) to the edge of the enlargement. Any guttering that protrudes beyond the roof slope should not be included in this measurement.



Minimum of 0.2m from eaves to edge of the enlargement to be measured along the roof slope from the edge of the enlargement to the outer edge of the eaves. The enlargement cannot overhang the outer face of the wall of the original house.

This 0.2m set back will be required unless it can be demonstrated that this is not possible due to practical or structural considerations. One circumstance where it will not prove practical to maintain this 0.2m distance will be where a dormer on a side extension of a house joins an existing, or proposed, dormer on the main roof of the house.

The enlarged part of the roof must not extend beyond the outer face of any wall of the original house if it is to qualify as permitted development, unless it joins the original roof to the roof of a rear or side extension. An interpretative provision at paragraph B.4 of Class B clarifies that for these purposes any roof tiles, guttering, fascias, barge boards or other minor roof details which overhang the outer face of the wall should not be considered part of the roof enlargement.

The enlarged part of the roof may join the original roof to the roof of a rear or side extension (generally referred to as an 'L-shaped dormer' on a main roof and 'outrigger' or 'back addition' roof), whether the part of the house being extended forms part of the original house or is an enlargement, or the shape or level of the pitch of the roofs are different in relation to each other.

- (c) ***any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -***
- (i) ***obscure-glazed, and***
 - (ii) ***non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed***

Windows for a loft extension on a side elevation of a house must be obscure glazed to benefit from permitted development. Glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy. To be permitted development, side

windows should be obscure glazed to minimum of level 3. Obscure glazed does not include one-way glass.

Where such a window is on a staircase or landing (ie not in a room) the 1.7 metres measurement should be made from the stair or point on a landing immediately below the centre of the window, upwards to the opening part of the window (see diagram under Class A - A.3 (b) above at page 32).

Class C – other alterations to the roof

This provides permitted development rights for any other alteration to the roof of a house.

Such alterations will not involve any enlargement of the house, but would, for example, cover the installation of roof lights/windows.

Under Class C the following limits and conditions apply:

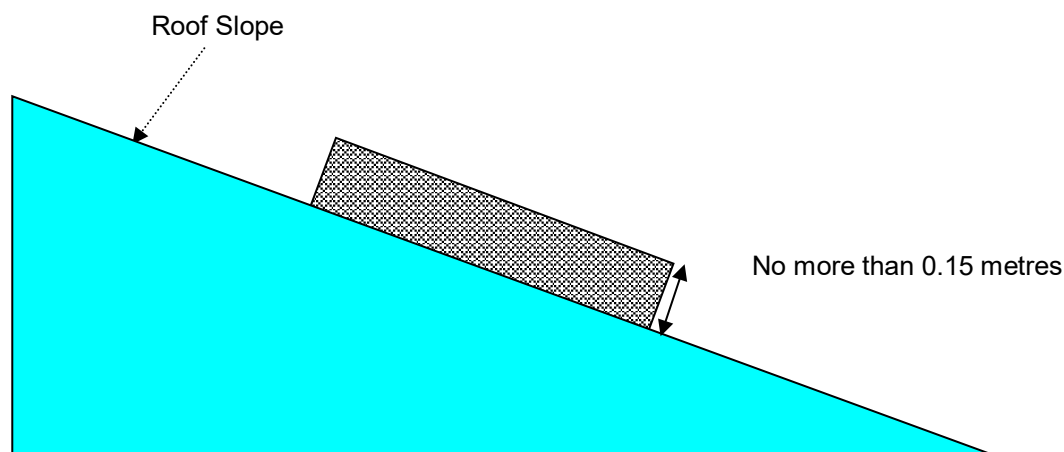
C.1 Development is not permitted by Class C if –

- a) ***permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)***

Alterations are not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- b) ***the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof***

Any protrusion from a roof, for example, for a roof light/window and its frame, will be limited to 0.15m:



(This diagram is not to scale)

This limitation to projection from the roof plane should not be applied in cases where the roof of an extension to a house that is permitted development under Class A is joined to the roof of the original house. In such cases, the roof of the extension should not be considered under Class C as protruding from the original roof.

- (c) ***it would result in the highest part of the alteration being higher than the highest part of the original roof; or***
- (d) ***it would consist of or include-***
 - (i) ***the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or***

Guidance on these limits is covered under Class B above and will also apply to development under Class C. Note, however, that in the case of Class C, measurement of height is made against the original roof and not as in Class B where it is the existing roof. 'Original' and 'existing' are defined in the 'General Issues' section of this guidance (see page 6).

- (ii) ***the installation, alteration or replacement of solar photovoltaics or solar thermal equipment***

Although solar photovoltaics and solar thermal equipment (i.e. solar panels) are not permitted development under Class C, they may not require an application for planning permission if they meet the requirements set out under Part 14 of the rules on permitted development in Schedule 2 to the Order.

Conditions

C.2 *Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -*

- (a) ***obscure-glazed; and***
- (b) ***non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed***

Guidance on these conditions is covered under Class B above and will also apply to development under Class C (see page 36).

Class D - porches

This provides permitted development rights for the erection of a porch outside any external door of a house.

D1. Development is not permitted by Class D if –

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)***

The erection of a porch is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) the ground area (measured externally) of the structure would exceed 3 square metres***
- (c) any part of the structure would be more than 3 metres above ground level or***
- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway***

Class E – buildings etc

This provides permitted development rights within the curtilage of a house for:

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas**

Class E sets out the rules on permitted development for buildings etc within the curtilage of a house (see page 7). Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

Under Class E, the following limits and conditions apply:

E.1 Development is not permitted by Class E if –

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)**

Buildings etc are not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4)

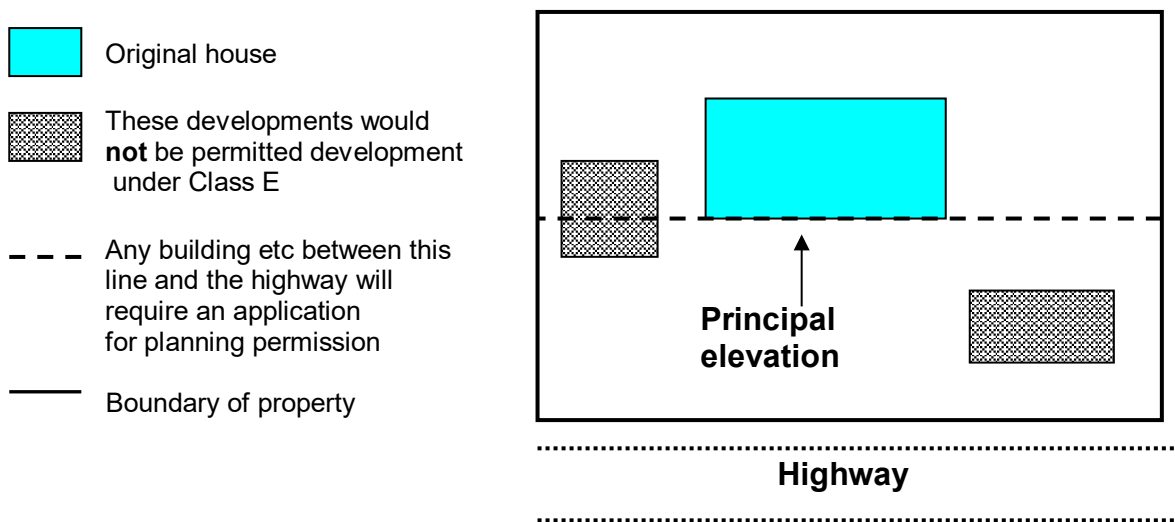
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)**

The total area of ground around the house covered by buildings, enclosures and containers must not exceed 50% of the total area of the curtilage, excluding the original house (see pages 6 and 7). The 50% limit covers all buildings, so will include any existing

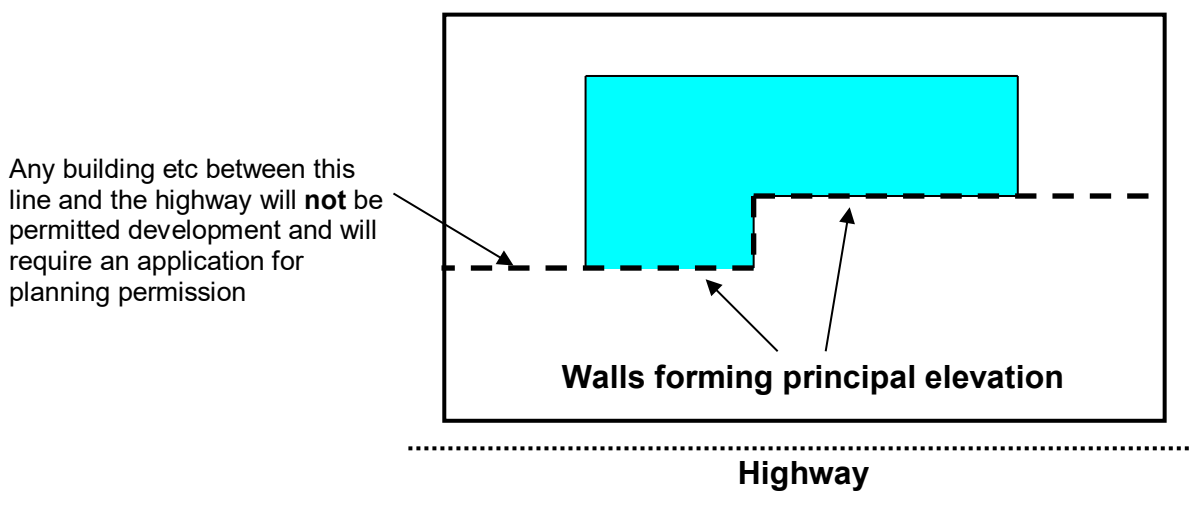
or proposed new extensions to the original house under Class A of the permitted development rules or that have been granted planning permission, as well as existing and proposed outbuildings. It will exclude the area covered by the original house, but will include any separate detached buildings even where they were built prior to 1948 or if the house was built after that date, built when the house itself was built (for example a detached garage).

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse

Development is not permitted under Class E in any area in front of the principal elevation of a house. It also prevents permitted development anywhere in front of a hypothetical line drawn through the principal elevation to the side boundary of the land surrounding the house. Principal elevation has the meaning set out in the 'General Issues' section of this document (see page 7). For example:



Where the principal elevation comprises more than one wall facing in the same direction, all such walls will form part of the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls:



(d) the building would have more than a single storey

Any buildings within the curtilage can only have one storey. Buildings with more than one storey are not permitted development and will require an application for planning permission.

(e) the height of the building, enclosure or container would exceed -

- (i) 4 metres in the case of a building with a dual-pitched roof,**
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**
- (iii) 3 metres in any other case**

The height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point.

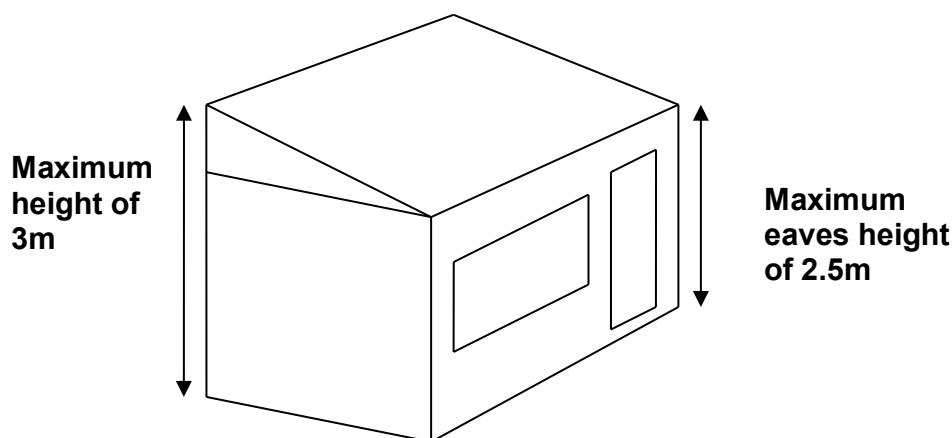
The height limit on a 'dual-pitched roof' of 4 metres should also be applied to buildings that have 'hipped' roofs (slopes on all four sides).

If any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.

(f) the height of the eaves of the building would exceed 2.5 metres

The eaves of a building will be the point where the lowest point of a roof slope, or a flat roof, meets the outside wall of the building. The Guidance on Class A (d) above includes examples and further guidance (see page 12).

Under Class E the maximum height of the eaves on any part of the building (irrespective of total height) is 2.5 metres. For example, on a building with a single-pitched roof, the 2.5 metres eaves limit and 3 metres maximum height limit would be as shown below.



- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building**

An application for planning permission will be required for any building, enclosure, pool or container that would be situated on land surrounding a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform**

Verandahs, balconies and raised platforms are not permitted development under Class E.

‘Verandah’ and balcony’ can be understood as set out on page 29. A raised platform is defined in the ‘General Issues’ section of this document, as any platform that has a height of more than 0.3 metres (see page 6). Garden decking will therefore be permitted development under Class E subject to it not exceeding this 0.3m height limit and subject to the other limits and conditions under this Class.

- (i) it relates to a dwelling or a microwave antenna**

Class E covers buildings that are for a purpose incidental to a house. Class E does not provide permitted development rights for works related to a house (for example, extensions to a house) which are covered by other Classes of the rules on permitted development. Permitted development rights for microwave antenna are covered under Class H of Schedule 2 to the Order.

- (j) the capacity of the container would exceed 3,500 litres.**

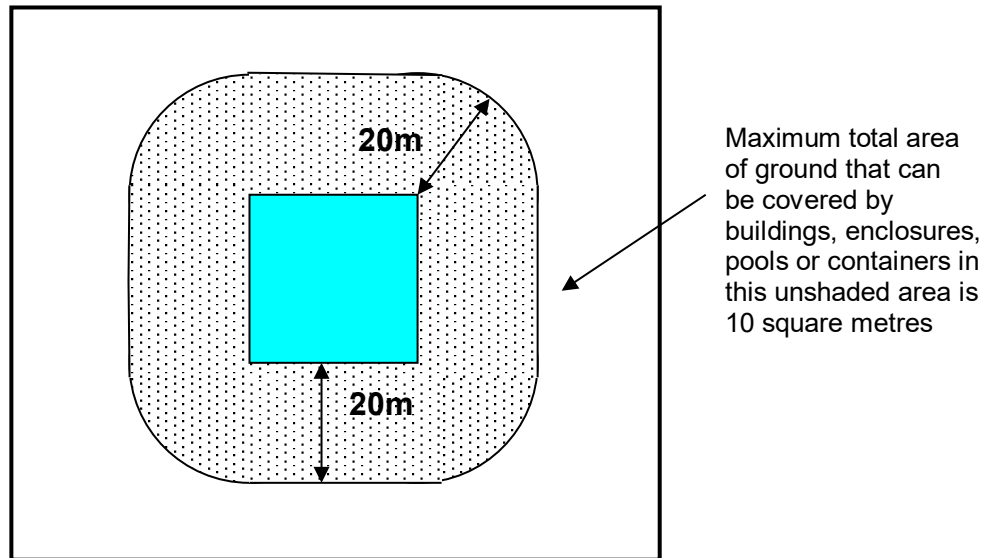
A container with a capacity greater than 3,500 litres will not be permitted development and will require an application for planning permission.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within -

- (a) a World Heritage Site,**
- (b) a National Park,**
- (c) an area of outstanding natural beauty or**
- (d) the Broads,**

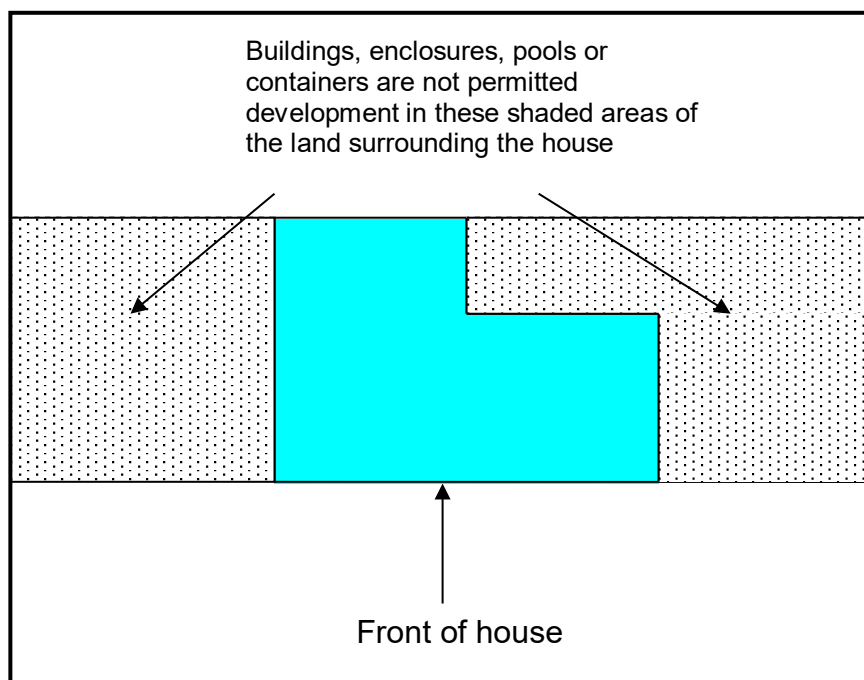
development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres

The effect of this limitation is to restrict the amount of permitted development for buildings, enclosures, pools and containers located more than 20 metres away from any wall of the house. The total area of ground which may be covered by buildings etc more than 20 metres from any wall of a house is 10 square metres.



E.3 *In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse*

This additional restriction applies for land surrounding a house in National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and within World Heritage Sites. In these areas, buildings, enclosures, pools or containers sited on land between a side wall and the boundary of the land surrounding the house are not permitted development.



Interpretation of Class E

- E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse***

Other Classes under Part 1

Class F – hard surfaces

This provides permitted development rights within the curtilage of a house for -

- (a) the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such or**
- (b) the replacement in whole or in part of such a surface**

F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA, or Q of Part 3 of this Schedule (change of use)

Conditions

F.2 Development is permitted by Class F subject to the condition that where -

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and**
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,**

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse

The Ministry for Housing, Communities and Local Government has produced separate guidance on permeable paving. This can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/paving_frontgardens.pdf.

Class G – chimney, flues etc

This provides permitted development rights for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1 Development is not permitted by Class G if -

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)***
- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or***
- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-***
 - (i) fronts a highway, and***
 - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.***

Guidance on the terms 'highest part of the roof', 'fronts a highway' and 'principal' and 'side' elevations can be found in the 'General Issues' section and under Class A (see pages 7, 11 and 16).

Class H – microwave antenna

This provides permitted development rights for the installation, alteration or replacement of a microwave antenna, such as a satellite dish, on a house or within the curtilage of a house.

H.1 Development is not permitted by Class H if -

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)***
- (b) it would result in the presence on the dwellinghouse or within its curtilage of-***
 - (i) more than 2 antennas;***
 - (ii) a single antenna exceeding 1 metre in length;***
 - (iii) 2 antennas which do not meet the relevant size criteria;***
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 0.6 metres;***
 - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or***
 - (vi) an antenna with a cubic capacity in excess of 35 litres***
- (c) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof***
- (d) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or***
- (e) in the case of article 2(3) land, it would consist of the installation of an antenna -***
 - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;***
 - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or***
 - (iii) on a building which exceeds 15 metres in height***

Conditions

H.2 Development is permitted by Class H subject to the following conditions -

- (a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and***
- (b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable***

Interpretation of Class H

H.3 For the purposes of Class H –

- (a) the relevant size criteria for the purposes of paragraph H.1(b)(iii) are that –***
 - (i) only one of the antennas may exceed 0.6 metres in length; and***
 - (ii) any antenna which exceeds 0.6 metres in length must not exceed 1 metre in length.***
- (b) the length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.***

Guidance on the 'highest part of the roof' is covered under Class A (c) (see page 11).

APPENDIX D – APPEAL DECISION 3295550



Appeal Decision

Site visit made on 23 August 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/Y3615/X/22/3295550

The Hollies, Sandy Lane, Guildford GU3 1HF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Matthew Mansell against the decision of Guildford Borough Council.
 - The application Ref 21/P/02693, dated 22 December 2021, was refused by notice dated 16 February 2022.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the erection of outbuilding to rear of the property to be used ancillary to the use of the dwelling.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is found to be lawful.

Preliminary Matters

2. The site visit procedure was altered from an accompanied site visit to an access required site visit, as the Council Officer was not present when I arrived at the appeal site during the pre-arranged time and date. Both parties were subsequently written to explaining the change in procedure. As such the appeal will be determined on this basis.
3. The certificate seeks to establish whether the works would have been lawful on the date of the application. In an application for an LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. On appeal, the Inspector's role is to decide whether, on the evidence, the Council's refusal to issue an LDC was well-founded or not. The case must be considered solely on the facts of the case, the relevant planning law and judicial authority, and its planning merits are of no relevance. The appellant must show, on the balance of probabilities, that the development proposed would, at the date of application, be lawful.

Main Issue

4. The main issue is whether the Council's refusal to grant the LDC was well founded. It is necessary to consider whether the proposed outbuilding would be granted planning permission by Article 3, Schedule 2, Part 1, Class E of the

Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).

Reasons

Whether incidental

5. The main dwellinghouse is a detached two-storey building situated within a substantial plot. The proposed outbuilding is single storey with pitched roof.
6. Class E of Schedule 2 Part 1 of the GPDO gives planning permission for '(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such...'
7. The Council determined that owing to its excessive size, in relation to its indicated uses, the single storey outbuilding, would fall foul of the limitations and conditions of Class E of Schedule 2, Part 1 of the GPDO. The Council also state that the application fails to demonstrate that the purpose would be incidental to the dwellinghouse, and that no justification has been provided for the need for any of the proposed room uses or why these uses cannot be accommodated within the existing house. There is no dispute that in all other respects that the outbuildings would fall within the scope of Class E, and I have found no reason to disagree with these findings. The decision therefore turns on whether the building is for a purpose incidental to the enjoyment of the dwellinghouse.
8. It has been established by case law that an incidental use should be functionally related to the primary use (as a dwellinghouse). By definition, then, an incidental use cannot be one that is integral to or part and parcel of the primary use. The functional relationship should be one that is normally found and not based on the personal choice of the user. Whether a use should be regarded as incidental will be a matter of fact and degree. It is necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwelling and answer the question as to whether the proposed building is genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose. The size of the building in relation to the dwelling is relevant but not a conclusive factor.
9. The outbuilding would be a substantial single storey building, divided into four separate rooms. The largest room would provide a medium sized home swimming pool with a bar area. There would also be an entrance lobby, a gym, and a shower/changing room. The leisure facilities provided would be for the use of the appellant's family.
10. Case law has established that a wide range of activities are capable of being considered incidental to the enjoyment of a dwelling. The provision of a swimming pool and bar area could reasonably serve a purpose incidental to the enjoyment of the dwellinghouse, and it is reasonable for the appellant to want some circulation and relaxation space around the pool for their family to enjoy.
11. It is not unusual to have a home gym or entrance lobby and these areas would not be excessive in size for their intended purpose. A shower room/changing area could be primary accommodation but, in this case, it would not be unreasonable to regard it as part of the incidental use with the gym and swimming pool. While the outbuilding would be large, the facilities it would provide would be reasonable in size and likely to be what is needed to achieve

their purpose. I also observed that these facilities could not be accommodated within the existing house.

12. The Council argues that the size of the outbuilding, and the areas provided for the pool, gym, and bar area, go beyond what can be considered incidental. However, for the reasons I have set out, I find that the purpose of the building would be incidental to the use of the dwellinghouse, and its size is what would reasonably be required to fulfil that purpose.
13. On the evidence before me, I therefore conclude that the building would be required for a purpose incidental to the enjoyment of the dwellinghouse and would be permitted development by virtue of Article 3, Schedule 2 Part 1 Class E of the GPDO.

Conclusion

14. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of outbuilding to rear of the property to be used ancillary to the use of the dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the Act as amended.

R Satheesan

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 22 December 2021 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The development is "permitted development" falling within Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for which planning permission is granted by Article 3(1) of that Order.

R Satheesan
Inspector

Date : 20 September 2022
Reference: APP/Y3615/X/22/3295550

First Schedule

The erection of outbuilding to rear of the property to be used ancillary to the use of the dwelling.

Second Schedule

Land at The Hollies, Sandy Lane, Guildford GU3 1HF

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

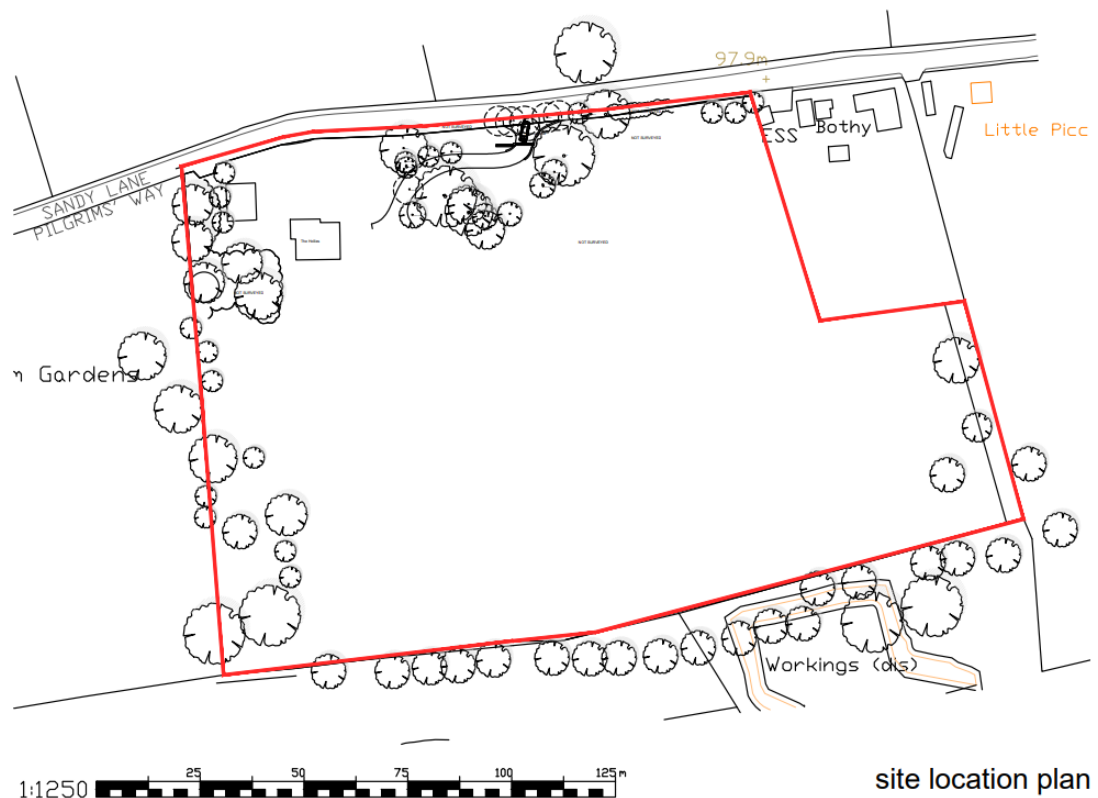
This is the plan referred to in the Lawful Development Certificate dated: 20 September 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

Land at: The Hollies, Sandy Lane, Guildford GU3 1HF

Reference: APP/Y3615/X/22/3295550

Not to scale.



site location plan

APPENDIX E – APPLICATION FORM



London Borough of Hillingdon, Residents Services, 3N Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW
Tel: 01895 250230 Web: www.hillingdon.gov.uk

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
509545	191181

Description

Applicant Details

Name/Company

Title

Miss

First name

Rebecca

Surname

Cockeram

Company Name

Address

Address line 1

11 Roy Road

Address line 2

Address line 3

Town/City

Northwood

County

Hillingdon

Country

Postcode

HA6 1EQ

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☒ Yes
- ☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

Demolition of existing garage to form access to rear garden
Construction of new garage, gym and office space within rear garden

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
- ☒ No

Has the proposal been started?

- ☐ Yes
- ☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The lawfulness of the proposed outbuilding is provided by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), Schedule 2, Part 1, Class E

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Location and Site Plan
Existing and proposed site plan, plan and section
Proposed Elevations

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

- ☒ Permanent
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The first is the test of whether the proposed use is incidental to the enjoyment of the dwelling. The plans show that the building will be used as a domestic garage, a pair of home offices and a home gym. The building will be used by the owners of the property for their personal use and the proposed building will function as part of the overall residential planning unit.

The application site is approximately 60m long and 15m wide. The proposed building will only be a small proportion of the residential curtilage, comfortably below the 50% test.

The outbuilding would be set back behind the principal elevation of the dwellinghouse. In this case, the principal elevation is the elevation with the front door on it facing onto Roy Road. The proposed outbuilding therefore satisfies this requirement.

The proposed outbuilding is single storey

The proposed building will have a dual pitched roof and is no more than 4m in height. It is located 2m away from the two side boundaries and over 5m away from the rear boundary.

The proposed building is 2.5 metres to eaves.

Site information

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Title number(s)

Please add the title number(s) for the existing building(s) on the site. If the site has no title numbers, please enter "Unregistered".

Title Number:

MX176158

Energy Performance Certificate

Do any of the buildings on the application site have an Energy Performance Certificate (EPC)?

- ☐ Yes
☒ No

Further information about the Proposed Development

Please note: This question is specific to applications within the Greater London area.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

What is the Gross Internal Area to be added to the development?

127.00	square metres
--------	---------------

Number of additional bedrooms proposed

0

Number of additional bathrooms proposed

1

Vehicle Parking

Please note: This question contains additional requirements specific to applications within Greater London.

The Mayor can request relevant information about spatial planning in Greater London under [Section 346 of the Greater London Authority Act 1999](#).

[View more information on the collection of this additional data and assistance with providing an accurate response.](#)

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

- ☒ Yes
☐ No

Please provide the number of existing and proposed parking spaces.

Vehicle Type: Cars Existing number of spaces: 3 Total proposed (including spaces retained): 4 Difference in spaces: 1
Vehicle Type: Cycle spaces Existing number of spaces: 3 Total proposed (including spaces retained): 4 Difference in spaces: 1

Please note that car parking spaces and disabled persons parking spaces should be recorded separately unless its residential off-street parking which should include both.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Andy Tropia

Date

12/05/2025