

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
-------------------------	------------------------	----------------------	---------------------