Residents Services

APP. REF. NO: 74451/APP/2019/90

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 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 then 10 dewlling 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 Heads of Terms have already received Committee approval	☐
25. WORKS TO TREES	☐
26. OTHER (please specify)	☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Transportation and Regeneration

Address 5 FRIAR ROAD HAYES

Development: Single storey outbuilding to rear for use as a gym/playroom (Application for a Certificate of Lawful Development for a Proposed Development)

LBH Ref Nos: **74451/APP/2019/90**

Drawing Nos: 01 Rev. A
02
03
Planning Statement

Date Plans Received: 09/01/2019 **Date(s) of Amendment(s):**

Date Application Valid: 09/01/2019

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 Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the proposed outbuilding in conjunction with the existing outbuilding, by reason of its cumulative size and scale is not considered to represent a development required for a purpose incidental to the enjoyment of the dwellinghouse.

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

INFORMATIVES

2.0 Planning Considerations

The application seeks a Lawful Development Certificate for the erection of a single storey detached outbuilding to rear for use as an gym/ playroom. (Application for a Certificate of Lawful Development for a Proposed Development).

The application site comprises a two storey semi-detached dwelling situated on the North-West side of Friar Road, Hayes. The property is constructed from brick, is characterised by a hipped roof with a front porch and is set well back from the adjacent highway to accommodate a front garden laid in hardstanding with an area of grass along the edge.

The proposals clearly involve development as defined in the Planning Acts.

The site is not in a Conservation Area, World Heritage Site or AONB, and benefits from permitted development rights. This type of proposal is not restricted by any Article 4

Direction.

The outbuilding criteria:

(i) Total ground covered would not exceed 50% of the total area of the curtilage.
(ii) Would not be situated on land forward of a wall forming a principal elevation of a dwellinghouse.
(iii) Would not have more than one storey.
(iv) The outbuilding would be situated within 2 metres of the boundary but would not exceed 2.5m in height.
(v) The eaves would not exceed 2.5 m.
(vi) Would not be situated within curtilage of a listed building.
(vii) No provision of verandah, balcony or raised platform.

Class E.4 of the GPDO stipulates that the provision within the curtilage of the dwellinghouse of any building is required for a purpose incidental to the enjoyment of the main dwellinghouse. As such the onus of proof is firmly on the applicant to demonstrate that the proposed outbuilding would be for such a purpose.

The proposed outbuilding would have a footprint of approximately 36 square metres which would be used as a gym/ playroom, and given its size would normally be considered to be of a size and scale commensurate to the host dwelling, however in this particular instance as the property already benefits from a detached garage/ outbuilding of a similar size along the shared boundary with No. 3 the cumulative footprint of the detached outbuildings at 66 square metres would equate to 142%, 20 square metres more than the footprint of the original dwellinghouse (46 square metres). It is therefore considered that the proposal would not be commensurate to the scale and size of an outbuilding incidental to the enjoyment of the main house. It would not be a minor accompaniment to the host dwelling.

No evidence has been put forward to show that the proposed building, its size and layout is reasonably required for a purpose incidental to the enjoyment of the dwellinghouse.

The appellant has not explained why a second outbuilding of the size proposed is required. The description is not given on the application form and only appears on the plan. "gym/ playroom", is also imprecise. Quite apart from the vagueness of the claimed intended use, merely making an application for a certificate of lawfulness and stating a proposed use does not provide a case that what is proposed is or would be reasonably required.

The applicant has failed to provide justification for why a second larger structure is necessary and why it would be required for purposes incidental to the enjoyment of the main dwelling house.

It is therefore considered that the proposed development would not be permitted by Class E of Part 1 of Schedule 2 of the GPDO. The proposal would not be permitted under any other part of the GPDO and has not been the subject of a specific planning permission.

SUMMARY

In order for the building to comply with the permitted development rights set out in Schedule 2, Part 1, Class E of the GPDO, the building must be for purposes incidental to the enjoyment of the dwellinghouse. It is considered that the phrase 'for a purpose incidental to the enjoyment of the dwellinghouse, indicates that the purpose should be

subordinate in nature, rather than any of the primary purposes for which a dwellinghouse is used.

The scale of the proposed building is considered to not represent a development 'for a purpose incidental to the enjoyment of the dwellinghouse'. As such, the scale and size are considered to fall outside Class E of the Town and Country Planning (General Permitted Development) Order, and as such the application is recommended for refusal.

3.0 Relevant Planning History

4.0 ALL CLASSES

Is the dwelling a flat or a maisonette?
NO

Is there a planning condition removing permitted development rights?
NO

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 dimensions:

Maximum height: 2.5 m.
Floor area: 7 m x 5.1 m = 36 sq m.

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