

SUBJECT - PLANNING APPEAL - OUTBUILDING

LOCATION – 3 COPSE WOOD WAY NORTHWOOD HA6
2TP

DECISION REF – 22134/APP/2021/1790

PREPARED BY – MARK REEVES BSc (Hons) MRICS

DATE – 1 JULY 2021

DOCUMENT REF – MDR/1

1 - INTRODUCTION

This statement has been prepared by Mark Reeves acting for the appellant Harrison Reeves (his son). Hillingdon council refused the COLUOD application for a single storey outbuilding to rear for use as a gym/store on 28/06/2021

This report will identify errors in the local authorities reasons for refusal together with proof that their reasons for refusal fell outside the legally accepted measuring protocol.

I will demonstrate that the proposed extension does indeed comply with the requirements of schedule 2 part 1 class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (amended).

There has been a recent appeal decision and case law pertaining to the same development which we will refer to in the report.

3 – REASONS FOR REFUSAL

The reasons for refusal were as follows (paraphrased for expediency);

- 1 . The outbuilding would exceed 2.5m in height and be within 2m of the boundary
- 2 . The size and scale of the building is not considered to represent a development required for a purpose incidental to the enjoyment of the dwelling house

REASON FOR REFUSAL POINT 1 -

It would appear that the local authority have measured the height of the outbuilding at the 'lowest' point not the 'highest' point of the ground level 'immediately adjacent' to the building. The subject property lies on a sloping site and therein the confusion over how to measure eaves heights lies.

This very point was the subject of extensive analysis in the Court of Appeal Case case of McGaw v Welsh Ministers (2021) – see attached appendix

This case also involved an outbuilding to be built under PD rules. The salient points were that due to the sloping site the PD height rules of 2.5m within 2m of the boundary would be exceeded. The judge in this case accepted that the eaves height measurement should be taken from the 'highest' point on the sloping site, even accepting that this measurement was at the boundary and technically on the neighbouring properties land.

Using the same logic I would concur that the subject application meets with the PD eaves height criteria?

REASON FOR REFUSAL POINT 2 –

The local authority believe the proposed outbuilding is too big to be used as a gym/store.

As the end user of this gym, together with my sons Jack and Harrison (aged 23 and 21) I disagree with this assertion.

I have to exercise regularly under recommendation from my GP on account of my hypertension for which I take prescription medication (if its relevant im 53 years old and overweight with a penchant for champagne). I have also been confined to my home at 3 Copse Wood Way for many months under the Governments Coronavirus Act, and following return from holidays I have also had to quarantine here for up to ten days.

The need for a home gym, which I would consider of modest proportions (ideally I wanted a sauna and hot tub, but there isn't room) is thus potentially a life or death matter for me. It appears after 18 months the Coronavirus is likely to mutate and restrictions on gym access will probably ensue far into the future. I also enjoy working out with my boys at the same time, particularly spa boxing with them which I find fun and energetic, and this training 'needs' a bit of free space.

I have shown on the plans standard gym equipment which between me and my progeny we already own. For the record this includes, exercise bike, rower, static weight racks, running machine, punch bag, stretching mats, vibrostation and cross trainer. Most of this is in my garage and has been stored there unused for 6 months.

The outbuilding provides 78m² of floor area of which approximately 9m² is storage.

I don't think this is large or ostentatious? Im sure our Queen has bigger outbuildings for her Corgis? The house is on a ¼ acre plot, well screened from neighbours, some of these lucky people have four storey newly built houses of 14,500 sq ft with basement swimming pools and gyms ? My proposed 'posh' gym shed is surely modest by comparison

I promised by e mail to a senior planning officer that I would not sublet the building as a separate dwelling, as I know this takes place in the borough. As a Chartered surveyor of 25 years standing I would of course never break planning laws!

4 - CONCLUSION

I on behalf of the appellant contend that the appeal should be allowed.

5 – APPENDICES

DECISION NOTICE 28/06/2021 PLANNING APP 04/05/2021

**ASSOCIATED DRAWINGS - EXT PLAN 20210303/01 , EXT ELEVATIONS , 20210303/02
PROPOSED PLAN 20210303/01c**

COURT OF APPEAL REPORT