



THE GILLETT MACLEOD PARTNERSHIP Ltd

CHARTERED ARCHITECTS & TOWN PLANNING CONSULTANTS

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 78

SITE AT 31 ST EDMUNDS AVENUE, RUISLIP, MIDDLESEX HA4 7XW

PLANNING APPEAL ON BEHALF OF MR KAROL SIENIUC

LPA REF.: 58245/APP/2021/4066

GMP REF.: 317XW/KS/2021/JG

APPELLANT'S GROUNDS OF APPEAL – STATEMENT OF CASE

JULY 2022

1. INTRODUCTION

The appeal site contains a detached bungalow which has been recently extended to provide an additional bedroom and additional living accommodation to suit our client's changing needs to adapt the house. The bungalow now contains three bedrooms; one on the ground floor and two in the loft area. There is a shower room / WC area on the ground and first floor. Our clients are keen on physical exercise and as such have a desire to have a gym facility conveniently located within their curtilage. They also have a need which is quite normal for a garden storage shed / building to store lawn mowers etc. Their lifestyle is also very strongly leaning towards outdoor living and relaxing in the open-air which is a natural activity which is not particularly unusual subject to the weather conditions being favourable.

They therefore built an out-building to provide additional living space and accommodate a gym / spa room / bar / Jacuzzi and garden store. They were advised by their architect at the time that this was permitted development and that work could go ahead but it would be useful to apply for a lawful use certificate to obtain confirmation in case it was needed for a future sale of the property. An application was submitted for a lawful use shortly after the work had started on the outbuilding in November 2021. By the time that the application was refused in April 2022, some five months later, the outbuilding was completed and our clients were shocked to find that the application had been refused.

2. JUSTIFICATION FOR THE PROPOSED OUT-BUILDING

The space in the existing house, even given the extensions that have been made, does not allow for sufficient scope to introduce a gym and sauna room and allow for a Jacuzzi arrangement whilst maintaining the bedroom arrangements and living room space needed together with a home office which is required for our client's work.

Our client therefore opted for the common solution in this situation of providing an out-building to contain these other activities which were important to them in the enjoyment of their home.

The council's refusal No 1

This states that, on the balance of probabilities, the out-building is not reasonable required for the purposes incidental to the enjoyment of the dwelling house relating to its size and function.

Dealing first with the size aspects of our clients proposed out-building. The Officer's Report states that the out-building is approximately 56 m² in size and I do not dispute these figures. The total rear garden area I calculate to be 176 m². The provisions of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for up to 50% of the rear garden area to be used for out-buildings and we are clearly well below this limit.

It also be noted that the remaining garden for the dwelling house is 120 m² which is well within the Council's amenity space standards for houses, this being 60 m² for a three bedroom house and 100 m² for a four bedroom house. Our client's garden space that remains clearly complies with the amenity space requirements as laid down in the local plan.

It should also be noted that the size of the existing house in relation to the out-building (this being one third of the footprint of the existing house) is quite an arbitrary figure. Given that we have sufficient amenity space as laid down in the Council's own standards, the small size of the ground floor accommodation only emphasises the fact that our client, to get full enjoyment from his house, requires additional space in the garden and if this can be done without infringing the amenity space standards laid down by the council then I fail to see what objection the LPA could have.

I do not therefore feel the Council have a sound argument for rejecting the lawful use application on the size of the proposal. It is also noted that an application has recently

been approved by the LPA at No 3 St Edmunds Avenue, Ref 66891/APP/2022/594. The area of the out-building approved under this application was 175 m² in size and represented 75 m². The host building house had an area of 150 m². The area of the rear garden had an area of 160 m². These dimensions are clearly much more excessive in terms of garden size and comparisons with the extent of the existing footprint of the house.

The out-building at No 3 St Edmunds Avenue has a footprint which is approximately 50% of the host house compared to the appeal site which is only 33%.

The rear garden area of No 3 St Edmunds Avenue is approximately 50% covered by the out-building compared to our client's 30%.

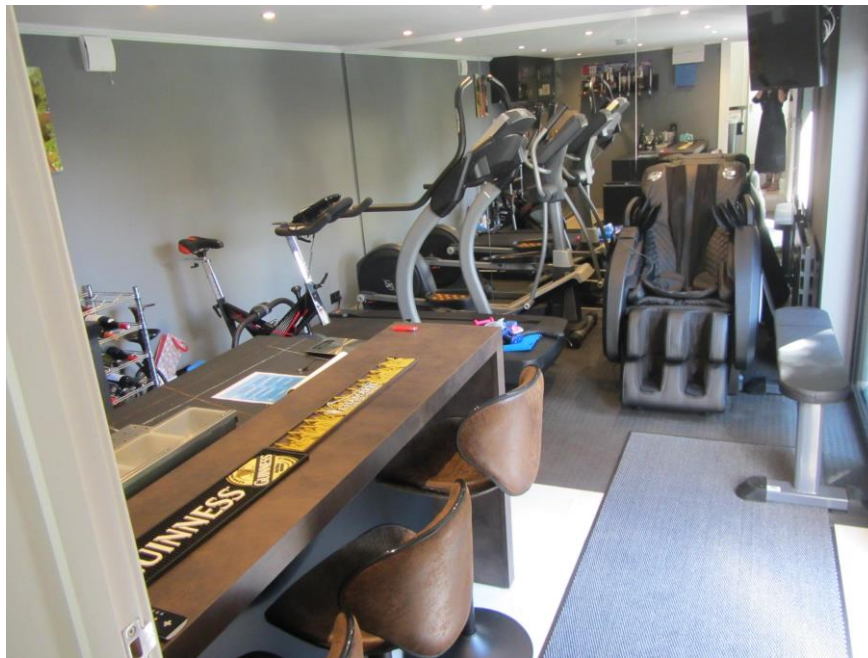
Clearly there is a lack of consistency in assessing these applications bearing in mind that No 3 St Edmunds Avenue (the approved site plan of which is attached below) was approved on 27th June 2022. I understand that there are no precedents in planning however such blatant inconsistencies in approach given the similarities between our client's proposal and that which was recently approved at No 3 St Edmunds Avenue should not be overlooked.

Dealing secondly with the function aspect of the first reason for refusal. The out-building contains four different functions as follows:

- 1) A garden storage area – this area is used for the storing of lawn mowers, hedge trimmers, wheel barrows etc. which is a normal function which the vast majority of houses would have. The garden storage is not excessive in size and amounts to an area of approximately 7 m².



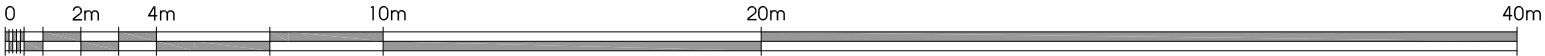
- 2) A gym area – this contains a running machine, a cycle machine, a stepper and a massage chair. This is contained within an area of 12 m² and you can see from the photograph that the equipment only just fits inside this space. This is quite a normal sized gym for the occupancy of the house and as our clients are very keen on keep fit it is a use which is incidental to the enjoyment of the dwelling house.



- 3) A bar area – this is a relatively small area, approximately 10 m², for serving cold drinks when people are occupying the outside decking area. The area contains a small sink for washing glasses. This is inaccurately described in the officer's report as a kitchenette. It is a convenient thing to have in the bar area but our client is not fixed about this retention and would be happy to have a condition requiring it's removal if necessary.

- 4) The spa and sauna area – there is a four person sauna and a five person spa pool used for relaxing after using the gym area. Given the occupancy of the house this is not unreasonable in size and again is a normal function associated with the enjoyment of the dwelling house. The area is served by a shower room which contains a hand basin and toilet. The area of the spa facility in total is 18 m² and so is a relatively small size.





SCALE BAR 1:200



PROPOSED BLOCK PLAN
SCALE 1:200

Rev	Date	Description	Init.
Client			
STEPHEN WOOTTEN ACTING BY WAY OF HIS DEPUTY THOMSON SNELL OF PASSMORE TRUST CORPORATION LIMITED			
Project Title			
POOL AND HYDROTHERAPY FACILITY			
3 ST EDMUNDS AVENUE, RUISLIP, HA4 7XW			
Drawing Title			
PROPOSED BLOCK PLAN			
Cad File	Sheet Size	Scale	
P001	A3	1:200	
Drawn by	Drawing Date	Approved by	
BR	FEB 2022	NJ	
Project No.	Drawing No.	Revision	
1798	P103	-	



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PLANNING ISSUE

3. CONCLUSION ON THE FIRST REASON FOR REFUSAL

The size of the outbuilding in terms of its footprint is considerably less than the 50% referred to in the General Permitted Development Order. The amenity space left for the house in terms of its rear garden is considerably above the minimum standard laid down by the Local Authority and the size of the extension in comparison to the host dwelling house is very comparable to other examples within the same street. It is therefore not felt that the size of the out-building should be an issue.

The functions contained within the out-building are all normal functions that you would expect to find within a dwelling house. The size of each of these facilities is very modest in comparison to the size and occupancy of the dwelling house. It is not considered that there is anything unusual or sinister in the uses that our client is putting the out-building to.

Our client had no obligation to apply for a lawful use certificate however he made an application shortly after starting work on the out-building. The council took the best part of six months to determine the application which is why the appeal is submitted in retrospect.

We feel that our client's use of the dwelling house is quite reasonable in size and the uses contained within the building are incidental to the enjoyment of the dwelling house.

4. CONCLUSION ON THE SECOND REASON FOR REFUSAL

This relates to a lack of sufficient evidence to demonstrate that the outbuilding is in maximum height of 2.5 m. Our client's submitted plans clearly show a dimension of 2.5 m and it is down to the local authority to verify these figures if they so wish. If not they must take them on face value. I accept that this may be difficult given the restrictions imposed by the Covid situation recently but nevertheless this can be overcome and we have provided photographic information where Local Authorities required site information which our clients would have been happy to provide if it had been requested. I attach below photographic information showing that the height

of the building on the front left hand corner is 2.5 m in height. The fact that the site is sloping means that this dimension can be taken from the highest point and therefore it verifies that the building satisfies the 2.5 m rule.





5. THE THIRD REASON FOR REFUSAL

This relates to the decking and insufficient information being provided to prove that the decking is not a raised platform. It can be seen from the site inspection that the decking is only 300mm high and steps have been introduced down the site and therefore it does not constitute a raised platform. There is a raised platform adjacent to the main house but this is not related to our client's lawful use application and is on the approved drawings for the house extension. The lawfulness of the timber decking can clearly be seen on site but is illustrated photographically below.



6. GENERAL CONCLUSION

The out-building and decking should not have been refused a lawful use certificate as the size and function of the outbuilding is within the scope of the GPDO and constitutes uses which are incidental to the enjoyment of the dwelling house. The height of the building is within the limits set out in the GPDO. The decking is also within the limits set out within the GPDO being elevated 300 mm above the natural ground level. I would respectfully ask that you uphold our client's appeal.