

APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE
UNDER SECTION 192 OF
THE TOWN AND COUNTRY PLANNING ACT 1990

LAND AT 44 FERRERS AVENUE
YIEWSLEY, HILLINGDON, LONDON UB7 7AB

PROPOSED ERECTION OF FREE-STANDING OUTBUILDING
IN REAR GARDEN

PLANNING STATEMENT

- 1 This is an application for a lawful development certificate under section 192 of the Town and Country Planning Act 1990 in respect of the removal of the existing rear extension (the subject of the enforcement notice dated 14 April 2022) and the erection of a free-standing outbuilding that would be separated from the house by one metre.
- 2 The existing situation is shown on drawing No. 410/01. The rear extension on that drawing is the subject of the enforcement notice dated 14 April 2022. That enforcement notice has been appealed to the Planning Inspectorate (Inspectorate reference No. APP/R5510/C/22/3299407) and the appeal is being dealt with under the written representation procedure.
- 3 The proposal that is the subject of this lawful development certificate application is shown on drawing No. 410/10. This drawing indicates a new free-standing, domestic outbuilding 4.37 metres wide by 3.5 metres deep by 2.45 metres high.
- 4 The Council is requested to issue a certificate confirming that the proposed outbuilding would be permitted development under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).
- 5 The site is not the subject of any Article 4 direction removing permitted development rights under Class E of Part 1 of Schedule 2 of the GPDO 2015. There is an Article 4 direction (dated 20 September 2013) affecting the property, but this relates only to the extension of the dwelling at the rear by more than four metres under Class A of Part 1 of Schedule 2 of the GPDO.
- 6 With respect to the various criteria, requirements and limitations under Class E, the position is as follows.

7 The property, 44 Ferrers Avenue, is a single dwellinghouse and therefore benefits from Part 1 permitted development rights. This cannot be in dispute since the planning history of the site, including 12837/APP/2012/2640 and 12837/APP/2013/3436, shows that the property is a dwellinghouse.

8 The proposed outbuilding would be similar in character to a garden building or free-standing conservatory, and would be used by the applicant and his family for sitting outside and other leisure purposes. The proposed use is clearly “incidental to the enjoyment of the dwellinghouse”.

9 With respect to the limitations at paragraph E.1 of Class E:

- item (a) this limitation is not relevant;
- item (b) the buildings and enclosures within the curtilage (i.e. the existing buildings together with the outbuilding now proposed) would occupy less than 50% of the area of the curtilage (the figure is approximately 26%);
- item (c) the outbuilding would not project forward of the principal front elevation of the house;
- item (d) the building would be single storey;
- item (e) the building would not exceed 2.5 metres in height (its height would be 2.45 metres);
- item (f) the height of the eaves would be 2.45 metres;
- item (g) the outbuilding would not be within the curtilage of a listed building;
- item (h) the proposed building does not include a veranda, balcony or raised platform;
- item (i) this limitation is not relevant;
- item (j) this limitation is not relevant;
- item (k) this limitation is not relevant;

10 The limitations under paragraph E.2 of Class E do not apply as the site is not within an Area of Outstanding Natural Beauty, the Broads, a National Park or a World Heritage Site.

11 With regard to paragraph E.3 of Class E, the site is not on Article 2(3) land.

12 When assessing an application for a lawful development certificate, the appearance of the proposed building, its effect on the character of the area, its impact on neighbouring properties or any other issue relating to planning merits cannot be taken into account.

13 The proposed outbuilding therefore comprises permitted development under Class E of Part 1 of the General Permitted Development Order and the Council is invited to issue a lawful development certificate to this effect.

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