



Appeal Decision

Site visit made on 21 March 2018

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2018

Appeal Ref: APP/R5510/X/17/3178334
31 York Road, Northwood, HA6 1JJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Dakeshbhai Patel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 14334/APP/2017/798, dated 3 March 2017, was refused by notice dated 18 May 2017.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is replacing garage door with a door and window to use garage space as utility room and access to rear garden, cover rear access passage with translucent roof.
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Decision

1. The appeal is dismissed.

Reasons

2. The existing dwelling is detached, although it is built up to the side boundaries of its plot. It has an attached garage and front porch which the Council say is part of a new build and so is not part of the original dwelling. I note there is a householder application, 14334/C/83/696, labelled "small extension, garage etc", which was approved in 1984 and I assume is for the new garage. I have no contrary evidence from the appellant and so no reason to disagree with the Council's view. The garage stands forward of the principle elevation of the dwelling.
3. The proposed works fall to be considered within Class A of Part 1 of Schedule 2 of the General Permitted Development (England) Order 2015. The Council argue that Class A.1(e) does not permit development if the "*enlarged part of the dwellinghouse would extend beyond a wall which—(i) forms the principal elevation of the original dwellinghouse*". Although the garage conversion would not enlarge the dwellinghouse, part of the proposal is to extend the side wall of the garage to the rear forming a short, covered, passageway down the side of the house to enable access from the house, through the converted garage into the back garden. This element of the proposal would enlarge the dwellinghouse. Although this element is behind the garage, it is part of the larger garage extension that does not form part of the original dwellinghouse. A.1(ja) makes it clear that development is not permitted if "*any total*

enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)". Thus the rear passageway enlargement has to be considered as a part of the older garage enlargement which did extend beyond the front wall of the original dwelling and so is caught by A.1(e).

4. I noted on site that although the garage conversion has been completed, the side wall element has not as it is intended to replace a temporary structure that is currently in place. The appellant says the garage conversion itself was granted planning permission as part of a wider scheme to add a conservatory but the works were carried out separately. The Council's planning history shows an application for a LDC for "conservatory at rear and conversion of garage to habitable accommodation" which was granted in 2009. At that date the conversion of the garage was permitted development, and there would seem to be no reason why that should not remain the case today. However, the scheme before me includes the rear passageway and so in its totality the scheme is not permitted development, for the reasons explained above.
5. Although it would seem the garage conversion is permitted development and the rear passage is very minor, I cannot pass comment in this decision on the merits of the appeal, as I can only deal with the specific question as to whether the proposal applied for is lawful or not and it would seem, for the reasons given above, that it is not.

Simon Hand

Inspector