



Planning Statement

Site Address: 33 Kewferry Road, Northwood, HA6 2PE, United Kingdom

Description of site and surroundings:

The application site is located on Kewferry Road and comprises a five-bedroom detached property. The host dwelling has a large garden to the rear and parking space and landscape and hardstanding to the front.

Number 35 and 31 Kewferry Road are detached properties located to the East and West of the application site. The application site is not designated within a Conservation Area, nor an Area of Special Local Character.

The site does not contain any Listed Buildings. The property is located on a street whereby all the properties have an array of characteristics. The variation in appearance, scale and materials on the front elevations in the neighbouring area also creates a mixed character.

The site along with others along this street is covered by a TPO but it is noted that the apple trees to be removed to facilitate the proposal are not covered by the TPO.

The site benefits from an original garage which was built before 1 July 1948 as confirmed by an old map from 1935 below, although the single storey side to rear extension adjacent to No. 35 Kewferry Road is a non-original feature and was built after the construction of the host dwellinghouse.

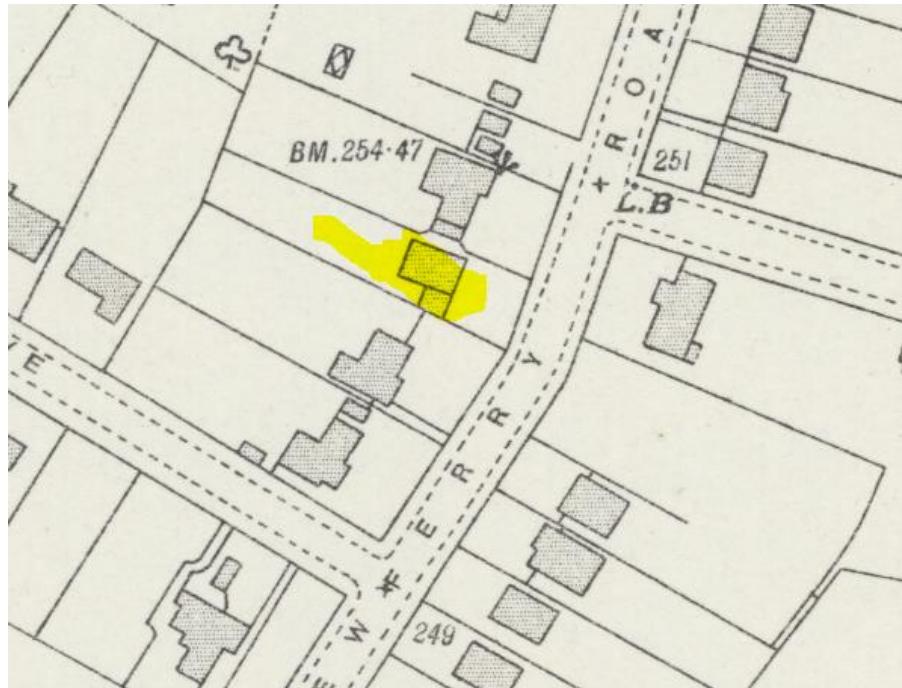


Figure 1 – 1935 Old Map of site.

Description of proposal:

Erection of single-storey detached outbuilding in bottom of rear garden of dwellinghouse.

Relevant site history:

4429/APP/2025/683. Erection of two storey side and part two storey part single storey rear extension together with conversion of roof space to habitable use with the installation of a six roof lights with associated patio area. **Approved but not yet implemented.**

Policy Considerations

National Planning Policy Framework [December 2024]

Local Plan Designation

London Plan 2021

Key Policies include:

Local Plan

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 18 Private Outdoor Amenity Space

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 6 Vehicle Parking

LPP D6 (2021) Housing Quality and Standards

NPPF – 24 NPPF 2024 – Decision making

London Plan 2021

D12 Fire Safety

D4 Delivering good design

G7 Trees and woodlands

The following are also relevant material considerations:

National Planning Policy Framework [December 2024]

National Planning Practice Guidance

Main issues and considerations

Issue i - Design

Policy consideration

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

Policy DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that the Council will require residential outbuildings to meet the following criteria:

- i) the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;
- ii) the developed footprint of the proposed building must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees;
- iii) the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and
- iv) primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

Paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that as a general guide, an outbuilding should be no greater than 30 square metres and should not significantly reduce private amenity space or the landscape and ecological value of the garden.

Assessment

Permitted development fall-back

The outbuilding needs planning permission as it is less than 2m from any boundaries. Permitted development legislation states if the height of an outbuilding is 4m, it must be further than 2m from the boundaries. The size, scale, design and use of the outbuilding would be permitted development were it not within 2m of any boundaries.

A 'fallback position' is what is a development or use which is likely to occur if the planning permission is refused, for example a development which is already permitted or can be built under permitted development rights.

In a Court of Appeal Judgement **Mansell v Tonbridge and Malling Borough Council [2017]**

EWCA Civ 1314, Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:

- The basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.
- There is no rule of law that in every case the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the **Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)** (The GPDO).

Where there is a realistic fallback position, it's essential that the decision maker compares the effect of a proposal against the effect of what other development could lawfully take place.

The question that a decision maker will ask is if planning permission were to be refused, and the 'fallback' would take place would it be less desirable than that for which permission is sought. Or would there be a noticeable difference between the two proposals, if not then what would actually be the harm in the planning permission being approved?

In this instance the use, footprint and height is akin to what could be achieved under permitted development. However, as it is 4m in height, the building needs to be further than 2m away from all boundaries and given it is within 2m of such boundaries it is not permitted development. Nevertheless, it is not dissimilar to what could be achieved under permitted development and a lawful development certificate for a similar sized outbuilding more than 2m away from neighbouring boundaries could be submitted and approved without the need for planning permission. There is a real prospect that the fall-back position would be built and the impact compared with this current scheme is no different. At least with planning permission conditions can be imposed regarding the use of the building and impact on any nearby trees can be assessed. The applicant is open to signing a legal agreement if this is deemed necessary and can prepare a draft agreement for the Council's Chief Legal Officer to consider in a matter of days. Given the scheme is not materially different to what could be achieved under permitted development and having due regard to the fall-back position, it is considered the building should be granted planning permission subject to any relevant conditions or signing of a legal agreement if necessary to secure the use.

Character and Appearance:

The building would have a dual-pitched roof form to complement the pitched roof form of the host dwellinghouse. It would be built from complementary materials with well-positioned and proportionate glazing. Its single-storey nature, footprint and positioning within the bottom of the rear garden area of the host dwellinghouse ensures it 'reads-well' as an obvious and subordinate

building to the host dwelling. The siting, size and scale of the building ensure it does not undermine the character, appearance or significance of the host dwelling or nearby dwellings.

Whilst the outbuilding is relatively large, the size of the front garden is approx. 223.65 sqm, the size of the rear garden is 454.35 sqm, the footprint of the original house which includes existing garage is 123.6sqm, the footprint of the existing single storey side extension is 28.29sqm, the size of the approved ground floor footprint of the extensions recently approved under decision reference: 4429/APP/2025/683 but not yet implemented amount to 100.4sqm in size and the total footprint of the house including extensions approved but yet to be implemented would be 197.2sqm.

Given this, the outbuilding which is 50sqm in internal footprint would not be over-dominant in relation to the host dwellinghouse [in its original form or once the extensions recently approved have been implemented] or within the curtilage of the site itself. It would be subordinate to the host dwelling as mentioned earlier due to its size, scale, design and siting, sit comfortably within the larger residential curtilage, and is of a size akin to what could be achieved under permitted development. The use of the building as shown on the floor plans is incidental to the enjoyment of the host dwellinghouse. A condition stating it can only be used for incidental or ancillary purposes in relation to the host dwellinghouse and not as self-contained residential accommodation can be imposed. The condition can only state the building cannot have a separate postal address and a draft unilateral undertaking can be submitted to even secure the use of the building as a legal agreement rather than condition in order to provide comfort to the Local Planning Authority.

Similar sized schemes approved under planning permission

- 1) At 12 Morello Avenue, Hillingdon an outbuilding in the rear garden was approved recently under planning permission reference: 77998/APP/2025/630. The outbuilding has a footprint of approx. 52.5sqm which is not dissimilar to the proposal at the application site. The officer report states the following: *The application proposes the erection of a single storey outbuilding within the rear garden of the property. It would measure approx. 52.5sqm, measure 3m in height characterised with a flat roof. It would include two front doors. The proposed plans indicate that the outbuilding would be used as an office/gym/study/garage/store/utility. Although there are a lot of uses stated, these are all considered to be ancillary to the use of the main dwelling. As such a condition has been added to ensure the development is not used as a form of self-contained living accommodation. In terms of its size, although over the prescribed footprint within paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), the outbuilding would not appear cramped within its plot due to the large rear garden. It should also be noted that a similar sized outbuilding with a lower roof height could be approved under a certificate of lawfulness.*
- 2) At 58 Blackthorn Avenue, West Drayton, an outbuilding in the rear garden area was approved recently under planning permission reference: 41657/APP/2025/1061. The outbuilding has a footprint of approx. 67.5sqm which is larger than the proposal at the application site. The officer

report states the following: "The proposed outbuilding would be larger than the prescribed footprint set out in paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), however given that the development sites plot is significantly larger than others within the area, that the building would cover less than 10% of the sizeable plot and that its design, limited height and siting would ensure that it is subordinate to the main house, the building is considered to be acceptable despite its large footprint. Furthermore, officers note that an outbuilding of the footprint proposed could be constructed under permitted development rights. On balance the development is therefore considered to have an acceptable impact on the character and appearance of the area, host dwelling and plot and to be in compliance with the overarching objectives of policy DMHB 11 and DMHD 2. The use of the building is stated as a gym with W/C and shower, store, office, and games room which are considered to be an ancillary uses to the main dwelling. A condition has been added to ensure that the building is not used as a separate unit of accommodation/independent dwelling".

- 3) At 21 Sunray Avenue, West Drayton, an outbuilding in the rear garden was approved recently under planning permission reference: 7722/APP/2025/846. The outbuilding approved has a footprint of approx. 63sqm which is larger than the proposal at the application site. The officer report states the following: "Whilst the outbuilding would be relatively large in size, visibility of the outbuilding in public views would be limited and whilst the scale of the outbuilding would be relatively large in relation to the existing dwelling, it is considered that the scale would be proportionate to the size of the garden....It is noted that an outbuilding of the same footprint and a very similar height could be constructed under permitted development without a requirement to obtain planning permission. The only element of the proposals that would not comply with the Schedule 2 Part 1 Class E criteria set out in the General Permitted Development Order 2015 would be the very upper section of the pitched roof, which would be 0.2 metres above the permitted development limits for overall height allowed for under Class E. This represents a significant fallback position and refusal of planning permission on the basis of the scale of the building would not be justified".
- 4) At 68 Coronation Road, Hayes, an outbuilding in the rear garden area was approved recently under planning permission reference: 11896/APP/2025/840. The outbuilding approved at this site has a footprint of approx. 69.18sqm which is materially larger than the footprint of the outbuilding at the application site. The officer report states the following: "Whilst the proposal has a footprint over that set out in Paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), it is considered that, on balance, given the site context, the outbuilding would be acceptable. The outbuilding would sit comfortably within the plot at the end of a relatively large garden.... Due to this, it is considered that, on balance, the proposal would appear sufficiently subordinate to the main dwellinghouse, although at the upper end of what would be considered acceptable in this regard". Given the scale of the proposed building, its design and siting, and the context of the bigger host dwelling, deep and sizeable rear garden....it is considered that the outbuilding would not detract from the visual amenities of the surrounding area and would be acceptable, on balance, in this instance, complying with the aims of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 11, DMHB 12, and DMHD 2 of the Hillingdon Local Plan - Part Two (2020)".

5) At 5 Cotswold Close, Uxbridge, an outbuilding in the rear garden was approved recently under planning permission reference: 79318/APP/2025/477. The outbuilding approved at this site has a footprint of approx. 70sqm. The officer report notes the following: *"The application is part retrospective for the erection of a single storey rear outbuilding. It measures approx. 70sqm and has a height of 2.9m characterised with a flat roof. Although the footprint of the outbuilding is over that prescribed within Paragraph A1.34 of the Hillingdon Local Plan: Part Two Development Management Policies (2020), it should be noted that the use of the outbuilding would be ancillary to the main dwelling, and would not measure more than the footprint of the existing dwelling (ground and first floor) which measures approx. 99sqm. The outbuilding is sited to the rear of a large garden and would not appear cramped within the plot and as such it would not cause substantial harm to the character and appearance of the surrounding area".*

The report goes on to state: *"The Local Plan requires consideration to be given to the potential for a permitted development fall-back position which in essence means if the applicant were to apply for a certificate of lawfulness would it be granted therefore demonstrating that planning permission is not required. In this case the outbuilding is located within 2 metres of the boundary and is 2.9 metres in height (approx.). Although the height of the outbuilding exceeds PD the area in which it covers does comply with the GPDO meaning that the basis of the assessment is whether the additional 0.4 m height is significantly harmful to be considered a reason for refusal and/or the use of the outbuilding would fail to be ancillary to the function of the main dwelling.*

The use of the outbuilding is to be conditioned so that it remains ancillary to the residential use of the main dwelling and is noted as being a home gym on the plans along with a w.c/shower room and a sink within some cupboard space. The proposed additional height above 2.5 (0.4) metres would not be harmful to a degree which would warrant refusal. The proposal would comply with the overarching objectives of Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policy DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)".

Given the size and scale of the outbuildings approved above under planning permission and the justification used to permit the buildings, the proposal, whilst larger than what is usually permissible, is acceptable in design terms in this particular instance. It only requires planning permission as it is within 2m of any boundaries.

Similar sized outbuildings allowed under permitted development

1) At 55 Wentworth Crescent in Hayes, an Outbuilding was approved under permitted development as part of a lawful development certificate application under decision reference: 19892/APP/2025/1273. The outbuilding approved was 51.3sqm in footprint. The officer report for that application stated the following: *"The proposed outbuilding is approximately 51.3m2 in terms of footprint and is 2.5m high. The use of the building as a store room and gym is considered to be a use which is incidental to the enjoyment of the dwellinghouse. Taking into consideration the above, the proposed development constitutes permitted development by virtue of the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)".*

2) At the Weir Cottage, Mill Road, West Drayton, an outbuilding was approved under permitted development as part of a development certificate application under decision reference: 4724/APP/2025/892. The outbuilding approved was 87.47sqm, with a maximum height of 3.89m and eaves height of 2.25m. The officer report for that application stated the following: "The proposed outbuilding is approximately 87.42m² in terms of footprint, it has a maximum height of 3.89m and eaves height of 2.25m. In terms of its external finish, the building would be brick to match the existing house. The proposed use of the outbuilding is stated as a storage. The use of the building as garden maintenance storage is considered to be a use which is incidental to the enjoyment of the dwellinghouse".

3) At 19 Elgood Avenue in Northwood, an Outbuilding was approved under permitted development as part of a lawful development certificate application under decision reference: 18301/APP/2025/376. The outbuilding approved was 70.8sqm in size with regards to its external footprint and 59.4sqm in size with regards to its internal footprint. The officer report for the application stated the following: "An application for a Certificate of Lawful Development for a Proposed Development is sought for the erection of a single storey outbuilding at the rear of the garden. The proposed outbuilding would be 14.592m wide, 6.708m deep along the northern site boundary and 3m deep along the southern site boundary. The proposed outbuilding would have an internal footprint of 59.4sq.m and an external footprint of 70.8sq.m. The outbuilding would be set in 1.5m from the rear site boundary and would be set in from the side boundaries. The proposed outbuilding would have a 2.5m high flat roof. The proposed materials would match existing materials/finishes. The proposed outbuilding would provide a home gym/games room and a storage room". It goes on to state the following: "In addition to whether the location and dimensions of the proposed outbuilding comply with the limitations set out in Class E, a further determining issue is whether or not the proposed outbuilding is required for purposes incidental to the enjoyment of the dwellinghouse. The onus of proof is firmly on the applicant in this regard. The judgement in *Emin v Secretary of State for the Environment & Mid Sussex District Council* held that the scale of the activities that go on in an outbuilding is important in deciding whether that outbuilding is required for a purpose incidental to the enjoyment of a dwellinghouse as a dwellinghouse and for extraneous purposes.

The question of scale and size is considered to be relevant because there must be a prospect that the nature and scale of such activities could go beyond a purpose merely incidental to the enjoyment of the dwelling as such. In this case, the proposed outbuilding would have an external footprint of 70.8sq.m and would be used as a home gym/games room and a storage room; no kitchen or bathroom facilities would be provided. The overall footprint of the proposed outbuilding represents a large development. However, when compared to the size and scale of the detached dwelling and the overall plot size of the site, the location of the outbuilding at the rear of the garden and the separation distance from the application property, the proposed outbuilding is considered to be an subordinate accompaniment. The proposed use as a gym/games room and a storage room are considered to be incidental to the main dwellinghouse. An informative advising that the proposed outbuilding shall only be used as for the purposes stated on the submitted application form and drawings, and that the outbuilding

shall not be used as a separate unit of accommodation or for business purposes, shall be added to any consent granted. The proposed development would therefore comply with all the criteria stated under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development Order 2015 (as amended)).

- 4) At 79 Thornton Avenue, West Drayton, an outbuilding was approved under permitted development as part of a lawful development certificate application under decision reference: 79340/APP/2025/603. The outbuilding approved was 50sqm in footprint. The officer report notes: "The development would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The proposed floor plans indicate that the outbuilding will be used as a gym and storage room. This use is considered to be a use which is incidental to the enjoyment of the dwellinghouse".
- 5) At 45 Frays Avenue, West Drayton, an outbuilding was approved under permitted development as part of a lawful development certificate application under decision reference: 24351/APP/2024/3108. The outbuilding approved was 72sqm and to be used as a home office/gym with a w.c. The officer report stated the following: "The maximum height of the outbuilding is proposed to be 4m characterised with a dual pitched roof with an eaves height of 2.5m. It would be located at least 2m away from all boundaries. The footprint of the proposed outbuilding would measure approximately 72sqm and the total area of ground covered by the development would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The proposed use of the outbuilding is stated as a home office/gym with a w.c. The use of the room and size of the outbuilding is considered to be incidental to the main dwellinghouse given the large rear garden".

The works approved above in particular at 45 Frays Avenue which has similar characteristics to the application proposal albeit it is further than 2m from any boundaries and larger in footprint, indicate that generous sized outbuilding similar or much larger in size for incidental purposes have been approved this year by the LPA under permitted development. The proposed use of the outbuilding is for incidental purposes and it only needs planning permission as it is within 2m of any boundaries. The fall-back position would be to move it further than 2m from any boundaries but could also result in a larger footprint being applied for. Given the fall-back position could lead to a much larger outbuilding, the proposal should give significant weight to this and approve the proposal without delay subject to any relevant conditions or if necessary, legal agreements.

Summary

In view of the above, the proposed outbuilding would be acceptable and would not be harmful to the character and appearance of the host dwelling and the surrounding area. Whilst not technically compliant with paragraph A1.34, the proposal would comply with the overarching objectives of Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policy DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

Issue ii – Living Conditions of neighbours

Policy Consideration

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. Paragraph A1.34 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that "outbuildings should respect neighbouring properties and should not result in the excessive loss of residential amenity, privacy, outlook and overshadowing/sunlight."

Assessment

Given the position of the outbuilding within the rear garden away from the building lines of neighbouring properties along Kewferry Road it would not lead to a material loss of light, loss of outlook, overshadowing, nor would it be overbearing in relation to these properties.

The proposed rooflights would not lead to material increases in the levels of overlooking from linear and lateral views due to their profile and siting. The proposed glazing associated with the building would not lead to material increases in the levels of overlooking from linear and lateral views compared with the existing situation/compared with someone standing in the bottom of the garden area.

Given the siting, low eaves height of the proposal, height of boundary treatment, it is not considered the proposed outbuilding would lead to a material loss of light, outlook or privacy when viewed from the habitable room windows and garden areas of properties along Kewferry Drive. It should also be noted that had the building been located more than 2m from any boundaries, it would be permitted development but given it is within 2m of any boundaries it requires planning permission. A large dual pitched roof building is presence in the rear garden area of a property along Kewferry Drive. Such buildings are not unusual when viewed from the site and surrounding context.



Figure 2 – Aerial photograph of large dual pitched roof building at a property along Kewferry Drive.

The proposed use of the outbuilding as a gym and games room would be used incidentally in connection with the C3 use of the host dwellinghouse and would therefore not give rise to any unacceptable level of noise or disturbance to warrant refusal.

A planning condition restricting the use of the building could be imposed or if needed a legal agreement could also be drafted to the same.

Issue iii - External Amenity Space Provision

A significant tract of rear garden area would remain in situ following the proposal. As such the scheme is compliant with Policy DMHB 18 with regards to private amenity space provision.

Issue iv- Parking and highway Safety

The proposed development would not affect existing parking arrangements at the site.

Overall, it is not considered that the proposed outbuilding would harm the amenities of any neighbouring property, in accordance with Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Issue v – Fire Safety

Policy Consideration

Policy D12A of the London Plan 2021 relates to fire safety.

Assessment

A fire safety statement has been submitted which meets the aims and objectives of Policy D12A of the London Plan 2021.

Issue vi – BNG

The scheme is exempt from mandatory BNG as it is a householder development.

Issue vii – Trees

Policy consideration

Policy DMHB 14 of Hillingdon Local Plan part 2: Development Management Policies requires planning applications for proposal that would affect existing trees to provide supporting information on how trees will be protected and where trees will be removed, proposal for replanting of new trees on-site must be provided.

Assessment

An Arboricultural Impact Assessment has been provided in support of this planning application. It confirms that trees of merit which are on and off-site will not be impacted by the proposal. Measures would be in place for tree protection. Two apple trees which are not covered by the TPO are to be removed to facilitate the scheme. This is acceptable given their classification. A tree planting scheme to compensate for any loss of trees could be secured by condition prior to first occupation of the development.

Planning balance and conclusion

The proposal due to its use as well its overall size, scale, siting and design would not adversely affect the setting, character and appearance of the subject property or that of the surrounding area. The use would be incidental to the enjoyment of the host dwellinghouse and would as a result, safeguard neighbour living conditions. The scheme would not have an adverse impact on the landscape character of the area, fire safety, highway safety or on parking stress. Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. For the reasons set out above, this scheme falls to be determined in accordance with the test under section 38(6) of the 2004 Act. The proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal. Planning permission should be duly granted subject to any relevant conditions which meet the six tests for conditions as set out in HM Government's NPPG.

Yours Sincerely



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