

# DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers  
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

## APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

## REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

## RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

## COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

## CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

## CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

## Report of the Head of Planning, Transportation and Regeneration

**Address** 95 HARLINGTON ROAD HILLINGDON

**Development:** Single storey outbuilding to rear for use as a garage/gym including demolition of existing garage (Application for a Certificate of Lawful Development for a Proposed Development)

**LBH Ref Nos:** 5199/APP/2021/504

**Drawing Nos:** 10288/P/01  
10288/P/02  
10288/P/03  
10288/P/04

**Date Plans Received:** 09/02/2021      **Date(s) of Amendment(s):**

**Date Application Valid:** 09/02/2021

### 1. RECOMMENDATIONS

#### 1.1 Recommendations

That a certificate of lawful use or development be **GRANTED** for the proposed development described above in respect of the land edged red on the attached plans for the following reasons:

The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This determination is based on your submitted plans. All measurements are taken from existing ground level.

### INFORMATIVES

- 1 The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative

routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

Part 1 Policies:

Part 2 Policies:

- 2** Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

Part 1 Policies:

Part 2 Policies:

- 3** The use of the outbuilding hereby approved shall be for the purpose(s) stated on the application form and drawing/s. Use of the outbuilding for purposes such as a living room, bedroom, kitchen, bathroom, study, as a separate unit of accommodation or for business purposes constitutes a primary use that is not incidental and likely to invalidate this certificate. Furthermore, the Local Planning Authority may pursue enforcement against breaches of planning control, which may involve legal action through the Courts.

Part 1 Policies:

Part 2 Policies:

## **2.0 Planning Considerations**

The application seeks a certificate of lawful development for the erection of a single storey outbuilding to rear for use as a double garage/gym including demolition of existing garage.

The proposal is clearly for development as defined in the Planning Act. The application is not located within a Conservation Area, World Heritage Site or AONB and permitted development rights have not been removed by condition, nor is there an Article 4 Direction restricting such rights for this type of proposal.

Submitted plans confirm the outbuilding would:-

- i) Not result in more than 50% of the curtilage surrounding the original dwellinghouse being covered by buildings;
- ii) No be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- iii) Not have more than one storey;
- iv) Not consists or include the construction or provision of a balcony, veranda or raised platform;
- v) Would not have a height that would exceed 2.5 metres in the case of a building, enclosure or contained located within 2 metres of the boundary of the curtilage of the dwelling house;
- vi) Would not have eaves with a height that exceeds 2.5 metres
- vii) Would be considered as incidental to the dwellinghouse

Assessment of this application:

The main planning consideration is whether the proposed outbuilding constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class E conveys permitted development rights to provide within the curtilage of a dwellinghouse any building required for a purpose incidental to the enjoyment of the dwellinghouse, subject to certain limitations.

The property is not a listed building and is not within a designated Conservation Area. There are no pre-existing conditions which remove permitted development rights. In addition to whether the location and dimensions of the proposed building comply with the limitations set out in Class E, a further determining issue is whether or not the proposed building is required for purposes incidental to the enjoyment of the dwellinghouse. The onus of proof is firmly on the applicant in this regard.

The proposed outbuilding would have a footprint measuring 57 square metres. The footprint of the proposed outbuilding, when compared to the original two storey scale of the host dwellinghouse and the overall plot size, is considered, on balance to be an ancillary and subordinate accompaniment. It is accepted that this is a large outbuilding, but its intended use as a double garage with additional gym facility is considered reasonably required for its intended purposes. The proposed use of the outbuilding for the parking of 2 cars are both considered to be incidental uses. The applicant has a right of access to the garage from Nicholls Avenue. The proposed outbuilding would not contain any bathroom or kitchen facilities. Subsequently, on balance, it is considered that the proposed outbuilding would be incidental to the main dwellinghouse. As such, the application is recommended for approval.

### 3.0 Relevant Planning History

5199/APP/2017/3786                      95 Harlington Road Hillingdon

Conversion of roof space to habitable use to include a rear dormer and 2 front rooflights and porch to front (Application for a Certificate of Lawful Development for a Proposed Development).

**Decision Date:** 15-12-2017                      Approved

5199/APP/2021/252                      95 Harlington Road Hillingdon

First floor rear extension.

**Decision Date:** 12-03-2021                      Approved

#### 4.0 ALL CLASSES

Is the dwelling a flat or a maisonette?

NO

Is there a planning condition removing permitted development rights?

NO

Is the building listed/ in a Conservation Area?

NO

#### CLASS E - Outbuildings

Does the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?

NO

Does any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?

NO

Does the building have more than one storey?

NO

Does the height of the building, enclosure or container exceed-

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case?

NO

Does the height of the eaves of the building exceed 2.5 metres?

NO

Is the building, enclosure, pool or container situated within the curtilage of a listed building?

NO

Does it include the construction or provision of a veranda, balcony or raised platform (means a platform with a height greater than 300 millimetres)?

NO

Does it relate to a dwelling or a microwave antenna?

NO

Does the capacity of the container exceed 3,500 litres?

NO

In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse

NO

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230