

Planning Statement



Application for: Certificate of Lawfulness for use of existing garage as annexe

At site address: Copse Cottage, Rickmansworth Road, Northwood, HA6 2QN

Statement prepared March 2021

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Background

This application is lodged to regularise the proposed provision of annexe accommodation within the existing rear garage at Copse Cottage.

The existing garage building was erected following a consent in 2015 under 70467/APP/2015/3463.

The existing building would be repurposed to provide bedroom accommodation for use in association with the main dwelling.

As no change of use or development requiring consent arises it is anticipated the Council will be able to issue a Certificate confirming the same.

Site Description

The application site comprises a semi-detached property located on the corner of Rickmansworth Road and Copse Wood Way.

Figure 1: Location Plan



The property has a gable ended roof line with a two-storey side extension, including an integral garage at ground floor level which was approved for conversion to habitable space in 2015. There is also a two-storey rear projection with a single storey rear extension beyond. The rear garden is landscaped and there is parking to the front of the home.

To the south of the site lies the adjoining property, Brackendene with a similar two storey and single storey rear element. The street scene is mainly residential in character and appearance. There is an area of open space with well-established trees on the opposite corner of the junction and there are open fields screened by trees to the rear.

Figure 2: Aerial View

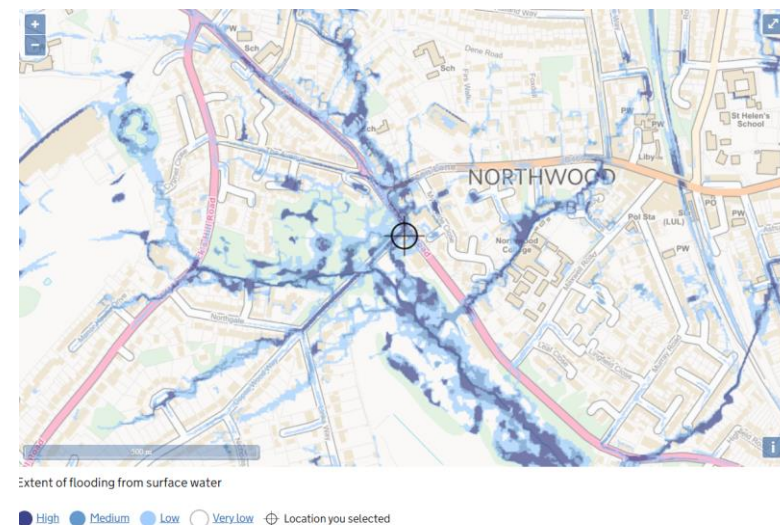


Figure 3: Street View



The application site lies within the Green Belt as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

Figure 4: Environment Agency Floodzone map (surface water)



Copse Cottage is in Zone 4 for surface water flooding which means that it is at high risk of surface water flooding after heavy rainfall events but is in zone 1 for river level flooding which means that it is at very low risk of flooding from any fluvial cause.

Figure 5: Environment Agency Floodzone map (river levels)

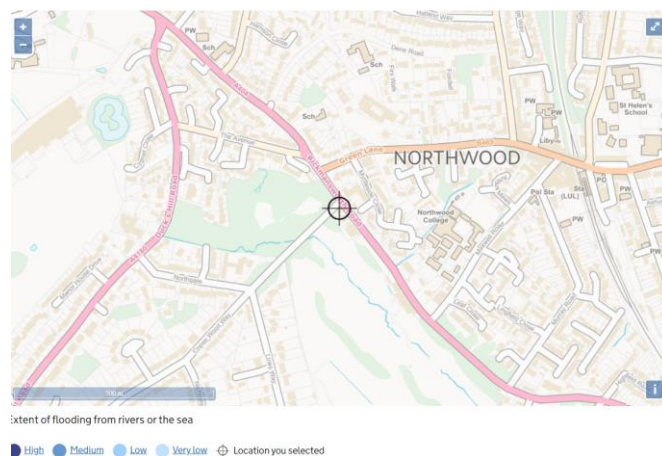


Figure 6: Existing garage



The existing rear garage is a detached, flat roof building with two single shutter openings.

Site History

The following history is relevant to the site ;

70467/APP/2017/3823	Installation of dropped kerb to side	Approval
70467/APP/2016/2294	Porch to front (Application for a Certificate of Lawful Development for a Proposed Development	Approval
70467/APP/2015/3578	Conversion of attached garage to habitable use involving alterations to front and rear elevations	Approval
70467/APP/2015/3463	Single storey detached garage to rear	Approval
70467/APP/2014/4220	Single storey detached garage to rear	Refusal

Policy Context

Relevant Policies

Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) is relevant to the proposals as the criteria were met when the structure was erected under application reference 70467/APP/2015/3463. Legislation permits ;

The provision within the curtilage of the dwellinghouse of:

- a) Any building or enclosure, swimming or other pool required for a purpose incidental to the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building, or;
- b) A container used for domestic heating purposes for the storage of oil or liquid petroleum gas

The Town and Country Planning (General Permitted Development) (England) Order 2015 has been created as part of a general policy objective to consolidate a number of statutory instruments in relation to town and country planning in England. The Order is made under sections 59, 60, 61, 74 and 333 of the 1990 Act. The 2015 Order is made under these powers and grants planning permission for a range of predominantly minor development, subject to certain limitations and conditions. Development granted planning permission under the Order is known as “permitted development”, and the effect is that no

application needs to be made to the local planning authority to obtain planning permission, although in some cases the permitted development right is subject to “prior approval” from the local planning authority in relation certain specified matters. The garage was erected under this order.

Case Law

Case Law has established that ‘permission is not required to convert a garage in a residential curtilage to an annexe capable of independent accommodation, provided both it and the existing dwelling remain in the same planning unit’. (*Uttlesford District Council v Secretary of State for the Environment and White [1991]*)

See also:

Burdle v Secretary of State for the Environment (1972)

Emin v Secretary of State for the Environment (1989)

Wallington v Secretary of State for Wales (1991)

The definition of development as enshrined within Section 55 of The Town and Country Planning Act 1990 is also relevant,

“‘development”, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.’

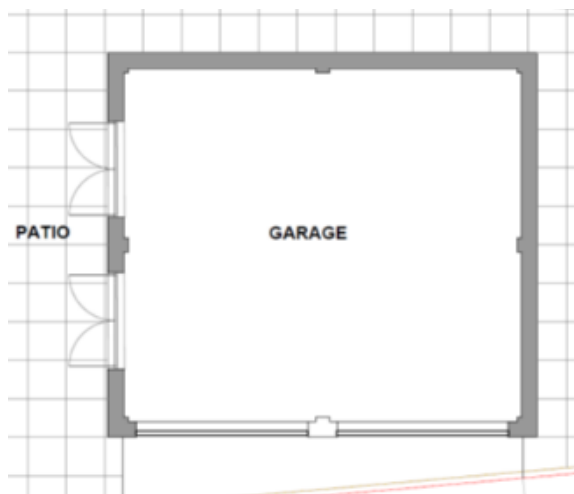
Proposed Development

It is proposed to convert the existing outbuilding granted permission in October 2015 for use as a garage, into an annexe to be used for ancillary residential accommodation. This application is being made under the Town and Country Planning Act (General Permitted Development) (England)

The existing and proposed building layouts are provided below ;

Figure 7 : Layout comparisons

Existing garage

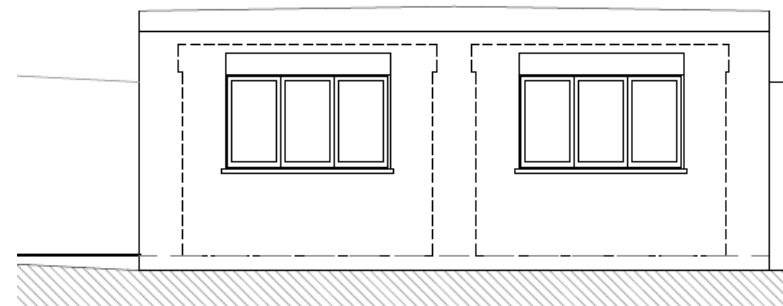
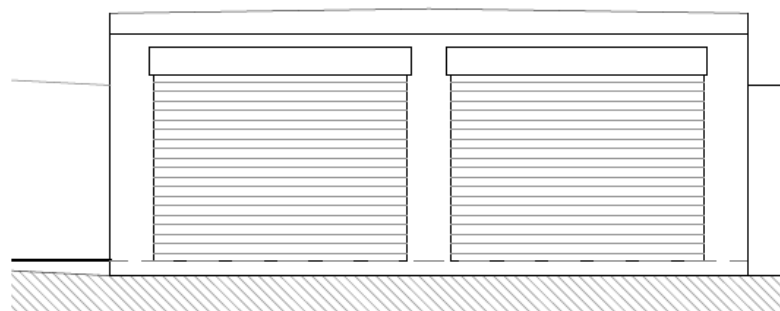


Proposed Annexe



Externally changes comprise alterations to the existing garage doors and side leading to the house.

Figure 8 : Existing and proposed front elevations



Planning Appraisal

Consideration of uses:

In October 2015 an application was granted for the erection of the outbuilding under consideration for conversion now. The present garage replaced a previous garage building.

The outbuilding has been in use as a double garage, ancillary to the enjoyment of the dwellinghouse. It can be seen on site and in the latest google aerial and street view photographs. The outbuilding as erected has been used for ancillary purposes, i.e. the garaging of cars and storage of residential items.

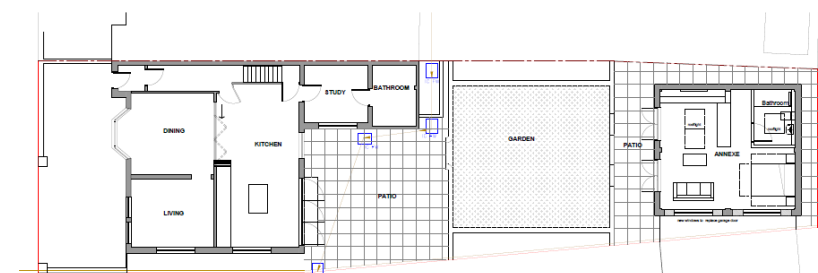
It is considered that the use of an existing ancillary residential outbuilding for primary residential accommodation (sleeping areas) would not constitute a material change of use of the building or land, a view which has also been established by a judgement relating to a similar conversion of a garage building in the Uttlesford District – see *Uttlesford District Council v Secretary of State (Uttlesford District Council v Secretary of State for the Environment and White [1991])* which established that ‘permission is not required to convert a garage in a residential curtilage to an annexe capable of independent accommodation, provided both it and the existing dwelling remain in the same planning unit’.

It is a matter of fact that the annexe would share service arrangements with the existing dwelling, would share access onto the street through and alongside the existing building, would share garden and parking areas with the main property and would

look onto the main home to a degree that is only acceptable when occupied by the same family unit as the relationship affords no privacy. Users of the annexe would also be dependant on access to the main property for full kitchen and laundry facilities. These ties to the main property make clear there is no new unit created.

On this basis no change of use occurs as the planning unit remains a single C3 dwelling house before and after the proposed works.

Figure 9: The proposed ground floor layout



Consideration of Physical Works

The provision of differing fenestration in lieu of garage doors and internal works associated with the proposed annexe is accepted in general practice as not being works that materially affect the appearance of the building. “Material Affect” has no statutory definition but for the purposes of Section 55 of the Town and Country Planning Act this test is met.

Summary and conclusions

Mindful of the above appraisal, the use and physical works required to conduct the conversion into an annexe, result in no change of use or physical works requiring consent, and falling beyond the definition of development for the purpose of S55 of the Town and Country Planning Act. Accordingly it is contended there is no trigger creating a need for planning for permission

It is anticipated the Local Planning Authority will be able to issue a Certificate of Lawfulness to regularise the works, confirming permission is not required.

Should there be any queries, please do contact the Agent.