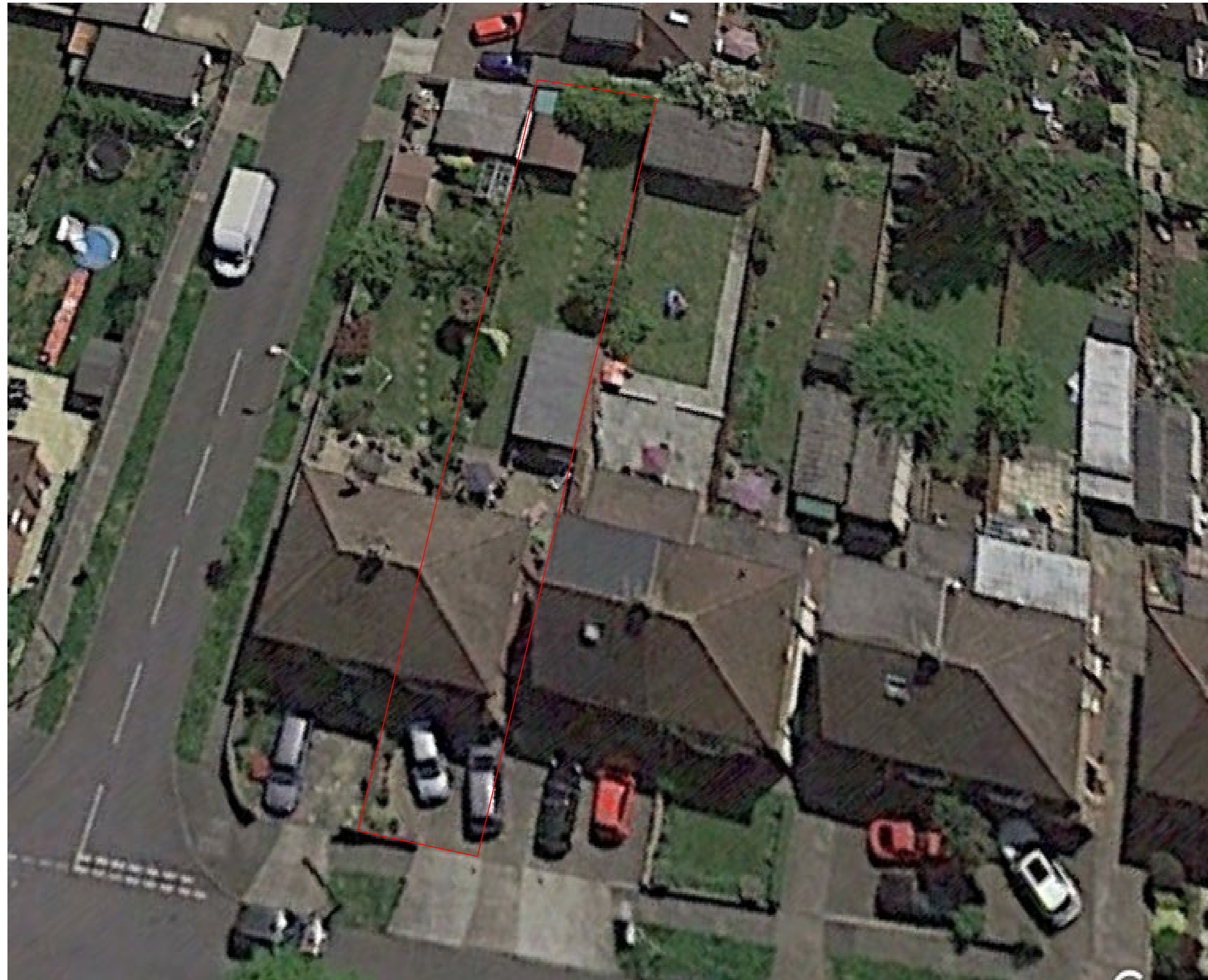


# Planning Statement



PROJECT: 40 Whiteheath Ave, Ruislip, HA4 7PW



# Introduction

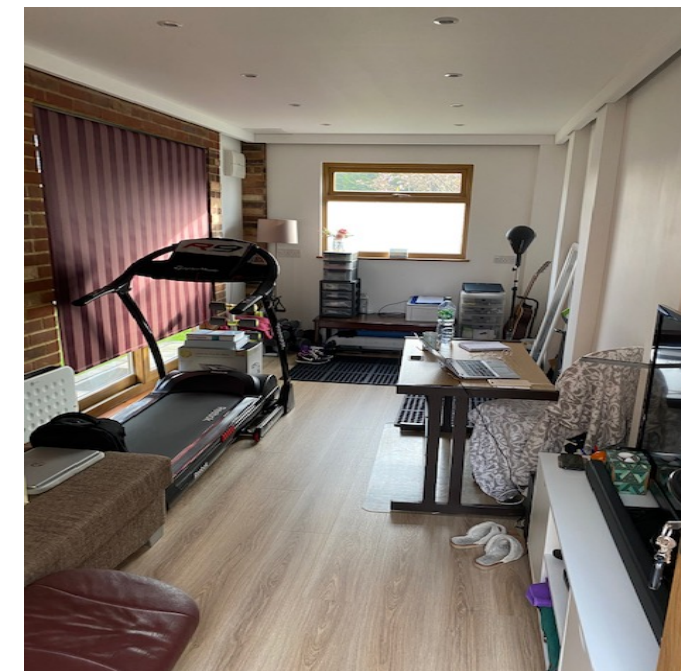
## Site description

The application property is located on the south eastern side of Whiteheath Avenue and consists of a two storey semi-detached dwelling

The rear garden is slightly sloped and enclosed by panel fencing.

The property already benefits from a single storey rear outbuilding that originally granted permission in 1961 and then altered in 2015.

The current use of the outbuilding is incidental to the main dwelling and used as a gym, relaxation room and home office.



## Flood Risk

The site falls outside of any flood risk zone (Flood Zone 1) as defined on the flood maps produced by the Environment Agency, and is therefore not at risk from flooding. As the site is less than 1 hectare in size, the application is not required to be accompanied by a Flood Risk Assessment.

## Planning Designations

The application site is not within a conservation area nor is the building listed. There are no protected trees on site and the site is not affected by any other planning policy designations.



# Proposed and Existing outbuilding Overview

## Proposal

Permission is sought to extend to the existing outbuilding by 2.2m in depth to provide WC and shower facilities for home gym.

## Existing garage

The existing garage was granted planning permission in 1961 under ref 18869. Due to the outbuilding being in a state of disrepair, the owner renovated the garage in 2015 and replaced the windows, Roof and inserted a set of bifolds to the side elevation. Although alterations can be conducted under permitted development, the owner (not being aware) increased the height of the roof slightly and due to the sloping land, the outbuilding is over 2.5m in height.

## Immunity from enforcement

I present the following evidence to show that these works took place in excess of 4 years and therefore the works are now lawful;

Aerial photograph taken in October 2016 showing the altered outbuilding

Dated photograph of the alterations taking place dated 16/08/2015

Receipts of building materials – Please see appendix 1





# Proposed Use

## Proposed use

Due to the limited space in the family home, the proposed use of the building would allow the owner to utilise this space for the following incidental/ancillary facilities;

Gym area for exercise, enjoyment and rehabilitation purposes.

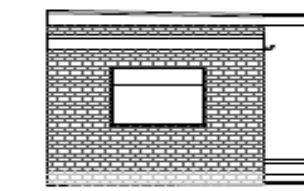
WC/Shower and changing room area

Relaxation area

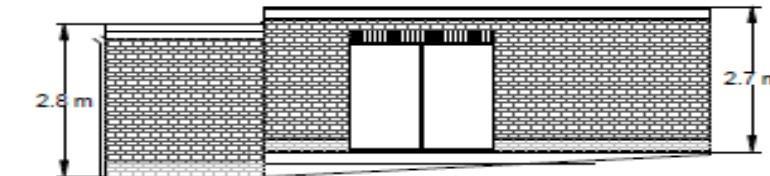
The applicant would like to make it clear that the existing/proposed use is for an incidental outbuilding with ancillary changing/WC/shower facilities.

## Proposed WC, shower and changing room facilities

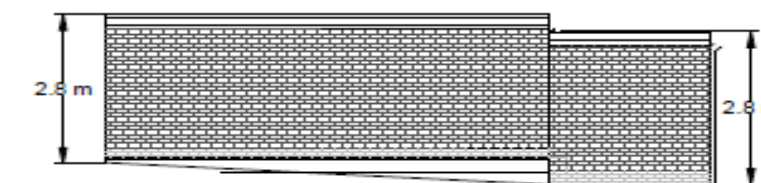
The proposed outbuilding is to serve area designated for a gym area. Sanitary provision in the form of a WC, shower and changing room has been provided for uses ancillary to the main purpose of the outbuilding; namely a gym. The users would be using the facilities for long periods of time, therefore there is a clear need for provision of shower and toilet facilities without having to return to the main house where this is only 1 bathroom at first floor.



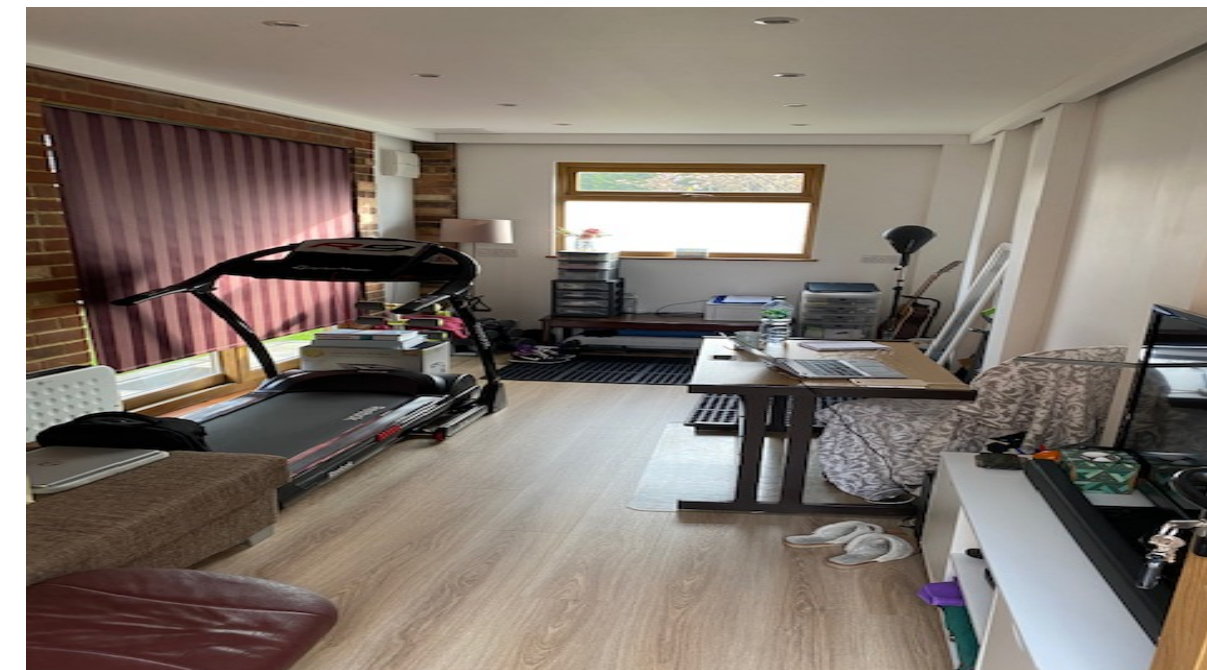
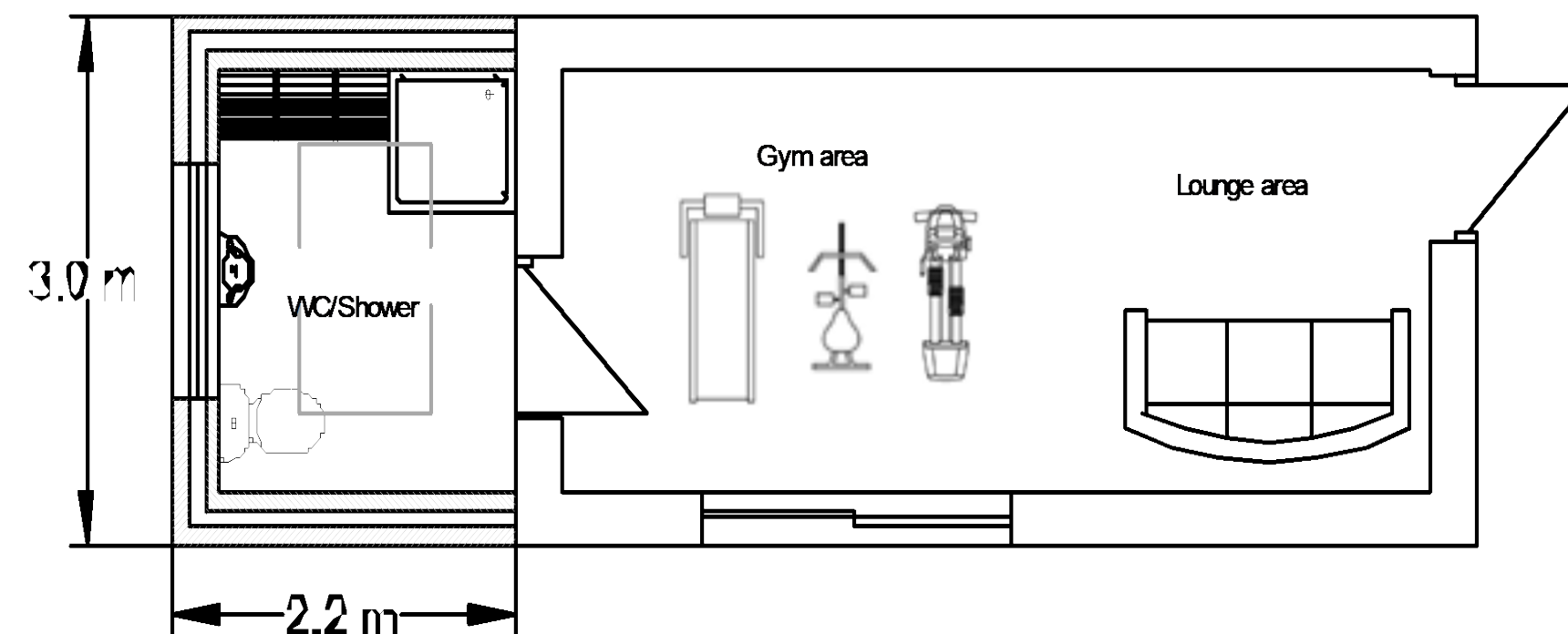
Proposed Rear Elevation



Proposed Side Elevation



Proposed Side Elevation



# Proposed Use

**Case law and supporting Appeal decisions for Incidental Outbuildings with Sanitary provisions**

Although below refer to class E under PD, the cases set out below should be relevant and material planning considerations when looking at the use.

At 79 Kenton Park Crescent, Harrow, HA3 8TZ (APP/M5450/X/18/3194343) the Inspector allowed an appeal and granted an LDC for an outbuilding to contain a sauna and steam room. The front half of the outbuilding would contain a dressing area on one side, and on the other side two rooms: one would contain a lavatory and washbasin, and the other two shower cubicles. The building’s footprint, is 59m² just slightly less than the applicants building and the Inspector took into account that the proposed uses were typical, everyday recreational pursuits which is again similar to this case.

The Inspector also states that *"It would not be practical to run to house for using WC and washing facilities particularly during winter months after using sauna/steam room. The facilities are needed for the use"*. I also draw the LPA’s attention to comments from the attached costs appeal decision for the same site. The Inspector states *"The Council also contends that the proposed layout “could facilitate primary living accommodation. That may be so, but it is not a valid reason for refusal. The proposal should be determined on the basis of what has been applied for, not on the basis of other potential uses to which it may be put in future: otherwise, it could be argued that no outbuilding should ever be permitted because of the “potential” for it to be occupied as separate living accommodation"*

At Eight Acre, Harpenden (APP/B1930/X/07/2061614) the Inspector allowed an appeal and granted an LDC for an outbuilding to contain a swimming pool, a room for snooker, gym and play, together with a barbeque area. The building’s footprint, of 397m², would be more than 4 times larger than the host dwelling. The Inspector took into account that the proposed uses were typical, everyday recreational pursuits. He considered that the building would not be disproportionate to what was required to house the proposed uses.

In another case, at Hyde Lane (APP/P1940/X/12/2176006) the Inspector allowed an LDC appeal concerning an outbuilding which would contain a swimming pool, plant room, changing rooms, snooker room, bar and children’s activity area. Again It would be twice the size of the host building and much larger than the proposed outbuilding in this case. A key case law to also to consider is the ***Emin** v SSE* [1989] where the judge states *“Physical size of a building in comparison to the dwellinghouse might be an important consideration, but was not by itself conclusive.”*

The Judge secondly asks *“whether the building is genuinely and reasonably required or necessary in order to accommodate the use or activity and thus achieve that purpose”* It is clear that the facilities outlined by the appellant, that it requires a separate building of this size to facilitate this typical, everyday recreational use and the appellant has provided clear evidence of this proposed use throughout the application stage and within this statement. Lastly, the judge also states that *“a hard objective test should not be imposed to frustrate the reasonable aspirations of an owner or occupier so long as they are sensibly related to the enjoyment of the dwelling.”* The owner has gone above and beyond to satisfy this test by designing an outbuilding to accommodate all leisure facilities and home office which is a sensible and related use incidental to the enjoyment of the main dwelling and not based on an unrestrained whim.

The applicant therefore has provided clear evidence of the incidental/ancillary use and the relevant appeal decisions supporting this use and this is what the application should be assessed on and it is clear that the proposed use is completely incidental to the enjoyment of the dwellinghouse.



# Scale, Mass and Design

Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) are design policies which relate to new development. Development must harmonise with the existing street scene as well as the scale, form, architectural composition and proportions of the host dwelling. The Council's HDAS: Residential Extensions gives additional advice on the acceptability of extensions and alterations to residential dwellings.

The HDAS Supplementary Planning Guidance Section 9.2 Detached Outbuildings, states outbuildings should not be higher than 4 m in the case of a ridged roof; any other should not exceed 3 m high. The extended section is characterised with a flat roof with a maximum height of 2.8m with an external floor area of approximately 6.6 sq. m making the total footprint of the outbuilding 25.2 sq m.

The LPA is invited to consider the surrounding streetscene in this case and the amount of detached outbuildings located in close proximity of the rear wall of the dwelling. As you can see from this aerial, larger outbuildings than the total proposed are a common feature along Whiteheath Avenue (see below aerial showing the amount of outbuildings in close proximity to the rear of the dwelling).



Therefore the proposed small scale extension blends in with the existing outbuildings in the vicinity and prevailing building form/character of the nearby houses. The proposed development has been located in a position to minimise the impact on not just the amenity of the neighbouring properties but, also the amenity of the main dwelling. The extension to the existing outbuilding has been designed to enable the appellant to make full use of the outside amenity space in bad weather and also for ancillary use as a gym. Therefore the development actually enhances the existing amenity space of the main dwelling and does not result in any loss of amenity space. The outbuilding will now also be at the same length as other outbuildings in the area shown above.

It is therefore considered by reason of its small size, scale and siting, it does not appear harmful to the character and appearance of the parent dwelling and the visual amenities of the street scene and surrounding area. It is a minor accompaniment to the dwellinghouse. The outbuilding is considered to be in accordance with Policies BE13, BE15, BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies(November 2012) and the HDAS Supplementary Planning Document.

Additionally the extension to the outbuilding does not have any glazing across the side elevations which do not raise issues of privacy and overlooking. The development is therefore considered to be in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan; Part Two - Saved UDP Policies (November 2012). The application site retains rear garden space, which is considered usable in terms of its shape and size, and would be in accordance with Policy BE23 of the Hillingdon Local Plan; Part Two - Saved UDP Policies (November 2012).

## **Conclusion**

The proposal does not conflict with the National Planning Policy Framework and relevant Policies of the Local Plan as previously described. In addition it is considered that the structure would not be unduly prominent or adversely affect the character of the area. Sufficient amenity space would remain due to the modest size of the proposal and adequate curtilage currently provided. The outbuilding will be used for purposes incidental to the enjoyment of the dwelling house and the LPA are respectively asked to consider this proposal favourably.