

XEVA DESIGN LTD

STUDIO 21, 497 SUNLEIGH ROAD
WEMBLEY HA0 4LY [0208 252 3233]
EMAIL: XEVADESIGNLTD@GMAIL.COM

SITE ADDRESS:

50 MORAY AVENUE
HAYES
UB3 2AX

APPLICATION DESCRIPTION:

Retention of rear out-building, removal of kitchen from the out-building.

PLANNING STATEMENT:

This Planning application is in response to the Council letter ref # ENF/300/18 dated 25-03-2019. The letter states the intent of action for an unauthorized rear out-building at 50 Moray Avenue, UB3 2AX (copy attached #01)

The subject of this application, the rear out-building was to be built under Permitted Development Right with no need for Planning Approval. The Building Control Notice was served to Approved Inspector "Building Control Partnership Ltd" on 12-10-2017. The completion certificate was issued on 19-03-2018 (copy attached ref # 02)

Ever since the issuance of Enforcement Letter from Council dated 25-03-2019; we are acting on behalf of the owner. A Householder Planning application is submitted for the Retention of Rear out-Building and removal of kitchen to continue the use of the out-building ancillary to the enjoyment of the dwelling house.

During the site visit, the agent noted that the out-building is 2.5mtr from the side facing the dwelling house (referred to as Front Elevation within submitted drawings) and 2.6mtr from the rear (referred to as Rear Elevation within submitted drawings). It is our understanding that the difference is quite negligible and this minor pitch roof would not create an overly dominant feature amongst the neighbouring gardens and/or affect the amenity of the neighbouring properties.

The second part of the application is removal of kitchen from the out-building which the owner is happy to comply.



Out-building



Out-building



Amardip Singh Dhami
Parmjit Kaur Dhami
50 Moray Avenue
Hayes
Middlesex
UB3 2AX

Our Reference: ENF/300/18

25 March 2019

Dear Mr & Mrs Dhami,

Town and Country Planning Act 1990 (as amended)
Site: 50 Moray Avenue, Hayes, Middlesex, UB3 2AX

I am writing to advise you that the Council's Planning Enforcement Team is investigating the unauthorised constructed of an outbuilding in the rear garden of 50 Moray Avenue.

The investigation has revealed the outbuilding is 2.6 metres high, 11.4 metres wide and 4.7 metres deep (resulting in a footprint of 53.6 square metres). The outbuilding is split into 3 sections, with the larger section of the outbuilding located in the centre containing a separate toilet/shower cubicle and fitted kitchenette. Accordingly, the outbuilding has all the facilities that enable it to be used independently from the dwellinghouse.

Under the provisions of Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015, it states if any part of the building container or enclosure that is within two metres of the boundary of the area the house, then the height limit for the whole development is restricted to 2.5 metres if it is to be permitted development. In addition, the Council considers a development of an outbuilding larger than 30 square metres to be so large that it cannot normally be considered to be reasonably required for a purpose incidental to the enjoyment of the dwellinghouse.

Furthermore, the 'Technical guidance: Permitted Development for Householders' confirms that there are limitations on a development within Class E. It states 'a purpose incidental to a dwellinghouse would not, however, cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen' (DCLG April 2014). Accordingly, it is considered the outbuilding does not constitute a development that is permitted under Class E, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Planning Enforcement Team
Residents Services
Telephone. 01895 25 0230 Facsimile. 01895 277 595
www.hillingdon.gov.uk
London Borough of Hillingdon,
Civic Centre, High Street, Uxbridge, UB8 1UW



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A search of Council records indicates that express planning permission has neither been sought nor approved for the outbuilding. Accordingly, it is considered that the outbuilding you have constructed is an unauthorised development.

Two options are now available to you:

1. Demolish the outbuilding. OR;
2. Submit a retrospective planning application in an attempt to keep the 'as built' building.

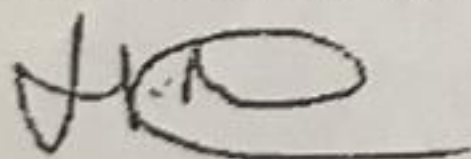
However, **no** inference should be drawn from this correspondence that any such application will necessarily be successful.

If no course of action is taken within the next **21 days**, the Council may, without further correspondence, consider the expediency of taking formal enforcement action under Section 172 of the Town and Country Planning Act 1990 (as amended). This may result in the matter being referred to the Central & South Committee seeking Members' authority to issue an enforcement notice. Failure to comply with the requirements of an Enforcement Notice(s) is a **criminal offence**, which if convicted upon indictment renders the party liable to an unlimited fine.

Kindly note that in accordance with current policy, should the matter not be resolved to the satisfaction of the Planning Services, then all registered parties with a proprietary interest in the site at **50 Moray Avenue**, including any Mortgage provider and the Land Charges Department, will be notified of the current unauthorised development, which will be disclosed during any subsequent Land Searches relating to any proposed sale, letting and/or re-mortgaging of the property or land.

Your co-operation is sought to resolve this matter without the Council needing to instigate enforcement notice proceedings and therefore urge you to comply with the advice in the time stipulated. However, should you have any queries, please do not hesitate to contact me on the telephone number below.

Yours sincerely,



Mr H Nar
Planning Enforcement Officer

Planning Enforcement Team
Residents Services
Telephone. 01895 25 0230 Facsimile. 01895 277595
www.hillingdon.gov.uk
London Borough of Hillingdon,
Civic Centre, High Street, Uxbridge, UB8 1UW



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Building Control Surveyors & Corporate Approved Inspectors

FINAL CERTIFICATE

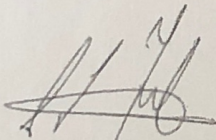
BCP/17/24730

The Final Certificate is issued pursuant to Section 51A of the Building Act 1984 ('the Act') and the Building (Approved Inspectors etc.) Regulations 2010 ('the 2010 Regulations').

To: London Borough of Hillingdon Council Building Control Dept Civic Centre High Street Uxbridge UB8 1UW

- 1) This certificate relates to the following work: Erection of Outbuilding, 50 Moray Avenue Hayes UB3 2AX.
- 2) We are corporate approved inspectors and the work described above was the whole of the work described in an initial notice given by us and dated the 12 October 2017.
- 3) The work does not concern a new dwelling.
- 4) The work described above has been completed and we have performed the functions assigned to us by regulation 8 of the Regulations.
- 5) A Final certificate has now been issued in respect of all the work described in the initial notice referred to in item 2 above.
- 6) Copies of the notice of approval and of the declaration of insurance relevant to the work described in this notice are on register kept by the body designated under regulation 3 of the Regulations.
- 7) The work is minor work.
- 8) We have had no professional or financial interest in the work described above since giving the initial notice described in item 2.
- 9) This certificate is evidence (but not conclusive evidence) that the requirements specified in it have been complied with.

Signed:



S P Frost MBEng, MIAS

Managing Director

For and on behalf of Building Control Partnership Ltd

Date: 19 March 2018

Notes and conditions

The final certificate is issued subject to any conditions or certificates of compliance required to be provided to the approved inspector before the expiry of the time periods referred to in the regulations or notice issued by the approved inspector.

The final certificate is served on the relevant local authority an original is also provided to the person named on the Initial Notice referred to above and or their agent, this and any supplementary certificates, plans and documents, should be maintained with the properties documents, provision of copies will incur an administration fee.

The final certificate relates to the specific work contained in the description of work in item (1) or if the project was a part or phased project to that part or phased described. If a local authority has reason to believe work not relevant to that described has been carried out without a further or alternative permission, they may instigate enforcement procedures against persons undertaking such unauthorised work. We will provide, if requested to do so and are reasonably persuaded by the local authority's arguments, such information as we deem necessary for compliance with the law.

The final certificate is issued for the purposes of the building regulations only, and does not infer or give any approval of any additional civil or statutory requirement, such as planning permission, party wall agreements, easements, trespass or the like.

