
Appeal Decision

Site visit made on 20 January 2020

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 January 2020

Appeal Ref: APP/R5510/X/19/3226225

5 Friar Road, Hayes, UB4 9BY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Angela Daniel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74451/APP/2019/90 dated 9 January 2019 was refused by notice dated 26 February 2019.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is single storey out building for use a playroom/gym/home office.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

Main Issue

2. I consider the main issues in this case are whether the proposed outbuilding can be considered to be 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 (GPDO) and would represent a development required for a purpose incidental to the enjoyment of the dwellinghouse at 5 Friar Road and whether the Council's refusal on this ground was well-founded.

Appeal site and proposals

3. The appeal site is a semi-detached 3 bedroom house in a street of similar properties. It has a garage at the side of the plot and a rear garden where it is proposed to build the structure for which the LDC is sought. The building would have a flat roof and measure about 7m wide by about 5.1m deep and be 2.5m high. It would be located at the rear of the plot, where it would occupy the full width. It would have a cubicle with a WC and washbasin in one corner and a pair of glazed doors with glazed side panels in the front elevation. It is shown as being constructed of cavity brickwork to match the main house.

Reasons

4. Although the proposed outbuilding would meet the size limitations set by the GPDO the Council refused the application because it is concerned that the building would be overly large when compared to the combined footprint of the main house and existing garage and disputes whether it could be reasonably '*required for purposes incidental the enjoyment of the dwelling house as such*' which is the criterion set by Schedule 2, Part 1, Class E of the GPDO.
5. Since the application was refused and the appeal was lodged, the appellant has given more detail about her reasons for requesting a building of this size. She explains that her family had always hoped for a property where they would have room for a playroom, gym and a home office, but that properties of that size were beyond their financial budget. The house at Friar Road has sufficient space in the rear garden for additional accommodation to be provided and the proposed building would be used for these purposes as well as providing additional space for her husband's musical hobby of playing keyboards.
6. She notes that her husband often works from home and needs an office for this purpose and that his music can be disturbing when taking place in the house, especially if her children are trying to do their homework.
7. Given these intended purposes, the building would not, to me, appear overly large for the stated purposes and that the existing garage would not be big enough to accommodate them, even if it were not to be used for its original purpose. The proposed uses of the building would all need different equipment and it does not seem unreasonable to me that the appellant wants a separate space for these activities outside the main house. Her statement makes clear that she is well aware that the building cannot be constructed to be a separate residential unit.

Conclusions

8. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of a single storey out building for use a playroom/gym/home office was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Katie Peerless

Inspector

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 9 January 2019 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The building as shown on the submitted plans numbered 1875/01A and 02 would meet the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015

Signed

Katie Peerless
Inspector

Date

Reference: APP/R5510/X/19/3226225

First Schedule

A single storey out building for use a playroom/gym/home office

Second Schedule

Land at 5 Friar Road, Hayes, UB4 9BY

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Lawful Development Certificate dated:

by Katie Peerless Dip Arch RIBA

Land at: Land at 5 Friar Road, Hayes, UB4 9BY

Reference: APP/R5510/X/19/3226225

Scale: NTS

