



Appeal Decision

Site visit made on 10 February 2020

by Roy Curnow MA BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal Ref: APP/R5510/X/19/3232993

191 Long Lane, Hillingdon, Uxbridge UB10 9JW

- 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 Mr Jazz Sidhu against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 22022/APP/2019/205, dated 18 January 2019, was refused by notice dated 18 March 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 erection of an outbuilding in the rear garden to create a snooker room for use incidental to the enjoyment of the existing dwellinghouse.
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Decision

1. The appeal is dismissed.

Reasons

2. Class E of Part 1 of Schedule 1 to the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out, amongst other things, the permitted development regime for the erection of an outbuilding within the curtilage of a dwellinghouse. In essence, this is a two-fold process.
3. It sets out a number of criteria that the proposed building would have to comply with, relating to matters such as its size, position and whether the dwellinghouse is located in certain designated areas, (what might be termed 'the physical tests'). From the evidence before me, I find that the proposed building meets the physical tests.
4. The other part of the process is that the proposed building should be required for a purpose incidental to the enjoyment of the dwellinghouse. As with the physical tests, the onus lies with the applicant to show this basic requirement is met.
5. Amongst other things, Drawing 19/3233/2 presents an interior floor plan of the proposed building. This shows a single room, with a full-sized snooker table at its centre. Between the sides of the table and the building's side walls there would be a gap of about 2m. This is a generous cueing space and in excess of the minimum distance referred to by the appellant. Whilst this space would allow for people to circulate behind persons cueing, I am not persuaded that this is reasonably required in a domestic snooker facility.

6. The gaps between the ends of the table and the building's end walls would be far larger. At one end, the plan shows several chairs and tables. Whilst the provision of a sitting area is reasonable, in the context of a domestic snooker room what is proposed would be significantly larger than what might be referred to as reasonably required. At the other, the building's entrance doors would open inwards to a large open space in front of the table. The evidence presented does not show why such a large space would be required there, nor why outward opening, or sliding, doors could not be used.
7. Reference was made to various snooker authorities' recommended space standards, including a webpage of the Government of Western Australia. No further details were submitted, however. As such, I am not able to apply them in the context of a domestic snooker facility. In any event, I must have regard to what is proposed.
8. I have taken the popularity of snooker, the appellant's enjoyment of it, the distance to the nearest snooker centre, his preference to play at home and the lack of space within the main house for a snooker table into consideration. Notwithstanding this, the evidence presented does not show that the design and size of the outbuilding proposed is reasonably required for the proposed use. I find that what is proposed, as a matter of fact and degree, to be of a scale that would not be 'incidental' to the dwellinghouse use.

Conclusion

9. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of an outbuilding in the rear garden to create a snooker room for use incidental to the enjoyment of the existing dwellinghouse was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Roy Curnow

INSPECTOR