



Appeal Decision

Site visit made on 2 September 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/J0350/X/20/3249567

32 Langley Road, Slough SL3 7AD

- 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 Dean Jalaf against the decision of Slough Borough Council.
 - The application Ref P/02498/006, dated 12 November 2019, was refused by notice dated 9 January 2020.
 - 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 an outbuilding with a flat roof to form a home gym room with a garden furniture store/workshop room and a WC.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant suggests that the proposed outbuilding would be lawful by reason of the planning permission granted under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This enables the construction of buildings etc. incidental to the enjoyment of a dwellinghouse. I understand that the Council do not dispute that the building would fall within the size criteria of the GPDO, including in relation to its distance from the property boundaries. I see no reason to disagree with their conclusions in this regard. Nevertheless, the Council suggest that, due to the size and proposed use of the building, it would not be incidental to the dwellinghouse as required by the GPDO.
3. Therefore, the main issue in this appeal is whether the Council's decision to refuse to grant an LDC was well-founded, taking account of the use of the outbuilding.

Reasons

4. Where an LDC is sought the burden of proving relevant facts rests with the appellant and the test of the evidence is on the balance of probability. The evidence to support the application should be precise and unambiguous.
5. The dwelling at 32 Langley Road is a large detached dwelling with an extension to the rear. It has a long rear garden that contains an existing outbuilding used as a garage or store and modest covered area to the rear that is shown as a

BBQ area on the plans. The proposal is for an outbuilding with three rooms including WC. The largest of the rooms is proposed to be used as a gym, with storage and hobby workshop in the adjacent room. Access to the building would be through bifold doors into the gym, with the other room and WC accessed from it.

6. The appellant has submitted details of the equipment intended to be installed in the gym. There is a significant amount of equipment and some of it is of substantial size, but the information submitted suggests the size of this room is not excessive for the purposes proposed. I note that a previous proposal indicated a smaller gym and the reason for the change in size is not clear.
7. The application form and plans suggest that the second room would be used for storage of garden furniture and a hobby workshop. However, in the appeal the appellant has listed a number of other items, such as dry food, to be stored in the second room. In addition, it would be used as a hobby room with space for a table and chairs and play space. Consequently, there is some inconsistency as to what would be stored in the room. As access is through the gym, storage of garden furniture may be impractical.
8. It is not unreasonable to provide WC facilities for users of the gym or hobby workshop, although this room is also quite large for this purpose. I note that the Council suggest that the building would be of a size to comply with the Nationally Described Space Standard for a 1 bedroom 2 person dwelling.
9. Taking account of all of this information, I consider the evidence is not precise and unambiguous. As such, it indicates that the building is more than can be considered as incidental to the dwelling.
10. Taking account of the existing garage or store building and the covered BBQ area, the proposals would result in outbuildings of considerable size in comparison to the main dwelling. As a result, on balance I consider that visually they would not appear ancillary or subordinate to the dwellinghouse. I conclude that, on the balance of probability, the use of the building would not be incidental to the dwellinghouse.
11. 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 the proposed outbuilding with a flat roof to form a home gym room with a garden furniture store/workshop room and a WC was well-founded and that the appeal should fail. I will exercise the powers transferred to me under section 195(3) of the 1990 Act as amended.

AJ Steen

INSPECTOR