



Appeal Decision

Site visit made on 16 September 2021

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/R5510/C/20/3257407

25 The Chase, Eastcote, Pinner, HA5 1SJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Darren Walsh against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The enforcement notice was issued on 2 July 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey rear outbuilding.
 - The requirements of the notice are (i) demolish and remove the single storey rear outbuilding, (ii) remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the demolition works.
 - The period for compliance with the requirements is 3 calendar months.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

The appeal on ground (c)

2. The appeal property is a substantial detached house which has recently been extended. The outbuilding which is the subject of the notice is a single storey, flat roofed structure, sited in the rearmost part of the large, rear garden. It occupies virtually the whole width of the garden and has an 'L' shaped forward projection which partly encloses an outdoor terraced area.
3. The appellant submits that the outbuilding is permitted development under the terms of Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 [GPDO]. This allows the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such, subject to a number of limitations.
4. The Council accepts that the building meets all the siting, dimensional and other criteria listed in para.E.1 (a) to (j) and that para.E.2 does not apply. However, it submits that the size and scale of the building in relation to the original dwellinghouse, and its subdivision into separate rooms, indicate it is not subordinate to, and not incidental to, the use of the dwellinghouse.
5. In terms of its size, the building has a footprint of some 60 sq.m., significantly smaller than that of the original dwelling and much smaller than that of the

dwelling in its presently extended form. It occupies a small proportion of what is a large garden and has been dug into the ground to keep it as low as possible. In this context, I do not consider it of disproportionate size or scale.

6. The interior of the building is subdivided to form a bar area, w.c. and shower rooms and a gymnasium. Each of these rooms is suitably fitted out for its intended purpose and I see little to support the Council's contention that this layout is more akin to that of a self-contained residential unit. The nature of the fixtures and fittings indicates to me that the building is indeed used for its designed purposes and in my view such uses are incidental to the enjoyment of the dwellinghouse as such, rather than being for primary residential purposes.
7. In the light of the above findings, I conclude that the building is permitted development and that planning permission is granted under the terms of the GPDO. As such, there is no breach of planning control and the appeal on ground (c) succeeds. Accordingly, the enforcement notice will be quashed.

B.S. Rogers

Inspector