



Appeal Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/F5540/X/24/3337640

25 Arundel Road, Hounslow TW4 6HR

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr N Sharma against the decision of the Council of the London Borough of Hounslow.
 - The application ref 00046/25/LAW4, dated 29 September 2023, was refused by notice dated 16 November 2023.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is outbuilding at rear of garden.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed operation which is found to be lawful.

Preliminary Matters

2. Determination of the appeal requires an assessment of the proposed development against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). The proposed development is shown on drawings submitted with the application. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 25 Arundel Road is a two-storey semi-detached dwelling with a paved forecourt parking area and a rear garden. The proposed outbuilding would be located at the rear of the rear garden.
4. Under Class E of Part 1 of Schedule 2 of the GPDO the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse is permitted development, subject to limitations set out in paragraph E.1. The Council does not dispute that the proposed outbuilding would be built in the curtilage of the dwellinghouse and that it would comply with the limitations of paragraph E.1. They claim, however, that the outbuilding, "Due to an excessively large footprint..." would not be for a purpose incidental to the enjoyment of the dwellinghouse.
5. The judgement in *Emin v SSE [1989] JPL909* confirmed that regard should be had not only to the use to which the building would be put, but also to the nature and scale of that use in the context of whether it was for a purpose incidental to the enjoyment of the dwellinghouse. The physical size of the building in comparison to the dwelling might be part of that assessment but is not in itself conclusive. The fundamental question is whether the building is genuinely and reasonably required or necessary to accommodate the proposed use and thus to achieve the intended purpose.

6. The proposed outbuilding would be, internally, 4.3 metres deep and 10 metres wide. It would be subdivided into two rooms; garden storage and a gym/playroom. The garden storage room would be 3 metres wide and is reasonably required to store items of garden equipment such as chairs and tools for use in the garden, which would remain an adequate size for the property. The gym/playroom would be 6.9 metres wide and would be fitted with gym equipment and a pool table. These activities are not unusual in a domestic setting but do require a room of sufficient size. The gym/playroom would be no larger than necessary and reasonably required for its intended purpose. The outbuilding, furthermore, would have no sanitary accommodation so its use would be reliant on these facilities being available in the dwelling.

7. The proposed outbuilding would be commensurate in size to the dwellinghouse and would be necessary to accommodate the proposed uses. It is for purposes incidental to the enjoyment of the dwellinghouse and would therefore be development permitted under Class E of Part 1 of Schedule 2 of the GPDO.

8. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for outbuilding at rear of garden at 25 Arundel Road, Hounslow was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

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 29 September 2023 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations are development permitted under Class E of Part 1 of Schedule 2 of the GPDO.

Signed

John Braithwaite

Inspector

Date: 30 October 2025

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First Schedule

Outbuilding at rear of garden

Second Schedule

Land at 25 Arundel Road, Hounslow TW4 6HR

IMPORTANT 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 operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any 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: 30 October 2025

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Land at: 25 Arundel Road, Hounslow TW4 6HR

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Scale: Not to Scale

