

SECTION '2' – Applications meriting special consideration

Application No : 17/03391/PLUD

Ward:
**Bromley Common And
Keston**

Address : 2 Barnet Wood Road Hayes Bromley
BR2 8HJ

OS Grid Ref: E: 542019 N: 165662

Applicant : Mr Singh

Objections : NO

Description of Development:

Detached garden unit at the rear of the property for games room/bar and lounge area

LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

The application seeks a lawful development certificate for a proposed detached garden unit at the rear of the property for games room/bar and lounge area.

An additional supporting statement with regards to the use of the building was submitted on 09.10.17 indicating that the building will be used solely as a games, gym, play, bar room for leisure activities only, and that it will be for entertaining the family and friends of the owners of the property.

The applicant has stated that they feel that the new building is a reasonable size in comparison to the size of the existing house and the size land of which it sits in, and that the games room facilities cannot be used in the main part of the existing house, so there needs to be this extra building to accommodate and enjoy such activities.

Location and Key Constraints

The application site comprises a two storey detached dwellinghouse located on the northern side of Barnet Wood Road, Hayes, Bromley. The property is located within Green Belt land, but does not within a conservation area and is not listed.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Any further comments received will be reported verbally at the meeting.

Planning Considerations

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

Planning History

The planning history of the site is summarised as follows:

Under ref: 69/02131 planning permission was granted for the extension to the existing garage.

Under ref: 82/02908 planning permission was granted for a two storey rear extension.

Under ref: 02/03507/FULL1 planning permission was granted for a two storey side extension.

Under ref: 15/00903/FULL6, planning permission was refused for a Part one/two storey rear extension, single storey side and single storey front extensions and open porch at front.

Under ref: 17/01633/ELUD, a lawful development certificate was granted for an existing single storey side extensions for use as garage, store room, utility room/boiler room and annexe/gym.

Conclusions

The application requires the Council to consider whether the proposal would comply with the limitations/conditions of Class E (a) of the GPDO which relates to the provision within the curtilage of the dwellinghouse of any building or enclosure for a purpose incidental to the enjoyment of the dwellinghouse.

The single storey detached outbuilding would comply with Class E.1 of the legislation with regards to the following;

- o The property is a single dwellinghouse and has not benefitted from any change of use under class M, N, P or Q.
- o As a result of the works, the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would not exceed 50%

- of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
- o No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
 - o The building would not have more than one storey.
 - o The building would be 4 metres in height and have a dual-pitched roof, and be situated at least 2 metres from each boundary.
 - o The height of the eaves of the building would not exceed 2.5 metres.
 - o The building would not be situated within the curtilage of a listed building.
 - o The building does not include the construction or provision of a veranda, balcony or raised platform
 - o The building would not relate to a dwelling, in that it would be an outbuilding, and will not have a microwave antenna.

In addition to the above, Class E makes clear that the building must be used as incidental to the enjoyment of the main dwellinghouse.

The proposal would be substantial in size and scale covering an area of 64sqm. Although the size of the outbuilding in isolation cannot be used as a conclusive reason to refuse a Certificate, the Council must assess the proposal as a matter of fact and degree. The Council must ask the question as to whether the proposed building is genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose whilst remaining incidental to the enjoyment of the dwelling.

It is a matter for the applicant to demonstrate what incidental purposes they intend to enjoy and the reasonable requirement for such a large building. The submitted drawing indicates that the building will be used as a games area, bar area and lounge area. In addition, the supporting statement received 09.10.17 also indicates use as a gym and play room, as well as bar and games room. The applicant states that the outbuilding will be for leisure activities only which cannot be accommodated within the main dwelling. The building does include a bathroom.

The Permitted development rights for householders Technical Guidance document states that Class E allows, "subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen."

The proposed building would provide very spacious accommodation. The applicant states that they cannot provide the leisure uses within the main dwelling. However, there is little justification provided as to why it is reasonably required to provide such a large space within the rear of the garden, some 24m from the rear of the main dwelling, for a combined games room, gym, bar, play room and lounge with bathroom. It is considered that the space given over to these uses are somewhat over-generous, and significantly greater than might reasonably be required.

Furthermore, given the size of the main house, uses such as a play/games room and lounge, may be seen as primary living accommodation which could be accommodated within the main dwelling, and would not be seen as incidental to enjoyment of the dwellinghouse.

Therefore, it has not been adequately demonstrated that the amount of space provided, and intended uses, are reasonably required and that the uses could reasonably be accommodated in rooms of more modest proportions. Therefore, it is considered that the size of the proposed building is an indicator that its uses are unlikely to be ancillary or subordinate to the main use of the building as a dwellinghouse.

Taking the above into account, it is considered that the proposed building would not be incidental to the enjoyment of the main dwellinghouse, and furthermore that the uses proposed do not reasonably require a building of the size and scale proposed. Therefore the Council considers it reasonable in this case that the proposed outbuilding would not comply with Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore the Certificate should be refused.

RECOMMENDATION: CERTIFICATE BE REFUSED

- 1 The proposal, as submitted, would not constitute permitted development under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the proposed outbuilding would be excessive in size and the uses proposed would not be incidental to the enjoyment of the main dwellinghouse.**