

2 Sheringham Avenue Planning Statement

December 2024

Purpose of this statement

This Planning Statement has been prepared by Resi Design LTD as part of a Certificate of Lawful Development submission to Richmond Upon Thames. This statement is in support of the construction of an outbuilding at 2, Sheringham Avenue, Twickenham, TW2 6AW.

The proposed scheme falls under and complies with the legislation set forth within - SCHEDULE 2, Permitted development rights, PART 1, Development within the curtilage of a dwellinghouse, Class E - buildings etc incidental to the enjoyment of a dwellinghouse

The Proposal

The proposed outbuilding shall sit to the rear of the garden and measure approximately **32 sqm** in area externally. It shall be a maximum of 2.5m in height. The existing garden space not including the footprint of the dwelling is **332 sqm**, and the proposed rear garden space not including the land around the outbuilding (side paths etc) is 292 **sqm**. Over **87.95%** of the garden space will be retained.

The proposed outbuilding will contain an office, server room and a store. Each space has been specifically designed to be the correct size for its purpose.

Office Space

The office room has been specified to serve the everyday needs of the client- the current dwelling doesn't offer sufficient space for this.

Storage

The outbuilding will also include a storage/utility room for general household and garden equipment storage.

Hobby Room

The outbuilding will be also used as a hobby space including, 3D printing, milling, laser cutting, woodworking, painting and similar activities. Some of these activities will produce vapour and smells, that would benefit a separate area detached from the main house.

Incidental Use

Prior to considering the proposal under the relevant paragraphs of Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, it is first necessary to determine whether the outbuilding is required for a purpose incidental to the enjoyment of the dwellinghouse as such.

Case Law

There is no statutory definition of the word “incidental”. However, case law provides authority for how this should be interpreted by decision makers. These authorities indicate that **games rooms, playrooms and utility areas** are capable of being a type of use that is incidental to the enjoyment of a dwellinghouse.

The leading case of *Emin v SSE* [1989] it was held that it was wrong to conclude that an outbuilding could not be said to be required for a use reasonably incidental to the enjoyment of a dwellinghouse as such because it would provide more accommodation for secondary activities than the dwelling provided for primary activities. Nevertheless, the test must retain an element of objective reasonableness and should not be based on the unrestrained whim of an occupier: *Wallington v SoS for Wales* [1990]; *Holding v FSS* [2004]; *Croydon LBC v Gladden* [1994].

Conversely, a hard objective test should not be imposed to frustrate the reasonable aspirations of a particular owner or occupier so long as they are sensibly related to the

enjoyment of the dwelling. These judgements and the findings therein serve to illustrate that with each case it is a matter of fact and degree based on the particular circumstances: *Peche d'or Investments v SSE* [1996].

Reasonably Required

The courts have held that the word 'required' in this context should be interpreted to mean 'genuinely and reasonably required or necessary in order to accommodate the proposed use or activity'. Therefore, in addition to complying with the above criteria of Class E, it is for the applicant to also show that what is proposed is genuinely and reasonably required or necessary for a purpose incidental to the use of the dwellinghouse. The onus of proof, on the balance of probabilities, is on the applicant.

The Legislation

The proposed completely complies with the legislation, this will be explored below in detail.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of the dwellinghouse of–

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

- The proposed constitutes a building incidental to the use of the dwellinghouse and sits within its curtilage.**

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Permission was not granted by any of the above virtues.

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed indicates a 12.05% decrease from 332 sqm to 292 sqm

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The outbuilding is proposed in the rear garden

(d) the building would have more than a single storey;

The building will have a single-storey

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

The building will be a maximum of 2.5m in height with a flat roof

(iii) 3 metres in any other case;

(f) the height of the eaves of the building would exceed 2.5 metres;

The building will be a maximum of 2.5m in height with a flat roof

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The existing dwelling is not listed

(h) it would include the construction or provision of a verandah, balcony or raised platform;

There will not be a verandah, balcony or raised platform

(i) it relates to a dwelling or a microwave antenna; or

It does not relate to the above

(j) the capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The land is not within any of the above designated areas.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Conclusion

It is clear based on the proposed drawing package and the appraisal above that the proposed outbuilding should be supported. It complies with the Legislation completely and its use has been demonstrated as incidental to the main dwellinghouse.