

Planning Department
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley
BR1 3UH

19 October 2023

OUR REF: JA/23/55

Dear Sirs,

**SUBMISSION OF A LAWFUL DEVELOPMENT CERTIFICATE APPLICATION FOR A
PROPOSED DETACHED OUTBUILDING FOR USE INCIDENTAL TO THE ENJOYMENT
OF THE DWELLINGHOUSE AT**

MARSTON, STONEHOUSE ROAD, ORPINGTON, TN14 7HW

On behalf of the applicants, Mr & Mrs Balint, we enclose a revised application for a Lawful Development Certificate for a proposed replacement detached domestic outbuilding at the above address.

This follows the submission of LDC application ref: 23/02894/PLUD for a similar building. The application for a certificate was refused on the basis of a lack of detail around why the building is genuinely and reasonably required as an ancillary residential outbuilding. The council's conclusion on the earlier application was that "*Therefore, on the balance of probabilities, it is not considered that the proposed building is required for a purpose incidental to the enjoyment of the dwellinghouse*".

This application seeks to provide further detail and clarification around the purpose of the proposed building, as well as justification for the need for its overall dimensions and layout.

Please find enclosed the following documents:

- Completed and signed application form;
- Site Location Plan, Existing & Proposed Elevations and Floorplan drawing ref: 5921-23-PD001 - Rev P2;

The appropriate application fee has been paid via the Planning Portal upon submission of the application.

The application site comprises a detached property on the eastern side of Stonehouse Road, Downe. The property is located within the Green Belt but is not located within a designated conservation area. The host building is neither statutory nor locally listed.

Using the property's Class E Permitted Development rights, the applicant wishes to erect a single storey replacement outbuilding for use solely by the applicants who reside at the property.

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 General Permitted

Development Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

ASSESSMENT

The proposal is considered to be Permitted Development for the following reasons:

- The use of the dwellinghouse as a dwellinghouse has not been granted via use of Class M, N, P or Q of the Order
- The total area of land covered would not exceed 50% of the curtilage
- The garage would not be situated on land forward of the principal elevation
- The garage would be single storey
- The garage would be set a minimum of 2.0m from the site boundaries and the height of the garage would not exceed 4.0m (3.85m actual height)
- The height of the eaves would not exceed 2.5m (2.4m actual height)
- The enclosure is not within the curtilage of a listed building
- The proposal does not include provision of a veranda, balcony or raised platform
- The site is not within article 2(3) land
- The building will be used for purposes incidental to the enjoyment of the dwellinghouse

The term 'incidental' has become interchangeable in its use with the term 'ancillary'. However, Section 55(2)(d) of the Act and Part 1 Class E of the GPDO specifically use the term 'incidental'. It was the question of the 'genuine and reasonable' need for the building which the council which the council queried.

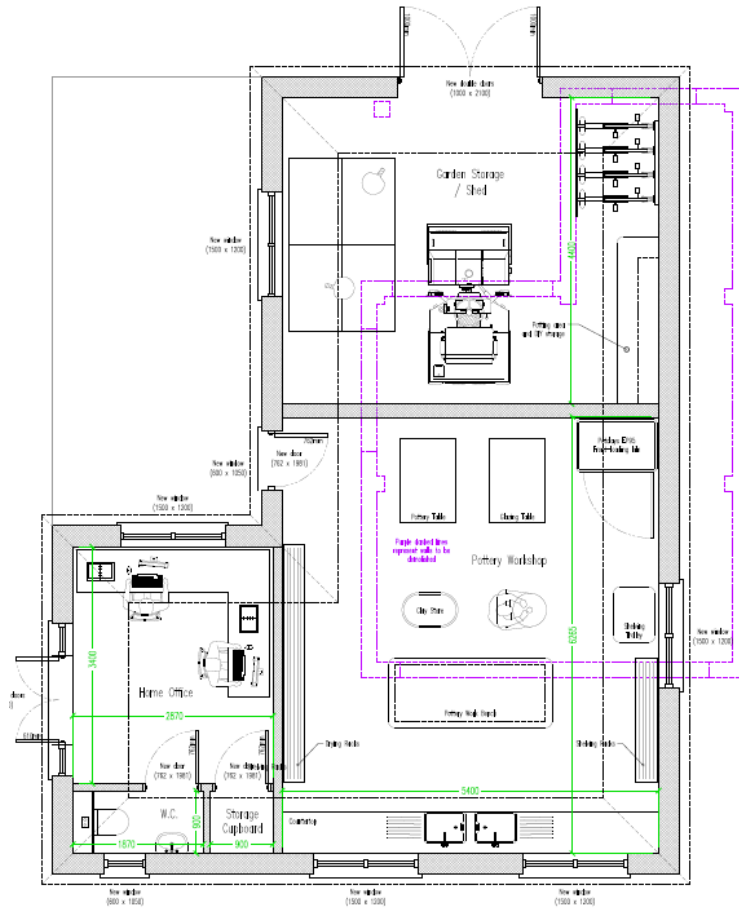
The councils comments under refusal ref: 23/02894/PLUD

The previous application was for a building of the same dimensions and location, with the council acknowledging that "...*the proposed building would be single storey and would comply with the size limitations set out in GPDO...*". However, there were concerns that "*very limited information has been provided to indicate that the outbuilding is of a scale that is genuinely and reasonably required to achieve the stated purposes*".

In this case, Mr & Mrs Balint require a replacement garage/workshop building and space for a home office. The proposed building will provide a suitable space within which will be incorporated a home office, space for the storage of garden tools, ride on lawnmower, general domestic storage, etc and a space for Mrs Balint to undertake her hobby of ceramics/pottery. This includes the required space for a kiln, work benches, glazing table and shelving/storage areas which are required for the purposes of pottery activities. The plans have been updated to include specific details of the layout of the building, in response to the councils comments.

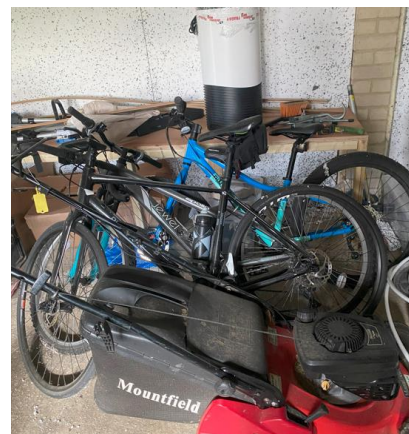
The office area is to be used as a home office by Mr and Mrs Balint when home working. This is clearly an incidental use and is similar to many thousands of examples of home offices across the Borough. The Covid pandemic has made home working commonplace, and the applicants require a suitable space in order to work from home on occasion.

The plans indicate two desks, a storage cupboard and a small toilet area given that the office is detached from the main house.

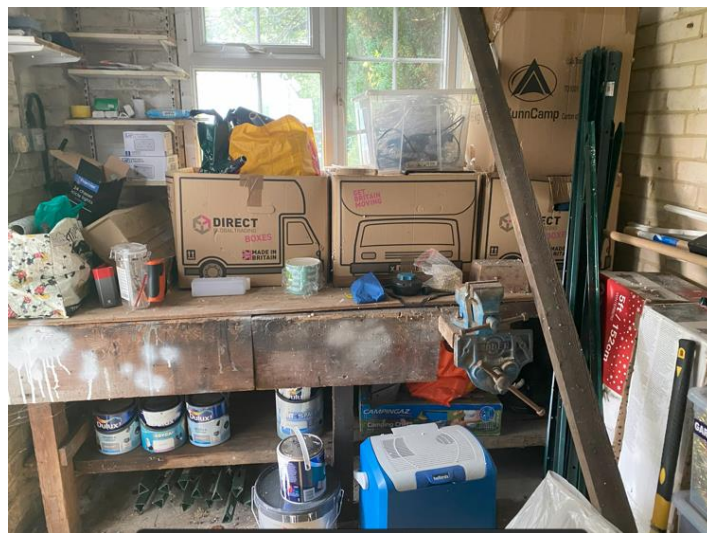
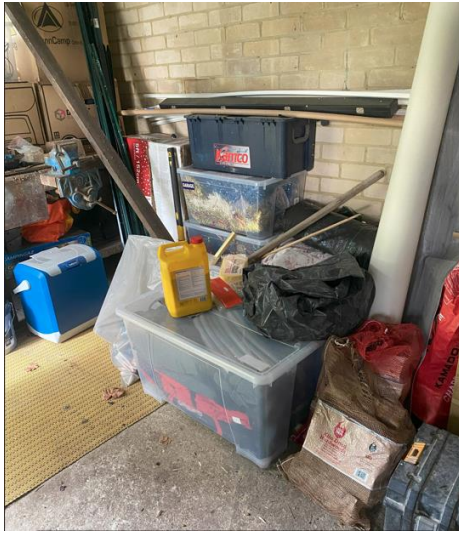


Proposed internal layout of the building

The garden storage/shed area will be used for the storage of gardening equipment, space for the storage for 4 adult bikes, a 'ride-on' mower and smaller mower and other power gardening tools. Space is required for the storage of a table tennis table for use by the applicants, as well as space for general domestic storage such as Christmas decorations, camping equipment and tools in connection with home DIY. I have included below images of the items to be stored in the building; these are all perfectly reasonable items to be stored in a domestic outbuilding.



Ride-on lawnmower, bikes and garden tools to be stored



General domestic storage, table tennis table and workbench/tools

Mrs Balint is a keen potter and wishes to accommodate her hobby with a bespoke area outside of the main house. Her pottery hobby requires a certain amount of space, with suitable room around items such as a small kiln and pottery wheel, as well as storage space, drying/glazing area and drying racks. This requires a suitable space for workbenches (one for handbuilding, one for glazing and one for the clay press machine), storage area for clay and materials, and a sink area with a clay collection unit. Mrs Balint's hobby requires a certain amount of space, and this building has been designed with this purpose in mind.

The council previously stated that *"the supporting statement provides little evidence to explain why the outbuilding is required in addition to the existing outbuilding to the rear of the site"*. It should be noted that the existing garage building (which is to be demolished) is a building of approximately 33m². The other existing outbuilding on site is a glazed building/conservatory which is not fit for purpose and is also to be demolished.

The existing garage and the conservatory were built around 50 years ago. They are not fit for purpose anymore. Mrs Balint has been using the conservatory building in connection with her pottery activities (see images below), but the building is not suitable in terms of size and design. The building is not overly secure and is not fit for purpose. The lack of running water and extremes of temperatures (some of the clay objects that have been stored have cracked in colder temperatures overnight) are such that it is not a viable space to use for this purpose. Items that are currently being stored in the garage are becoming mouldy/damaged as it is not insulated properly.



Items currently being stored in the conservatory are being damaged by extreme temperature changes

The garage and conservatory buildings are to be demolished before the new outbuilding is constructed. Therefore, while the proposed building is reasonably large it is to replace two existing buildings which cumulatively measure over 51m².

In the case of Class E buildings, Permitted Development rights extend to buildings which are required for a purpose “*incidental to the enjoyment of the dwellinghouse as such*”. The Council will be aware (and previously acknowledged) that ancillary or incidental outbuildings are not distinguished by scale; the essential feature is that there must be some functional relationship

between the ancillary building and the primary use of the site. This functional relationship must also be one that would normally be found, although it is not sufficient to examine solely the physical characteristics or dimensions of a proposed ancillary residential outbuilding.

The councils previous assessment acknowledged that “*The stated purpose of the outbuilding as an office (with toilet), workshop and storage room are all capable of being incidental to the enjoyment of the dwellinghouse*”. There was a question mark, however, over the precise need for a building of this size and design, which this revised application duly provides.

In summary, therefore, there is a clear functional relationship between the main house and the proposed building, and a use which is clearly incidental to the enjoyment of the dwellinghouse.

CONCLUSION

In light of the foregoing, it is considered that the proposed outbuilding constitutes development permitted by virtue of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Accordingly, a Lawful Development Certificate should be granted.

We trust you have all of the necessary information such that our clients’ application can be registered and determined. However, should you require any further information, please do not hesitate to contact me in the first instance.

Yours faithfully,

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