

James Argles

From: Planning Support
Subject: FW: Comment Received from Public Access

Application Reference No. : HGY/2022/2719
Site Address: 2 Woodside Avenue London N6 4SS
Comments by: Valerie Wuttke
From:
2
Lanchester Road
Highgate
London
N6 4TA

Submission: Objection
Comments: I am the owner of 2 Lanchester Road which directly borders the proposed development for an outbuilding.

I objected to the previous applications in 2018 and 2020 (HGY/2018/1235 and HGY/2020/0673) which were for a separate dwellinghouse, the latter of which was ultimately dismissed at appeal.

I understand that the current application is for a certificate of lawfulness for an outbuilding under Part 1 of the GPDO which allows for a building which is 'incidental to the enjoyment of the dwellinghouse'.

The proposed building measures 78sqm which is considered excessively large for a suburban location such as this. Indeed, that equates to the size of a 3 bedroom 4 person dwelling in terms of the National Technical Space standards.

The outbuilding includes a double garage which is on top of the existing parking to the front of the house, which accommodates several cars. The need for this level of parking is queried, particularly given that the previous single garage was rarely used. If the garage is to be used as a store it is queried why there is a need to double it in size compared to the previous one.

The proposed outbuilding also includes a gym which measures 23.5sqm, plus a large changing room. This seems large for a home gym and there is no information on how many machines etc the room will accommodate. The proposal also includes two WCs, where surely one in an outbuilding is sufficient if the building is incidental to the occupants of the house.

It is understood that the onus is placed on the applicant to demonstrate that the purpose is genuinely incidental to the enjoyment of the dwellinghouse.

The officer's report for a refused outbuilding at 105 Whittingham Road (ref: HGY/2017/2488) summarises the case law position and states:

'It was necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwelling and answer the question as to whether the proposed building was genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose. The phrase 'incidental to the enjoyment of the dwellinghouse as such' should not be interpreted on the unrestrained whim of the householder but, rather, connotes some sense of reasonableness in the circumstances of the particular case.'

The case at 105 Whittingham Road for a home gym and sauna was subsequently refused at appeal.

In respect of the provision of the two toilets an appeal decision from a case in Harrow (ref: APP/M5450/X/17/3167883) is appended to this objection. This appeal was for a much smaller building of 30sqm where the need for the use was not considered to have been sufficiently demonstrated. Importantly in this case, whilst it was considered that a toilet could be incidental to a home gym it was not considered that a toilet could be incidental to a home office (Paragraph 23). This indicates that the second toilet proposed for 2 Woodside Avenue is excessive and has not been sufficiently justified.

In conclusion I do not believe that the applicant has sufficiently justified the size of the proposed rooms, the need for additional garage space and the need for two WCs. As the burden is on the applicant to do this I urge you to refuse the application on this basis.

I also note that this parcel of land has been fenced off from the rest of the garden for several years. It is registered as a separate parcel of land and therefore capable of not being considered part of the curtilage of the existing house. I query the owners intentions given the previous applications for separate dwellings.

I will email separately some more relevant information