



Town and Country Planning Act 1990  
Section 78 Planning Appeal

# London Borough of Hillingdon Appeal Statement

**Appeal By:**

Mr R Shanmugalingam

**Proposal:**

Retention of single storey rear extension (Retrospective application).

**Appeal Site:**

95 Pinner Road, Northwood, HA6 1QH

Our Ref:  
Your Ref:

27283/APP/2023/1732  
APP/R5510/W/24/3347991

# 1. Introduction

1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission for the retention of single storey rear extension (Retrospective application).

1.2 The LPA refused planning permission on 10th June 2024 for the following reasons (as stated on the decision notice):

*1 The development would result in the provision of a habitable room with very poor levels of outlook, limited levels of natural daylight and sunlight and poor levels of privacy, which would fail to provide adequate living conditions for future occupiers. The development is therefore contrary to Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D6 of the London Plan (2021) and Paragraph 135f) of the National Planning Policy Framework (2023).*

*2 In the absence of a historic planning permission or lawful certificate, the proposed subdivision of the property into self-contained units has not been established. As such, the existing ground floor flats would provide an indoor living area of an unsatisfactory size and quality for the future occupiers of the proposed units and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policies DMH 4 and DMHB 16 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy D6 and Table 3.1 of the London Plan (2021) and the Technical Housing Standards – Nationally Described Space standard.*

1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement.

1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

## **2. LPA Comments on Appellant's Statement of Case**

- 2.1 In their statement of case, which is provided in Section H of the submitted Planning Appeal Form dated 12 July 2024, the appellant points to the following:
1. A certificate of lawfulness for the 'Retention of the subdivision of a single dwelling into 4 flats' which was refused under application ref: 27283/APP/2023/1723 and the decision has been appealed.
  2. A separate application for retrospective consent for the retention of outbuilding at rear of back garden, remains undetermined.
  3. Two reasons for refusal are given on the decision notice: 1) Poor outlook and internal planning; 2) established use of the flats and the rear extension
  4. The appellant states – 'whilst it is accepted that the internal layout is not ideal, it has nevertheless been in existence for in excess of four years notwithstanding the refusal'.
  5. The appellant states – 'The refusal by not mentioning the size of the rear extension thereby infers acceptance'.
- 2.2 Point 1 is noted. The rear extension subject of this appeal forms part of both of the two ground floor flats that the appellant is seeking to establish through the appeal of the above mentioned refusal of certificate of lawfulness. For clarity, there is no planning permission or lawful certificate on the site for the use of the property as self-contained residential units.
- 2.3 Point 2 is noted. For clarity, a previous application for the retention of the same outbuilding was submitted under application ref: 27283/APP/2023/1730. That application was refused. A subsequent planning application for the retention of the outbuilding in the rear garden has been submitted to the LPA under ref: 27283/APP/2024/2141 which is currently under consideration.
- 2.4 Regarding Point 3, for the Inspector's ease of reference, the reasons for refusal stated in the decision notice are detailed in paragraph 1.2 of this statement.
- 2.5 Regarding Point 4, it is noted that the appellant accepts that the internal layout is not ideal.
- 2.6 The application that is subject to this appeal is not a certificate of lawfulness for an existing development but rather a planning application that sought retrospective permission to retain the rear extension. The application was assessed in accordance with the development plan. If the appellant considers the development to be immune from enforcement action, they would be advised to submit a certificate of lawfulness for an existing development, at which time any relevant evidence can be considered.
- 2.7 In response to Point 5, an assessment of the impact of the rear extension on the character and appearance of the area and neighbouring amenity is provided in the case officer's report. The LPAs decision to refuse planning permission does not infer acceptance.
- 2.8 It is considered that the appellant's statement of case does not address the reasons for refusal. The Inspector is therefore respectfully requested to dismiss the appeal.

### 3. Other Matters

- 3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.

#### Prior approval fallback

- 3.2 In the supporting statement submitted with the planning application, the agent suggests that the extension would accord with the 6m rule under prior approval for a larger single storey extension. Comments are provided as this matter is not covered in the case officer's report.
- 3.3 In the first instance, householder permitted development rights are only applicable to single dwellinghouses. In this case, the site would not benefit from householder permitted development rights. Secondly, the site lies within an Article 4 direction which removes permitted development rights for extensions beyond the rear wall of the original dwelling house by more than 4 metres. Therefore, even if the site were a dwellinghouse, an application for prior approval of a 6metre deep single storey rear extension would not succeed. Finally, case law has established that residential 'prior approval' permitted development rights do not have retrospective effect.
- 3.4 For clarity, there is no permitted development fallback position.

#### Description of development and proposed plans

- 3.5 The submitted plans show the setting out of the building as four flats and the retention of an outbuilding in the rear garden; neither of which benefit from planning permission.
- 3.6 The submitted plans therefore show development that is not covered by the description of development of the appeal proposal.

## **4. Conclusion**

- 4.1 For the reasons set out in the delegated report and this statement, the appeal proposal would fail to provide adequate living conditions for future occupiers and give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers.
- 4.2 The appeal scheme conflicts with national, regional and local planning policies and guidance. The Inspector is therefore respectfully requested to dismiss the appeal.
- 4.3 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 3.

## **Appendices**

Appendix 1 – The LPA's Recommended Conditions

## Appendix 1 – The LPA’s Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the Officers delegated report, the Inspector is respectfully requested to dismiss the appeal.

In the event that the Inspector is minded to allow the appeal, the Council ask that the following conditions be considered for inclusion on any permission:

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SH/1 A, SH/3, and shall thereafter be retained/maintained for as long as the development remains in existence.

### REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

2 Notwithstanding the approved plans, within three months of the date of this decision notice, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

#### 1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

#### 2. Details of Hard Landscaping

2.a Refuse Storage

2.b Secure and sheltered cycle storage (including material finish and dimensions of those facilities, in line with Policy T5 of the London Plan 2021)

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including dimensions and positions of all proposed car parking spaces, visibility splays, cross over dimensions, and demonstration of requisite electric vehicle charging points in line with Policy T6 of the London Plan 2021)

2.e Hard Surfacing Materials

#### 3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

#### 4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

## REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality, provide adequate parking and provide adequate facilities for new residents in compliance with policies DMHB 11, DMHB 14, DMT 5 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies T5, T6 and G5 of the London Plan (2021).

## INFORMATIVES

1 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at [planning@hillingsdon.gov.uk](mailto:planning@hillingsdon.gov.uk). The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.