

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Report of the Head of Development Management and Building Control

Address: 13 NORWICH ROAD NORTHWOOD

Development: Change of use from Class C3 (Dwellinghouse) to Class C4 (Small Scale HMO), along with the erection of a single storey rear extension (Application for a Certificate of Lawful Development for a Proposed Development)

LBH Ref Nos: 38621/APP/2025/2825

Drawing Nos: BC-01
BC-03
BC-04
BC-05
BC-08
BC-09

Date Plans received: 07-11-25 **Date(s) of Amendments(s):**

Date Application valid 11-11-25

1. RECOMMENDATIONS

1.1 Recommendations

That a certificate of lawful use or development be **REFUSED** for the proposed development described above in respect of the land edged red on the attached plans for the following reasons:

The proposed change of use from a single family dwellinghouse (Use Class C3) to a small House in Multiple Occupation (Use Class C4) fails to accord with Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as there is an Article 4 Direction in place which removes permitted development rights for changes of use from Class C3 to Class C4. As such, the development requires planning permission. In the absence of planning permission, the proposal is unacceptable and is therefore refused.

The proposed single storey rear extension does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A, provisions A.1 (f)(i) and A.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal is not permitted development as the enlarged part of the dwelling house would extend beyond the rear of the original house by more than 3 metres and the height of the eaves of the enlarged part would exceed 3 metres within 2 metres of the boundary of the curtilage of the dwellinghouse. Accordingly, the application is refused and planning permission would be required.

This determination is based on your submitted plans. All measurements are taken from existing

ground level.

INFORMATIVES

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have informed the applicant of the changes implemented by the introduction of the Article 4 in December 2025, and offered the opportunity for withdrawal and a full refund of the fee. As this was not accepted by the applicant the Council is left in no position but to refuse this proposed certificate of lawful development in line with the requirements of the Article 4 Directions in place at the time of determination and the other reasons for refusal stated above.

2.0 Planning Considerations

The application seeks a Certificate of Lawfulness of Proposed Use or Development under Section 192 of the Town and Country Planning Act 1990 for the proposed change of use of the property from C3 (Dwellinghouse) to C4 (Small Scale HMO) along with the erection of a single storey rear extension.

The applicant contends that the proposed change of use and rear extension would be permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

Lawfulness of Existing Development:

Section 191 of the Town and Country Planning Act 1990 states:

- (1) If any person wishes to ascertain whether-
 - (a) any existing use of buildings or other land is lawful;
 - (b) any operations which have been carried out in, on, over or under land are lawful; or
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.
- (2) For the purposes of this Act uses and operations are lawful at any time if-
 - (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

Lawfulness of Proposed Development:

Section 192 of the Town and Country Planning Act 1990 states:

- (1) If any person wishes to ascertain whether
 - (a) any proposed use of buildings or other land; or
 - (b) any operations proposed to be carried out in, on, over or under land,would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Assessment:

Whilst planning permission has been granted under application ref. 38621/APP/2025/2132 (dated 6th October 2025) for a single storey rear extension, this permission has not been substantially completed and as such, the Council is required to consider the lawfulness of the proposed single storey rear extension against the GPDO. The decision to grant planning permission for the single storey rear extension is not material under the remit of consideration for a Certificate of Lawfulness submitted under Section 192 of the Town and Country Planning Act 1990 (relating to the lawfulness of a proposed development rather than an existing development). The question before the Council is limited to whether the physical works to the property would constitute permitted development and whether or not the change of use of the dwellinghouse from C3 to C4 represents permitted development.

The GPDO grants planning permission for certain forms of development described as "permitted development", subject to conditions, limitations, and exceptions.

Article 3(1) of the GPDO states:

"Permission is hereby granted for the classes of development described as permitted development in Schedule 2."

However, Article 3(4) of the GPDO makes clear that permitted development rights do not apply where they have been removed:

"Nothing in this Order permits development contrary to any condition imposed by any planning permission, or where permission is required by virtue of Article 4."

Schedule 2, Part 3 (Changes of Use) of the GPDO formerly permitted a change of use from C3 to C4 under Class L. However, even where such a right exists, it is expressly subject to Article 4 Directions. The GPDO provides that:

"Development is not permitted by Class if an Article 4 Direction is in force in relation to the development."

The Council formally adopted an immediate Article 4 Direction to remove permitted development rights borough wide, for proposals to change the use of a single family dwellinghouse (C3) to a small scale HMO (C4), on the 11th December 2025.

The application was accepted on 11th November 2025 which although submitted prior to the adoption of the immediate Article 4 Direction, the fact that the application seeks confirmation that the proposed works would not require the benefit of full planning consent means that the change of use and occupation of the property as a HMO has not occurred and would not have been complete by the date in which the Article 4 was adopted. Approving the certificate would undermine and be contrary to the Article 4 Direction and Schedule 2 part 3 of the GPDO.

Annex 8 of the Procedural Guide for Planning Appeals, published by PINS, provides a position on the legal tests for Certificates of Lawfulness. The document states:

8.29 Subsection (4) of section 192 provides that the lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

8.30 Obvious examples of such a change would be a direction under Article 4 of the GPDO taking away the particular "permitted development" right, in Schedule 2 to the GPDO, on which the proposal would have relied for its lawfulness.

The Certificate of lawful use or development appeals: procedural guide (updated 1st December 2025) also states:

6.3.5. The Inspector will consider the lawfulness of the use or development on the date that the application was made to the LPA - under the legislation that was in force on that date.

6.3.6. Where a change in circumstances is likely to affect the outcome of the appeal, we will ensure that all parties have an appropriate opportunity to comment on the new material.

The above is relevant in this case as the submission was lodged before the date the Article 4 Direction was adopted. The Applicant has contended that at the time of the submission, the certificate could have been approved and issued, and the development would have been lawful. However even in the event that the certificate was issued prior to the date of the Article 4 Direction being adopted the fact that a material change has occurred, in so far as there is now a restriction removing permitted development rights for the works proposed in the submission, the certificate would no longer be valid given that the works had not been undertaken and the change of use had been implemented (the key point of implementation being occupation by three or more people of two or more households). This is evidenced within Annex 8 and accounted for in the Certificate of lawful use or development appeals: procedural guide as referenced above.

Conclusion

The proposed change of use from Use Class C3 (dwellinghouse) to Use Class C4 (house in multiple occupation) is not permitted development by virtue of Article 3(4) and Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the site is located within an area subject to an Article 4 Direction which removes permitted development rights for such changes of use. Planning permission would therefore be required, and the proposed development would not be lawful if carried out.

It should be noted that the Applicant was offered the opportunity to withdraw the application and submit an Existing Lawful Development Certificate if the Applicant was able to demonstrate that the works had already taken place and the property had been occupied as a HMO in accordance with the submitted drawings prior to the 11th of December 2025. The Applicant rebutted this suggestion, therefore leaving Officers with no other alternative than to refuse the application.

Furthermore, the proposed single storey rear extension does not constitute permitted development by virtue of the provisions of Schedule 2, Part 1, Class A, provisions A.1 (f)(i) and A.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal is not permitted development as the enlarged part of the dwellinghouse would extend beyond the rear of the original house by more than 3 metres and the height of the eaves of the enlarged part would exceed 3 metres within 2 metres of the boundary of the curtilage of the dwellinghouse.

For the above reasons, the application is recommended for refusal.

3.0 Relevant Planning History

38621/APP/2025/2132 13 NORWICH ROAD NORTHWOOD

Erection of single storey rear extension, following the demolition of detached garage.

Decision Date: 06-10-25 Approved

38621/A/86/1073 13 NORWICH ROAD NORTHWOOD

Householder development - residential extension(P)

Decision Date: 31-07-86 Approved

Comment on Planning History

4.0 ALL CLASSES

Is the dwelling a flat or a maisonette?

NO

Is there a planning condition removing permitted development rights?

NO

Is the building listed/ in a Conservation Area?

NO

Is there an Article 4 Direction removing permitted development rights?

YES

Hillingdon Council formally adopted an immediate Article 4 Direction to remove permitted development rights borough wide, for proposals to change the use of a single family dwellinghouse (C3) to a small scale HMO (C4), on the 11th December 2025.

Hillingdon Council also have in place an Article 4 Direction which restricts the depth of rear extensions sought under Section A.1 (g) (larger home extension prior approval) to a maximum of 4 metres. This was formally adopted and came into force on 22nd September 2014.

CLASS A - Proposed Extension

The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

NO

The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

NO

The enlarged part of the dwellinghouse would extend beyond a wall which-

- (i) fronts a highway, and
- (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

NO

The enlarged part of the dwellinghouse would have a single storey and-

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

YES - semi-detached dwellinghouse with a rear extension 6.00m deep on the Eastern side and 3.60m deep on the Western side.

The enlarged part of the dwellinghouse would have more than one storey and-

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

NO

The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Yes - Eaves height is 3.25m when measures from natural ground level.

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-

- (i) exceed 4 metres in height,
- (ii) have more than one storey, or
- (ii) have a width greater than half the width of the original dwellinghouse; or

NO

it would consist of or include-

- (i) the construction or provision of a veranda, balcony (means a platform with a height greater than 300 millimetres) or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent, pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

NO

Conditions of Class A: Development is NOT permitted if you answer NO to any of the following questions - Development is permitted by Class A, subject to the following conditions:

A. Are the materials used similar to those of the existing dwellinghouse?

YES

B(i). Are any new upper-floor side facing windows obscurely glazed?

N/A

B(ii). Are any new upper-floor side facing windows non - opening, or any parts of the window which do open 1.7m above the floor of the room?

N/A

C. Does the roof pitch of the extension match, so far as practicable, the roof pitch of the original dwellinghouse?

N/A

Contact Officer:

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