
Appeal Decision

Site visit made on 27 January 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/R5510/D/21/3285708

231 Long Lane, Hillingdon, Middlesex UB10 9JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Mark Baldwin (plansdesigned) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 65967/APP/2021/2986, dated 29 July 2021, was refused by notice dated 10 October 2021.
 - The development proposed is to form two additional storeys on an existing dwellinghouse. The proposal is for over the principle part of the building only. The proposed two floors will match the existing, with painted white render and black window frames, styles to match. The copper 'verde' roof will be raised the required 5.7 metres. No new windows are proposed to the sides.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to enable it to be permitted development.

Reasons

4. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO) amongst other things grants permitted development rights for the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys, where the existing dwellinghouse consists of two or more storeys.
5. Under AA.1.(c) development is not permitted by Class AA if the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018. The evidence indicates that substantial works were undertaken to the property in 2009. However, considering the planning history at the site and the submitted evidence, there is nothing within the evidence which confirms that these works

amounted to the construction of a new dwelling at that time. Nothing within the evidence indicates when the dwelling was originally built.

6. In line with AA.3.(Procedure for applications for prior approval) (3)(b) the application can be refused where the developer has provided insufficient information to enable it to be established whether the proposed development complies with any conditions, limitations or restrictions.
7. Therefore, regardless of the disagreement between the parties in relation to AA.1 (h) (floor to ceiling heights), I cannot therefore establish whether the proposed development complies with the limitation outlined at Schedule 2, Part 1, Class AA - AA.1.(c) of the GPDO and the development falls outside the permitted development right.
8. Given that this is the case it would not be appropriate to make any determination on the prior approval matters under AA.2. on which there are further areas of disagreement between the parties.

Conclusion

9. For the reasons given above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR