



Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: APP/R5510/X/25/3366174

36 Summerhouse Lane, West Drayton UB7 0BG

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Uri Ginsburg against the decision of the Council of the London Borough of Hillingdon.
- The application ref 15349/APP/2025/556, dated 28 February 2025, was refused by notice dated 25 April 2025.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
- The development for which a certificate of lawful use or development is sought is *'to extend to the rear of the property with 3 metres (in accordance with class A of the PD rights (GPDO)), and to create a front porch with a total area of 3 sqm (in accordance with class D of the PD rights (GPDO)).'*

Decision

1. The appeal is dismissed in so far as it relates to the proposed porch. The appeal is allowed in so far as it relates to the proposed rear extension and attached to this decision is a certificate of lawful use or development describing the proposed operation which is found to be lawful.

Preliminary Matter

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue in the appeal is whether the Council's refusal to grant an LDC was well-founded. This turns on whether the appellant has shown that planning permission is granted for the proposed works by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), at Article 3(1), Schedule 2, Part 1, Class A and Class D.

Reasons

4. The appeal property contains a two-storey, mid-terrace dwelling. The property is situated within the Harmondsworth Village Conservation Area. It is proposed to erect a single storey extension at the rear of the dwelling and to create a front porch. The burden is firmly on the appellant to show that an LDC should be granted in respect of the proposed works, the relevant test of the evidence being on the balance of probability.
5. Erecting the proposed rear extension and porch would involve the carrying out of building operations falling within the definition of development set out in s55(1) of the Act. Planning permission is required for the carrying out of any development of land, having regard to the Act at s57(1). At s191(2)(a), the Act provides that

operations are lawful where no enforcement action may be taken in respect of them. This includes where those operations benefit from a grant of planning permission.

6. The GPDO, at Article 3(1), Schedule 2, Part 1, Class A, grants planning permission for the enlargement, improvement or other alteration of a dwelling. This is subject to the specified limitations and conditions of that Class set out in paragraphs A.1 to A.4 being met, where relevant. Part 1, Class D grants planning permission for the erection or construction of a porch outside any external door of a dwelling, subject to the limitations specified in paragraph D.1 being complied with, where relevant.
7. The appellant assessed the external ground area of the porch as not exceeding the 3m² limit in Class D, at paragraph D.1(b). This conclusion seems to have been arrived at by excluding the ground area of the existing front porch, which was probably erected contemporaneously with the dwelling, from the total ground area of the proposed porch.
8. Even so, the drawings supplied indicate that the existing porch would be substantially demolished prior to erecting the proposed porch. The reference in the application description to creating a front porch also suggests that the existing porch would be demolished. The ground area measurement for the purposes of paragraph D.1(b) applies to the totality of the proposed porch; nothing in Class D provides that the ground area of the porch being demolished should be taken into account. Moreover, since the demolition works would include removing the existing external door, the door which leads to the hallway would be the 'external door' for the purposes of Class D. Consequently, I share the Council's view concerning the total floor area of the porch, which at around 5.83m² measured externally would breach the limitation in paragraph D.1(b).
9. The porch would not breach the 3m height limit in sub-paragraph (c), it would be further than 2m from the highway complying with sub-paragraph (d) and sub-paragraph (a) is not relevant in this instance. Even so, development which breaches any of the relevant limitations and conditions of a specific Class within one of the Parts of Schedule 2 is not granted planning permission by the GPDO.
10. The rear extension would protrude no more than 3m from the rear elevation of the dwelling and the overall height would be under 4m. There is no dispute that the rear extension would not breach the limitation in Class A at paragraph A.1(f), or any of the other relevant limitations set out in paragraphs A.1 and A.2. Nor is it disputed that the rear extension would comply with the condition at paragraph A.3 (a) requiring the use of external materials similar to those of the existing dwelling and that the other conditions in that paragraph, along with the requirements of paragraph A.4, are not relevant in this instance. Having undertaken my own assessment, there is no sound reason to find otherwise.
11. Therefore, based on the available evidence, on the balance of probability and in the light of the particular circumstances before me, the appellant has been unable to show that the porch is granted planning permission by Class D of Part 1. It follows that, in the absence of an express grant of planning permission, the porch is not lawful for planning purposes and an LDC cannot be issued in that respect. On the other hand, the appellant has shown that the rear extension is granted planning permission by the GPDO at Article 3(1), Schedule 2, Part 1, Class A and

so is lawful for planning purposes. It follows that an LDC will be issued in respect of the rear extension only.

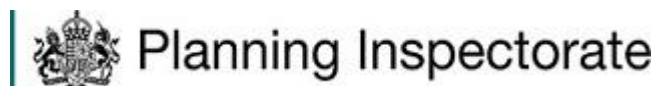
12. It is open to the appellant to make an application for express planning permission for the porch, the final decision on which would rest with the Council in the first instance.

Conclusion

13. For the reasons given above I conclude, on the evidence now available, that (a) the Council's refusal to grant a certificate of lawful use or development in respect of the porch is well-founded and the appeal for that part of the development should fail; and (b) the Council's refusal to grant a certificate of lawful use or development in respect of the rear extension is not well-founded and the appeal should succeed for that part of the development only. I will exercise the powers transferred to me under section 195(2) and 195(3) of the 1990 Act as amended.

Stephen Hawkins

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 28 February 2025 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability, planning permission is granted for the rear extension (as shown on drawings reference EX01, EX02, PL01, PL02, PL03 & PL04) by Article 3(1), Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

Stephen Hawkins

Inspector

Date: **19 June 2026**

Reference: APP/R5510/X/25/3366174

First Schedule

3m rear extension

Second Schedule

Land at 36 Summerhouse Lane, West Drayton UB7 0BG

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in this decision dated: **19 June 2026**

by **Stephen Hawkins MA, MRTPI**

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Scale: Not to Scale

