
Appeal Decision

by R J Perrins MA MCMI ND Arbor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2014

Appeal Ref: APP/R5510/D/14/2225829

Address 8 Redmead Road Hayes UB3 4AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4. of the Town and Country Planning (General Permitted Development) Order 1995 as amended ("the GPDO").
 - The appeal is made by Mr B Johal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 32176/APP/2014/2762, dated 5 August 2014, was refused by notice dated 11 September 2014.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises taking into account any representations received.
3. In this case, the Council has determined that the proposal should be refused as it would unduly detract from the amenities of the adjoining occupier by reason of over-dominance, overshadowing, loss of light, and loss of outlook.

Position as from 22 September 2014

4. Since determining the application, the Council of the London Borough of Hillingdon has made a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended. The Direction, which came into force on 22 September 2014 and applies to the whole of the London Borough of Hillingdon, has the effect that any development for the enlargement, improvement or other alteration of a dwelling house where the enlarged part would have a single storey and would extend beyond the rear wall of the original dwelling house by more than 4 metres, no longer benefits from the permission granted by Article 3 of the Permitted Development Order. In short, the Article 4(1) Direction removes permitted development rights for the type of development proposed.

5. This appeal is to be determined in accordance with the law, the development plan and the material planning circumstances prevailing at the time. I therefore conclude that the appeal must fail as the proposal no longer relates to permitted development. Express planning permission would therefore be required by application. Accordingly, the question of whether, on its merits, prior approval should be given does not arise. For these reasons, I have concluded that the appeal must be dismissed.

Richard Perrins

Inspector