



## Appeal Decision

Site visit made on 14 August 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

**Appeal Ref: APP/R5510/W/25/3366074**

**81 Bedwell Gardens, Hayes, Hillingdon UB3 4EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Pandher against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 35604/APP/2024/2060.
- The development proposed is 'conversion and extensions at the property to accommodate an additional unit in the attic together with 5 parking spaces proposed and designated cycle stores and refuse stores at the property'.

### Decision

1. The appeal is allowed and planning permission is granted for conversion and extensions at the property to accommodate an additional unit in the attic together with 5 parking spaces proposed and designated cycle stores and refuse stores at the property at 81 Bedwell Gardens, Hayes, Hillingdon UB3 4EE in accordance with the terms of the application, Ref 35604/APP/2024/2060, subject to the conditions in the schedule below.

### Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form.
3. One of the Council's reasons for refusing planning permission relates to the red line boundary of the site, which includes the access to the northern side of the property. The appellant has maintained that the access is within the ownership of his wife, as evidenced by title deeds, who resides with him. On the basis of the information before me, I am satisfied that this is acceptable for the purposes of the planning appeal and given the application was made valid and determined by the Council. I have proceeded with the determination of the appeal and I have no strong reason to believe that any problems in this respect could not otherwise be properly dealt with by private legal rights regarding land ownership.
4. The Council's concerns also relate to elements which are not included within the description of development for which the appellant sought planning permission. In particular these concerns relate to the existing use of the ground and first floor levels of the building as flats. Nonetheless, I have determined the appeal only on the basis of the description of development sought, and which was subject to public consultation by the Council. As the proposed attic unit would be accessed via the main stairwell and the side extension would provide additional floorspace to the first and second floors, I do not consider that my decision would prejudice any subsequent consideration of the acceptability of the ground and first floor uses by

the Council. Neither is it within the remit of this appeal to consider whether those flats may be lawful.

## Main Issue

5. In light of those procedural matters, the main issue for the appeal is the effect of the proposed side and roof extension on the character and appearance of the host property and the surrounding area.

## Reasons

### *Character and Appearance*

6. The appeal relates to the most southern property on Bedwell Gardens, which adjoins areas of woodland to the south which provide a buffer to the carriageway of the M4 beyond. The property has a distinct appearance, being of different character and materials to the other properties closest to it. Due to its position, it is not visually prominent in the street, and visibility of the proposed side extension would be predominantly in localised views around the public footpath and raised carriageway in front of the site.
7. Policy DMHD1 of the LPP2<sup>1</sup> requires, among other things, that roof extensions should be subservient to the scale of the existing building. The proposed roof would extend unrelieved across the entirety of the property including across the side extension. The characteristic small hipped feature above the front bay would also be lost. As such the proposed roof would not appear subservient to the existing building, in conflict with the policy, and would cause a dilution of the original character of the property. The proposal would not therefore comply with Policy DMHD1 when read as a whole.
8. Despite this, given the varied character of the surrounding area and the relationship of the appeal property to it set out above, the proposal would not cause harm to the character and appearance of the surrounding area. In this respect, the proposal would comply with Policy BE1 of the LPP1<sup>2</sup>, and policies DMHB11 and DMHB12 of the LPP2 which together require development to harmonise with the local context and integrate into the surrounding area. For the same reasons the proposal would comply with policies D3 and D4 of the London Plan 2021, which together require good design that responds to a site's context and local characteristics.
9. Overall, while there would be conflict with Policy DMHD1, I consider that there are material considerations arising from the particular circumstances of the property to outweigh that conflict. I do not find conflict with LP Policy D1 since this relates to actions for the Council in developing Development Plans and Area Assessments. The Council have raised no objections to the effects of the other aspects of the proposal on the character and appearance of the area and I have no strong reason to reach a different view.

## Other Matters

10. I have had regard to the additional issues raised by third parties, which are largely addressed by the Council's Officer Report and I have no strong reason to reach a

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<sup>1</sup> London Borough of Hillingdon Local Plan Part 2- Development Management Policies 2020

<sup>2</sup> London Borough of Hillingdon Local Plan Part 1- Strategic Policies 2012

different view on those matters. There is not substantive evidence that noise from the proposed development would cause unacceptable harm to the living conditions of nearby residents and this matter, and issues of rubbish and damage to the highway, would be dealt with separately should they occur. Construction works would also be temporary and for a limited period given the scale of the proposal. The proposed rear dormer would have a similar direction of outlook to the existing rear windows of the property and given the scale of the development, additional vehicle movements arising from this proposal would not have a severe effect on the local highway.

11. The Council accept that the quantum of parking spaces would be acceptable considering the proposal alongside the existing units. However, as above, those units are outside the scope of this decision and the proposed level of parking would be excessive for the development proposed, being the attic unit and additional floorspace. I have considered whether the quantum of parking could be reduced by condition but to do so would result in conflict with the description of development. Nonetheless, given the uncertainty surrounding the other existing uses on the site and the absence of alleged harm from the parking, I am satisfied, on balance, that the quantum of parking proposed would be acceptable here.

## **Conditions**

12. The Council have provided a list of conditions which it considered would be appropriate in the event that the appeal were allowed and I have considered these in light of the tests for conditions set out in the National Planning Policy Framework and Planning Practice Guidance (PPG). In addition to the time limit condition, I have imposed a condition listing approved drawings with reference to the description of development to provide clarity. For reasons of visual amenity, matching materials are conditioned. The parking spaces are also conditioned to comply with the relevant policy requirements.
13. As the Council accept that the absence of step-free access for the proposed attic unit would be policy compliant, it would not be reasonable to condition details of step free access to the rest of the building. As the site includes space for the safe storage of cycles as shown, it is not necessary to condition this further. In the absence of reasons as to why it would be necessary here, and given the presumption against this approach in the PPG, I have not removed permitted development rights as suggested. Similarly, given the scale of the proposed extensions and the nature of the adjacent highway a Construction Management Plan would not meet the test of necessity.

## **Conclusion**

14. While the proposal would conflict with part of the development plan, there are material considerations of sufficient weight to make a decision other than in accordance with it. The appeal is therefore allowed.

*C Shearing*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Only insofar as they relate to the development set out in the description of development proposed, the development shall be carried out in accordance with drawing nos: AR-P01, AR-P02, AR-P03, AR-P04, AR-P05, AR-P06 Rev.B, AR-07, AR-P08 Rev.B, AR-P09 Rev.B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The parking spaces hereby approved shall be allocated for residents of the site only and shall provide active electrical vehicle charging points for 20% of spaces and 80% passive electrical vehicle charging.

## **End of Schedule**