



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Appeal Ref: APP/R5510/X/24/3337784

31 Greenacres Avenue, Ickenham, Uxbridge UB10 8HQ

- 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 Mrs Erika Smith-Zawadzka against the decision of the Council of the London Borough of Hillingdon.
- The application ref 61423/APP/2023/3188, dated 13 November 2023, was refused by notice dated 20 December 2023.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
- The development for which an LDC is sought is proposed extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of the proposed development against the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). The proposed development is shown on drawings submitted with the application. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 31 Greenacres Avenue is a two storey detached dwelling with a garage attached to its side elevation. The Council does not disagree with the Appellant's assertion that the garage is, for the purposes of applying the provisions of the GPDO, part of the original dwellinghouse. Class A of Part 1 of Schedule 2 of the GPDO states that the enlargement of a dwellinghouse is permitted development. Development is not permitted under Class A, as set out in paragraph A.1 if, amongst other things, (f) the enlarged part of the dwellinghouse would have a single storey and would extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or would exceed 4 metres in height. The proposed extension would accord with paragraph A.1(f).

4. Development is also not permitted under Class A, as set out in paragraph A.1 if, amongst other things, (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would, amongst other things, have a width greater than half the width of the original dwellinghouse. The rear elevation of the original dwellinghouse is staggered because the rear elevation of the garage is set back from the rear elevation of the dwelling. The proposed extension, which would extend across the whole width of the rear of the original dwellinghouse, would therefore extend beyond the side wall of the dwellinghouse between the rear

elevations of the dwelling and the garage. The width of the proposed extension would be greater than half the width of the original dwellinghouse and the extension would not therefore accord with paragraph A.1(j).

5. The Government has published Technical Guidance to Part 1 of Schedule 2 of the GPDO. This guidance confirms that "Where an extension is beyond any side wall, the restrictions in (j) will apply". The proposed extension would not satisfy the restrictions of paragraph A.1(j) and would not thus be development permitted under Class A of Part 1 of Schedule 2 of the GPDO.

6. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for proposed extension at 31 Greenacres Avenue, Ickenham, Uxbridge was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector