4D PLANNING

Architecture I Town Planning

PLANNING STATEMENT

Application for a Certificate of Lawfulness of Existing Use or Development (section 191 of the Town and Country Planning Act 1990): conversion of the roof space to habitable accommodation including a rear dormer roof extension and associated works, substantially completed in 2010.

Property Address: 8 Hinton Road, Uxbridge, UB8 2DL.

September 2026

1.0 INTRODUCTION

1.1 This Statement has been prepared by 4D Planning on behalf of Danemi Properties Ltd (company number 13411486), the freehold owner of 8 Hinton Road, Uxbridge, UB8 2DL. It accompanies an application to the London Borough of Hillingdon for a Certificate of Lawfulness of Existing Use or Development under section 191 of the Town and Country Planning Act 1990 (as amended).

1.2 The certificate is sought in respect of operational development that has already been carried out, namely the conversion of the roof space of the dwelling to habitable accommodation, including the erection of a rear dormer roof extension and associated external and internal works. The works were substantially completed in June 2010, more than 16 years before the date of this application. They have therefore become immune from enforcement action by the passage of time and are lawful for the purposes of section 191(2) of the Act.

1.3 An application under section 191 is not a planning application. The planning merits of the development, and its compliance with development plan policy, are not relevant considerations. The only question for the Council is whether, on the evidence, it is more likely than not that the development was substantially completed before the relevant date and has remained in place since. This Statement sets out the legal framework, describes the evidence relied upon and explains why the certificate should be granted.

1.4 This Statement comprises:

- A description of the application property and its surroundings;
- A description of the development for which the certificate is sought;
- A summary of the relevant planning history;
- The legal framework, including the time limits for enforcement and the standard of proof;
- A schedule and analysis of the evidence submitted; and
- An assessment and conclusion.

2.0 APPLICATION PROPERTY AND SURROUNDING AREA

2.1 The application property is a 2 storey semi-detached house on the north side of Hinton Road, Uxbridge, with accommodation in the converted roof space forming a second floor. The house is of late Victorian or Edwardian origin and forms one half of a pair. It has a front facing gable and a rear garden. The front elevation is rendered and painted, as shown in the Google Street View image at Figure 5 of this Statement.

2.2 The freehold of the property is registered at HM Land Registry under title number MX313080. The registered proprietor is Danemi Properties Ltd, whose registered office is at 86-90 Paul Street, London, EC2A 4NE. The company acquired the property in June 2021, after the works that are the subject of this application had been completed.

2.3 The property is in lawful use as a house in multiple occupation (Use Class C4). Hillingdon granted a Certificate of Lawfulness for the proposed change of use from Class C3 to Class C4 on 13 December 2010 (ref. 65415/APP/2010/2387) and the property holds a current HMO licence issued by the Council. The lawful use of the property is not in issue in this application, which is confined to the operational development described in section 3 below.

2.4 The property is not a listed building and is not within a conservation area. Hinton Road is a residential street of 2 storey houses, a number of which have been extended at roof level. Neighbouring examples on the Council's planning register include a rear dormer and front rooflights at 6 Hinton Road (certificate of lawfulness for proposed development granted 6 April 2016, ref. 21632/APP/2016/584) and a hip to gable conversion with rear dormer at 13 Hinton Road (certificate granted 31 May 2005, ref. 51982/APP/2005/973).

3.0 THE DEVELOPMENT FOR WHICH A CERTIFICATE IS SOUGHT

3.1 The certificate is sought for the following operational development, all of which has been carried out and completed:

- the conversion of the roof space of the dwelling to habitable accommodation forming a second floor, comprising a bedroom (Room 6 on the 2010 plans) with an ensuite shower room;
- the erection of a flat roofed dormer roof extension to the rear roof slope;
- the installation of 2 rooflights to the front roof slope; and
- associated internal works, including the new staircase from first to second floor and the internal subdivision of the roof space.

3.2 The extent and form of the works as built are shown on the drawings submitted with this application, all of which were prepared at the time of the works by the designers then engaged and were lodged with the Council in 2010. They are submitted as the existing drawings for this application; they record the works as carried out and are not proposals. They are: ADS Building Services drawing 08/330/07 revision A, "Existing Second Floor" (from the drawing set titled "Proposed Loft Conversion & Change of Use to 8No. HMO", first issued October 2008), marked "Amended Plan" and bearing the stamp of the Council's Planning and Transportation Group "Received 28 May 2010"; ADS block plan 08/330/00 revision A dated May 2010 and the accompanying OS location map, both bearing the same

Council stamp of 28 May 2010; and Andrius Inta drawing P1-A revision B, "Planned layout for 6 unit HMO", dated 29 June 2010 (revision B 30 November 2010), showing the ground, first and second floor plans, which was submitted with and approved under application ref: 65415/APP/2010/2387. ADS drawing 08/330/03 (existing elevations, October 2008), which records the rear roof slope before the dormer was built, is also submitted so that the change can be seen.

3.3 For the avoidance of doubt, the application does not seek to establish the lawfulness of any use of the building, nor of any works other than those listed above.

4.0 PLANNING HISTORY

4.1 The Council's planning register and the local authority search of 18 November 2025 record the following applications relating to the property:

Reference	Description	Decision
65415/APP/2008/3475	Change of use from single family dwellinghouse to HMO	No further action, 26 January 2009
65415/PA/2008/266 (Building Control)	Loft conversion, job 50136	Conditional approval 26 November 2008. Commenced 24 March 2009. Completed 10 June 2010
65415/PA/2009/106 (Building Control)	Conversion of house into HMO, job 52207	Full plans rejected 13 July 2009. Commenced 23 June 2009. Completed 10 June 2010
65415/APP/2009/2657	Change of use from single family dwellinghouse to an HMO with 6 bedrooms (retrospective application)	Received 8 December 2009. Withdrawn 18 November 2010
65415/APP/2010/2387	Change of use from Class C3 (residential) to Class C4 (HMO). Application for a Certificate of Lawful Development for a Proposed Development	Certificate granted 13 December 2010

4.2 No planning permission has been granted or applied for in respect of the roof works. No enforcement notice has been served in respect of the property, and no enforcement action of any kind is pending. The loft conversion was the subject of a Building Control full plans application (65415/PA/2008/266), given conditional approval on 26 November 2008; the Council's Building Control service recorded the works under job 50136 as commenced on 24 March 2009 and completed on 10 June 2010 (see section 6). The associated works of conversion to an HMO were recorded under job 52207 and were also recorded as completed on 10 June 2010.

4.3 The 2009 and 2010 HMO applications are relevant because the drawings submitted to the Council in support of them show the second floor accommodation as existing. The amended plans

received by the Council on 28 May 2010 in connection with application 65415/APP/2009/2657 include the "Existing Second Floor" plan, and the plans approved under the certificate of 13 December 2010 show the second floor as part of the 6 unit HMO layout. The Council has therefore had the converted roof space on its own planning and Building Control records since 2010 and has taken no enforcement action in the 16 years since.

5.0 LEGAL FRAMEWORK

Section 191 of the Town and Country Planning Act 1990

5.1 Section 191(1) of the Act provides that any person who wishes to ascertain whether any operations which have been carried out in, on, over or under land are lawful may apply to the local planning authority for a certificate to that effect. Under section 191(2), operations are lawful if no enforcement action may then be taken in respect of them, whether because they did not involve development, because they were permitted, or because the time for taking enforcement action has expired.

5.2 Section 191(4) provides that if, on an application, the authority is provided with information satisfying it of the lawfulness of the operations described in the application, it **shall** issue a certificate. The Council has no discretion to withhold a certificate where the evidential test is met.

Time limits for enforcement

5.3 Section 171B(1) of the Act, as it applied at the time the works were completed, provided that where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.

5.4 Section 115 of the Levelling-up and Regeneration Act 2023 amended section 171B so that a single 10 year period now applies to all breaches of planning control in England. That amendment came into force on 25 April 2024 by virtue of the Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (SI 2024/452). The transitional provisions in those Regulations preserve the 4 year period for operational development that was substantially completed before 25 April 2024. The works at 8 Hinton Road were substantially completed in June 2010 and the 4 year period therefore continues to apply to them.

5.5 In this case the point is academic. The works were substantially completed in June 2010. The 4 year period expired in June 2014 and the 10 year period expired in June 2020. Whichever limitation

period is applied, the time for taking enforcement action expired several years before this application was made and the development is lawful under section 191(2)(a) and (b).

Substantial completion

5.6 The 4 year period runs from the date on which the operations were "substantially completed". Following *Sage v Secretary of State for the Environment, Transport and the Regions* [2003] UKHL 22, the question is whether the building operations, viewed as a whole, had been completed to the point at which the building could be used for its intended purpose. A Building Control completion certificate, or a completion record in the Council's Building Control register, is direct evidence that this point had been reached.

Burden and standard of proof

5.7 The burden of proof rests with the applicant. The standard is the ordinary civil standard of the balance of probabilities. The Planning Practice Guidance on lawful development certificates (Reference ID: 17c-006-20140306) confirms that the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted, and that if the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate. This reflects the approach established in *F W Gabbitas v Secretary of State for the Environment* [1985] JPL 630.

5.8 In this case the applicant does not rely on its own evidence alone. The core of the evidence is independent and contemporaneous: the Council's own Building Control record, drawings received and stamped by the Council in 2010 and approved under the 2010 certificate, and dated Google historical aerial and street level imagery captured between 2010 and 2015.

Matters that are not relevant

5.9 Because the application turns on evidence and law only, the following matters are not relevant to the Council's decision and are not addressed in this Statement: the planning merits of the works, their design or their effect on neighbouring amenity; compliance with the National Planning Policy Framework, the London Plan or the Hillingdon Local Plan; whether the works would have been permitted development at the time; and the requirements of the Building Regulations beyond their evidential value in establishing the date of completion.

5.10 The principle in *Welwyn Hatfield Borough Council v Secretary of State for Communities and Local Government* [2011] UKSC 15, under which a person who has positively deceived the planning authority may be prevented from relying on the limitation period, is not engaged. The works were notified to and inspected by the Council's Building Control service, drawings showing the second floor were lodged with the Council in 2010 in connection with the HMO applications, and the rear dormer

has at all times been openly visible. There has been no concealment of any kind. The power to apply for a planning enforcement order under section 171BA of the Act is likewise not available, as that power is confined to cases of deliberate concealment and is in any event subject to its own time limits, which have long since expired.

6.0 THE EVIDENCE

6.1 The evidence submitted with this application is listed below. Each item is discussed in turn.

Ref.	Document	Date	Source	What it shows
E1	Extract from official local authority search (CON29R), Building Control entry only, redacted	Search returned 18 November 2025	London Borough of Hillingdon, via InfoTrack for Taylor Rose	Building Control application 65415/PA/2008/266, loft conversion, job 50136: conditional approval 26 November 2008, commenced 24 March 2009, completed 10 June 2010
E2	ADS Building Services drawing 08/330/07A, Existing Second Floor (Amended Plan)	Drawn October 2008; received by the Council 28 May 2010 (stamp)	Council planning file, application 65415/APP/2009/2657	The second floor accommodation as existing in May 2010: bedroom, en suite shower room, staircase and 2 front rooflights
E3	ADS Building Services block plan 08/330/00A and OS location map	May 2010; received by the Council 28 May 2010 (stamp)	Council planning file, application 65415/APP/2009/2657	The property and its roof form in May 2010
E4	ADS Building Services drawing 08/330/03, existing elevations and roof plan	October 2008	Designer's survey drawing prepared before the works	The rear roof slope before the dormer was built
E5	Andrius Inta drawing P1-A revision B, Planned layout for 6 unit HMO (ground, first and second floor plans), with P2-A site plan and P3 location plan	29 June 2010, revision B 30 November 2010	Council planning file, application 65415/APP/2010/2387	The second floor accommodation in place in 2010, as approved under the certificate of 13 December 2010
E6	Google Earth historical aerial imagery, 4 captures	27 June 2010, 31 December 2010, 19 July 2013, 4 June 2015	Google Earth Pro	The rear dormer in place and unchanged from June 2010 onwards (Figures 1 to 4)
E7	Google Street View image	October 2012	Google Street View	The front elevation of the property in 2012 (Figure 5)
E8	Official copy of the register of title MX313080	Current	HM Land Registry	Danemi Properties Ltd as registered freehold proprietor
E9	Certificate of lawfulness 65415/APP/2010/2387 and planning register extracts	13 December 2010; current	London Borough of Hillingdon	Planning history summarised in section 4

E1: Building Control record

6.2 The official local authority search obtained by the applicant's solicitors, returned by the Council on 18 November 2025, reproduces the Council's own Building Control register. It records Building Control application 65415/PA/2008/266 for a loft conversion at 8 Hinton Road, with conditional approval granted on 26 November 2008, and job 50136 recorded as commenced on 24 March 2009 and completed on 10 June 2010. This is the single most important piece of evidence. It is a contemporaneous record created and held by the Council itself. It establishes that the loft conversion was notified to the Council in advance, that it was carried out over the following 15 months under the supervision of the Council's building control surveyors, and that it had reached completion by 10 June 2010.

6.3 A redacted extract from the search, limited to the search details and the Building Control entry for job 50136, is submitted for the public file. The remainder of the search pack concerns matters unrelated to this application and contains personal data; the full search is provided to the case officer separately in the confidential bundle described at paragraph 6.10.

E2 to E5: The 2008 and 2010 drawings

6.4 ADS Building Services drawing 08/330/07 revision A is titled "Existing Second Floor". It is marked "Amended Plan" and bears the stamp of the Council's Planning and Transportation Group recording receipt on 28 May 2010. It shows the second floor as built: a bedroom (Room 6) with an ensuite shower room, the new staircase, 2 Velux rooflights to the front roof slope and the void over the front bay. The block plan 08/330/00A and OS location map received on the same date show the property with the roof form as it then existed. These drawings were lodged with the Council in connection with the retrospective HMO application 65415/APP/2009/2657 and confirm that by May 2010 the roof space had been converted and the Council had been provided with a plan showing it as such.

6.5 ADS drawing 08/330/03 is the designer's survey of the property in October 2008, before the works began. Its existing rear elevation and roof plan show a plain pitched rear roof slope with no dormer. Read with the aerial imagery from June 2010 onwards, it demonstrates that the rear dormer was constructed between October 2008 and June 2010, which is the period covered by the Building Control record.

6.6 Andrius Inta drawing P1-A revision B, dated 29 June 2010 and revised on 30 November 2010, was submitted with application 65415/APP/2010/2387 and is the plan to which the certificate of 13 December 2010 relates. It shows the ground, first and second floor plans of the 6 unit HMO, with the second floor bedroom and shower room in the converted roof space. The Council examined and approved this layout in 2010.

E6: Aerial imagery

6.7 Google Earth historical imagery provides dated, independent aerial photographs of the property. 4 captures are reproduced at Figures 1 to 4. In each image the rear dormer roof extension is indicated by a red arrow.

6.8 The capture dated **27 June 2010** (Figure 1), taken 17 days after the Building Control completion date, shows the flat roofed rear dormer in place across the rear roof slope of the property. The capture dated **31 December 2010** (Figure 2) shows the same structure. The captures dated **19 July 2013** (Figure 3) and **4 June 2015** (Figure 4) show the dormer in the same position and of the same form and extent. The higher resolution 2013 and 2015 images show the flat roof of the dormer and its relationship to the ridge and the rear roof slope clearly.

6.9 The imagery therefore establishes 2 things independently of any evidence from the applicant. First, the rear roof extension existed in June 2010 in the form it takes today. Second, it remained in place, unaltered, throughout the following 5 years, by which time the 4 year period had expired. There is no break in the sequence and no indication of any intervening demolition or rebuilding.

E7 to E9: Street View, title and planning register

6.10 The Google Street View capture of October 2012 (Figure 5) shows the front elevation of the property and identifies it during the relevant period; the rear dormer is not visible from the street, as would be expected. Street View captures are also available for August 2008, June 2014 and August 2015. The official copy of the register confirms the applicant's ownership. The certificate of 13 December 2010 and the register extracts confirm the planning history in section 4 and that no planning application, permission or enforcement action relates to the roof works.

Confidential supporting evidence

6.11 In accordance with the Council's guidance that confidential material should be submitted separately and clearly marked, the following further evidence is provided to the case officer under separate cover, marked confidential and not for publication on the public register: the ADS Building Services quotation for the loft works dated 27 January 2009, which itemises the construction of a new dormer to the rear, new floor joists, staircase and finishes; the Yellow Stone building contract dated 21 March 2009 for the loft conversion in accordance with the approved Building Regulation drawings, with its schedule of stage payments including the dormer construction and dormer roof stages, annotated with payment dates between March and June 2009; the full local authority search of 18 November 2025; and photographs taken inside the property during the works. These confidential are not necessary for the planning decision. They corroborate the Building Control record by showing that the dormer and loft works were priced in January 2009, contracted in March 2009 and built and paid

for in stages during spring and summer 2009. The applicant relies primarily on the independent evidence at E1 to E9, which is sufficient in itself; the confidential bundle is supplied for completeness.

7.0 ASSESSMENT

7.1 The evidence establishes the following chronology:

Date	Event	Evidence
October 2008	Designer's survey drawings of the existing house show a plain rear roof slope with no dormer	E4
26 November 2008	Building Control conditional approval for loft conversion (65415/PA/2008/266, job 50136)	E1
27 January 2009	Contractor's quotation for loft works including new rear dormer	Confidential bundle
21 March 2009	Building contract entered into for the loft conversion	Confidential bundle
24 March 2009	Works recorded by Building Control as commenced	E1
March to June 2009	Stage payments for dormer construction, dormer roof, staircase and finishes	Confidential bundle
28 May 2010	Amended plans including "Existing Second Floor" and block plan received and stamped by the Council	E2, E3
10 June 2010	Loft conversion recorded by the Council as completed (job 50136)	E1
27 June 2010	Rear dormer visible in aerial imagery	E6, Figure 1
29 June 2010	HMO layout plans including the second floor prepared and submitted to the Council	E5
13 December 2010	Certificate of lawfulness granted for use as a Class C4 HMO on those plans	E5, E9
31 December 2010, 19 July 2013, 4 June 2015	Rear dormer visible in aerial imagery, unchanged	E6, Figures 2 to 4
10 June 2014	4 year period under section 171B(1) expires	
10 June 2020	10 year period expires	
24 June 2021	Danemi Properties Ltd registered as freehold proprietor	E8
September 2026	This application	

7.2 The works were substantially completed no later than 10 June 2010. The Council's own Building Control record fixes that date, and the same record shows the project running from conditional approval in November 2008 through commencement in March 2009 to completion. The aerial image of 27 June 2010 corroborates it, the drawing received by the Council on 28 May 2010 shows that the second floor was already in existence before completion was recorded, and the October 2008 survey drawing shows that the dormer did not exist before the works began.

7.3 The works have remained in place continuously since. The 2010, 2013 and 2015 aerial captures show the same structure, and the property has been occupied as a licensed HMO throughout, with the second floor accommodation forming part of it.

7.4 The 4 year period for taking enforcement action against the operational development expired on 10 June 2014. No enforcement action was taken before that date, or at any time since. The development is accordingly immune from enforcement and is lawful within the meaning of section 191(2). The same conclusion follows even if the 10 year period introduced by the Levelling-up and Regeneration Act 2023 were applied, since that period expired on 10 June 2020.

7.5 The evidence is precise, unambiguous, contemporaneous and largely derived from the Council's own records and from independent third party imagery. There is no evidence to contradict it. Applying the test in the Planning Practice Guidance and in *Gabbitas*, there is no proper basis on which the Council could decline to issue the certificate.

8.0 CONCLUSION

8.1 The conversion of the roof space at 8 Hinton Road, including the rear dormer roof extension and associated works, was substantially completed by 10 June 2010, as recorded by the Council's Building Control service and confirmed by dated aerial imagery from 27 June 2010 onwards. The works have remained in place without interruption since. The period within which enforcement action could have been taken expired on 10 June 2014.

8.2 The applicant has discharged the burden of proof on the balance of probabilities by reference to the Council's own records and independent evidence. Under section 191(4) of the Act the Council is required to issue a certificate where it is satisfied of the lawfulness of the operations described. The Council is respectfully requested to grant a Certificate of Lawfulness of Existing Use or Development in the terms described in section 3 of this Statement.

FIGURES: DATED IMAGERY OF 8 HINTON ROAD

The red arrow in Figures 1 to 4 indicates the rear dormer roof extension at 8 Hinton Road. Source: Google Earth Pro historical imagery and Google Street View. Image dates are as recorded by Google.

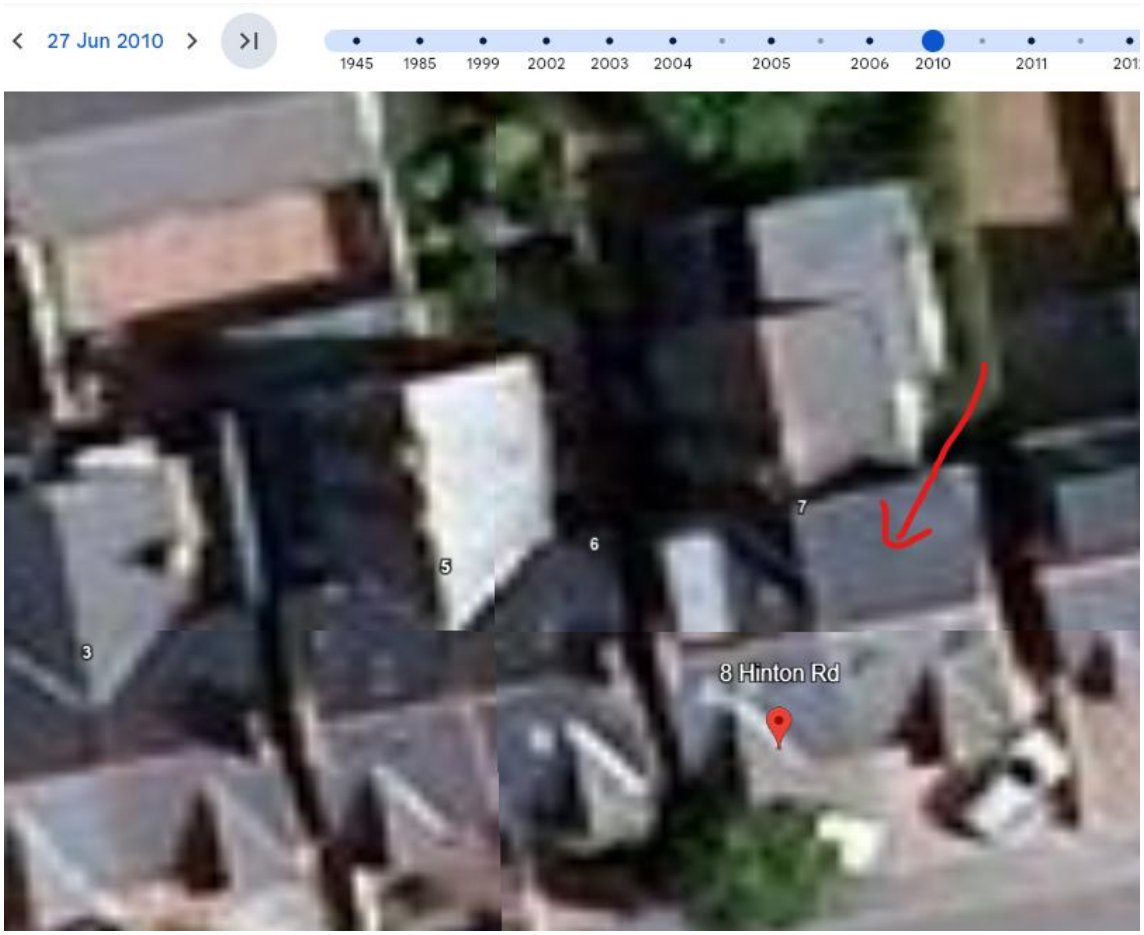

Figure 1: Google Earth historical imagery dated 27 June 2010. Rear dormer in place 17 days after the Building Control completion date.

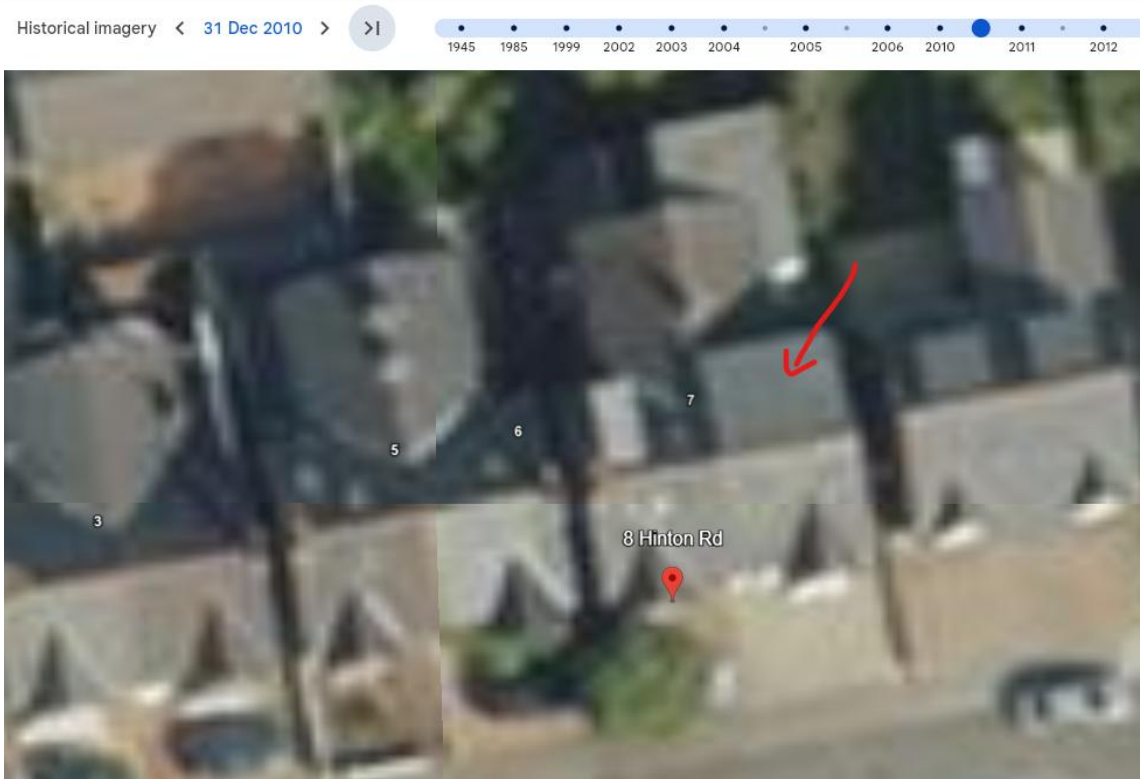

Figure 2: Google Earth historical imagery dated 31 December 2010.

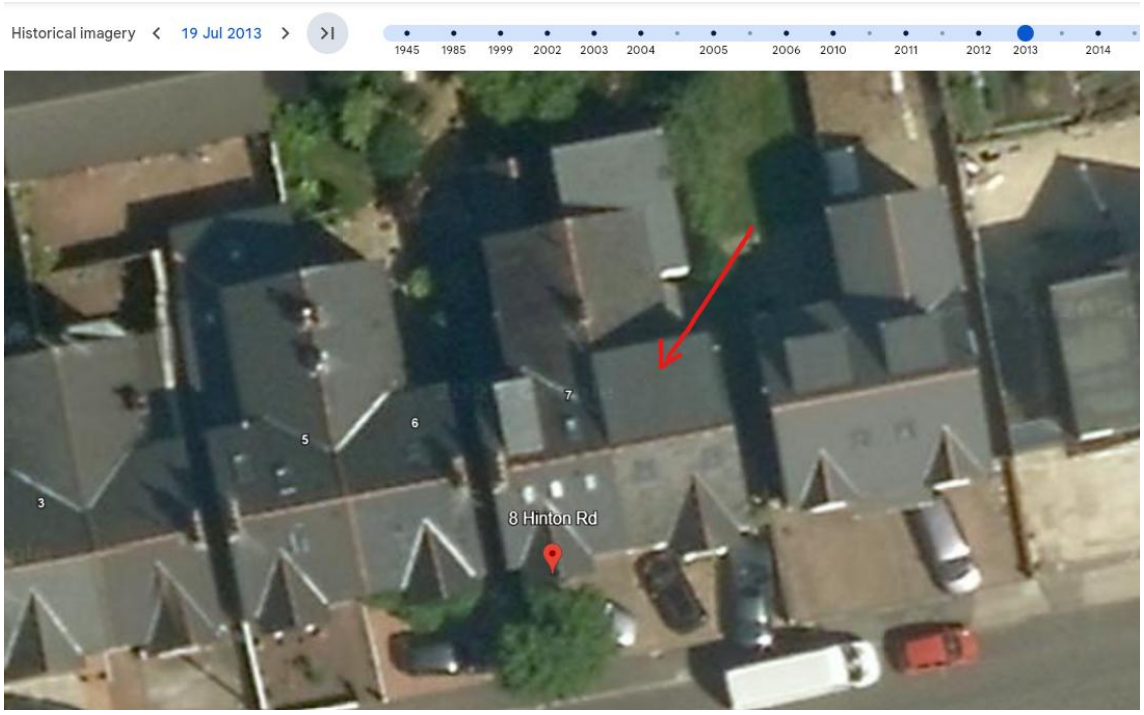

Figure 3: Google Earth historical imagery dated 19 July 2013.

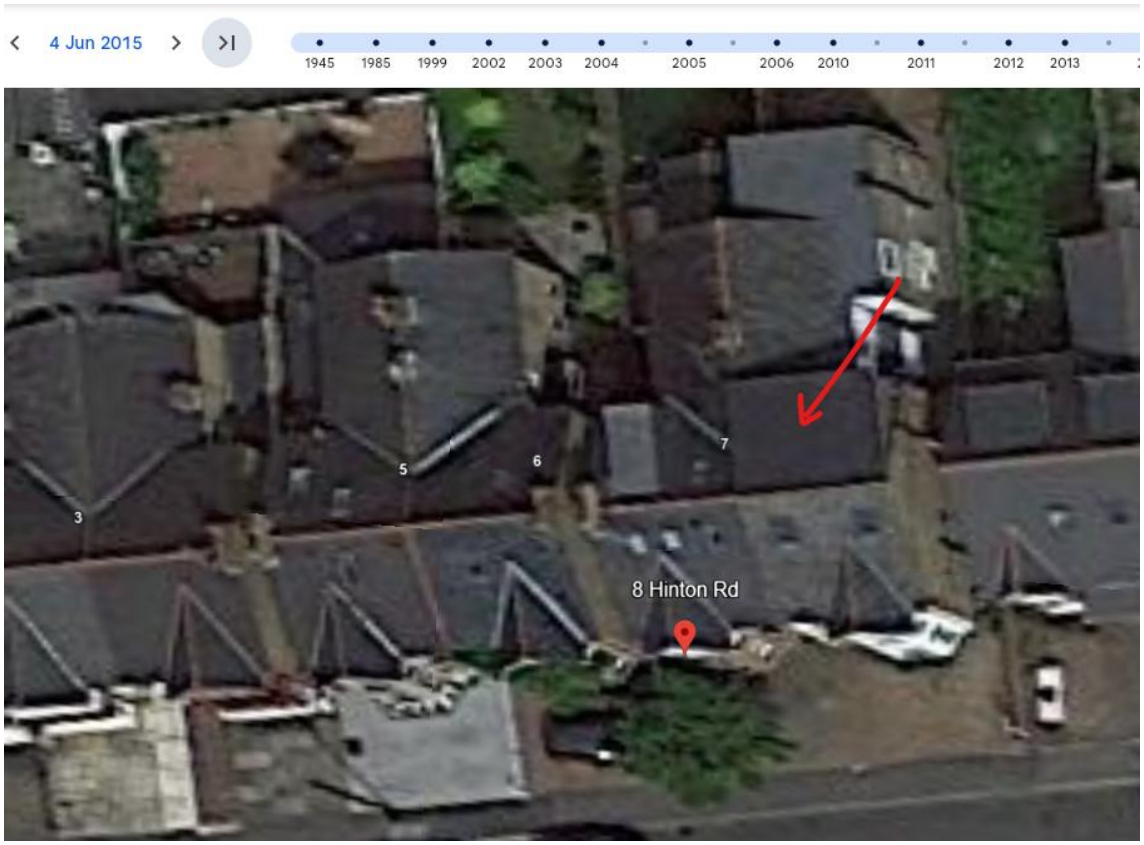

Figure 4: Google Earth historical imagery dated 4 June 2015.

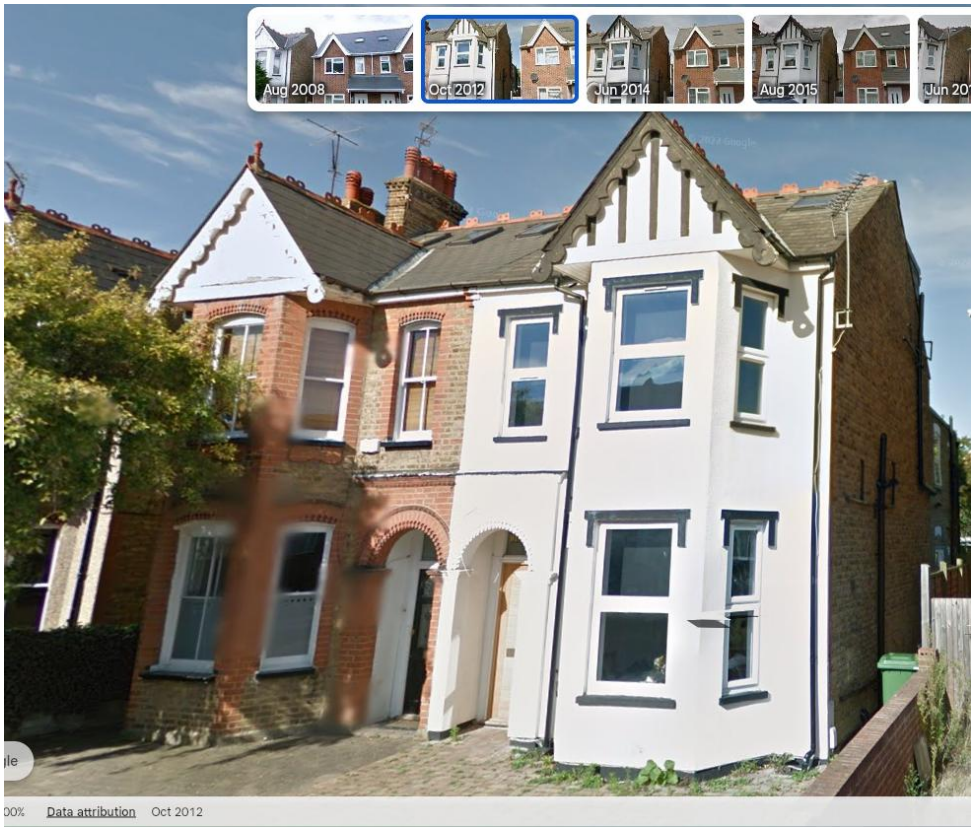

Figure 5: Google Street View, October 2012. Front elevation of 8 Hinton Road.