S96A Cover Letter – Eden House, 814d Uxbridge Road

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Planning Services
London Borough of Hillingdon
Civic Centre, High Street
Uxbridge UB8 1UW

26 October 2026

Your ref: 74992/APP/2022/2660 (approved 29 March 2023)

Dear Sir or Madam,

Application for a non-material amendment under Section 96A of the Town and Country Planning Act 1990 – Eden House, 814d Uxbridge Road, Hayes, UB4 0RS – Planning permission ref. 74992/APP/2022/2660

SMA Studio Barnet Ltd acts on behalf of Burbank Properties Ltd. We submit this application for a non-material amendment to planning permission 74992/APP/2022/2660 through the Planning Portal. The application seeks to amend the description of development only.

The permission

Planning permission 74992/APP/2022/2660 was granted under delegated powers on 29 March 2023 for the development described below. Development lawfully commenced before the permission's expiry on 29 March 2026, so the permission remains extant. Structural steelwork forming part of the approved development was in place by 12 March 2026, as shown in the enclosed date- and location-verified photographs. The works are under Building Control application OPP-148499 with Stroma Building Control. Conditions 3 (external materials), 5 (landscaping, including refuse and cycle storage) and 7 (Construction Logistics Plan) were discharged under ref. 74992/APP/2024/874, approved on 19 July 2024. This included the pre-commencement conditions 5 and 7.

The proposed amendment

The amendment removes the bedroom count from the description. No other words change.

	Description of development
Approved	Erection of one additional storey above the existing mixed use building to create 3 no. 1-bed residential apartments and changes to third floor fenestration.
Proposed	Erection of one additional storey above the existing mixed use building to create 3 no. residential apartments and changes to third floor fenestration.

Why the amendment is needed

The applicant wishes to reconfigure the approved third-floor flats from 3 x 1-bed to 2 x 2-bed and 1 x 1-bed, within the approved envelope. This requires the approved floor plans to be replaced by varying condition 2 (approved plans) under Section 73.

Following *Finney v Welsh Ministers* [2019] EWCA Civ 1868, a Section 73 permission cannot change the description of development. While the description specifies "1-bed" apartments, a varied plans condition showing 2-bed units would conflict with it. Removing the bedroom count by this Section 96A application is the established way to resolve this, as recognised in national Planning Practice Guidance.

Why the amendment is non-material

Under Section 96A(2), the Council must have regard to the effect of the change, with any previous amendments, on the permission as originally granted. We consider the change non-material for the following reasons:

1. It changes the wording of the description only. It authorises no physical change to the building, the approved drawings or the conditions.
2. The number of dwellings stays at three. The use, footprint, height, massing, roof form, external appearance and fenestration are all unchanged.
3. Condition 2 continues to bind the development to the approved 1-bed layout. Any change to the unit mix can only be authorised through the linked Section 73 application, where it will be fully assessed.
4. The amended description remains an accurate description of the approved development. No one would be prejudiced by the change, and no consultation is needed for it to be fair (the *Wheatcroft* test).
5. The more general wording is consistent with how Hillingdon commonly describes residential development, and with Policy DMH 2, which supports a mix of unit sizes.

There have been no previous non-material amendments or Section 73 variations to this permission.

Linked Section 73 application

Once this application is determined, a Section 73 application will be submitted to vary condition 2. It will be supported by revised floor plans and the technical information needed to assess the 2 x 2-bed and 1 x

1-bed mix. This includes compliance with London Plan Policy D6 and Policy DMHB 16, the approach to private amenity space under Policy DMHB 18, cycle and refuse storage, CIL and fire safety. We are disclosing this so the Council can see the full context of the change. All planning merits of the revised layout properly fall to be assessed under that application.

We would therefore be grateful for an early determination of this application, so that the Section 73 application can follow.

Submitted documents

1. Section 96A application form
2. This covering letter
3. Site location plan, drawing L.201 (as approved)
4. Evidence of lawful commencement: date- and location-verified site photographs (12 March 2026)

We trust this application is in order. Please contact me if you need anything further or would like to discuss the proposal.

Yours faithfully,

Fadi Shawkat, MArch
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