



Appeal Decision

Site Visit made on 7 September 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/R5510/D/21/3273890

123 Charville Lane, Hayes, UB4 8PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Habib Dudhwala against the decision of London Borough of Hillingdon.
 - The application Ref 8692/APP/2020/4101, dated 10 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is addition of one floor above original ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that the change was agreed has been provided.
3. The provisions of Schedule 2, Part 1, Class AA of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework), only in so far as they are relevant to the subject matters of the prior approval.
4. Following the refusal of the application the new Framework has been published. There have been no fundamental changes to national planning policy relevant to the main issues in this appeal and so no injustice has been caused to any of the appeal parties.

Main Issues

5. The main issues of the appeal are:
 - whether the proposal would be permitted development under Schedule 2, Part 1, Class AA of the GPDO; and
 - if so, the effect of the proposed development on the character and appearance of the dwellinghouse.

Reasons

Whether Permitted Development

6. Schedule 2, Part 1, Class AA of the GPDO enables, as permitted development, the enlargement of a dwellinghouse by the construction of additional storeys. This is subject to a number of criteria listed in paragraph AA.1, and various conditions listed in paragraphs AA.2 (2) and (3).
7. Paragraph AA.1 (h) states that such development is not permitted where the floor to ceiling height of any additional storey, measured internally, would exceed the lower of: (i) 3 metres, or, (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse.
8. While the application form indicates that the proposal would comply with this requirement, there are no sections or other plans showing the internal ceiling height of the existing dwelling or the additional storey.
9. Paragraph AA.3 (3) states that the local planning authority may refuse an application where, in its opinion the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2
10. The information provided fails to satisfactorily demonstrate that the proposal would meet the requirements of Paragraph AA.1 (h) and therefore it is not permitted development.

Character and Appearance

11. As the proposal would not be permitted development there is no need for me to consider the prior approval matter of the external appearance of the dwelling.

Conclusion

12. For the above reason, I conclude that, based on the evidence before me, the proposal would not be permitted under the requirements of Schedule 2, Part 1, Class AA of the GPDO.
13. The appeal is, therefore, dismissed.

Stuart Willis

INSPECTOR