



Appeal Decision

Site visit made on 22 July 2025 by R Pankhurst

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2025

Appeal Ref: APP/R5510/D/25/3363277

71 Marshall Drive, Hillingdon, Hayes, UB4 0SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) (as amended).
 - The appeal is made by Mr Zafir Mirza against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 78778/APP/2024/2378.
 - The development proposed is described as "Roof extension to add an additional storey to an end of terrace property to match the number of storeys of adjoining terraces. Floor to eaves height of proposal to be 7.6 metres to match all existing 3 storey terraces around the property."
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for creation of an additional storey at 71 Marshall Drive, Hillingdon, Hayes, UB4 0SN in accordance with the terms of the application, Ref 78778/APP/2024/2378, and the details submitted with it including plans 2401A 100, 2401A 101, 2401A 102, 2401A 110, 2401A 111, 2401A 112, 2401A 113, 2401A 120, 2401A 121, 2401A 200, 2401A 210.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description in the header above is taken from the application form. However, for clarity the description of development in the Decision above has been taken from the Council's notice of decision and the appeal form, as it most accurately describes the proposed development and removes superfluous information.
4. Under Article 3 and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse by the construction of additional storeys, subject to specific limitations and conditions and a requirement that the developer applies for prior approval to the Local Planning Authority.

5. There is no dispute between the parties that the proposal would comply with the limitations in paragraph AA.1 and the conditions in paragraph AA.2. (2) of Class AA. There is also no dispute with regard to the prior approval matters in paragraph AA.2. (3)(a) (iii) or (iv). From the evidence before me I see no reason to disagree.
6. The Council has assessed the proposed development with reference to local development plan policies. However, prior approval is a different procedure to a planning application, and the GPDO does not require decision-makers to have regard to, or make decisions in accordance with, the development plan. The development plan policies are therefore relevant material considerations insofar as they seek to protect external appearance and amenity but are not determinative. The GPDO does however require that regard is had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
7. I have accepted a late representation received at appeal stage in the interests of fairness, because it is unclear whether the author was notified at the time of the application. The appellant has had the opportunity to respond to the comments made.

Main Issues

8. Although the Council's concerns in relation to the prior approval matters relate only to the external appearance of the dwellinghouse, an objection has also been received relating to the impact of the proposal on the amenity of adjoining premises. Therefore, I will also assess amenity, in the interests of fairness.
9. Accordingly, the main issues in this appeal are the effect of the proposal on the external appearance of the dwellinghouse and on the amenity of adjoining premises.

Reasons for the Recommendation

External Appearance

10. The surrounding area is residential and characterised by a mix of three-storey townhouses and two-storey terraces with some in a staggered layout creating a staggered roofline in places. The appeal site is at the end of a terrace and is the only two-storey dwelling within the terrace with the rest being three-storey. Therefore, there is asymmetry in the design of the terrace.
11. The proposed additional storey would increase the overall height of the appeal property, so that it would be taller than the rest of the terrace. However, there is already a break in the ridge line between the terrace and the appeal property and therefore the proposal would not visually unbalance the terrace. It would instead harmonise well with the height of the terrace opposite. Due to the existing staggered layout and changes in the ridge line of the dwellings in the area, the proposal would not look incongruous or out of place.
12. The fenestration proposed would match the existing at the front and rear of the appeal property in terms of spacing and the gap from the upper windows to the eaves. While there would be a difference in the level of the windows compared with the rest of the terrace, this would not be a change from the existing situation, as there is already a variance caused by the difference in ground level. There is also variety in the size and style of windows used throughout the terraces in the

surrounding area. Consequently, this element of the proposal would not harm the external appearance of the dwellinghouse or the local area.

13. For the reasons above, the proposal would conform to the requirements and criteria of Article 3 and Schedule 2, Part 1, Class AA, paragraph AA.2. (3)(a)(ii) of the GDPO and would not result in harm to the external appearance of the dwellinghouse. Consequently, there would be no conflict with the Framework which seeks that planning decisions ensure that developments are sympathetic to local character and history, including the built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Amenity of Adjoining Premises

14. In the morning, the garden of the appeal property receives shade and this would be slightly increased due to the proposal. In contrast, the neighbouring ground-floor property 67 Marshall Drive has its garden and main rear opening on the other side and therefore receives mostly morning sun. It was however apparent from my site visit that there were a number of relatively large trees either within or in close proximity to the rear garden of No 67 which would likely create some shade throughout the day. In the late afternoon and evening the rear garden of No 67 would receive shade from the three-storey terrace of which it is part.
15. The proposal would be in line with the existing terrace, and its orientation means that it would not increase shading to the garden of No 67 in the morning. Its increased height would result in a small amount of additional shading to that garden in the evening, but this would not be significantly greater than is already cast by the existing three-storey properties in the terrace. Therefore, the proposal would have very limited effect in terms of the light received by the rear windows and garden of No 67, and would not be sufficient to harm the amenity of that property. There would also be limited impact on the upper floor flat of the adjoining terrace and to the property to the rear, which has a blank wall facing the appeal site.
16. Comments have been received by an interested party setting out concerns that building works related to the proposal will have a harmful effect on their health, as they have a respiratory health condition. In light of this, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The interested party has also raised concerns regarding traffic and parking during construction, and consequent impacts on neighbours and the highway.
17. There is potential for construction of the proposal to harm amenity with regard to these matters. However, Article 3, Schedule 2, Part 1, Class AA, paragraph AA.2 (3)(b) requires the appellant to provide the local planning authority with a report for the management of the construction of the development which sets out the proposed hours of operation, along with how any adverse impact of dust and traffic on adjoining occupiers will be mitigated. This must be provided before beginning the development. In view of this, I am satisfied that any potential construction impacts can be satisfactorily mitigated and therefore granting prior approval would be consistent with my PSED duty contained in Section 149 of the Equality Act 2010.

18. For the reasons above, the proposal would not harm the amenity of adjoining premises and would conform to the requirements and criteria of Article 3 and Schedule 2, Part 1, Class AA, paragraph AA.2. (3)(a)(i) of the GDPO. It would not therefore conflict with the Framework, which requires development to create a high standard of amenity for existing users.

Other Matters

19. Concerns have been raised that the proposal will impact a neighbour's right to light, however this is a separate legal matter. Similarly, the concern that the proposal could depreciate the value of adjoining premises is not a planning matter. Therefore, these are not matters that fall within my remit in making a recommendation on this appeal.

Conditions

20. The development permitted by this appeal is subject to the conditions set out in Schedule 2, Part 1, Class AA, paragraph AA.2.(2) of the GPDO, which includes conditions for timescales and materials. Building in accordance with the approved details is specified as a procedural requirement in paragraph AA.3.(14) of Class AA.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

R Pankhurst

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

L McKay

INSPECTOR