



Appeal Decision

Site visit made on 24 July 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/R5510/C/23/3329545

2 Maygoods View, High Street, Cowley, Uxbridge UB8 2HG known as 2 Maygoods View, High Road, Cowley, Uxbridge UB8 2HG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
 - The appeal is made by Mrs Jelena Zaika against an enforcement notice (“the notice”) issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 8 August 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a single storey rear extension, first floor rear extension and roof extension.
 - The requirements of the notice are to: (i) Demolish and remove the single storey rear extension; (ii) Demolish and remove the first floor extension; (iii) Demolish and remove the roof extension; and (iv) Remove from the land all debris, items, fixtures and fittings, plant and machinery resulting from compliance with (i) to (iii).
 - The period for compliance with the requirements is: 3 calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) of the Act.
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Decision

1. It is directed that the notice is varied in section 5 by:
 - The deletion of “(i) Demolish and remove the single storey rear extension.”
 - The deletion of “(i)” and the substitution of “(ii)” in item (iv).
2. Subject to the variations, the appeal is dismissed, and the notice is upheld.

The appeal on ground (b)

3. An appeal on this ground may succeed if an appellant can demonstrate, on the balance of probabilities, that a matter alleged in a notice has not occurred. In this case, 3 matters are alleged to have occurred, each comprising the erection of an extension to the dwellinghouse.
4. A single storey rear extension, a first-floor rear extension and a roof extension have all been erected, as alleged, as a matter of fact and the appeal on this ground must therefore fail. Whether they were erected in breach of planning control is to be determined in the appeal on ground (c).

The appeal on ground (c)

5. An appeal on ground (c) may succeed if an appellant can demonstrate, on the balance of probabilities, that any matter alleged in the notice is not a breach of planning control. This could be because it is not development or does not require an express grant of planning permission.

6. It is not disputed that the extensions are development. However, the appellant contends that the erection of the single storey and first floor extensions is the implementation of a planning permission to extend 1 and 2 Maygoods View¹ granted in 2020 (“the 2020 permission”).
7. I have noted the Council’s concern, disputed by the appellant, that the certification for the application that resulted in the 2020 permission may have been incorrect. That is, however, outside the scope of this appeal.
8. The description of development was “part two storey, part single storey rear extension involving demolition of existing conservatory at No. 1.” The parties disagree about the involvement of the owner of No. 1 in the application and no development has occurred at No. 1 since the permission was granted. However, its terms do not prevent partial or phased implementation, so in principle, an extension of No. 2 alone could be a lawful implementation of the 2020 permission.

The single storey rear extension

9. The Council has not identified any difference between this element and the ground floor part of the 2020 permission insofar as it relates to No. 2. There is nothing in the evidence before me to indicate that the erection of the single storey element, which must have preceded the erection of the first-floor element, was not a lawful implementation of the 2020 permission. Accordingly, and on the balance of probabilities, the appellant has demonstrated that the construction of this element is not in breach of planning control.

The first-floor rear extension

10. There are obvious differences between the approved plans of the 2020 permission and what has been built at first floor level, indicating that this is where the deviation from the approved scheme arose. The first difference is that the eaves are set higher, by some 3 courses of blockwork, and thus noticeably out of alignment with the eaves of No. 1. This deviation appears to be the cause of the second difference, the formation of a crown roof instead of the approved pitched roof.
11. The appellant states that the crown roof was made necessary by the proximity of the existing loft windows. The approved drawings show that a pair of French windows in the existing dormer were to be replaced by a narrower window of the same depth, to create the space needed for the pitched roof to connect with the dormer. However, the higher starting point of the raised eaves line means that a pitched roof of the dimensions approved would probably have come into conflict with the existing and proposed dormer windows.
12. The appellant intends to rectify these deviations, although it is not clear what work would be entailed. However, their effect is significant, resulting in a materially different first floor extension. It is not what was permitted in 2020 and is therefore unauthorised and requires an express grant of planning permission. Accordingly, and on the balance of probabilities, the appellant has not demonstrated that the construction of this element is not in breach of planning control.

¹ 74836/APP/2020/367, granted 6 April 2020.

The roof extension

13. The 2020 permission did not include a roof extension although, as noted, it did include changes in fenestration at dormer level to accommodate the roof of the first-floor element. A certificate of lawful use or development (LDC) had been granted for a loft conversion in 2018² but drawings of the lawful scheme have not been provided. However, a large dormer is shown in the existing rear and side elevations listed in the 2020 permission.
14. The Council suggests the dormer is not set down from the ridge line or in from the side wall. From what I saw, the dormer roof profile matches the existing side elevations presented in 2020. It incorporates a slope to aid water run-off but that has not made it exceed the ridge line. The drawings from 2020 suggest that, if the dormer was to have been set in from the side wall, it would have been to a marginal degree.
15. The striking difference from what had been shown is the absence of any projection of the main roof plane beyond the dormer, which would thus be seen as an insert in it. As a result, the dormer has the appearance of a flat roof extension when viewed from High Street through the gap between No. 2 and No. 3. While this difference is small in scale, its effect on the appearance of the house and the street scene is significant. This projection of the roof plane is shown on the 'existing' drawings from 2020, representing what had been certified lawful in 2018.
16. Consequently, and on the balance of probabilities, the roof extension is materially different from what had been certified as lawful. The appellant has therefore not demonstrated, on the balance of probabilities, that the construction of this element is not in breach of planning control.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed.
18. However, I have noted that the single-storey element was a lawful commencement of the 2020 permission, with the deviation occurring later at first floor level. Therefore, requirement (i) seeks the removal of works that were carried out lawfully and in compliance with the terms (including conditions and limitations) of the 2020 permission. Consequently, that requirement is excessive and should be deleted.
19. I shall therefore uphold the notice with that variation and a consequential drafting variation to requirement (iv).

Mark Harbottle

INSPECTOR

² 71057/APP/2017/4255 granted 17 January 2018.