



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/24/3357693

42 White Heart Avenue, Uxbridge UB8 3EP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
 - The appeal is made by Mr Siavash Esmaeili against an enforcement notice (“the notice”) issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 3 December 2024.
 - The breach of planning control as alleged in the notice is: The demolition of the dwellinghouse.
 - The requirements of the notice are: (i) Re-build the dwellinghouse in accordance with the existing plans shown on drawings 1159-PLA-001-Rev A, 1159-PLA-004-Rev A, 1159-PLA-005-Rev A, 1159-PLA-006-Rev A and 1159-PLA-007-Rev A received 15 July 2024 attached to planning decision reference 21911/APP/2024/1910 granted on 4 November 2024; and (ii) Following compliance with (i), remove from the land all debris, waste, building materials, fixtures and fittings, plant equipment and machinery resulting from the works listed in (i).
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (f), (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the notice is upheld.

Preliminary Matters

2. The appellant suggests that the Community Infrastructure Levy (CIL) provided a financial motivation for issuing the notice. There is no reference to CIL in the report that recommended issue of the notice, or in the reasons set out in the notice. I shall therefore treat the notice as having been issued for the reasons stated.
3. Construction work on a dwellinghouse resembling the one shown as proposed in drawings referenced in planning permission 21911/APP/2024/1910 (“the permission”) is nearing completion.

The appeal on ground (b)

4. An appeal on this ground is that any matter alleged in the notice has not occurred as a matter of fact. In this case, that would mean that a dwellinghouse has not been demolished. While the appellant contends that planning permission had been granted for the demolition, to be considered in the appeal on ground (c), he does not deny that it occurred. The appeal on this ground therefore fails.

The appeal on ground (c)

5. To consider the appellant's contention that planning permission has been granted for the demolition of the dwellinghouse, it is necessary to begin with the description of development in the decision notice granting the permission. That description is:

Erection of single storey side and rear extensions and a new front porch following demolition of existing porch. Conversion of roof space into habitable use to include 4no. side dormers, 2 side facing roof lights and hip to gable ends conversion with front facing gable end window and rear facing Juliette balcony. Amendments to fenestration including installation and removal of side facing windows.

6. The only demolition included in that description is of a porch and the references to extension, conversions and amendments to fenestration clearly indicate an intention that significant parts of the original fabric would be retained.
7. Drawings 1159-PLA-051_c, 1159-PLA-052_c and 1159-PLA-053_c listed in the schedule of approved plans all show the proposed retention of original fabric (in white) and the erection of new fabric (shaded pink). The retained fabric includes an original side wall and the original front wall (minus the original porch).
8. The retention of fabric from an original building does not preclude it being found, as a matter of fact and degree, that a new building has been formed and that the original building has ceased to exist. However, in this case the retained fabric shown on the approved drawings was not, as the appellant asserts, "almost nothing" but would have provided substantial structural support to the altered and extended building that was permitted. It was a significant proportion of the original dwellinghouse, which therefore would not have ceased to exist but would have been extended and altered if the development had been carried out as granted.
9. Consequently, a reasonable reader, looking at the decision notice and the approved plans, would have to conclude that, while the permission allowed some demolition, it did not amount to the demolition of the dwellinghouse.
10. For these reasons, it has not been demonstrated, on the balance of probabilities, that planning permission has been granted for the demolition of the original dwellinghouse and the appeal on this ground must fail.

The appeal on ground (a)

11. An appeal may only be made on this ground in respect of the matters alleged in the notice, in this case the demolition of the original dwellinghouse. The construction of the new dwellinghouse is a separate matter.
12. The main issues in this ground of appeal are therefore the effect of the demolition of the original dwellinghouse on:
- The character and appearance of the area.
 - The supply of self-contained housing to meet projected housing needs.

Reasons

Character and appearance

13. For most of its length, White Heart Avenue comprises bungalows on narrow plots. This creates a consistent sense of rhythm in the street scene. While there is a change from bungalows to semi-detached houses shortly after the appeal site, continuity and rhythm of built development are maintained.
14. While the gap left by the demolition of the original dwellinghouse has now been filled, I have no doubt that it was a significant and uncharacteristic break in the continuity and rhythm of development. The demolition therefore detracted from the character and appearance of the surrounding area and is therefore unacceptable.

Housing supply

15. The Council refers to information indicating a substantial borough-wide requirement for accommodation of the scale of the original dwellinghouse and the appellant does not dispute that this requirement exists. However, he contends that a net loss of housing has only occurred because the notice prevents construction of a replacement dwellinghouse.
16. That contention contradicts the notice's first requirement, which is to rebuild the original dwellinghouse, as section 173(6) of the Act provides:

Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which ... is as similar as possible to the demolished building.

17. The appellant's argument is not aided by the fact that he has constructed a new dwellinghouse, although it is not the replacement the notice requires to be built. However, as before, only the demolition of the original dwellinghouse is under consideration in this appeal. That demolition resulted in a net loss of self-contained housing because there was no authorised replacement.

Conclusion on ground (a)

18. The gap in the street frontage arising from the demolition of the dwellinghouse failed to integrate well with the surrounding area, did not improve legibility, and did not take account of the established townscape character. It was therefore contrary to the requirement of policy DMHB 12 of the London Borough of Hillingdon Local Plan Part 2: Development Management Policies ("LP Part 2") that development is well integrated with the surrounding area.
19. The demolition undertaken without a permitted replacement of equivalent residential floor space also resulted in a net loss of existing self-contained housing, contrary to policy DMH 1 of LP Part 2.
20. For these reasons the demolition of the dwellinghouse is contrary to the development plan as a whole and unacceptable. There are no material considerations to suggest that the deemed planning application should be determined other than in accordance with the development plan. Consequently, the appeal on this ground must fail.

The appeal on ground (f)

21. The appellant's case on this ground is shaped by his belief that the permission allowed the demolition of the original dwellinghouse and the erection of a replacement. However, I have found that planning permission had not been granted for that.
22. Accordingly, the view that the notice should be varied to require the erection of a new dwellinghouse resembling the original dwellinghouse, had it been altered and extended as approved, is mistaken. The original dwellinghouse was the starting point for what was permitted, and it no longer exists, so the permission to alter and extend it was not and cannot be implemented.
23. In these circumstances, the only available remedy for the breach of planning control that occurred, the unauthorised demolition of the original dwellinghouse, is to rebuild what was unlawfully demolished, as the notice requires. Therefore, the appeal on this ground must fail.

The appeal on ground (g)

24. The notice requires the original dwellinghouse to be rebuilt and all resultant debris, waste, etc. to be removed within 6 months. The appellant seeks an additional 4 months to allow the rebuilt dwellinghouse to be replaced with another resembling the original, had it been altered and extended as approved.
25. The extra time is sought for things that the notice does not require to be done, and the appellant has failed to demonstrate that 6 months is not a reasonable period to comply with what it does require. The appeal on this ground fails accordingly.

Conclusion

26. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

Mark Harbottle

INSPECTOR