



Appeal Decision

Site visit made on 6 January 2026

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

Appeal Ref: APP/R5510/C/24/3337512

14A Wilstone Close, Hayes, UB4 9RL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mustapha Omar Rushedy against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 15 December 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the development of timber framed garage forwarding the principal elevation of dwelling house.
 - The requirements of the notice are to:
 - (i) Demolish the timber framed garage approximate position hatched purple on the attached plan.
 - (ii) Remove from the land all the debris, items, fixtures and fittings, building materials, plant and machinery resulting from the works listed above.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). 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. It is directed that the enforcement notice is corrected by deleting the breach of planning control alleged in section 3 and its substitution with “Without planning permission, the erection of a timber framed garage forward of the principal elevation of dwellinghouse”.
2. Subject to the correction, the enforcement notice is upheld.

Preliminary Matters

3. The breach of planning control as alleged in the notice is “the development of timber framed garage forwarding the principal elevation of dwelling house”. Although that tells the appellant what he has done wrong, it would be more precise if it was corrected to “the erection of a timber framed garage forward of the principal elevation of dwellinghouse”.
4. I am able to make that correction under the powers transferred to me by s176(1)(a) of the 1990 Act, without injustice to any party.

The Appeal on Ground (a)

Main Issues

5. The main issues are the effect of the development on the character and appearance of the area and the living conditions of the occupants of No 14A Wilstone Close, with particular regard to outlook and light.

Reasons

Character and appearance

6. The timber garage building sits in front of the principal elevation of No 14A, which is a two storey, end of terrace dwelling. It is a relatively large structure, and due to its finishing materials, including windows of varying size and design, has a somewhat makeshift appearance. Save for its size, its characteristics are more akin to a shed type structure that may be found in a rear garden, rather than being positioned in front of No 14A, where it appears as an incongruous and harmful form of development.
7. I appreciate that there is a staggered building line so that the building does not sit forward of the entire terrace. Nevertheless, it is primarily seen in the context of Nos 14, 14A and 14B, where it sits very clearly forward of those principal elevations. Such siting is very clearly out of keeping with the prevailing pattern of development in Wilstone Close, where there is no significant built form, forward of the dwellings.
8. The boundary fencing and gates largely screen the development in certain views but because of that forward siting, it remains clearly visible from other viewpoints in the public realm. The appellant has sought to draw my attention to the stretch of parking alongside No 13 Wilstone Close, but that will likely increase the number of residents and visitors who will see the building.
9. Moreover, the distinctly contrasting timber finish to the appeal building, set against the backdrop of the rendered, five-storey block of flats in Byron Way, serves to increase its visual prominence, rather than alleviate any harm. Moreover, even though the appeal site is located at the end of a cul-de-sac, the building's uncharacteristic siting and appearance will also be clearly seen from many of those flats beyond.
10. The appellant seeks to argue that the timber building is subordinate and at 35m² is proportionate to a site of approximately 410m² and a dwelling of approximately 100m². In that regard I note the site plan submitted with the retrospective planning application¹ for the timber garage building. However, the arrangement shown therein does not reflect my own observations. The area shown to be apportioned to No 14A, now appears to have been split into two – 14A and 14B. Relative to the footprint of No 14A, the timber building is clearly disproportionately large.
11. In any case, the structure takes up the vast majority of the area directly in front of No 14A, detracting from its setting and appearing shoehorned into the space between the front of that dwelling and the fenceline. Therefore, even if the site had not been split, unacceptable harm arises from not just its size, but also its poor design and siting.
12. The appellant has explained his willingness to accept conditions to paint the white uPVC door and window to match the timber, or to paint or stain the entire building in a different colour. However, such measures would not acceptably mitigate the harm arising from its size, design and siting forward of the principal elevation of No 14A.
13. I therefore find that the timber garage building results in unacceptable harm to the character and appearance of the area, contrary to Policy BE1 of the Hillingdon

¹ Ref: 71592/APP/2023/2458 - Retention of timber framed garage, porch canopy and front gates (Retrospective application).

Local Plan: Part 1 – Strategic Policies (adopted November 2012) and Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 - Development Management Policies (LP2) (January 2020). Those policies require, amongst other things, all development to be designed to the highest standards and incorporate principles of good design.

Living conditions

14. Whilst the ground floor of No 14A is largely open plan, the windows in the rear elevation serve a kitchen and toilet, with the latter being obscure glazed. The primary outlook is therefore to the front and towards the timber building, which is situated directly in front of one of two habitable room windows, at very close proximity. Consequently, the outlook from that affected window in particular will be dominated by the timber building to an extent whereby it would largely negate the benefits it would otherwise provide.
15. The importance of the outlook from that window is heightened as the outlook from the other front facing window is permanently affected by the significant forward projection of the adjacent building line. Combined with the timber building, occupants would experience an undue sense of confinement with their outlook being constrained on both sides.
16. Moreover, the building, because of its size and siting, is likely to result in a harmful reduction in the amount of light being able to enter the room through the affected window. That in turn will compound the pre-existing harm from the staggered building line, which will affect the amount of sunlight entering the other front facing window.
17. Painting the timber building white would reflect some light back into the front of No 14A, but because of its size and proximity and the staggered building line, the harms described would not be acceptably mitigated.
18. I understand the appellant's argument that whether the building remains in situ is within the control of the occupiers of No 14A, but that relies on ownership. It is unlikely that a tenant would have that degree of control. Existing and future occupiers should therefore be considered having regard to that scenario.
19. The appellant has suggested that the windows in the side elevation of the timber building could be removed to eliminate any impacts on privacy. However, as long as the timber building is used solely by the occupants of No 14A, unacceptable harm would be avoided. In the event that it is used by other persons, perhaps in a landlord and tenant relationship, then the effect on privacy would be unacceptably compromised by comings and goings in front of the timber building, given its proximity and relationship with No 14A, even if the side windows were removed.
20. I therefore find that the timber building results in unacceptable harm to the living conditions of the occupiers of the adjacent dwelling at No 14A, contrary to LP2 Policy DMHB 11, which states, amongst other things, that development should not adversely impact on the amenity, daylight and sunlight of adjacent properties.

Conclusion

21. For the reasons given above, I conclude that the timber building is contrary to the development plan as a whole, and that material considerations do not indicate that the appeal should be determined otherwise than in accordance with the

development plan. The ground (a) appeal should not therefore succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (f)

22. The appeal on ground (f) is that the requirements of the enforcement notice are excessive to remedy the breach of planning control or, as the case may be, the injury to amenity caused by the breach.
23. In this case the requirements are to demolish the timber building identified in the breach and remove all resultant debris. The purpose of the notice must therefore be to remedy the breach of planning control. Accordingly, the appeal on ground (f) can only succeed if it is shown that the steps set out in the notice are excessive for that purpose.
24. The appellant requests that instead of demolishing the timber framed garage that the structure could be painted or stained a different colour thus mitigating its impact on the visual amenities of the street scene. However, I have considered the same under ground (a) and have not found that the harm to character and appearance would be acceptably resolved. Similarly, for the reasons explained, the living conditions harms would not be acceptably addressed by painting the timber building or by removing its side windows.
25. It is not shown that there are any other lesser steps that would remedy the breach of planning control. I find that the requirements of the notice tally and logically follow from the breach and are not excessive for the purposes of remedying the same.
26. The appeal on ground (f) fails.

The Appeal on Ground (g)

27. The ground (g) appeal is that the three months given to comply with the notice is too short because the required works would be outside of the appellant's capabilities so he would need to hire a competent contractor. It is also argued that the building contains a lot of equipment which would need to be stored securely elsewhere, whether on site in a new outbuilding in the rear garden, or off-site by renting space at a storage facility. Both are argued to be a financial burden in addition to any contractor fees required to demolish and remove the existing building. The appellant therefore requests a period of six months to ensure he has sufficient funds and to provide secure storage for his belongings.
28. However, no financial evidence is provided to show that the removal of the timber building would be particularly costly and would likely cause difficulties to the appellant. Given its fairly simple construction, its demolition is likely to be relatively straight forward. In that regard, I see no reason why the period for compliance would cause undue difficulties.
29. Moreover, I fail to see why three months would not be sufficient to secure rental of off-site storage space, even if that is an interim measure whilst the applicant considers the feasibility of providing other storage provision on-site.

30. The three month period therefore strikes a reasonable and proportionate balance between any difficulties the appellant may encounter, and the public interest in this case.
31. The ground (g) appeal fails.

Richard S Jones

INSPECTOR