



Appeal Decision

Site visit made on 14 April 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 APRIL 2026

Appeal Ref: APP/R5510/C/24/3344012

25 and 27 Lothian Avenue, Hayes UB4 0EG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Tarsem Singh against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 12 April 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, unauthorised erection of a porch, roof enlargement and first floor rear extensions at 25 and 27 Lothian Avenue, Hayes, UB4 0EG ("the breach").
 - The requirements of the notice are to:
 - (i) Demolish and remove the porch at 25 and 27 Lothian Avenue, Hayes, UB4 0EG
 - (ii) Demolish the roof enlargement and first floor rear extensions at 25 and 27 Lothian Avenue, Hayes, UB4 0EG
 - (iii) Reinstatement the pre-existing buildings to resemble the details of drawing labelled "existing" elevations PL-01 Rev. P2, approved with application reference 74548/APP/2019/3134.
 - (iv) Remove from the land all debris, items, fixtures and fittings, plant and machinery resulting from compliance with point (i) (ii) an (iii) above.
 - **OR**
 - (i) Demolish and remove the porch at 25 and 27 Lothian Avenue, Hayes, UB4 0EG
 - (ii) Demolish the roof enlargement and first floor rear extensions at 25 and 27 Lothian Avenue, Hayes, UB4 0EG
 - (iii) Construct the development in accordance with the details of drawing labelled "proposed" elevations PL-01 Rev. P2, approved with application reference 74548/APP/2019/3134.
 - (iv) Remove from the land all debris, items, fixtures and fittings, plant and machinery resulting from compliance with point (i) (ii) an (iii) above.
 - The period for compliance with the requirements is: Three (3) calendar months after this Notice takes effect.
 - 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.
 - **Summary of decision: The appeal succeeds to the extent that the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.**
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Preliminary Matter

1. The appeal has been made on grounds (a), (f) and (g). However, the appellant's Statement of Case contends that certain works were carried out within permitted development tolerances and therefore do not amount to a breach of planning control. That contention is relied upon to argue that the requirements of the EN are excessive, fail to properly take account of previous additions to the building, and go beyond what is necessary to remedy the alleged breach. Matters of this nature fall to be considered under ground (c), namely that the matters alleged in the notice do not constitute a breach of planning control. The appellant was invited to confirm whether they wished to pursue a ground (c) appeal but has not responded in the allotted time. Accordingly, the appeal will proceed on grounds (a), (f) and (g).

Appeal on Ground (a) and the Deemed Application for Planning Permission

2. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:
- the effect of the porch, roof enlargement and first floor rear extensions on the character and appearance of the dwellings and area; and;
 - the effect of the first floor rear extensions on the living conditions of the occupiers of 23 and 29 Lothian Avenue in respect of daylight and sunlight.

Reasons

Character and Appearance

3. The appeal site comprises a pair of semi-detached dwellings (Nos. 25 and 27) fronting Lothian Avenue, a residential street characterised by modest two-storey semi-detached properties. While some dwellings have been subject to roof-level alterations, the prevailing pattern remains one of hipped roofs, which form a consistent and cohesive roofscape.
4. The buildings are further unified by the presence of predominantly modest front porches, which provide a limited level of articulation to the front elevations while remaining clearly subordinate to the main form of the dwellings. Along this section of Lothian Avenue, rear alterations are generally confined to the ground-floor level, with the first-floor elements of the buildings typically remaining unaltered. Notwithstanding some variation in materials and detailing, there is a clear consistency in the age, rhythm and overall built form of development along Lothian Avenue, which contributes positively to the street's character and cohesive appearance.
5. The porch is a shared structure serving both Nos. 25 and 27 Lothian Avenue. Although its shared form maintains a degree of visual balance between the two dwellings, and the use of matching materials and a broadly similar roof form reflects some elements found elsewhere along the street, it is not characteristic of the modest porches that prevail along Lothian Avenue. Furthermore, it does not enhance the character or appearance of the host dwellings or the wider street scene. This is because the depth and height of the porch are excessive, resulting in an addition of significant bulk and mass. Consequently, the porch fails to remain visually subordinate to the host properties and appears unduly prominent in the street scene.
6. Whilst there are examples of front porches that span the width of semi-detached pairings within the street, these are the exception rather than the norm. Where such features do exist, they typically comprise modest porches attached to canopies, which extend across the width of the property in a subordinate manner. By contrast, the appeal porch is of a substantially greater scale and solidity, resulting in a form that is not characteristic of the prevailing pattern of development along Lothian Avenue.
7. The roof enlargement and first-floor rear extensions are of an excessive scale, bulk and mass and dominate the host dwellings. These additions significantly alter the original proportions of the semi-detached pair, resulting in a bulky and visually intrusive form of development. The roof enlargement and first-floor rear extensions appear top-heavy and overly prominent when viewed from the rear, eroding the

clear distinction between the original dwellings and the additions. As a result, the development fails to respect the scale, form and proportions of the host properties and appear as dominant and incongruous additions.

8. Although some properties along Lothian Avenue benefit from roof alterations and extensions, I did not observe any that are of a similar bulk or overall scale to those at the appeal site. The examples of extended dwellings I noted are predominantly limited to single-storey rear extensions, rear dormers, or hip-to-gable roof alterations, all of which were modest in their scale and impact. In some cases, roof alterations resulted in a degree of visual imbalance within semi-detached pairings, and there are instances where individual dormers are comparable in size, or larger than those at the appeal site. However, cumulatively, the combined roof enlargement and scale and design of the first-floor rear extensions result in a level of bulk and visual prominence that exceeds that seen elsewhere in the street. As such, the development does not reflect the prevailing pattern of alterations along Lothian Avenue and therefore results in harm to the character and appearance of the area.
9. Planning permission was granted for first-floor rear extensions to the appeal properties under reference 7458/APP/2019/3134. There is a real prospect that this scheme could be implemented, and this is accepted by the Council, as replacing the development carried out with the development to accord with this permission is identified as an alternative compliance requirement within the EN.
10. However, whilst the appellant asserts that the built first-floor rear extensions are of a similar proportion to those approved and should not therefore have to be demolished, I do not agree. The additional bulk and massing arising from the increased width and depth of the first-floor rear extensions, together with the replacement of the previously approved hipped roofs with gable ends, result in a materially different form of development that appears more dominant and visually intrusive compared to the approved scheme.
11. Furthermore, whilst the glazed apex introduces a visually interesting architectural feature, and it is acknowledged that there are no comparable examples of such development in the immediate vicinity, the absence of similar forms is not, in itself, determinative of harm. Rather, the concern in this instance arises from the scale, massing, and roof form of the first-floor rear extensions, which fail to respond appropriately to the established character and appearance of the area.
12. For the reasons above, the porch, roof enlargement and first floor rear extensions have a significant adverse effect on the character and appearance of the dwellings and area. The development is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies¹ (Local Plan-P1) and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 – Development Management Policies² (Local Plan-P2). Amongst other things, these policies require development to achieve high quality design, with extensions respecting the design of the original house, remaining subordinate to it, and harmonising with the local context by taking into account the scale of development.

¹ Adopted in November 2012

² Adopted on the 16 January 2020

Living Conditions

13. The appeal site is located between Nos. 23 and 29 Lothian Avenue. While the dwellings along Lothian Avenue share a consistent front building line, the rear building lines vary. In this regard, Nos. 23 and 29 have original rear elevations that extend further back than that of the appeal site. Narrow gaps between Nos. 23 and 25, and between Nos. 27 and 29, provide side access to rear gardens.

Daylight

14. Policy DMHD 1 of the Local Plan- P2 provides specific guidance in relation to two-storey extensions, requiring that such development should not project into an area defined by a 45-degree line of sight drawn from the centre of the nearest ground- or first-floor habitable room window of an adjoining property. This is the only element of the policy that explicitly addresses potential impacts on daylight from two-storey extensions. Policy DMHB 11 of the Local Plan- P2 contains a broader, and less prescriptive, requirement that development should not result in an adverse effect on the daylight and sunlight enjoyed by neighbouring properties and open space.
15. Although the Council considers that the proposal conflicts with both policies, it has not demonstrated that the 45-degree guideline would be breached. In any event, that test applies to adjoining properties, and Nos. 23 and 29 Lothian Avenue do not adjoin the appeal site in the sense intended by the policy. Moreover, the Council has not provided an assessment of the location of the rear-facing habitable room windows serving those properties, nor has it substantiated any harm arising to them.
16. By contrast, the appellant maintains that the development complies with the relevant light angle standards and does not result in a loss of daylight to neighbouring habitable rooms. Based on the evidence before me, I have no reason to disagree. Especially as the original rear building line of the appeal site does not extend as far back into the appeal site as the rear elevations of Nos. 23 and 29 in their respective plots, therefore the first floor rear extensions do not project materially beyond them. In these circumstances, the first floor rear extensions do not result in an unacceptable impact on daylight to Nos. 23 and 29 Lothian Avenue.

Sunlight

17. The rear elevations and gardens of Nos. 25 and 27, as well as those of Nos. 23 and 29, are oriented broadly to the north-east. As a consequence, these rear elevations and garden areas receive limited direct sunlight, particularly during the midday and afternoon periods when the sun is positioned to the south and west. Instead, the principal opportunity for direct sunlight occurs during the early morning hours, when the sun is lower in the eastern sky.
18. The first-floor rear extensions result in a degree of additional early-morning overshadowing to neighbouring rear gardens and rear-facing windows. However, given the north-east orientation of these properties, direct sunlight is already limited and largely confined to the early hours of the day. In this context, any additional overshadowing would be modest, short-lived, and would not materially worsen existing conditions. Consequently, the development would not give rise to an unacceptable impact on sunlight to neighbouring properties.

19. For the above reasons, the first floor rear extensions have an acceptable effect on the living conditions of the occupiers of 23 and 29 Lothian Avenue in respect of daylight and sunlight. They therefore comply with Policies DMHB11 and DMHD1 of the Local Plan- P2 in so far as they do not result in an adverse effect on the daylight and sunlight enjoyed by neighbouring properties and open space.

Conclusion on ground (a)

20. For the reasons given above, I conclude that the appeal scheme is contrary to the development plan, and material considerations do not indicate that the appeal should be determined otherwise than in accordance with that plan. The appeal under ground (a) therefore fails.

Appeal on Ground (f)

21. An appeal on ground (f) is brought on the grounds that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by the matters stated in the notice as constituting a breach of planning control, or, as the case may be, remedy any injury to amenity which has been caused by such breach.
22. S173(3) of the Act states that a notice shall specify the steps which are required to be taken in order to achieve, wholly or partly, any of the purposes set out in S173(4) of the Act. Those purposes are (a) remedying the breach of planning control; or (b) remedying any injury to amenity which has been caused by the breach.
23. In this instance, the EN does not explicitly state which of the two purposes it seeks to achieve. However, given that the EN gives the option of constructing the development in accordance with a drawing which formed part of a planning permission, I am satisfied that the purpose of the EN is to remedy any injury to amenity which has been caused by the breach.
24. The appellant asserts that the total removal of the first- floor extensions would be unreasonable and conflicts with part (iii) of option 2 in the requirements which offers the appellant the opportunity to revert the dwellings back in line with the approved elevations under 74548/APP/2019/3134.
25. Part (ii) of option 2 of the EN prevents the retention of any aspect of the roofs and first-floor rear extensions that could otherwise form part of the development approved under application reference 74548/APP/2019/3134. I agree it would be unreasonable to require the demolition of elements that would then have to be reconstructed to comply with part (iii) of option 2. This issue could be resolved by deleting requirement (ii) of the second option for compliance in section five of the EN, and by varying requirement (iii) so that the wording:

“Construct the development in accordance with the details of drawing labelled ‘proposed’ elevations PL-01 Rev.P2 approved with application reference 74548/APP/2019/3134”

is replaced with:

“Construct the roof enlargement and first-floor rear extensions to accord with the details of drawing labelled ‘proposed’ elevations PL-01 Rev.P2 approved with application reference 74548/APP/2019/3134”.

26. The varied requirements would continue to achieve the proper purpose of the EN by remedying any injury to amenity arising from the breach, while allowing those elements of the development that already accord with *drawing PL-01 Rev.P2* to be retained. This would ensure that the remedy is proportionate and precise, without imposing unnecessary or excessive works. These variations would not therefore result in injustice to either party.
27. In conclusion, I shall delete requirement (ii) and vary requirement (iii) of option 2 for compliance in section five of the EN. To this extent, the appeal on ground (f) succeeds.

Appeal on Ground (g)

28. An appeal on ground (g) is brought on the grounds that the period specified for compliance falls short of what is reasonable. Specifically, the appellant asserts that demolition of the extensions required by the EN would necessitate the temporary relocation of the family, together with input from a structural engineer to assess and manage the implications of the works prior to, and during, the carrying out of the remedial works. As a result, a nine month period for compliance is sought.
29. Whilst the Council considers that the appellant has failed to provide evidence to substantiate the claim that a longer compliance period is required, the required remedial works are extensive. The removal of most of the roofs and first-floor rear extensions would result in significant disruption to the households, and it is not implausible that the affected families would wish to relocate during these works. Furthermore, given that the EN has been varied to allow for the retention of any elements of the roof enlargement and first-floor rear extensions that can remain in accordance with the elevations approved under planning application reference 74548/APP/2019/3134, it is reasonable to expect that structural engineers would need to be engaged to assess which parts of the development can safely be retained, prior to the commencement of works.
30. In my view, three months to comply with the requirements of the EN would not allow sufficient time for the necessary investigations, professional input and phased demolition works to be properly undertaken, particularly given the potential need for structural assessment and the level of disruption involved. Having regard to these considerations, and in the absence of clear evidence to justify the full nine-month period sought by the appellant, a longer but more moderate compliance period would be reasonable. A period of six months would strike an appropriate balance between the interests of the occupiers and the requirement for the breach of planning control to be remedied without undue delay.
31. For the reasons above, I conclude that a reasonable period for compliance would be six months. The appeal under ground (g) succeeds to this extent.

Overall Conclusion

32. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the injury to amenity and the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the EN prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

Formal Decision

33. It is directed that the Enforcement Notice (EN) is varied by:

- *the deletion of requirement (ii) of option 2 in section 5 in its entirety;*
- *the deletion of the words “Construct the development in accordance with the details of drawing labelled ‘proposed’ elevations PL 01 Rev.P2 approved with application reference 74548/APP/2019/3134” and substitute with the words “Construct the roof enlargement and first floor rear extensions to accord with the details of drawing labelled ‘proposed’ elevations PL 01 Rev.P2 approved with application reference 74548/APP/2019/3134” in requirement (iii) of option 2 in section 5;*
- *renumber “(iii)” of option 2 as “(ii)” in section 5; and*
- *the substitution of “Six (6) calendar months” for “Three (3) calendar months” in section 6.*

34. Subject to the variations, the appeal is dismissed, the EN is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

V Goldberg

INSPECTOR