



Appeal Decisions

Site visit made on 13 March 2026

by **Jean Russell MA FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th May 2026

Appeal A: APP/R5510/C/24/3346880

Appeal B: APP/R5510/C/24/3346881

112 Lime Grove, Ruislip, HA4 8RW

- Appeals A and B are made by Mr Murtaza Bhaloo and Mrs Ismat Bhaloo under section 174 of the Town and Country Planning Act 1990 (as amended) against an enforcement notice (ref: HS/ENF/023586) issued by the Council of the London Borough of Hillingdon on 16 May 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a conservatory at 112 Lime Grove Ruislip HA4 BRW.
- The requirements of the notice are to:
 - (i) Remove the conservatory in its entirety as shown in the approximate position outlined in blue and hatched on the [plan attached to the notice] and as shown on [the] image in Appendix A [to the notice].
 - (ii) Remove from the land all debris, items, building materials resulting from compliance with point (i) above.
- The period for compliance with the requirements is three (3) months.
- Appeals A and B are proceeding on the grounds set out in section 174(2)(b), (c) and (d) of the Town and Country Planning Act 1990.

Formal Decisions

1. Appeals A and B are dismissed, and the enforcement notice is upheld.

The Site and Alleged Conservatory

2. The property subject to these appeals is a semi-detached dwellinghouse built pursuant to the “2007 planning permission” (ref: 42266/APP/2007/490). Since then, the house has been enlarged through the construction of a dormer on the roof plus single storey and then first floor rear extensions. There is also a single storey outbuilding at the end of the back garden. The conservatory, which is also single storey, connects the ground floor rear extension and outbuilding.
3. The appellants suggested in their statement of case that the conservatory is “not a living space [but] a holistic place for mediation and relaxing”. I take “not living” as meaning that the conservatory is not used as a separate residential unit. For the avoidance of doubt, the notice does not allege that there has been any material change of use of the appeal building such as subdivision into two dwellings. The notice is concerned simply with the erection of a conservatory which enlarges the existing dwelling for the enjoyment of its occupiers.

The Grounds of Appeal

4. Appeal A was initially made on ground (a), which is that planning permission ought to be granted for what is alleged by the notice, being the erection of a conservatory in this case. Ground (a) gives rise to a deemed planning application (DPA) under

s177(5) of the Town and Country Planning Act 1990 (the TCPA90) and the requisite application fee was duly paid.

5. However, ground (a) is “barred” in this case and there is no DPA for me to determine because the notice was issued on 16 May 2024 after the following:
 - The Council refused, on 2 February 2024, an application (ref: 42266/APP/2023/3670) for express planning permission for “the erection of conservatory to the rear” at 112 Lime Grove.
 - Section 174(2A) of the TCPA90 was amended so that an enforcement appeal may not be brought on ground (a) if the notice was issued on or after 25 April 2024, and after the making of an application for planning permission that was related to the notice. The application refused in February 2024 was “related” to the notice because it concerned the same conservatory.
6. Ground (a) is not barred where the notice is issued more than two years after the day on which the related application ceased to be under consideration. In this case, however, the appellants did not make an appeal under s78 of the TCPA90 against the Council’s decision to refuse planning permission. The application ceased to be under consideration when it was refused, and the notice was issued just three months later.
7. The TCPA90 does not permit discretion in the application of s174(2A). I regret the likely disappointment of the appellants, and the inconvenience to them of paying and then claiming the due refund of the DPA fee, Appeal A cannot proceed on ground (a). The remaining grounds of appeal, (b), (c) and (d), are known as ‘legal’ grounds. They provide no scope for me to consider the merits of the conservatory.

Appeals A and B on Grounds (b), (c) and (d)

8. An appeal on ground (b) is that the matters specified or alleged by the notice have not occurred. Ground (c) is that those matters do not constitute a breach of planning control. Ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. The onus is on the appellants to make their case for all these grounds to the standard test of the balance of probabilities.
9. Since the appellants accept that the alleged conservatory exists, their ground (b) appeal cannot succeed. Their ground (d) appeal is also bound to fail, because their own evidence is that the conservatory was built “around February 2022” and that was less than four years before the notice was issued in May 2024. It was not too late for the Council to take enforcement action when they did because four years is the time limit for taking enforcement action in respect of building operations under s171B(1) of the TCPA90.
10. The appellants have made just one legal argument against the notice, which is that the conservatory is permitted development. This is a ground (c) argument because the term ‘permitted development’ (or PD) is shorthand for development which is granted planning permission by Article 3(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015 or ‘GPDO’. If the erection of the conservatory is PD, it will not constitute a breach of planning control.
11. The relevant PD right would be for ‘the enlargement, improvement or other alteration of a dwellinghouse’ as set out Part 1, Class A of Schedule 2 to the

GPDO. However, the 2007 planning permission for the construction of the appeal house was granted subject to a condition (no.8) that “no extension...nor any garage(s) or shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority”. In other words, PD rights set out under Part 1 are withdrawn in respect of this site. The previous extensions and outbuilding on the site were granted express planning permission by the Council.

12. Appeals A and B could fail on ground (c) simply because of the 2007 condition. However, since the appellants do not dispute the Council's estimates that the conservatory has a depth of some 4.62m, it probably also falls foul of:
 - Limitation A.1(f) set out in Part 1 of the GPDO, which is that a single storey extension to a semi-detached dwellinghouse is not permitted if it extends beyond the rear wall of the **original** dwellinghouse by more than 3m. The conservatory is more than 3m deep on its own, and its depth must be added to that of the pre-existing ground floor rear extension when measuring the projection from the original back wall of the appeal house.
 - Limitation A.1(g), which allows for the erection of a single storey rear extension which is more than 3m deep if it would not extend beyond the rear wall of the original dwellinghouse by not more than 6m **and** specified information is provided to the Council, before the works are begun, for their ‘prior approval’ in accordance with condition A.4(2). The appellants have not shown either that the conservatory plus ground floor rear extension, if not also the now conjoined outbuilding, complies with the 6m limitation or that they gained prior approval.
13. The appellants may well be correct that the construction of the conservatory has not resulted in the total area of ground covered by buildings within the curtilage of the dwellinghouse exceeding 50% of the total area of the curtilage. Nonetheless, they have not shown that the conservatory is PD and I find that it probably is not, by reason of conflict with condition no. 8 imposed on the 2007 planning permission and conflict with limitations A.1(f) and A.1(g) plus condition A.4(2) imposed on the permission for enlargements granted via the GPDO Part 1, Class A¹.
14. The appellants make no case that the erection of the conservatory does not require planning permission at all, and I have already noted that their planning application for this structure was refused on 12 February 2024. I conclude that, on the balance of probabilities, the erection of the conservatory as described by the notice requires but does not have planning permission. There is a breach of planning control as alleged. Appeals A and B fail on ground (c) as well as grounds (b) and (d), and the enforcement notice must, therefore, be upheld.

Jean Russell

INSPECTOR

¹ The Council submitted with their questionnaire a copy of an “Article 4 Direction” which withdraws PD rights for rear extensions over 4m long. However, this Direction was made pursuant to the previous GPDO, and the Council did not refer to it in their statement. Since it makes no difference to the outcome, I shall assume **strictly for the purposes of these appeals** that the Direction is not still in force.