



Appeal Decision

Site visit made on 25 August 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2026

Appeal Ref: APP/R5510/C/25/3366053

26 Otterfield Road, West Drayton UB7 8PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sayed Sajidh against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 15 April 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a wraparound single storey extension.
 - The requirements of the notice are: (i) Demolish and remove the wraparound single storey extension shown hatched blue on the plan attached to the notice.(ii) Remove from the land all debris, items, fixtures and fitting, plant and machinery resulting from compliance with point (i) 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) and (f) 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 be varied by in paragraph 6 (*'Time For Compliance'*) substituting *'three (3) months'* with *'six months.'* Subject to this variation the appeal is dismissed, the enforcement notice 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.

Preliminary Matters

2. The Council granted a Lawful Development Certificate (LDC) to erect single storey extensions at the appeal property, in January 2024.¹ The three-month compliance period specified in the enforcement notice is unlikely to provide sufficient time to enable the appellant to make a planning application to the Council for the equivalent extensions and for that application to be finally determined prior to carrying out the remedial works. In the circumstances, after seeking the views of the main parties and whilst no appeal was made on ground (g), I shall exercise the powers in s176(1) of the Act to vary the terms of the notice to extend the period for compliance to six months. This would strike an appropriate balance between remedying the breach as soon as practicable whilst also avoiding, so far as is possible, imposing a disproportionate burden on the appellant. There would be no injustice to the Council in varying the notice accordingly.
3. My decision takes the revised National Planning Policy Framework (the Framework), which came into force during the course of the appeal, into account.

¹ Council Ref: 1598/APP/2023/3281

Ground (a) appeal

Main Issue

4. The main issue in this ground of appeal is whether the extension provides suitable living conditions for existing and future occupiers of the property, having regard to the provision of private outdoor amenity space.

Reasons

5. The property contains a two storey, end of terrace dwelling, with a two storey outrigger at the rear. The enforcement notice attacks a single storey wraparound extension erected at the rear of the property.
6. The extension is alongside the side elevation of the dwelling, protrudes several metres beyond the end elevation of the outrigger and is the full width of the property. Consequently, the extension footprint occupies a considerable portion of the rear garden. According to the appellant, the rear garden has an area of just over 24m² following erection of the extension and in my estimation, that figure is broadly accurate. This falls well short of the minimum size of 60m² private outdoor amenity space required for new 2 and 3 bedroom dwellings, set out in Table 5.3 to Policy DMHB 18 of the Hillingdon Local Plan Part Two-Development Management Policies (LP).
7. Given its very modest size, the remaining area of rear garden provides occupiers of the property with limited opportunity to undertake the range of activities that might typically be associated with a private outdoor amenity space, such as relaxation/informal recreation, children's play, drying laundry, cultivating plants and outdoor storage. There is the distinct sense of the rear garden being a cramped and restrictive space, even though it currently only contains a few household items including a small outdoor hanging seat along with a bicycle, a bin and a ladder. The introduction of features commonly found in outdoor amenity spaces, such as a rotary washing line and garden furniture, along with the outdoor storage of other household items, are likely to further reduce the available space in the rear garden and create an appreciably congested feel. The proximity to tall structures on all sides further reduces the useability and attractiveness of the rear garden and contributes to an appreciable sense of enclosure and restrictiveness. Whilst the appellant might not object to such significant shortcomings, that cannot reasonably be assured in respect of future occupiers of the property.
8. In reaching the above findings, I am mindful of the modest proportions of some rear gardens of neighbouring properties and of some other properties in the established residential surroundings. Also, I acknowledge that outdoor amenity space can be at a premium in built-up areas. However, those are not sound reasons to justify the harm identified above, as they could be repeated. Moreover, the restrictive size of the appellant's rear garden does not compare favourably with the expansive dimensions of many rear gardens at properties in the immediate and wider area.
9. I have considered whether planning permission could be granted for the equivalent of the smaller extensions in the LDC scheme. That is an obvious alternative to total demolition of the extension, as it would involve less cost and disruption. What would have been the footprint and parts of the built fabric of the LDC extensions form part of the development enforced against. At s177(1)(a), the Act provides for granting permission in respect of the whole or part of the development in the notice.

However, in the absence of further details any planning permission granted for this alternative would be lacking in certainty. It is open to the appellant to make a planning application in this respect, the final decision on which would rest with the Council in the first instance.

10. For the reasons set out above, the extension does not provide suitable living conditions for existing and future occupiers of the property. This conflicts with the requirement in LP Policy DMHB 18 for all new development to provide good quality and useable amenity space, in accordance with the standards set out in Table 5.3. It also conflicts with criteria in LP Policy DMHD 1, which require single storey extensions to retain adequate garden space and in the case of terraced dwellings with a plot width of 5 metres or less, to not exceed 3.3 metres in depth. Furthermore, there is conflict with Policy BE1 of the Hillingdon Local Plan: Part 1- Strategic Policies, which requires new development to provide private spaces that are attractive, functional, sustainable and accessible, amongst other things. However, there is no conflict with LP Policy DMHB 11, which refers to the design of new development.

Other Matters

11. The extension does not harm the character and appearance of the dwelling and the surroundings, or the living conditions of neighbouring occupiers. These are neutral factors, which weigh neither for nor against granting planning permission for the extension.
12. The extension houses essential services, which I understand also supply the rest of the dwelling. Even so, there is little firm evidence that these could not be relocated, or that the costs involved in doing so would be prohibitive. Whilst the appellant might have relied on inaccurate advice from their builder, that is a private matter.

Conclusion-Ground (a) appeal

13. The extension does not provide suitable living conditions for existing and future occupiers of the property, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the ground (a) appeal should not succeed.

Ground (f) appeal

14. The ground of appeal is that the notice requirements are excessive.
15. An enforcement notice can have the purpose of remedying the breach of planning control, including by making development comply with the terms of any planning permission granted in respect of the land, or by restoring the land to its condition before the breach took place. Alternatively, the notice can have the purpose of remedying any injury to amenity caused by the breach. Although the notice does not state as such, its purpose must be to remedy the breach. The notice requires no less than the removal of the extension, following which the property would be restored to its condition before the breach took place.
16. There is little firm evidence that the extension was erected other than as a single, continuous building operation. As the extension exceeds the limitations in Article 3(1), Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order (as amended) (GPDO), it is entirely

without planning permission. Set in that context, any alternative to total demolition of the extension would sustain the breach, as development cannot be made to comply with the planning permission granted by the GPDO retrospectively and the property would not be restored to its condition prior to the breach taking place.

17. Therefore, the notice requirements are not excessive and are proportionate, being the minimum actions necessary to remedy the breach and so achieve the purpose of the notice. The ground (f) appeal fails.

Conclusion

18. For the reasons given above, I conclude that the appeal should not 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).

Stephen Hawkins

INSPECTOR