



Appeal Decisions

Site visit made on 25 August 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Appeal A Ref: APP/R5510/C/25/3363247

2 Milton Close, Hayes, Middlesex UB4 0DE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Veena Rani Bagga against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 25 February 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised enlargement of an outbuilding.
 - The requirements of the notice are: (i) Demolish and remove the outbuilding as shown hatched green on the plan attached to the notice. (ii) Remove from the land all debris, items, fixtures and fittings, 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), (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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Appeal B Ref: APP/R5510/C/25/3363255

2 Milton Close, Hayes, Middlesex UB4 0DE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Veena Rani Bagga against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 25 February 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised enlargement of a single storey rear extension.
 - The requirements of the notice are: (i) Demolish and remove the single storey rear extension as shown hatched blue on the plan attached to the notice. (ii) Remove from the land all debris, items, fixtures and fittings, 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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Decisions

1. Appeal A-It is directed that the enforcement notice is varied by:

- Deleting the plan attached to the notice and substituting it with Plan A attached to this Decision; and
- In paragraph 2 (*'The Land Affected'*) deleting '*...as shown red on the attached plan*' and substituting it with '*...as shown edged in black on Plan A attached to the Appeal Decision*'; and
- In paragraph 5 (*'What You Are Required To Do'*) deleting step (i) and substituting it with the following step (i)-*'Demolish the enlargement to the*

outbuilding, in the approximate position shown hatched in black on Plan A attached to the Appeal Decision’; and

- In paragraph 6 (*‘Time For Compliance’*) substituting *‘three (3) months’* with *‘six months’*.

Subject to these variations 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.

2. Appeal B-It is directed that the enforcement notice is varied by:

- Deleting the plan attached to the notice and substituting it with Plan B attached to this Decision; and
- In paragraph 2 (*‘The Land Affected’*) deleting *‘...as shown red on the attached plan’* and substituting it with *‘...as shown edged in black on Plan B attached to the Appeal Decision’*; and
- In paragraph 5 (*‘What You Are Required To Do’*) deleting step (i) and substituting it with the following step (i)-*‘Demolish the enlargement to the single storey rear extension, in the approximate position shown cross-hatched in black on Plan B attached to the Appeal Decision.’*

Subject to these variations 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 Matter

3. My decisions take the revised National Planning Policy Framework, which came into force during the course of these appeals, into account.

Appeal A

Ground (a) appeal

Main Issues

4. The main issues in this ground of appeal are:

- The effect of the development on the character and appearance of the dwelling and the surrounding area.
- The effect on the living conditions of occupiers of neighbouring residential property, having regard to outlook.

Reasons

Character and appearance

5. The appeal property contains an enlarged, two storey semi-detached dwelling. The property is located towards the entrance of Milton Close, a short residential cul-de-sac, in an established suburban residential area. The surroundings are largely made up of evenly spaced pairs of semi-detached dwellings of similar age, scale, architectural style and alignment to the street, occupying mostly rectilinear plots. These factors contribute to the orderly, pleasant and spacious suburban residential character and appearance of the locality.
6. The enforcement notice attacks the enlargement of a freestanding single storey residential outbuilding in the rear garden of the property. The enlarged outbuilding is parallel to the shared boundary with the far end of rear gardens of neighbouring properties at 6 and 8 Shakespeare Avenue (Nos 6 and 8). I understand that the enlarged outbuilding is used as ancillary living accommodation by the appellant's

- son and partner and their young child. The enlarged outbuilding contains a lounge space, a hobby room, a WC/shower and a room used to store tools.
7. The enlarged outbuilding is substantial in scale. It extends deep into the rear garden several metres beyond the rear elevation of the structure as it existed previously, has a width approaching half that of the rear garden and the monopitch roof is significantly taller than adjacent boundary structures. The expansive overall depth, along with the width and roof form, contribute to the enlarged outbuilding's elongated, box-like profile and gives it a horizontal emphasis which does not sit comfortably with the tall rear elevation, hipped roof and more vertical proportions of the dwelling and neighbouring property. The substantial distance that the enlarged structure protrudes beyond the rear elevation of the original dwelling adds to the sense of awkwardness. In my estimation, the footprint of the enlarged outbuilding is over three times that of the structure as it existed previously. The enlarged outbuilding has a floor area considerably in excess of the guideline size limit of 30m² for residential outbuildings, set out in the supporting text to Policy DMHD 2 of the London Borough of Hillingdon Local Plan Part 2-Development Management Policies (DMP).
 8. Like elsewhere in Milton Close, the property has a longer rear garden than is typical of the immediate and wider surroundings. Even so, the footprint of the enlarged outbuilding occupies a considerable portion of the rear garden, a much greater part of which is either subsumed by or immediately adjacent to built form compared to previously. Whilst a reasonably sized rear garden remains, this has all led to the enlarged outbuilding having a cramped appearance, as well as considerably eroding the previous sense of spaciousness by creating a significantly and appreciably more built-up feel at the rear of the property and in the environs.
 9. The above does not compare favourably with the visual attributes of most residential outbuildings in neighbouring rear gardens, which whilst varying in terms of their size and design are generally of more restrained scale and sit reasonably comfortably within their respective plots. The freestanding structure in one of the neighbouring rear gardens on Shakespeare Avenue is taller than the enlarged outbuilding but has a smaller footprint and appears appreciably more modest in scale by comparison. Besides, little information is available concerning the circumstances in which this or other neighbouring outbuildings originated; it is unclear for example whether any of the nearby structures benefit from a recent grant of planning permission.
 10. The enlarged outbuilding does not currently have the distinctive characteristic of an independent dwelling; lacking a kitchen the structure cannot afford to those who use it the facilities required for day-to-day private domestic existence. Be that as it may, for the reasons set out above the enlarged outbuilding fails to respect or reflect the character of the dwelling and is entirely at odds with the prevailing pattern of local development, appearing as an unsympathetic, alien feature in its surroundings. Whilst there are few public views, the visual harm caused by the enlarged outbuilding is readily apparent from neighbouring property. In any event, that limited public views are available is not a sound reason to grant permission for visually unacceptable development as it could be repeated, with further adverse visual consequences.
 11. The appellant proposed removing the far end of the enlarged outbuilding, equating to about a third of the structure. Whilst the alternative scheme was advanced in the ground (f) appeal, it is appropriate to consider whether planning permission should be granted for the development as modified, as part of the deemed planning application arising from the ground (a) appeal. At s177(1), the Act provides that planning permission may be granted in respect of all or part of the matters stated in the notice. However, removing part of the enlarged outbuilding as proposed would not overcome the planning difficulties and so is not an obvious alternative to demolition. Although the structure would be made smaller it would still be of

significant scale, giving rise to similar adverse visual consequences to those identified above.

12. Therefore, the development causes unacceptable harm to the character and appearance of the dwelling and the surrounding area. This conflicts with DMP Policy DMHD 2, which requires new residential outbuildings to have a footprint proportionate to that of the dwelling and the curtilage. It also conflicts with DMP Policy DMHB 11, which requires new development to be designed to the highest standards, including by harmonising with the local context taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures, building plot sizes and widths, plot coverage and established street patterns, building lines and setbacks, rooflines, streetscape rhythm, architectural composition and quality of detailing. Furthermore, the development conflicts with criteria in Policy D3 of the London Plan (LP), which require new development to positively respond to local distinctiveness and to be of high quality, with architecture that pays attention to detail.

Living conditions

13. Due to the extensive overall depth, its height relative to adjacent boundary enclosures and the proximity to the shared boundary, the enlarged outbuilding is viewed as a substantial and obvious built feature from rear-facing ground floor windows as well as in the rear gardens, at Nos 6 and 8. This contributes to neighbouring occupiers experiencing a greater and more oppressive sense of enclosure at the rear of their properties, in so doing significantly and harmfully eroding the levels of outlook they previously enjoyed. Reducing the overall depth of the enlarged outbuilding as set out above would not appreciably offset the adverse effect on the outlook of neighbouring occupiers.
14. Therefore, the development causes unacceptable harm to the living conditions of occupiers of neighbouring residential property. This is in conflict with criterion in DMP Policy DMHD 2, which requires residential outbuildings to not compromise the amenity of neighbouring occupiers. It is also in conflict with criterion in DMP Policy DMHB 11, which requires new development to not have an adverse impact on the amenity of adjacent properties.

Conclusion-Ground (a) appeal

15. The development causes unacceptable harm to the character and appearance of the dwelling and the surrounding area and to the living conditions of occupiers of neighbouring residential 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. Consequently, the ground (a) appeal does not succeed.

Ground (f) appeal

16. The ground of appeal is that the requirements of the notice are excessive.
17. An enforcement notice can have the purpose of remedying the breach of planning control, including by restoring the land to its condition before the breach took place, or the purpose of remedying any injury to amenity caused by the breach. Whilst the notice does not state as such, its purpose must be to remedy the breach. The requirement to '*demolish and remove the outbuilding*' clearly has that aim.
18. Even so, the allegation in the notice is the unauthorised enlargement of the outbuilding, not the erection of an entirely new structure. The allegation thus recognises that an outbuilding was in existence at the property prior to the breach. To have been enlarged or added to, a structure must already have been in existence before the breach took place. There is no suggestion by the Council that the outbuilding as it existed prior to being enlarged was unlawful.

19. Therefore, the requirement to demolish the outbuilding in its entirety is more onerous than that which is necessary to restore the property to its condition before the breach took place. An enforcement notice cannot require more than restoration of the land to its condition prior to the breach occurring. In the circumstances, I shall exercise the power in s176(1)(b) of the Act to vary the terms of the notice so that step (i) is directed solely at the unauthorised enlargement. The step would be sufficiently precise as varied. There would be no injustice in varying the notice accordingly.
20. The alternative of demolishing part of the enlarged outbuilding has been considered in the ground (a) appeal. In the context of ground (f), varying the notice to require only partial demolition would sustain the breach, meaning that the property would not be restored to its condition before the breach took place and the purpose of the notice would not be achieved. The appellant did not advance any other alternative to the steps set out in the notice. Nothing short of those steps, as varied, would remedy the breach and in so doing achieve the purpose of the notice.
21. Therefore, the ground (f) appeal succeeds to the extent set out above.

Ground (g) appeal

22. The ground of appeal is that the period specified for complying with the enforcement notice requirements falls short of what is reasonable.
23. The three-month period specified in the notice affords the appellant's son and young family limited time in which to search for and secure suitable alternative living accommodation which includes facilities similar to those provided by the enlarged outbuilding. In practice, the period in which such alternative accommodation would have to be secured would be considerably shorter, as the appellant must also have the remedial works undertaken within the same timescale. Given the pressures on the property market generally, there can be little reasonable assurance that suitable alternative accommodation could be secured within the time available. The appellant is understandably unlikely to expose close family members to the threat of being made homeless. This increases the risk of the main dwelling becoming significantly overcrowded, with a consequential adverse effect on the living conditions of its occupiers.
24. Given the circumstances, a compliance period of six months would be reasonable. This would afford the appellant's son and family a more realistic time frame in which to secure suitable alternative accommodation and for the appellant to have the remedial works carried out. It 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 and their family. No injustice would be caused in varying the notice to extend the period for compliance accordingly.
25. Therefore, the ground (g) appeal succeeds to that extent.

Appeal B

Ground (a) appeal

Main Issues

26. The main issues in this ground of appeal are:
- The effect of the development on the character and appearance of the dwelling and the surrounding area.
 - The effect on the living conditions of occupiers of neighbouring residential property, having regard to outlook.

Reasons

Character and appearance

27. The enlargement or canopy attacked by the notice comprises timber uprights and cross-members supporting a monopitch, felt covered roof and protrudes several metres from the rear elevation of a previously erected single storey rear extension. The canopy is open sided, occupying much of the space between the enlarged outbuilding in Appeal A and the shared boundary with the neighbouring attached property, 4 Milton Close (No 4), providing a weatherproof area for year round use by the appellant and their family.
28. The elongated depth, along with the width approaching half that of the rear garden and the overall height, appreciably taller than boundary fencing, all contribute to the canopy having a substantial scale, with a box-like profile and a horizontal emphasis which does not sit comfortably with the tall rear elevation, hipped roof and more vertical proportions of the dwelling and neighbouring property. The substantial distance that the canopy protrudes beyond the original rear elevation of the dwelling adds to the sense of awkwardness. As a result, the canopy is not well integrated visually with the dwelling or neighbouring property. The timber construction accentuates the failure of the canopy to assimilate satisfactorily with the dwelling and its surroundings, as it does not reflect the more traditional external finishes of the dwelling and most neighbouring properties.
29. Additionally, the canopy has significantly reduced the area of undeveloped rear garden at the property. A much greater portion of the rear garden is subsumed by or immediately adjacent to built form compared to previously. Whilst a reasonably sized rear garden remains, the canopy contributes to a considerable erosion in the sense of spaciousness previously apparent at the rear of the property. This has led to an appreciably more built-up feel in the rear garden and the environs, which fails to reflect the generally more spacious qualities of local development. There are scant incidences in the vicinity of enlargements to dwellings of similar scale. Due to these and the foregoing factors, the canopy does not respect or reflect the character of the dwelling and is entirely at odds with the prevailing pattern of local development, appearing as an unsympathetic, alien feature in its surroundings. Whilst there are few public views, the visual harm caused by the canopy is readily apparent from neighbouring property, with residential outbuildings in nearby gardens providing little by way of effective screening.
30. The canopy does not compare favourably with the single storey rear extension granted planning permission at No 4 in August 2024¹. The permitted extension would be well integrated visually with the host dwelling and surrounding development. The permitted extension would protrude around 6 metres from the original rear elevation of No 4 and consequently would be significantly smaller in scale compared to the canopy, it would incorporate a pitched roof form similar to that of No 4 and would also utilise matching external materials. That the permitted extension would exceed the 3.6 metres maximum depth for single storey extensions to semi-detached properties prescribed in DMP Policy DMHD 1 does not weigh in favour of granting permission for the much larger canopy.
31. The appellant proposed removing a 3-metre section of the canopy. However, this would not overcome the planning difficulties; the smaller canopy would still be significant in scale, protruding beyond the rear elevation of the previous extension as well as the existing conservatory at No 4 and the appearance would remain largely unchanged, all of which would perpetuate the adverse visual consequences identified above.
32. Therefore, the development causes unacceptable harm to the character and appearance of the dwelling and the surrounding area. This conflicts with DMP

¹ Council Ref: 21909/APP/2024/1671

Policy DMHD 1, which requires extensions to dwellings to, amongst other things, not have an adverse cumulative impact on the character, appearance or quality of the existing street or wider area and to achieve a satisfactory relationship to adjacent dwellings, appear subordinate to the main dwelling in terms of the floor area, width, depth and height, respect the design of the original dwelling utilising matching materials and have a depth not exceeding 3.6 metres. There is also conflict with the requirements of DMP Policy DMHB 11, as well as with criteria in LP Policy D3, set out in paragraph 12.

Living conditions

33. The canopy has an overall height similar to the enlarged outbuilding in Appeal A and protrudes a significant distance beyond the rear elevation of the conservatory at No 4. Consequently, also having regard to its proximity to the shared boundary, the canopy is of substantial overall height and depth not far from the ground floor windows, conservatory and parts of the rear garden at No 4. Spaces between the timber uprights do not significantly offset the impression of the canopy as a structure of considerable scale in proximity to the shared boundary at the rear of No 4. The presence of the canopy as a tall and lengthy built feature adjacent to the shared boundary and the resulting stronger feeling of enclosure and sense of oppressiveness experienced, has contributed to the significant and harmful erosion of the outlook previously enjoyed by occupiers of No 4. Slightly reducing the overall depth of the canopy as proposed would also not significantly improve the outlook of neighbouring occupiers over the current situation.
34. Therefore, the development causes unacceptable harm to the living conditions of occupiers of neighbouring residential property. This is in conflict with criterion in DMP Policy DMHD 1, which requires new extensions to not result in an unacceptable loss of outlook to neighbouring occupiers. It is also in conflict with DMP Policy DMHB 11, which requires new development to not adversely impact on the amenity of adjacent properties.

Other matters

35. The canopy has a markedly greater effect on the outlook from ground floor windows at the rear of the appellant's property compared with the permitted extension at No 4.

Conclusion-Ground (a) appeal

36. The development causes unacceptable harm to the character and appearance of the dwelling and the surrounding area and to the living conditions of occupiers of neighbouring residential 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. Consequently, the ground (a) appeal does not succeed.

Ground (f) appeal

37. As in Appeal A, the purpose of the notice must be to remedy the breach. The requirement to '*demolish and remove the single storey rear extension*' clearly has that aim.
38. However, similar to in Appeal A the allegation is the unauthorised enlargement of an existing structure. The Council did not suggest that the structure as it existed previously was unlawful. Therefore, for similar reasons to those set out in Appeal A, I shall vary the notice so that step (i) is directed solely at the unauthorised canopy. There would be no injustice in doing so.
39. The alternative of demolishing part of the canopy has been considered in the ground (a) appeal. In the context of ground (f), requiring only partial demolition would sustain the breach, meaning that the property would not be restored to its

condition prior to the breach taking place and the purpose of the notice would not be achieved. The appellant did not advance any other alternative to the steps set out in the notice. Nothing short of those steps, as varied, would remedy the breach and in so doing achieve the purpose of the notice.

40. Therefore, the ground (f) appeal succeeds to the extent set out above.

Conclusions

41. For the reasons given above, I conclude that Appeals A and B should not succeed. I shall uphold the enforcement notices with variations and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR

Plan A

This is the plan referred to in this decision dated: **22 September 2026**

by **Stephen Hawkins**

Land at: 2 Milton Close, Hayes, Middlesex UB4 0DE

Reference: APP/R5510/C/25/3363247

Scale: Not to Scale



Plan B

This is the plan referred to in this decision dated: **22 September 2026**

by **Stephen Hawkins**

Land at: 2 Milton Close, Hayes, Middlesex UB4 0DE

Reference: APP/R5510/C/25/3363255

Scale: Not to Scale

