



Appeal Decision

Site visit made on 14 October 2020

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 03/11/2020

Appeal Ref: APP/T5150/W/20/3250076

31 Wembley Park Drive, Wembley HA9 8HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Abdullah Habib against the decision of the Council of the London Borough of Brent.
 - The application Ref: 19/3987 dated 30 October 2019, was refused by notice dated 27 February 2020.
 - The development proposed is conversion of small HMO to large HMO.
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Decision

1. The appeal is allowed and planning permission granted for conversion of small HMO to large HMO at 31 Wembley Park Drive Wembley HA9 8HD in accordance with the terms of the application, Ref: 19/3987 dated 30 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Prior to the first occupation of the development hereby permitted, further details of the provision of cycle storage, refuse storage and soft landscaping shall be submitted to and approved in writing by the local planning authority. These shall be implemented as approved prior to the first occupation of the development hereby permitted and retained on site unless otherwise agreed in writing by the local planning authority.
 - 3) Except in so far as the plans relate to the provision of cycle storage, refuse storage and soft landscaping, the development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; 1/4; 2/4; 3/4 and 4/4.

Application for costs

2. An application for costs was made by Abdullah Habib against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council confirmed at the appeal stage that its reference to Policy DMP17 of its Development Management Policies (DMP) in its refusal notice is not applicable to this case. Having considered the policy, I agree with this view and shall not therefore refer to it further.

Main Issues

4. The main issues in this appeal are:

- a) the effect of the proposal on the Council's objective for a balanced housing stock within the Borough, and
- b) whether the proposal would provide adequate access for refuse collection and servicing, including cycle storage and landscaping.

Reasons

Issue a) Balanced Housing Stock

5. The appeal property is a large semi-detached property, which has previously been extended, on the north-western side of Wembley Park Drive and within a predominantly residential area.
6. The property is currently in use as a small house in multiple occupation (HMO) for no more than 6 residents and the proposal is to change this to a large HMO with 10 bedrooms. There is no dispute over the current use as an HMO under Use Class C4 and that the proposed use would fall to be considered as a sui generis use. I have been provided with no information from the Council to suggest that the existing use could not continue or that there have been any issues arising from the current use.
7. Policy CP21 of the Brent Core Strategy (2010) (Core Strategy) seeks a balanced housing stock by, amongst other things, ensuring that new housing contributes towards the wide range of borough household needs, including both self-contained accommodation and non-self-contained accommodation to meet identified needs (and other types of residential accommodation). Further detailed policies are set out in the Council's Development Management Policies (DMP). Policy DMP16 resists the net loss of residential accommodation with a number of stated exceptions and Policy DMP20 specifically relates to accommodation with shared facilities or additional support including HMOs.
8. Whilst I understand the Council's concerns, the existing use of the property as an HMO would mean that the proposal would not, as a matter of fact, replace existing family accommodation. The Council has contended that the existing use could revert to a family house under Class C3 use without the need for planning permission. Whilst I do not dispute that this could happen, there is no evidence before me to suggest that this would be the outcome were planning permission refused for the current proposal.
9. I also agree that planning permission would be required to change from a large HMO (sui generis use) to a residential use under Class C3. However, there is nothing before me to suggest that permission would not be granted in the future for such a change of use, particularly under current planning policies. I do not therefore agree with the Council's assertion that the opportunity to use the property as a family sized, single residential dwelling would be 'lost' if permission were granted for a large HMO.
10. Given the existing use, I do not consider that Policy DMP16 of the DMP, relating to resisting housing loss, is directly pertinent to this appeal or that there would be a conflict with it from the proposed change from a small HMO to a large HMO. Policy DMP20 of the DMP relates to accommodation with shared facilities

or additional support. I note that such accommodation is supported subject to a number of criteria. There appears to be no dispute that the first two criteria relating to being within an accessible location and provision of appropriate accommodation would be met. The third criterion relates to management arrangements and although these have not been provided, it is my understanding that a large HMO would be required to be subject to a relevant licence, addressed under separate legislation.

11. The Appellant has not provided me with information relating to the fourth criterion in respect of demonstrating a specific need for the accommodation proposed. However, as this would not be a new HMO use but an increase in size of an existing HMO at the same property, involving a more efficient use of the accommodation within the property, I do not consider that the fourth criterion would be directly applicable to this specific proposal.
12. I am therefore satisfied that, in the particular circumstances of this case, the proposal to change from a small HMO to a large HMO would not harm the objectives to achieve a balanced housing stock within the Borough. There would be no conflict with Policy CP21 of the Core Strategy and Policy DMP16 of the DMP, all of which relate to securing a balanced housing stock within the Borough. Whilst I have noted that not all of the criteria under DMP20 of the DMP have been addressed, I have considered them and explained why I do not consider that they are directly pertinent in the particular circumstances of this case.
13. The Council has referenced two appeals which it considers supports its reasons for refusal. However, the appeal under Ref: APP/T5150/W/19/3223340 related to the conversion of an HMO to two x 1 bed flats and the appeal under Ref: APP/T5150/W/19/3235940 related to the conversion of an existing house to an HMO. I have taken both of these into account but neither seems directly applicable to the appeal before me relating to a change from a small HMO to a large HMO.

Issue b) Refuse Collection and Servicing

14. There is a large open area around the front and side of the property that would enable the provision of appropriate space for refuse and servicing, cycle parking as well as soft landscaping. The Council has indicated that these issues could be addressed by condition. Whilst I note that the plan of the proposed layout includes provision for refuse bins, I agree that a condition should be imposed to require further details of the layout of the open areas to ensure appropriate levels of soft landscaping together with provision for refuse collection and servicing and cycle parking, to meet the requirements of Policies DMP1 and DMP12 of the DMP. The Appellant has also indicated that a condition to address these matters would be acceptable.
15. The imposition of a condition to address these matters and a requirement for their retention would also address the concerns raised by a local neighbour.

Conditions and Conclusion

16. The Council has suggested conditions, should planning permission be granted. I have already indicated that a condition should be imposed to require details of cycle storage, refuse storage and soft landscaping. I shall also include a

condition to list the approved plans for the avoidance of doubt and in the interests of proper planning.

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR