



Appeal Decision

Site visit made on 10 November 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/T5150/W/20/3252514

170 The Mall, Harrow, London HA3 9TH

- 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 Mr Harjeev Dhariwal against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/4138, dated 15 November 2019, was refused by notice dated 28 January 2020.
 - The development proposed is the change of use from a dwelling (Use class C3) into a 8 room/8 person house in multiple occupation (Sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwelling (Use class C3) into a 8 room/8 person house in multiple occupation (Sui generis) at 170 The Mall, Harrow, London HA3 9TH in accordance with the terms of the application, Ref 19/4138, dated 15 November 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) The development hereby permitted shall be carried out in accordance with the following approved plans: 1811_PL01; 1811_PL04; 1811_PL05; and 1811_PL06.
 - 3) The maximum number of residents occupying the accommodation at any one time shall not exceed eight.
 - 4) Prior to the first use of the property as an 8 room/8 person House in Multiple Occupation cycle parking stands shall be provided within the rear outbuilding (as shown on the approved plans) and retained as such for the life of the development.

Procedural Matter

2. The Council have referred to Policy BH7 of the draft Brent Local Plan (2020) in their Officers' delegated report. However, this Plan has yet to complete its examination in public and as such this policy may be subject to change. As such, I can only give this limited weight in my decision.

Main Issues

3. The main issues are whether the proposal would result in the loss of a family sized dwelling and whether there is a specific Brent need for non self-contained accommodation.

Reasons

4. The appeal property is located on the west side of The Mall and is a semi-detached property which has recently been refurbished. As I understand it, prior to this refurbishment the building was occupied on a multi-occupancy basis. From the evidence before me, there are only two other licensed Houses in Multiple Occupation (HMOs) on The Mall, and only 92 shared homes in the Kenton ward which represents 2.3% of the housing stock in the ward.
5. At my site visit I saw that the property was being occupied as an HMO albeit that not all of the rooms were occupied and as such was operating as a small HMO.
6. The Council have referred to Policies CP 2 and CP 21 of the London Borough of Brent Local Development Framework – Core Strategy (2010) (CS) and Policy DMP 17 of the Brent Local Plan Development Management Policies (2016) (DMP) in their decision. However, Policy CP 2 relates to population and housing growth and the need for additional homes. Policy CP 21 looks to support the aims of Policy CP 2 and seeks to maintain and provide a balanced housing stock by protecting existing accommodation that meets known needs. Additionally, Policy DMP 17 relates to the conversion of family sized dwellings to two or more other dwellings. Therefore, this policy is not relevant to the proposal before me.
7. The Council have set out that they consider that there has not been a specific Brent need for the proposal demonstrated by the Appellant. However, I am conscious that Policy CP 21 seeks to protect existing accommodation that *meets known needs* (my emphasis). Therefore, if such a type of accommodation is not needed, it follows that given that the property is already being used as a small HMO, it would not be protected by Policy CP 21.
8. However, even if I am wrong on that point, I am of the view that as the property is already being used as a small HMO the proposal would not result in the loss of any type of accommodation which would be protected by such policies. In coming to that view, I acknowledge that there is a need for family sized accommodation in Brent.
9. In addition to the above policies, Policy DM 20 sets out that such accommodation should be located in easily accessible areas and amenities (including shops) should be within 400 metres. Whilst there are not such amenities within 400 metres, and that the site has a low PTAL rating, I am conscious that there is a range of facilities in the Kingsbury District Centre which is a short bus ride away. This, combined with the fact that the property is already being used as an HMO, leads me to the view that the site is not in such an inaccessible location that would warrant the withholding of planning permission for the intensification of the use of the property on this ground.
10. In relation to a specific Brent need, the Appellant has shown that there is a large demand for single person accommodation, some of which could be provided through HMOs. This evidence, together with my conclusions above, leads me to the view that it is not necessary for any further information to be provided to demonstrate such a need in Brent. This is particularly the case as the proposal is effectively for the limited intensification of an existing use.

11. The Council have also raised concerns over the management arrangements, including limiting the number of occupants, payment of shared bills, how tenants would be found, cleaning of communal areas, garden and property maintenance, potential noise management, access to the parking spaces, and the provision of secure cycle parking facilities. The Appellant has addressed these issues in their appeal statement and the management plan for the property and I consider that none of the concerns raised by the Council indicate to me that permission should not be granted for an otherwise acceptable proposal.
12. Finally, it is common ground between the main parties that the rooms in the proposal would exceed the minimum room sizes and are generously proportioned. It is also accepted that the rooms have good access to light, outlook and ventilation, together with a communal kitchen and sitting room as well as a large rear garden. All of these factors weigh in favour of the proposal.
13. For the above reasons the proposal would not result in the loss of a family sized dwelling and would accord with Policies CP 2, CP 21 of the CS; and Policies DM 17 and DM 20 of the DMP which amongst other matters seek to maintain and provide a balanced housing stock and ensure that non self-contained accommodation has good access to public transport and amenities, be of an acceptable quality and has appropriate management arrangements.

Other matters

14. I have also had regard to the other issues raised in the representations including matters such as the devaluation of property and sewerage arrangements. In my view the proposal will not have any material impact on the sewerage systems especially given its existing use. In terms of the potential devaluation of property, this is not a material planning consideration.

Conditions

15. The Council has not provided a list of suggested conditions in the event that I consider that the appeal should be allowed. That said, other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
16. I also consider it necessary to restrict the number of occupants to that applied for to define the acceptable level of occupancy for the property and to ensure that it is not over-crowded.
17. In order to promote the use of sustainable modes of transport, the provision of secure cycle parking is also necessary. The Appellant has indicated that this would be within the rear outbuilding and I consider that this is an appropriate location for such provision especially given the pathway down the side of the property to access this building.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR