



Appeal Decisions

Site visit made on 14 March 2022

by Roy Curnow MA BSc(Hons) CMS MRTPI

An Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal A Ref: APP/T5150/X/20/3251136

201 Brondesbury Park, Brondesbury London NW2 5JN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Clerkenwell Estates against the decision of the Council of the London Borough of Brent.
- The application Ref 20/0159, dated 14 January 2020, was refused by notice dated 12 March 2020.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is proposed conversion of single dwelling (Use Class C3) into 6 bedroom HMO (Use Class C4).

Appeal B Ref: APP/T5150/W/20/3246502

201 Brondesbury Park, Brondesbury London NW2 5JN

- 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 Clerkenwell Estates against the decision of the Council of the London Borough of Brent.
- The application Ref 19/2490, dated 11 July 2019, was refused by notice dated 16 December 2019.
- The development proposed is Conversion of the existing property to a 6 room HMO.

Appeal C Ref: APP/T5150/W/20/3246505

201 Brondesbury Park, Brondesbury London NW2 5JN

- 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 Clerkenwell Estates against the decision of the Council of the London Borough of Brent.
- The application Ref 19/2492, dated 11 July 2019, was refused by notice dated 16 December 2019.
- The development proposed is Conversion of the existing building to HMO and the provision of a front dormer to provide 9 rooms.

Appeal D Ref: APP/T5150/W/20/3246514

201 Brondesbury Park, Brondesbury London NW2 5JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Clerkenwell Estates against the Council of the London Borough of Brent.
 - The application Ref 19/2491, is dated 11 July 2019.
 - The development proposed is Conversion of the existing building to HMO and the provision of a rear dormer to provide 8 rooms.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is allowed and planning permission is granted for Conversion of the existing property to a 6 room HMO at 201 Brondesbury Park, Brondesbury London NW2 5JN in accordance with the terms of the application, Ref 20/1749, dated 11 July 2019, and the plans submitted with it, 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 approved plans listed below

19-03_P01 RevC; 19-03_X01; 19-03E_01; and Site Plan 201BP/ENG/PD/07
 - 3) The premises shall not be occupied by more than 6 persons.
 - 4) Details of bin and cycle storage facilities must be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development. These agreed details shall be installed prior to the occupation of any part of the development. Thereafter the development must be laid out in accordance with the details as approved and these facilities shall be retained in perpetuity.
3. Appeal C is dismissed.
4. Appeal D is dismissed.

Procedural Matters

5. Not only do the four appeals relate to the same property, but there are similarities between the development that is the subject of each appeal. As such, whilst the decisions are made on the merits of each individual case, it is logical to include them all in a single decision letter.
6. In appeal decisions, the description of the proposal is usually taken from the application form. In Appeal A, this described the proposal as 'Please refer to cover letter'. The description I use in my header is that from page 2 of the letter submitted in support of the application.
7. In Appeal B, the description of development on the application form referred to the conversion of the property to 'a 7 room HMO'. Soon after submission, a bedroom was deleted from the scheme. This is reflected in the description of development in the Council's decision, and it is that description that I have used in my header, above. The scheme in Appeal D was revised similarly, from the provision of 9 rooms to 8 and, again, this is reflected in my header. This last appeal is made against the failure of the Council to determine the application within the statutory timeframe.
8. Between the dates of the decisions on Appeals A, B and C and this decision, the policies within the Brent Development Management Policies document 2016 was superseded by those of the Brent Local Plan 2016-2041, adopted February

2022. I have used the terms of the relevant policies from the LPA in my decision.

Reasons

The Appeal Site

9. From the road, 201 Brondesbury Park (No 201) is a two-storey property, with two rooflights having been installed in its main roof space. At my site visit, I saw that the property had been converted with 6 en-suite bedrooms. A communal kitchen-dining room on the ground floor gave access to the fairly large communal rear garden.

Appeal A

10. The Appellant seeks a certificate of lawfulness for the proposed use of the property as a 6 room HMO, under section 192 of the Act. S192(1)(a) states that "If any person wishes to ascertain whether any proposed use of buildings or other land would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question".
11. S192(2) states that, "if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application". It is for the Appellant to prove its case on the balance of probability.
12. That case is that the change of use that is proposed would be permitted development ('PD') by reason of Schedule 2, Part 1, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, ('GPDO'). Class L(b) says that a change from a use falling within Class C3 (dwellinghouses) of the Schedule to The Town and Country Planning (Use Classes Order) 1987, as amended, ('UCO'), to a use falling within Class C4 would be PD. Use Class C4 is entitled 'Houses in Multiple Occupation' and defined as 'Use of a dwellinghouse by not more than six residents as a "house in multiple occupation"'.
13. The permitted development right in Class L is qualified. Firstly, it has to be shown that No 201 was a dwellinghouse at the time of the application. If it was not, then the PD rights do not apply. If it was, then, secondly, the proposal would have to comply with the conditions in Class L.1.
14. The Appellant's case is, to a large degree, based on what has been written in Council reports into planning applications made at the property and the terms of its subsequent decisions on those applications. A legal statement¹ was submitted in support of the Appellant's position, as Appendix 5 to its Statement of Case ('SoC'). Essentially, the position taken in this is that, as the Council has stated that the lawful use is as a dwellinghouse, so the Class L PD right exists.
15. This position is different from what the Appellant had put forward in other applications that were made on the property prior to the application that is the

¹ Town Legal LLP 14 April 2020

subject of this appeal being made. Amongst these was an application for a certificate of lawful existing use² of No 201 as a large HMO (Use Class Sui Generis). This demonstrates the Appellant's belief that the lawful use is as a large HMO, and also explains the "without prejudice C3 residential" answer to question 5 on the application form for the application that forms the subject of the appeal before me.

16. I have not been given a copy of the Delegated Report into application 19/4002. However, I am told by the Council that this states that the property had not been used as a single dwellinghouse for a considerable period and that "it had been in use as an HMO for some time". The Appellant has not countered what the Council states was in the report, so I take it that this is how it reads. This description of its use is reflected in the application forms relating to Appeals B, C and D, where the current use of the site is described as "HMO".
17. However, as the use as a HMO has not been proven to be lawful, the Council's position is that the lawful use of the property is as a single dwellinghouse. Its reasons for refusing the applications in Appeals B and C refer to the loss of a dwellinghouse. In addition, its statement of case for Appeals B, C and D concludes that it has "clarified that the lawful use of the application site is considered to be a single dwellinghouse". This is the latest submission from the Council, and I take it to be its settled position on the property's lawful use.
18. However, it states in its Delegated Report and decision for the proposal in Appeal A that the property was not in use as a single dwellinghouse at the time that the application was made. It was, it says, used as a HMO.
19. I have taken into account that the Appellant's position in a number of applications has been that the lawful use of the property was as a HMO. However, an application it made for a certificate of lawfulness for that use was refused and I am not aware that this decision was challenged. Notwithstanding this, the Appellant applied for this certificate of lawfulness the success of which relies on the property being held to be a dwelling.
20. It has not been demonstrated that the HMO use, which the evidence shows was being carried out at No 201, ceased between the dates of the applications in Appeals B, C and D and that the C3 use had recommenced at the date that the certificate was applied for. Given the above, on the balance of probability, the property was being used as a HMO at the time that the certificate application that is the subject of this appeal was made. It was not in use as a dwellinghouse.
21. An effect of the material change of use of No 201 to a HMO, albeit without planning permission, was to extinguish the rights to change the use of the property in the manner set out in in Class L.
22. Given my finding that No 201 was not in use as a dwellinghouse at the time of the application, I do not need to assess whether the proposal would comply with the conditions in Class L.1.

² Council Reference 19/4002

Conclusion on Appeal A

23. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of single residential dwelling (C3 Use Class) to an HMO of three to six rooms (Use Class C4) was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Appeal B

Reasons

24. The main issues are: whether the proposal would lead to the loss of a family-sized dwellinghouse and, if so, would this be harmful; and would it provide adequate living conditions for future occupants, with particular regard to communal space.

Loss of a family-sized dwellinghouse

25. I have found, in Appeal A, that the lawful use of the property was not as a dwellinghouse at the time that the application for a certificate of lawfulness was made. The application form relating to this appeal states that its use was as a HMO at the time that the application was made. There is nothing before me to lead me to find differently, though this use has not been demonstrated to be lawful.
26. The Town and Country Planning (Use Classes) Order 1987, as amended, defines Class C4 as use of a dwellinghouse by not more than six residents as a "house in multiple occupation", it does not refer to 6 rooms. Although the revised description refers to 6 rooms, when that part of the HMO Management Plan that accompanied the application proposing the restriction of numbers of people in the property to 6 is taken into account, the proposal becomes consistent with Use Class C4.
27. The lawful use of No 201 has not been determined. If it were the case that the lawful use was as a dwellinghouse, the terms of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, ('the GPDO'), would be relevant. This would allow for the change of use of a building from a dwellinghouse to a small HMO, and vice versa. Thus a dwellinghouse, including one that is family-sized, might be changed to a small HMO without an application for planning permission.
28. This permitted change of use can be precluded by an Article 4 Direction removing this permitted development ('PD') right. The Appellant states that there is no such Direction, and as the Council does not counter this, I take it to be the case.
29. Given the site's location, was Appeal B to be dismissed, and Appeals C and D for that matter, the evidence shows that the Council would have no objection to the property being used as a dwellinghouse. Given the lack of an Article 4 Direction, the Council would be unable to stop its subsequent change to a C4 use. To my mind, this represents a fall-back position. Even though the Appellant has not specifically raised this, it is one that I have to take into account.

30. The Appellant has made several applications to establish the use of No 201 as a HMO. Furthermore, it has carried out work to create a HMO. This work appears to be substantially, if not wholly, the same as that shown in the drawings for this appeal. As such, I find that there is a greater than theoretical possibility that the Appellant would undertake the work, even if forced to undo the work it has done. I find that, in all probability, the property would be used as a small HMO in future. This fallback position is one that I afford substantial weight to.
31. On this main issue, as the lawful use of No 201 has not been established, the result of this appeal might be the loss of a family-sized dwellinghouse. Were this to be the case, there would be conflict with LP Policy BH11. However, the fallback position that I have identified would be most likely to result in this occurring in any event. This represents a material consideration of such significance that it outweighs the terms of the development plan and I do not find against the appeal on this issue.

Living Conditions

32. When originally submitted, it was proposed to provide 7 bedrooms set across three floors with kitchens on the ground and first floors. In addition, what appeared to be communal toilets were proposed on the first and second floors. The revised proposal drawings, which I am assessing, show the omission of a bedroom on the ground floor and the subsequent enlargement of the ground floor kitchen to include a living and dining area. They also show the enlargement of the en-suites in Rooms 1 to 4, and the replacement of what I refer to as the communal toilets with 'utility/WM' rooms. I am not told, but I assume WM to mean washing machine.
33. The HMO Management Plan that accompanied the application sets out that the leases will be restricted to single occupiers, which I take to mean that there would be 6 residents in the property.
34. My attention has been drawn to the booklet 'Conditions of the Mandatory/Additional HMO Property Licence' (I shall refer to this as the 'Licence booklet') produced by the Council's Private Housing Services. Its preamble sets out that HMO licence holders should comply with all of the conditions in the booklet, or face prosecution. Paragraph 3 sets out its underlying premise, "The number of occupiers and households allowed to occupy the property will relate to the amenities that are provided within the property and the size and layout of the rooms available". Although not part of the development plan, as it has been published by the Council it carries substantial weight in my deliberations.
35. Amongst its requirements for 'Kitchens for Communal Use', Appendix 1, is that facilities may be provided on a ratio of one kitchen per every three households, there should not be more than one floor between rooms and a kitchen with one set of facilities should have a minimum floor area of 5.5 sqm.
36. What is now proposed on the ground floor is a kitchen-lounge-diner that would have a floor area of 22.4 sqm, as opposed to the original's 7 sqm. That on the first floor would have an area of 10.8 sqm. Both would exceed the floor area requirements in the HMO booklet.

37. There is no minimum height given for kitchens in the HMO Booklet. The Appellant says that the height of the ground floor communal room is 2.75m throughout. Whilst I did not measure its height at my site visit, my overall impression was of a room with good floor-to-ceiling height, that is sufficiently spacious, light and airy for its communal purpose.
38. The Council has not specifically criticised the first-floor kitchen. Notwithstanding that it would comply with the floor area requirement of the Licence booklet, it would be quite a small and narrow room. However, I find that between them these two rooms would provide an appropriate standard of communal facility, which would be appropriately located, for the number of occupants that are proposed in this appeal.
39. My attention has been drawn to the decision in appeal reference APP/T5150/W/19/3223165 in support of their positions, though neither party has provided me with a copy of this decision. This has not hampered me, as my finding on this issue has been made on the basis of the circumstances prevailing at the property.
40. My finding on this main issue is that the occupants of the property would be provided with high levels of internal and external amenity, which is amongst the requirements of Policies DMP1 and BH7 of the LP. The proposal would, therefore, accord with their terms and Principles 5.1 and 5.4 of the Brent Design Guide, November 2018.

Conditions

41. The Council has proposed eight conditions, in the event that the appeal were to be allowed. The Appellant has commented on these and proposed changes to this list. The Council has had the opportunity to comment on these changes. I will assess the conditions against the guidance on the 'Use of Conditions' in the Government's Planning Practice Guidance.
42. The property had been converted to a 6 bedroom HMO at the time of my site visit. However, as I cannot be sure that this is in accordance with the application that is the subject of this appeal, I will attach the statutory time limit condition. A condition requiring compliance with the submitted drawings is necessary in the interests of good planning. However, reference to the existing drawings, as suggested by the Council is unnecessary. I agree with the Appellant that the inclusion of the location/site plan drawing is necessary.
43. Paragraph 54 of the National Planning Policy Framework states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. This justification has not been given, so I have not attached the Council's proposed conditions 3 and 4.
44. The Council proposes a limit of 6 people in the property; the Appellant requests the limit be 8 people given the size of the proposed rooms. The reason for the condition would be to ensure that the premises is not over-occupied. I have found that the communal facilities that are proposed would be appropriate for the 6 people that were proposed in the application. The Management Plan sets out that the proposal was for one person per room, and it was on this basis that it was assessed by the Council, myself and, importantly, third parties. This latter group might be prejudiced by the change to occupant numbers without

the opportunity to comment. I will not make the alteration. However, I have omitted the references to the need for both prior written consent and planning permission, as they are confusing and unnecessary. Should anyone wish to have more than 6 persons living in the property, they would have to make a planning application.

45. Whilst planning permission is granted for a HMO, were the occupants to add some kitchen facilities this would not necessarily take a room out of HMO use. That would be a matter of fact and degree and it would be for the Council to assess this. Given this, and that the Council has not demonstrated how the addition of these facilities would adversely affect the standard of accommodation for the property's occupants, I have not attached the Council's proposed condition 6.
46. On the basis of the evidence provided in the 'Transportation' consultation response, the condition relating to bin and cycle storage facilities is required.
47. The Transportation consultation response did not flag up the necessity for parking permits. The Council has not provided me with information to justify this, including how further on-street parking would affect safety. Furthermore, it was not given as a reason for refusal. Notwithstanding that the Appellant says that this is a matter best addressed through a planning obligation that he would submit, though has not, without evidence of need for this condition I have not attached it to my permission.

Conclusion on Appeal B

48. For the reasons given I conclude that Appeal B should succeed, subject to conditions.

Appeals C and D

Reasons

49. The main issues in Appeal C are: the effect of the development on the character and appearance of the area; whether the proposal would lead to the loss of a family-sized dwellinghouse and, if so, would this be harmful; and would it provide adequate living conditions for future occupants, with particular regard to communal space.
50. The Council did not determine application 19/2491, which forms the subject of Appeal D. The Council say, in its SoC that the delegated reports for the various applications sufficiently cover the planning assessment of the applications. However, no report for 19/2491 has been submitted.
51. The Appellant surmises, in his SoC, that the reasons for refusal would be similar to those given for the Appeal C proposal. However, the Council's SoC for all of the appeals sets out 'Reason (s) for Refusal' for application 19/2491. It contains a single reason: "The proposed layout would provide a substandard level of communal accommodation by virtue of inadequate kitchen/dining/living space and would thereby provide an inadequate standard of accommodation for future occupiers. The proposal therefore conflicts with Policies DMP1 and DMP20 of the Brent Development Management Policies document 2016".

52. To a degree, I take the point that the Appellant makes. It would be totally illogical for the Council not to find against the loss of the family-sized dwelling in both appeals. For this reason, I will address this issue for both appeals. However, I have no reason before me to suggest that the Council objects to the rear dormer proposed in Appeal D, which is a quite different proposition to the front dormer proposed in Appeal C. As a result, this will not form part of my assessment of Appeal D.
53. In the light of this, the main issues in Appeal D are whether the proposal would lead to the loss of a family-sized dwellinghouse and, if so, would this be harmful; and whether the development would provide adequate living conditions for future occupants, with particular regard to communal space.

Appeal C - Character and appearance

54. Away from its junction with the A407, High Street, Brondesbury Park is a relatively open road that is largely characterised by terraces of two-storey dwellings that line it. The terraces have a pleasing rhythm and symmetry by reason of their feature two-storey bay windows topped by gabled or hipped roofs, parapet walls on the roofs between properties, window pattern and recessed porches.
55. There have been relatively few changes to the roofs of the terraces on the side of the road on which the appeal site lies. A number have no alterations whereas some have rooflights inserted in them. Those rooflights do not stand greatly proud of the roofslope.
56. The Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2, January 2018, ('SPD2') provides guidance on, amongst other things, dormer windows. With regards to those proposed on the front elevation it states, "Dormer windows will not normally be permitted on the front roof slope. Exception may be made in some areas of the Borough where front dormer windows are a common feature".
57. There are dormer windows in the street scene, including several on a terrace opposite No 201. There are others, too, along the road. However, I would not describe them as a common feature so much as not rare in the street scene. Importantly, there are none on the terrace in which No 201 lies, and few on this side of the road. Whilst some of the dormers in the area are matching, there are a number that differ in design and fenestration. They break up the rhythm and symmetry and, to my mind, illustrate the harm that dormers can cause to otherwise largely uniform terraces of matching properties.
58. I do not find that the exceptional circumstances referred to in the SPD occur here. The proposed dormer would cause harm to the character and appearance of the area. The Council has not provided a copy of a relevant LP policy for this aspect of the development. However, it would be contrary to the terms of Chapter 12 of the National Planning Policy Framework and the terms of SPD2.

Appeal C and D - Living conditions

59. In Appeal C, it is proposed to set 9 en-suite bedrooms over three floors. On the ground floor, there would be three bedrooms and a kitchen of 7.8sqm. The first floor would have a further three bedrooms, as well as the 10.8sqm kitchen and Utility/WM space also proposed in Appeal B. The loft space at second floor level

- would be utilised and a dormer extension added to the front roof slope, this would provide three bedrooms.
60. In Appeal C, it is proposed to set 8 en-suite bedrooms over three floors. The proposed ground and first floor layouts would be as those allowed in Appeal B. On the second floor, which would be extended with a rear-facing dormer, there would be 3 bedrooms.
61. The HMO Management Plans for both appeal proposals state that "The leases with the occupiers will be restricted to single occupiers". Under details of communal areas, they state "The proposals will benefit from shared kitchens, bathrooms and external amenity space". Given the layout, the property's occupants would not share bathrooms.
62. Whilst the Licence Booklet runs parallel to the planning system, it is nonetheless a material consideration. Its terms, and here I refer to the minimum sizes of kitchen areas and community facilities, should not be read as absolutes that, if met, would make a proposed development acceptable. Such issues as size of bedrooms and their positions vis-à-vis communal facilities have to play a role.
63. For the most part, the bedrooms are good-sized. In both appeal proposals, all of them would all accord with the sizes in the Licence Booklet. However, some of those proposed, either due to their size or shape or both, offer less useable space to their occupants. In Appeal C, I particularly refer to Bedrooms 3, 5 and 8; in Appeal D, it is bedrooms 4 and 7. The occupants of these rooms would benefit most from good communal facilities. In both appeals, all the bedrooms are well positioned in respect of access to the kitchens, as they are no more than one floor away.
64. Although the kitchens proposed in Appeal C might accord with the minimum floor area set out in the Licence booklet, neither is large. That on the ground floor would lack natural light and ventilation, with reduced headroom in part. It would not provide a good standard of amenity to the three bedrooms on the ground floor that it would undoubtedly serve. Given its position, the kitchen proposed on the first floor in this appeal would be likely to be the first choice for occupants of the 6 bedrooms on that and the second floors. However, it is narrow and would only provide one set of facilities and would be cramped. I appreciate that first floor occupants would be within one floor of the ground floor kitchen but this would already be cramped for the ground floor users and would not be an attractive alternative.
65. Neither of the kitchens in Appeals C and D provide for occupants to sit communally and wait for space to become available when busy. They would have to return to their rooms or see if the other kitchen had space. Were the first-floor kitchen busy, however, because of the distance to the ground floor, only the former would be a likely option for those occupants of the second floor.
66. As I remarked in Appeal B, the communal ground floor kitchen/dining/lounge area, which is also proposed in Appeal D, would be an inviting space. However, the kitchen on the first floor in that Appeal D would remain a small and narrow communal area. Due to its position, and notwithstanding the relative attractiveness of the ground floor kitchen, it would continue to be the first

choice for the occupants of the 6 bedrooms on the first and second floors. Much the same problems would arise from the occupants of these rooms choosing to use it, especially for the occupants of the second floor.

67. A further example of how the proposed communal space would be inadequate is that their number does not accord with the requirements of the Licence booklet. That requires at least one kitchen to three households, in Appeal C the ratio would be one to four and a half and in Appeal D this would be one to four.
68. Whilst the rear garden area would provide a further communal area, and one which would no doubt be welcomed by the property's future occupants, this would not outweigh the harm that I have identified.
69. For these reasons, I find that the schemes proposed in Appeals C and D would fail to provide adequate living conditions for future occupants, with particular regard to communal space. This would be contrary to LP Policies DMP1 and BH7.

Appeals C and D - Loss of a family-sized dwellinghouse

70. I found that Appeal B would not lead to the loss of a family-sized dwelling. Whilst it has not been put forward specifically as a fallback position by the Appellant, it is clear that this is a matter that I have to address for Appeals C and D. My decision on the matter in Appeal B forms the baseline for the assessment of the fallback position in these appeals.
71. The work that has been undertaken to the property appeared to largely, if not wholly, accord with the drawings submitted for Appeal B. As such, the fallback position is a reality, rather than a theoretical proposition. The upshot of this is that I have to attribute very significant weight to the fallback position.
72. Given that the outcome of allowing the appeals would be precisely the same as that in Appeal B, this provides justification for finding in favour of the Appellant on this issue. Therefore, whilst the lawful use of No 201 has not been established, and the result of this appeal might be the loss of a family-sized dwellinghouse, contrary to LP Policy BH11, the fallback position that I have identified would be most likely to result in this occurring in any event. This represents a material consideration of such significance that it outweighs the terms of the development plan and I do not find against the appeal on this issue.

Other Matters

73. The property has very good level of accessibility, with a range of shops and services, as well as bus stops and an Underground station, within easy walking distance. Further, the Appellant points to a need for the type of housing that is proposed in the appeals. It also points out that these schemes would not lead to an over-concentration of HMOs in the area. However, these do not outweigh the harm that I have identified.

Conclusions on Appeals C and D

74. Neither of the proposals in Appeal C or Appeal D would result in the loss of a family-sized dwellinghouse, and are acceptable in this respect. However, they

are both dismissed on the grounds that they would fail to provide adequate living conditions for their future occupants. Appeal C is also dismissed for the ill-effect it would have on the character and appearance of the area.

Roy Curnow

Inspector