



Appeal Decision

Site visit made on 25 March 2025

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/R5510/W/24/3356971

1 Hurstfield Crescent, Hillingdon, Hayes UB4 8DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mildmay High Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 61118/APP/2024/595.
 - The development proposed is change of use from a 6 unit small HMO (Use Class C4) to a 7 unit HMO (Sui Generis) for up to 7 people.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a 6 unit small HMO (Use Class C4) to a 7 unit HMO (Sui Generis) for up to 7 people for up to 7 people at 1 Hurstfield Crescent, Hillingdon, Hayes UB4 8DN in accordance with the terms of the application, Ref 61118/APP/2024/595, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing Numbers:

Location and Site Plan - Revision RV00

Existing Floor Plans - Revision RV00

Existing Elevations Revision - RV00

Existing Side Elevation and Section A-A' - Revision RV00

Proposed Plans – Sheet N. P001

Proposed Elevations - Revision RV00

Proposed Side Elevation and Section A-A' - Revision RV00

Timber Bin and Cycle Enclosure Storage Detail - Revision RV00

Main Issues

2. The main issue is whether the proposed development would be tantamount to the creation of a self-contained flat.

Reasons

3. The appeal building is a two-storey semi-detached property that is currently in use as a HMO for six persons. The appeal site is not located within a Conservation area or within an area that is subject to an article 4 direction that restricts changes of use to HMO's.
4. The Council considers that the use of the second floor, which is where the development is proposed could be used independently and occupied as a self-contained flat. Having regard to the proposed plans, the second floor is shown to have a bedroom, en-suite and separate kitchen.
5. The description of development is clear in that the appellant is seeking to increase the size of the existing HMO to accommodate a seventh person on the second floor. I also note that the second floor is accessed by the same entrance that all of the other occupiers use and would require users of this room to go up two flights of stairs whilst passing other rooms to access the second floor.
6. I am mindful that the second floor has the facilities that would make it possible to be used as a self-contained flat. However, access to the kitchen is via a separate door on the landing which would mean that any of the other occupiers would be able to use this space. The occupiers of the two rooms on the first floor would find it just as convenient to use the kitchen on the second floor and there would be nothing preventing them from doing this.
7. I am also mindful that the description of development and plans restricts the use of the second floor and the use of the second floor as a self-contained flat would require separate planning permission.
8. The Council have raised no objection in relation to the principle change of use to a seven-bedroom HMO. They also consider that there would be no harm to the living conditions of neighbouring occupiers, the proposal would not discernibly exacerbate congestion or parking stress and would not raise any measurable highway safety concerns. I have no reason to conclude otherwise.
9. I therefore conclude that the proposed development would not be tantamount to the creation of a self-contained flat. I find no conflict with Policies D6 and T6 of The London Plan (2021), Policies DMH 5, DMHB 11, DMHB 16, DMHB 18, DMHD 1, DMT 1, DMT 2, and DMT 6 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies Adopted Version 16 January 2020 and Paragraph 135 of the National Planning Policy Framework. Amongst other things, these seek to ensure that new development should function well and add to the overall quality of the area, proposals should not increase road danger, appropriate private amenity space is provided and the living conditions of neighbouring occupiers are not adversely affected.

Other Matters

10. I note that concerns have been raised in relation to the behaviour of the existing tenants and low water pressure. However, these are not matters before me to consider as part of the proposed additional room for which the Council have found would not harm the living conditions of neighbouring occupiers or worsen parking stress, which I have no reason to conclude otherwise.

Conditions

11. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.
12. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt.

Conclusion

13. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR