



Appeal Decision

Site visit made on 18 March 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2025

Appeal Ref: APP/M5450/W/24/3350349

96 Whitchurch Lane, Edgware HA8 6QN

- 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 Ms Eve Florides against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0246/24.
 - The development proposed is described as the part retention, part proposal to create an 8-bedroom, 13 person HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The description used in the banner heading above is taken from the application form. However, the Council changed the description to "Conversion of dwelling into house of multiple occupancy (HMO) for up to 13 persons (Use class Sui Generis) (part retrospective). Although the appellant has indicated that the description has not been changed, they have used this amended description on the appeal form. This description more accurately describes the development, and I have therefore considered the appeal on this basis.
4. As noted in the amended description of development, the proposal is partly retrospective in that the property is currently in use as a Large HMO, with some self-contained accommodation. The appeal proposes to make changes to the internal layout and provision of accommodation to provide a HMO for up to 13 persons. For the avoidance of doubt, I have therefore considered the appeal on the basis of the 'Proposed Plans'.
5. There is some uncertainty regarding when the use as a large HMO occurred. However, in determining an appeal made under Section 78 of the Town and Country Planning Act 1990 (the Act), my powers do not extend to allow me to make a declaration as to what the lawful use of the appeal site is. Nonetheless, it

is open to the appellant to apply to have the matters determined under Sections 191 or 192 of the Act regardless of the outcome of the appeal.

Main Issues

6. The main issues are:

- Whether the development would provide adequate living conditions for its occupiers, with particular regard to the provision of external amenity space, noise and disturbance and privacy; and
- The effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

7. The appeal property is a semi-detached property, which has been altered and extended. During my site visit I observed that the surrounding area is mostly residential containing a mix of semi-detached and terraced properties. Whilst I observed that there are some commercial uses nearby, this part of Whitchurch Lane is distinctly more residential in its character.
8. Policy DM30 of the Harrow Council Development Management Policies, adopted July 2013 (the DMP) supports the provision of Large Houses in Multiple Occupation (HMO's), residential hostels and secure accommodation subject to compliance with the following criteria (a) there is good accessibility to local amenities and public transport; (b) they accord with Accessible Homes Standards and provide satisfactory living conditions for the intended occupiers; and (c) there will be no adverse impact on the amenity of the occupiers of neighbouring properties or the character of the area.
9. In respect of criterion (a), the appeal site is located in an area with a PTAL rating of 4 (moderate), with Edgware Underground Station approximately 0.5 miles away. There are a range of shops and services within approximately 250 to 500 metres walking distance. The Council has not raised any specific concerns in relation to the location of the proposed development in relation to local amenities and public transport and based on the evidence before me, I see no reason to disagree with this conclusion.

Living Conditions – Future Occupiers

10. In respect of criterion (b), the proposed number of occupants of the HMO would be 13 persons, occupying a total of 8 bedrooms. The submitted plans show that the ground floor would accommodate a kitchen, a living/dining room and three, en-suite bedrooms. On the first floor there would be a further three double bedrooms, two shared bathrooms, a kitchen and a common room. The second floor would accommodate a further two, en-suite bedrooms. The occupants would also have access to a rear garden.
11. It is not disputed that all of the bedrooms are sufficient sizes to accommodate the proposed number of occupants. Nonetheless, Bedroom 2 within the ground floor would have patio doors which open directly into the communal rear gardens. No details have been provided to demonstrate that this arrangement would ensure sufficient levels of privacy could be provided, whilst also providing an appropriate standard of outlook for the future occupiers of this bedroom.

12. In terms of noise and disturbance, the doorway into bedroom 2 is accessed directly from the ground floor kitchen and bedroom 6 would be accessed from the first-floor Common Room. Taking into account the likely patterns of use of the communal areas, the future occupiers of these bedrooms would be likely to experience unacceptable levels of noise and disturbance. On this basis, it has not been demonstrated that the occupiers of these bedrooms would be provided with satisfactory living conditions.
13. In terms of the external amenity space, the property benefits from a large rear garden, and whilst the appeal property has previously been extended to the rear, it retains approximately 220m² of garden space. The Council has not directed me to any specific guidance on the minimum size of shared garden spaces for HMOs. However, even with the proposed number of occupants, the garden would appear to be of a sufficient size which would be capable of meeting the needs of the occupants.
14. Consequently, whilst I have found that the proposed development would provide adequate external amenity space for the occupants, I have found that the development would not provide adequate living conditions for the occupiers of the HMO, with particular regard to noise and disturbance, and privacy. Thus, it would be contrary to Policies DM1 and DM30 of the HLP and D3 of the London Plan 2021, which require amongst other things, satisfactory living conditions to be provided for the future occupiers.

Living Conditions – Neighbouring Occupiers

15. Criterion (c) of Policy DM30 requires that there will be no adverse impact on the amenity of the occupiers of neighbouring properties or the character of the area. As noted above, whilst there are some commercial uses close to the appeal site, it sits within a row of mostly residential properties.
16. Based on the evidence before me, the use of the appeal property as a HMO has existed for a number of years and has been licensed by the Council for a maximum number of 16 occupants since 2021. The appellant states that since the use of the appeal property as a large HMO began, no complaints have been made by neighbours in relation to noise and disturbance. The Council do not dispute this.
17. Therefore, whilst I accept that a HMO of this size would be likely to result in a greater number of comings and goings than might be expected from a single household, it has not been demonstrated that this would be likely to result in adverse harm to the living conditions of neighbouring properties by virtue of increased noise and disturbance. Thus, I find that the proposed development would comply with Policies DM1 and DM30 of the HLP and Policy D3 of the London Plan. Together these policies state, amongst other things, that proposals for the provision of Large HMOs, will be required to demonstrate that there will be no adverse impact on the amenity of occupiers of neighbouring properties

Other Matters

18. I accept that there is no objection in principle, to the conversion of an existing dwelling to provide HMO accommodation. The appellant also states that Harrow has an identified need for HMOs. However, I have been provided with very limited evidence to substantiate this claim. Even if there is an identified need for additional

HMO accommodation in this location, this would not justify allowing accommodation that would be sub-standard for its occupiers.

19. My attention has been drawn to the existence of other HMOs within Whitchurch Lane¹. The appellant also states that there is a high proportion of flats (approximately 61%) registered for Council Tax purposes on Whitchurch Lane. Whilst I have no reason to dispute this data, self-contained flats are not comparable in terms of use to that of a large HMO and the presence of other similar uses does not alter my above findings.

Conclusion

20. For the above reasons, the proposed development would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that indicate that a decision should be taken otherwise in accordance with it. Therefore, the appeal should be dismissed

K Lancaster

INSPECTOR

¹ 87,134 & 223 Whitchurch Lane and 15, 17 & 35 Whitchurch Avenue