



Appeal Decision

Site visit made on 11 March 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th May 2025

Appeal Ref: APP/T5150/W/24/3353615

146 Fleetwood Road, Brent, London NW10 1NN

- 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 Mr A Ishaque against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1647.
 - The development proposed is change of use from dwellinghouse (C3) to HMO (C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024, with further minor updates in February 2025. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comment.
3. An Article 4 Direction has been made by the Council restricting certain types of development in the designated area that would otherwise be “permitted development”. This came into effect in 2022 and therefore forms part of my assessment of this appeal.
4. It was evident at my site visit that a House of Multiple Occupation (HMO) with 5 bedrooms was operating from the appeal site (No 146). Given the appellant’s description of development on their planning application form, I have dealt with the appeal on the basis that planning permission is sought for operating the property as a 5-bed HMO.
5. The current layout of No 146 was different to that shown within the Existing & Proposed Plans¹, with the lounge and study on the ground floor laid out and being used as bedrooms with ensuite bathrooms. The appellant does, however, contend that the study would be a second kitchen, and based on the evidence before me, I have no reason to take a different view.
6. There are discrepancies within the appellant’s evidence with regard to distances to local transport links. I conducted my site visit by public transport and walked to the appeal site from Dollis Hill station. Whilst the journey took me approximately 15 minutes, I have assessed the proposed development using the appellant’s 12 minute journey time as set out in their appeal statement.

¹ A23-29-01a

7. I understand that the Council's Enforcement section is investigating the current use of No 146². Any enforcement process is a separate matter and falls outside the scope of my assessment which must focus on the planning merits of the appeal proposal.

Main Issues

8. The main issues with this appeal are:
- the suitability of the proposed development, having regard to the development plans approach to the provision of HMOs, with particular regard to public transport and identified housing need;
 - whether the development would make adequate provision for urban greening with particular regard to biodiversity, sustainable drainage and water conservation targets; and,
 - whether the development would provide its occupants with acceptable living conditions with particular regard to communal facilities.

Reasons

Suitability of development

9. Policy BH7 of the Brent Local Plan 2019-2041 (Local Plan) sets out the Council's approach to proposals for accommodation with shared facilities or additional support. It states, amongst other matters, that proposals for self-contained residential accommodation with shared facilities should meet all criterion a) to e). From the evidence before me, criterion a), b) and d) are relevant to my assessment. Criterion b) will be addressed later in my decision, but I shall now turn to criterion a) and d).
10. Good access to public transport as required by criterion a) is not defined in the Local Plan. Nevertheless, the Council's Houses in Multiple Occupation Supplementary Planning Document 2022 (the SPD) requires a minimum Public Transport Accessibility Level (PTAL) of 3 or above. Even if No 146 is within an approximate 12-minute walk from Dollis Hill station (the station), the appeal site, by definition, is not in an area with good access to public transport. Moreover, the appellant does not dispute that the appeal site is within PTAL 2.
11. Criterion a) also specifies that amenities, including shops, should normally be located within 400 metres of the proposed development. The SPD sets out that 400 metres is roughly a five-minute walk. As I walked to the appeal site from Dollis Hill station, I was able to see that shops and services were on Burnley Road and Hamilton Road, located close to the station. Given that the appellant states that it takes approximately 12 minutes to reach the station, this is approximately double the distance set out in criterion a). Given the PTAL rating and distance from other amenities, including shops, the proposal would be contrary to criterion a) of Policy BH7.
12. Criterion d) of Policy BH7 specifically relates to need. The supporting text to Policy BH7 states that whilst the majority of the Borough's housing needs will be met through self-contained accommodation, some will be met through non-self-

² Ref: E/24/0029

contained accommodation with shared facilities. The SPD provides advice for the consideration of HMOs, which is intended to build on Local Plan Policy BH7. The SPD acknowledges that HMOs form a significant proportion of the borough's living accommodation and play an important role for many Brent residents. The SPD also states that HMO accommodation is likely to compete for the same properties with families who also need 3 bedroom dwellings or larger, and that the need for family accommodation is significant within the borough.

13. Policy BH10 of the Local Plan seeks to resist the net loss of residential dwellings. It states that development resulting in the net loss of residential dwellings will be supported only in exceptional circumstances, criterion a) to c). Supporting text alongside this Policy states that meeting Brent's needs through the provision of family accommodation (3 bed or more dwellings) is a priority supported by the SHMA³ and Policy BH6 Housing Size Mix.
14. My attention has been drawn to letters of support from letting agents. Circlelet Properties Limited states that there has been a high demand for rooms within No 146, London Homelets outlines a number of tenant enquiries for the property, and London HomeMoves states that No 146 was marketed between 24 August 2023 to 11 November 2023, but resulted in no successful options. In the absence of any evidence to the contrary from the Council, I consider that the appellant has demonstrated that an HMO within No 146 is sought after. However, this need must be balanced against the Policy requirement that HMOs should be prioritised in areas with good access to public transport, and the net loss of a family-sized dwelling in a low PTAL area.
15. The proposed development seeks to change from a dwelling house to an HMO. I have no substantive evidence to demonstrate that the existing dwelling is currently sub-standard or that the proposal would provide social or physical infrastructure to meet an identified need. I therefore have no evidence to demonstrate that the proposal complies with Policy BH10 of the Local Plan.
16. Given the Council's introduction of an Article 4 Direction, it appears that the policy impetus is to ensure a sufficient supply of family homes to meet the borough's housing needs. Even if No 146 is currently being occupied as an HMO and there has been a level of interest in the property, the development plan's approach to the provision of HMOs does not outweigh the need for family housing.
17. I conclude that whilst there has been a demonstrated need for the HMO, this does not outweigh the loss of the family dwelling. As such, the development would not be suitable development and would be contrary to Policies BH7 and BH10 of the Local Plan which, in addition to the requirements of BH7 already referred to, require development to restrict the loss of good quality dwellings. There would also be conflict with the guidance set out in the SPD.

Living conditions

18. Criterion b) of Policy BH7 of the Local Plan seeks to ensure proposed developments provide occupants with, amongst other matters, an acceptable quality of accommodation appropriate for the needs of its occupants, including communal amenity facilities.

³ The Brent Strategic Housing Market Assessment 2018

19. As noted above, proposed plans show that the study on the ground floor would be utilised as a second kitchen. The Council states that both rooms⁴ would exceed the required kitchen and living space standards for five people. Whilst the submitted plans do not include kitchen layouts, I saw that the current kitchen contained all items listed in paragraph 5.20 of the SPD and included a washing machine. I also saw that the approximate position of the dividing wall, separating the Dining/Kitchen 1 from Bedroom 2, would likely facilitate the retention of the dining table, which had 5 chairs.
20. Even though Kitchen 2 was being utilised as a bedroom, it was large enough to contain a single bed with a set of single drawers to its side, a desk with a chair, a double wardrobe, a set of large drawers and a freestanding shelving unit, with adequate circulation space. This room, despite being narrow, would likely be of sufficient size to accommodate additional communal facilities for future occupants to congregate and spend time together.
21. I acknowledge that the communal rooms within the proposed ground floor would not have access to a separate WC, however, all bedrooms would be ensuite with two accessible on the ground floor. Given that the HMO would be modest in size and two WCs are located on the ground floor, I do not consider that the lack of access to a separate WC on the ground floor would be as harmful as the Council contends.
22. I conclude that the proposed development would provide future occupants with acceptable living conditions with regard to communal space. It therefore complies with Policy BH7 of the Local Plan which seeks, amongst other matters, to ensure development is of an acceptable quality, including providing appropriate communal facilities. There would also be no conflict with Policy D6 of the London Plan 2021, which seeks to ensure that development delivers appropriate amenity for its context.

Urban Greening, biodiversity, sustainable drainage and water conservation

23. Policy BGI1 of the Local Plan requires *all development* (my emphasis) to achieve, amongst other matters, a net gain in biodiversity and meet the urban greening factor (UGF). Policy G5 of the London Plan stipulates, amongst other things, that Boroughs should develop an UGF to identify the appropriate amount of urban greening required in new developments. In the absence of local targets, as in this case, Policy G5 indicates that the Mayor recommends a target score of 0.4 for developments that are predominantly residential.
24. Policy BSUI4 sets out that conversions should make use of sustainable drainage measures wherever feasible, and proposals that would fail to make adequate provision for the control and reduction of surface water run-off will be refused. The supporting text of London Plan Policy G5 explains that urban greening helps to meet other policy requirements including, amongst other matters, sustainable drainage.
25. BSUI4 of the Local Plan and Policy SI 5 of the London Plan collectively seek to reduce main water consumption.
26. I acknowledge that the proposal would undertake little to no alteration to the existing green cover within the site. However, whilst the supporting text of BH4 states that

⁴ Kitchen 1 and Kitchen 2

urban green infrastructure is required where it might be lost, it also states “or supporting its re-introduction where sites may now have none.”

27. I have no substantive evidence before me to demonstrate that the appeal site's UGF would be improved by the proposal and that the recommended target score would, or could, be delivered on site. Additionally, I have no substantive biodiversity measures to demonstrate that there would, or could, be a net gain in biodiversity arising from the proposal. Given such uncertainties, the imposition of a condition to secure UGF and biodiversity net gain would not be appropriate in this case.
28. The appeal site falls within surface water flood zone 3a and is in a critical drainage area. I saw that the front area was predominantly block paved, and a drainage channel ran parallel with the pavement. The rear garden was also predominantly hard surfaced with an area of grass to one corner. There is no compelling evidence before me to demonstrate that the drainage channel to the front was connected to any soakaway, that the hard surfaces were permeable, or that adequate provision for the control and reduction of surface water run-off could be achieved within the site. Given such uncertainties, the imposition of a condition to secure sustainable drainage measures would not be appropriate in this case.
29. The appellant states that new water saving measures, such as aerated taps and flow regulators to existing showers, would be fitted. This statement alone does not demonstrate that the proposal would minimise the use of mains water to meet the specified consumption, however, I am mindful that Policy SI 5 suggests that such matters could be secured through the use of a planning condition. As such, if I were minded to allow the appeal, subject to the imposition of such a condition, I am satisfied that the proposal could reduce water consumption and conserve water in a sustainable manner.
30. For the above reasons, I conclude that whilst I have not found harm with regard to water conservation targets, this would not be the case with regard to UGF, biodiversity and sustainable drainage. As such, there would be conflict with Policies BGI1 and BSUI4 of the Local Plan and Policies G5 and SI 5 of the London Plan, the aims of which have been previously set out.

Other Matters

31. With regard to the privacy of future occupants of Bedrooms 1 and 2, given that the maximum number of occupants would be 5, the footfall past these bedroom windows is unlikely to be significant. In this respect, the outlook from these windows would be adequate and would not be detrimental to the living conditions of the occupants.
32. The Council's reference to ceiling height formed a reason for refusal on the appellant's previous planning application Ref 23/1655. As the Council has remained silent on this matter in its decision notice and I am dismissing the appeal on other grounds, this is not a matter which needs to be considered further.

Planning Balance and Conclusion

33. Whilst the provision of an HMO forms an important part of the housing supply in the Borough, the economic benefits of one HMO would be small. I have found that there would be no harmful effects on the living conditions of its occupants with regard to communal living accommodation, and that a suitably worded condition

would safeguard water consumption and conservation. I have found that the proposed development, which is located in PTAL 2, would reduce the housing stock within the Borough where there is a demonstrated need. I have also found that there has not been sufficient evidence to demonstrate UGF, biodiversity or sustainable drainage. As such, any benefits do not outweigh the harm I have identified above.

34. For the reasons given above, I find that the proposal would conflict with the development plan when read as a whole, and other relevant considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

L Clark

INSPECTOR