
Appeal Decision

Site visit made on 22 April 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/T5150/W/24/3353293

146 Dawpool Road, Brent, London NW2 7JY

- 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 Azizy against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1665.
 - The development proposed is change of use to a 5 persons HMO with cycle and bin stores
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the date when the work or change of use started was 2nd October 2023, and that it has not yet been completed. Neither party has advised that the dwelling is already occupied as a House in Multiple Occupation, (HMO). The plans before me indicate that the proposal is a change of use from a five bedroomed dwellinghouse to a 5 person HMO. I have dealt with the appeal on the basis of the plans before me.

Main Issues

3. The main issue is whether the appeal site is an appropriate location for the development with particular regard to accessibility, need, and the concentration of HMOs locally.

Reasons

4. The appeal site comprises a 2-storey mid-terraced dwelling, in a wider area of similar housing. The proposed HMO would result in the loss of a family-sized dwelling. The guidance within the Council's Houses in Multiple Occupation Supplementary Planning Document (2022), (the SPD), explains that HMOs perform an important part in housing people within the borough, but ideally their need would be limited by an alternative availability of plentiful amounts of affordable self-contained dwellings for smaller households.
5. The SPD provides further guidance, that in recognising the important role of HMOs, the unmet need for family homes will be balanced against the quality of the HMO being provided. The assessment of quality is through compliance with criteria a) to e) of Policy BH7 of the London Borough of Brent, Brent Local Plan 2019-2041 (2022), (Local Plan), supported by other policies. It is common ground between the parties that the proposal meets criteria b) and c), in relation to meeting standards of accommodation, and management arrangements. In dispute,

are criteria a), d) and e), which relate to accessibility, need and concentration of HMOs. Policy BH7 is clear in stating that all criteria need to be met for development to be supported.

Accessibility of the Area

6. Criterion a) of Policy BH7 of the Local Plan requires the development to be located in an area with good access to public transport and other amenities, including shops. The SPD advises that a location within a Public Transport Accessibility Level (PTAL), of 3 or more would be classed as good, and amenities should be within a five minute walk (400 metres).
7. The appellant highlights that there is a bus stop within 3 minutes' walk, providing linkage to London's public transport network and that the proposal includes cycle storage. They assert that these factors, together with local on-road parking limitations, incentivise car free living.
8. Nevertheless, the area has a PTAL rating of 2, confirming it is poorly served by public transport. The PTAL calculation takes account of a range of factors such as distance to bus stops and rail stations, frequency of services and also waiting times. The nearest rail station is a long walk from the site, and the bus services are poor over the range of PTAL measurements, even if one bus stop is relatively close by. Furthermore, it does not appear from the evidence provided, that there are suitable shops and other amenities located within 5 minute walking distance from the site.
9. Whilst cycle storage may encourage some occupants to own a bicycle, I am not persuaded that the occupants of the HMO would be incentivised to live without a car. I accept that levels of car ownership for tenants residing in HMOs tend to be lower and the SPD also refers to making HMO units 'car-free,' but there is no mechanism before me that would control car ownership, and the area is not within a Controlled Parking Zone. Car ownership associated with future occupants of the HMO is likely to exceed the car ownership requirements of a single family household and as such, the proposal would not meet the quality requirement test, of being located within an accessible location.
10. In respect of accessibility, I conclude that the proposal fails to comply with criterion a) of Policy BH7. It would also fail to comply with Policies DMP1, BH10 and BH4 of the Local Plan. Amongst other things, these policies seek to direct new development to areas with good accessibility, require satisfactory access for all and parking, and resist the loss of residential housing except in exceptional circumstances.

Identified Need

11. Criterion d) of Policy BH7 of the Local Plan requires the demonstration of a Brent specific need for the proposed HMO use. The appellant asserts that the proposal would contribute to the provision of affordable housing within the borough, and a letter from the Council's Housing Need and Support service affirms demand, and projects a rental income.
12. I acknowledge that the proposal would increase the supply of HMOs in the area, and that there is demand for such accommodation. I also accept that the cost of this type of accommodation is likely to be lower than that for a family house.

However, there is no indication that the proposal would meet the definition of affordable housing as defined within the National Planning Policy Framework. In addition, there is little evidence before me to demonstrate that contributing to the stock of HMO accommodation should come at the expense of family housing, which is also in high demand. Furthermore, whilst the Council's letter confirms that the accommodation meets HMO standards, this not a point of dispute between the parties, and weighs neither for nor against proposal.

13. I conclude therefore, that the proposal fails to effectively identify a Brent specific need for the proposed development that would outweigh the loss of a family sized dwelling, and as such it fails to comply with criterion d) of Policy BH7 as well as the requirements of Policy DMP1 to retain land/buildings for which there is an identified need, and for development to be in a location that complements the locality.

Concentration

14. Criterion e), of Policy BH7 of the Local Plan seeks to prevent an over-concentration of HMOs within an area. This is defined as where three or more of the ten nearest properties are HMOs. The SPD defines this as being measured as entrance to entrance.
15. The ten nearest properties are on either side of, and opposite the appeal site. From the evidence, none of these are licensed HMOs, and I saw no clear indication on site that any are being used as such. The licensed HMOs highlighted by the Council, including 20 – 22 Brook Road, and 131-132 Dawpool Road fall outside of the ten closest properties.
16. Accordingly, I conclude that the proposed development would not lead to an over-concentration of HMOs in this particular area. It would therefore comply with criterion e) of Policy BH7 and Policy DMP1 of the Local Plan, so far as it relates to the concentration of a development complementing the locality.

Other Matters

17. The Council has not objected to the principle of HMO accommodation, and no concerns have been raised in respect of the standard of accommodation, including flood and fire risk or impact on neighbouring occupiers relating to this specific site. I have also found that the development would not lead to an over-concentration of HMOs in the area. These are not factors which weigh in favour of the proposal, and do not diminish the harm that I have found on the first two main issues.

Conclusion

18. The proposal fails to accord with the development plan taken as a whole and there are no material considerations which indicate planning permission should be granted. The appeal should therefore be dismissed.

E Heron

INSPECTOR