



Appeal Decision

Site visit made on 28 May 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/T5150/W/25/3360143

46 Park Avenue North, Brent, London NW10 1JY

- 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 Mazhar Boota against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/3004.
 - The development proposed is the conversion of residential property (Use Class C3) to House in Multi-Occupation (Use Class C4). This is currently in use as a HMO with 9 bedrooms, however, this application will reduce this to 6 bedrooms.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The development proposed in the banner heading is that applied for and is the basis upon which the Council made its decision.
3. Based on the evidence before me, at the time of my visit the appeal property appeared to be in use as a 9 bed House in Multiple Occupation (HMO). The appellant does not dispute this, but the Council contends that the existing HMO use is unlawful. Development is permitted under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a change of use of a building (only) from a dwelling house (Use Class C3) to a HMO (Use Class C4) with six bedrooms subject to certain conditions being met.
4. However, within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission or whether an existing use is lawful or not. In this case, in any event there is not sufficient evidence before me to make any such assessment. If the appellant wishes to ascertain whether any change of use would be lawful, they may make an application under section 191 or 192 of the Act.
5. Thus, like the Council, I have determined the appeal on the basis of the development applied for and against all this background and the matters in dispute, the main issue is whether the proposal would affect the provision of family housing and be a suitable location for the proposed development, with particular regard to the accessibility of the site to public transport and other amenities.

Reasons

6. The proposal would result in the loss of a family sized dwelling and Policy BH10 of the London Borough of Brent, Brent Local Plan 2019-2041 (the LP) is relevant to the loss of residential dwellings. The LP makes clear that the provision of family accommodation (3 bed or more dwellings) to meet Brent's needs is a priority and the predominant needs are for larger sized family dwellings (3 bed or more). Whilst the proposal would remain in a form of residential use, allowing the appeal would result in the loss of a family sized dwelling that the evidence indicates is clearly needed. The proposal would not meet any of the exceptional circumstances set out in Policy BH10, including in terms of the nature of social infrastructure referenced in the LP.
7. With regard to the provision of HMOs, Policy BH7 of the LP sets out criteria that must all be met. Amongst others, this includes that it is located in an area with good access to public transport and other amenities (normally within 400m) and demonstrates that there is a specific Brent need. I have also had regard to the Brent Houses in Multiple Occupation Supplementary Planning Document (2022) (the SPD).
8. The appellant highlights the Strategic Housing Market Assessment (2018) in respect of the need for HMOs in the area, although full details have not been provided of this. The LP and SPD also highlight the contribution that HMOs make to housing within the borough. However, the SPD is clear that HMO accommodation is likely to compete for the same properties with families who also need 3 bedroom dwellings or larger, and that need is significant in the borough. Consequently, where the quality of the HMO is not sufficiently high, through not complying with the SPD, it is more likely to tilt the balance in favour of retaining the premises as a family dwelling.
9. There is common ground between the parties that the site is in an area with a Public Transport Accessibility Level (PTAL) score of 2. The SPD states that in order to meet Policy BH7 part a), an HMO's PTAL must be a minimum of 3, whilst it must have good access to amenities, including shops. I have had regard to the location of the site in relation to public transport links and amenities. I walked the highlighted routes and observed the range of amenities on offer. Whilst there are public transport links and a wide range of amenities, these are well beyond the 400m distance referenced in Policy BH7.
10. In balancing the provision of an HMO and the loss of a family sized dwelling, I have considered the unmet need for family homes against the quality of the HMO. The development would not satisfy the requirements of Policy BH7 of the LP and the SPD on the basis of the PTAL score, and it would not be within 400m of amenities. On this basis, I give greater weight to the identified need for the retention of the property as a larger family sized dwelling.
11. Although the proposal would only result in the loss of one dwelling, this needs to be weighed against the predominant need for such housing as established within the LP. I have limited information before me to clearly demonstrate that the need for an HMO in this location should be given greater weight to outweigh the loss of a larger family sized dwelling.
12. The appellant suggests the appeal site would not be a desirable location for families with young children due to its location close to a busy road. I do not have

any evidence to substantiate this is the case. From my observations, the property is located within an established residential area, including family sized housing, where many other properties front the highway and there are likely to be a mix of occupants. Although my visit was only for a limited time of the day, I did not observe the roads in the area to be significantly busy to suggest there would be adverse impacts arising from this. A pedestrian zebra crossing is situated on Park Avenue North close to the appeal property, which provides a safer crossing point and will likely have some influence on driver speeds and behaviour here.

13. For the above reasons, I conclude that the proposed development would adversely affect the provision of family housing, and it would not be in a suitable location with regard to access to public transport and other amenities. The development therefore conflicts with Policies BH7 and BH10 of the LP, the aims of which are set out above. For the same reasons, the proposal also conflicts with the SPD.

Other Matters

14. I have had regard to the appellant's suggested social and economic benefits of the development in relation to the LP and the National Planning Policy Framework. However, the scale of development means any associated benefits would be limited and these would not outweigh the harm that I have found or alter my conclusion on the main issue.
15. Where the proposal has been found to be acceptable or no objections have been raised by the Council or any other parties in other respects, for example in terms of internal and external space standards, management arrangements, highway matters, cycle parking, refuse storage, and noting that the property has an HMO licence, these are neutral matters that do not weigh in favour of the development.

Conclusion

16. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR