



Appeal Decision

Site visit made on 9 June 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/T5150/W/25/3363938

15A Bertie Road, Willesden, London NW10 2LJ

- 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 Govind Raghvani of GKR Properties Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2578.
 - The development proposed is the construction of rear dormer window roof extension and two front rooflights to existing first floor 4 rooms HMO (class C4).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would provide an adequate standard of accommodation for its current and future occupiers, with particular regard to the size and quality of the communal facilities.

Reasons

3. The appeal site is a two-storey, mid-terraced property located within a residential area. The first floor of the property is currently in use as a house in multiple occupation (HMO) with four single bedrooms following the grant of a lawful development certificate. A dormer window extension is proposed to the rear roof slope with two rooflights to the front to create an additional double bedroom for the HMO.
4. On my visit the existing communal space was a small, narrow kitchen to the front of the property, and there was a small boiler and store room. This layout differed from the submitted plan. Notwithstanding, I have dealt with the appeal on the basis of the plans before me.
5. The proposal would facilitate an increase in the number of occupants in the HMO from 4 to 6 people. The Brent Houses in Multiple Occupation Supplementary Planning Document (2022) (the SPD) advocates that a 6 person HMO should have a kitchen space of at least 11 square metres (sqm), combined with an additional 19 sqm of internal communal amenity space, to provide 30 sqm of shared accommodation. The existing communal facilities considerably fail to meet the minimum standards set out within the SPD for the existing residents, with the existing kitchen being around 6.5 sqm.
6. Given the size of the kitchen and the lack of any other communal space, the proposal would reduce the quality of life for existing residents. This is because

there would be an increase in residents, and this would increase the pressure on the existing substandard levels of communal space. Future occupiers would also fail to be provided with sufficient space. This means that all occupants would be subjected to a substandard living environment, failing to provide sufficient space for occupiers to congregate and spend time together, which would enable improved social integration.

7. Consequently, the development would not provide an adequate standard of accommodation for its current and future occupiers. The development conflicts with Policies BH7 and DMP1 of the Brent Local Plan 2019-2041, which requires proposals to be of an acceptable quality, meeting appropriate standards and high levels of internal amenity for the needs of its occupants, including appropriate communal facilities. It would also fail to meet the guidance set out in the SPD, and would be inconsistent with the requirement in national policy¹ to promote health and well-being and a high standard of amenity for existing and future users.

Other Matters

8. The appellant suggests that a change from a four bedroom HMO to a six bedroom HMO would not require planning permission, therefore concerns over the size of the communal space fall away as the Council would have no control and there is a separate licensing regime. However, the proposal seeks planning permission for the construction of a rear dormer window and the installation of rooflights to facilitate the increase in the size of the HMO. In any event, this is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. I have therefore considered the appeal on the basis of what is proposed and its consequent effects.
9. My attention has also been drawn to another planning application² in the area. However, I have no further detail of this, and it has not been explained how it is relevant to the main issue in the appeal, and I have assessed this proposal upon its own merits.
10. Whilst the proposal has been found to be acceptable by the Council in other respects, and noting that the property has a HMO licence for up to 5 people, these are neutral matters that do not weigh in favour of the development.

Conclusion

11. 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

¹ Paragraph 135 f) of the National Planning Policy Framework.

² Planning Application ref 17/5365