



Appeal Decision

Site visit made on 29 July 2025

by **K L Robbie BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/T5150/W/25/3365930

13 Lonsdale Avenue, Wembley, Brent HA9 7EJ

- 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 Charles Fernandes against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/0652.
 - The development proposed was originally described as *“the increase in the number of HMO occupancy from 6 people (Use Class C4) to 8 people (Sui Generis) including retention of bin storage facilities to front forecourt, provision of 8 x bicycle parking spaces, and provision of communal rear amenity space”*.
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Decision

1. The appeal is allowed and planning permission is granted for Increase in the number of HMO occupancy from 6 people (Use Class C4) to 8 people (Sui Generis) including bin storage facilities to front forecourt, provision of 8 x bicycle parking spaces, and provision of communal rear amenity space at 13 Lonsdale Avenue, Wembley, Brent, HA9 7EJ in accordance with the terms of the application, Ref 25/0652, subject to the conditions in the attached schedule.

Preliminary Matters

2. Notwithstanding any reference by parties to the application being made retrospectively, I have dealt with the appeal on the basis that planning permission is being sought for the increase in number of occupants of the property, which is reflected in the revised description of development, and in accordance with the drawings submitted.
3. “Retention” as referred to in the application form and the decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the erection of a bin storage facility, which is also reflected in my revised description of development, in accordance with the drawings submitted.

Main Issue

4. The main issue is whether the proposed development would provide adequate living conditions for future occupiers with particular regard to a) internal space provision including whether the loft bedroom is an independent dwelling; and b) outlook.

Reasons

5. The appeal property is a two-storey mid-terraced property with accommodation in the loft. It is currently in use as a House in Multiple Occupation (HMO) for up to 6 persons. The appeal proposal would increase the maximum occupancy to 8 in four double bedrooms over three floors.

Internal Space Provision

6. The loft bedroom would be fitted with a kitchenette in addition to an existing ensuite shower room. Access to the loft bedroom is through common circulation spaces on the ground and first floors, and the occupants of the loft would continue to have access to the communal facilities on the ground floor and externally. It would, however, have facilities required for independent living but it falls far short of the space requirements for a studio flat, which would require 37 square metres of floor space.
7. Whilst future occupiers may choose not to regularly use the communal facilities on the ground floor and externally, the plans indicate that they would be available to them and combined with the access to it through the main house rather than a protected stairwell it would mean that the loft would not operate as a separate dwelling. Furthermore, this is not, in any event, what has been applied for, which is described as an increase in occupancy of a 6-person HMO to an 8-person HMO.
8. The Council's reason for refusal relates solely to the use of the loft space as an independent dwelling. However, I note that the plans show that the table in the kitchen/dining room on the ground floor would have seating for 6 people, nevertheless, the room would be able to accommodate a larger table with more seating around it. However, an 8-person HMO would require 27.5 square metres of internal communal space including the kitchen space or 16.5 square metres in addition to the kitchen. The open plan kitchen/diner area located at ground floor level would extend to approximately 25 square metres, therefore falling short of the requirements for 8 people set out in the Council's Houses in Multiple Occupation Supplementary Planning Document 2022 (SPD).
9. Whilst a technical breach of the SPD guidance, its purpose, amongst other things, is to ensure that occupiers of HMOs are provided with acceptable living conditions. In this instance the communal living space would be only around 2 square metres smaller than that set out in the guidance and all the bedrooms comfortably exceed the minimum space standards set out in Policy D6 of the London Plan 2021. Therefore, when considered as a whole, the proposed development would provide adequate living conditions for future occupiers in terms of internal space standards.

Outlook

10. The proposal involves the application of obscured glazing film on the main face of the bay window at ground floor level on the front elevation of the property. This would extend to approximately a third of the height of the window. No details of the level of opacity of the window film have been provided. The side panels of the bay window would remain transparent. Even if an occupier of the room was unable to view directly out of the main window a significant proportion of the upper part of view from the window would be available to them as well as views from the small side windows of the bay. This would provide the occupiers of this room adequate privacy whilst still affording them adequate outlook.

11. Consequently, I find that there are no materially adverse effects arising from the development which would harm the living conditions of future occupiers with regard to internal space standards and outlook. There is, therefore, no conflict with Policies BH7 and DMP1 of the Brent Local Plan or Policy D6 of the London Plan which, amongst other things seek to ensure that accommodation is of an acceptable quality meeting appropriate standards for the needs of its occupants including appropriate communal facilities and high levels of internal amenity.

Conditions

12. I have considered the Council's suggested conditions in the light of the Framework and the Planning Practice Guidance. I have made some minor adjustments to the wording of the conditions in the interests of precision and enforceability. These amendments have not altered their meaning or intention and therefore should not come as a surprise to either party.
13. In addition to the statutory time limit, a plans condition is considered reasonable in the interests of clarity. A condition relating to an HMO Management Plan is necessary and reasonable in the interests of the living conditions of the local residents. I have not imposed the Council's suggested condition limiting the number of residents to 8 as this is what has been applied for and is clearly stated in the description of development. Furthermore, the bedrooms are clearly marked on the approved plans.
14. I have imposed the Council's suggested conditions in relation to car parking permits as this would be in accordance with London Plan policies in relation to car free housing and would ensure that the development does not cause highway safety issues. I have also imposed a condition requiring the implementation of the refuse and cycle storage in accordance with Brent Local Plan Policy DMP1. However, I have not imposed a condition requiring a restriction on the consumption of mains water as this would appear to duplicate Building Regulations requirements and is therefore not necessary.

Conclusion

15. For the reasons set out and having considered the development plan as a whole and all other material considerations, I conclude that the appeal is allowed subject to the conditions set out above.

K L Robbie

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LAW/001 Rev 01 Existing and Proposed Ground Floor Plan; LAW/002 Rev 01 Existing and Proposed First Floor Plan; LAW/003 Rev 01 Existing and Proposed Loft Plan; LAW/004 Existing and Proposed Roof Plan; LAW/005 Rev 01 Existing and Proposed Front Elevations; LAW/006 Existing and Proposed Rear Elevations; LAW/007 Existing Block Plan; LAW/008 Rev 01 Proposed Block Plan; LAW/009 Location Plan.
- 3) The premises hereby approved shall be operated in accordance with the HMO Management Plan submitted with the application for the lifetime of the development.
- 4) Occupiers of the development hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

The owner is required to inform any future occupant that they won't be entitled to a Residents Parking Permit or Visitors Parking Permit.

Any Parking Permit issued in error by the Council shall be surrendered should the Council request it.
- 6) The cycle and refuse storage shown on drawing LAW/001 Rev 01 shall be carried out and made available for use before the development hereby approved is occupied and thereafter retained for the lifetime of the development.

****End of Schedule****