



Appeal Decision

Site visit made on 12 August 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/A5270/C/23/3325336

1 Oakley Avenue, London W5 3SA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Olivia Frances against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 24 May 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the premises to use as a Large House in Multiple Occupation (Sui Generis) with 15 bedrooms for up to 20 persons.
 - The requirements of the notice are: Option 1-1. Cease the use of the premises as a large House in Multiple Occupation; and 2. Demolish the single storey rear outbuilding, shown cross-hatched on the attached plan and facilitating the material change of use; and 3. Infill the basement excavation and light well patio; and 4. Demolish the ground floor rear extension; and 5. Remove the roof alterations forming a hip-to-gable end enlargement of side roofslope and roof extension to rear of main roofslope; and 6. Reduce the two (2) ground floor side window openings; and, 7. Remove all but one set of kitchen facilities; and 8. Remove all internal partitions, doors and signs that facilitate the material change of use; and 9. Restore the building externally and internally to its condition and design before the breach occurred; and 10. Remove all resultant debris as a result of compliance with the above steps. Option 2- Alter the use, land and buildings at the premises to bring it in accordance with the development scheme granted planning permission under reference number 195356FUL subject to its terms and conditions and s106 obligations for the "Conversion of a dwellinghouse (Use Class C3) into a twelve-bedroom, twelve-person Large House in Multiple Occupation (HMO) (Sui Generis); associated amenity, cycle storage, vehicle parking, and waste storage spaces; alterations to forecourt involving installation of 1.5m high boundary treatment and formation of a crossover, and to ground floor rear extension involving lowering of roof; and retention of single-storey outbuilding in rear garden, basement excavation forming a habitable basement level and light well patio, alterations to roof forming a hip-to-gable end enlargement of side roofslope and roof extension to rear of main roofslope, and alterations to side fenestration involving the enlargement of two window openings" in accordance with the Planning Decision Notice issued 28 October 2020 and accompanying approved proposed plans drawing numbers: 10A/02 Rev. 06 (Received 27.07.2020); 10A/03 Rev. 06 (Received 27.07.2020); 10A/04 Rev. 06 (Received 23.07.2020); 10A/07 Rev. 04 (Received 22.07.2020); 10A/08 Rev. 06 (Received 23.07.2020); 10A/09 Rev. 06 (Received 23.07.2020); 10A/10 Rev. 06 (Received 23.07.2020); and 10A/11 Rev. 06 (Received 23.07.2020), attached to this notice.
 - The periods for compliance with the requirements are: Option 1-nine months. Option 2-three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

3. The main issues in the appeal are:

- Whether suitable living conditions are provided for existing and future occupiers of the appeal premises having regard to the use as a large House in Multiple Occupation (HMO), with reference to internal living space, noise and disturbance, shared facilities, privacy and outdoor amenity space.
- The effect of the use on the living conditions of occupiers of neighbouring residential property, having regard to noise and disturbance.
- Whether the use supports sustainable transport objectives, having regard to the parking of vehicles and provision of cycle parking.
- The effect on the character and appearance of the surrounding area.

Reasons

Living conditions-existing and future occupiers of the premises

4. The premises contains a substantial, enlarged semi-detached residential building, with living accommodation arranged over four floors. The enforcement notice attacks the use of the premises as a 15-bedroom HMO accommodating up to 20 people. There are 5 bedrooms and a shared kitchen on the ground floor, 5 bedrooms on the first floor and 3 bedrooms along with a shared kitchen on the second floor. 2 bedrooms and a shared laundry are in the basement. Each bedroom has an ensuite WC/shower and a kitchenette which includes a worktop, sink and drainer, fridge/freezer and storage cabinets. A freestanding outbuilding located towards the rear of the premises provides office workspace accessible by the occupiers. An adjacent former garage houses heating plant and equipment.
5. Planning permission was granted in 2020 to convert the premises to a 12-bedroom, 12-person HMO, including extensions and alterations to the building, erecting an outbuilding at the rear and associated works.¹ There is little before me to indicate that Development Plan or national policy has altered to such an extent that materially different conclusions would now be reached in respect of the planning merits of the approved scheme. Accordingly, even if that permission has expired it is a material consideration to which significant weight should be attached.
6. There is sufficient internal living space in all of the bedrooms. Each bedroom can comfortably accommodate a double bed together with furniture items including bedside cabinets, a wardrobe and a table and chair, as well as the kitchenette, with relative ease. Even in smaller bedrooms there is ample space for circulation and for storing personal possessions and household items after accommodating the double bed, the above furniture items and the kitchenette. Consequently, the bedrooms have a reasonably spacious and airy feel. Based on the appellant's figures, all apart from one of the bedrooms provides the 11.5m² minimum internal floor space required in Policy D6 of the London Plan (LP) for a two-bedspace double room. At around 10.4m², the smallest bedroom falls only slightly short of the minimum floor space requirement. Moreover, in issuing a licence for a 15-bedroom, 20-person HMO, the Council were presumably satisfied with the bedroom sizes.
7. Neither main party directly addressed the effects of noise and disturbance associated with the use as a 15-bedroom, 20-person HMO on the living conditions of existing and future occupiers of the premises in any great detail. The noise assessment information provided largely refers to the approved scheme. Even so, there is little before me which might suggest that the premises are not fitted with

¹ Council Ref 195356FUL

sufficient sound insulation, including between the bedrooms and communal spaces, so as to mitigate the effects of noise and disturbance on the occupiers. There is no conflict in this respect with LP Policies D13 and D14 which seek to manage and mitigate noise. Nor is there conflict with DPD Policy 7A, which amongst other things requires new development to not erode the amenity of the site itself and to take reasonable steps to ameliorate emissions.

8. The shared kitchens are each equipped with a number of cooking appliances including dual ovens and hobs and several microwaves. There are ample amounts of worktop and cupboard storage, as well as generous space for circulation. As a result, occupiers are unlikely to experience significant difficulties in accessing the shared kitchens at convenient times in order to prepare and cook food. The shared kitchen facilities are relatively convenient to access from bedrooms on other floors. Accordingly, although not reflecting the Council's HMO standards which seek the provision of separate kitchens on the same floor as the sleeping rooms, there are sufficient kitchen facilities for convenient use by occupiers.
9. Nevertheless, the absence of shared living room space means that occupiers have limited opportunity to consume food, relax, socialise and receive visits from family and friends away from the bedrooms. It also largely confines interactions between occupiers to more functional internal spaces, such as the shared kitchens and laundry room. The kitchen/diner does not provide a sufficiently sized space for use as a shared living room away from people preparing and cooking food, nor is it conveniently located for occupiers on the lower floors. This does not compare favourably with the approved scheme, in which 3 living rooms were to be provided. Also, it does not reflect the Mayor of London's Housing Supplementary Planning Guidance (SPG), which encourages dwellings for 5 or more people to have 2 living spaces, i.e., a living room and a kitchen/dining room.
10. The office workspace is of a generous size and undoubtedly is a facility valued by a number of occupiers. The SPG also encourages provision of spaces and services to enable working from home. However, neither this workspace, the other shared facilities, or the provision of smart TVs and superfast broadband in the bedrooms, adequately compensates for the absence of suitable shared living room space. Advice in the SPG that study rooms should not be treated as living spaces is not supportive of the workspace being a suitable alternative to a living room space. I appreciate that living room space might not be a priority for the existing occupiers. Even so, I cannot reasonably be assured that this would always be the case. Future occupiers might be from different socio-economic backgrounds, with different circumstances and expectations. The HMO licencing regime sets minimum standards for amenities, safety and management practices, having limited relevance to provision of shared living room space in the planning context.
11. The extent of overlooking of the two basement bedrooms is not dissimilar to the approved scheme. It is highly unlikely that the increase in the number of occupiers at the premises erodes levels of privacy in these rooms. Unlike the approved scheme however, two ground floor rooms at the rear of the premises are used as bedrooms. Both additional bedrooms are lit by patio style windows. A screen hedge restricts views from the rear of the premises into one of these bedrooms. Even so, it is possible to see directly into the other bedroom at close quarters from an external staircase, affording the occupiers limited levels of privacy. Whilst curtains or blinds can be kept drawn, even with the roof lights that leaves occupiers of this bedroom more reliant on artificial light sources and contributes to an enclosed and oppressive feel. Although some occupiers might accept this situation that would not necessarily be the case in future, as individual expectations of privacy can differ.
12. Furthermore, given that the premises can be occupied by up to 20 people the rear outdoor amenity space is of limited size. Its dimensions do not compare favourably with the generally more expansive proportions of the rear gardens of neighbouring

residential property. As a result, occupiers have limited opportunity to undertake the type of activities such as informal leisure and recreation, or drying laundry outdoors, normally associated with an outdoor amenity space. Whilst the size of the outdoor amenity space is similar to the approved scheme, that was for considerably fewer occupiers. The substantial uplift in occupancy also increases the likelihood of the outdoor amenity space becoming congested and inconvenient to use at times. Local public and other open spaces are not a suitable alternative to providing an outdoor amenity space of sufficient size, particularly as the premises are in an area of local park deficiency. Moreover, such space is unlikely to be suitable or available for use at all times and lacks any privacy.

13. The high standard of the fixtures, fittings and decoration along with the up-to-date fire safety measures do not offset the significant shortcomings identified above. I have also taken into account the representations made by a number of occupiers in support of the appeal. However, by itself that support does not provide a reliable indicator of the suitability of the living accommodation.
14. Therefore, the use as a large HMO does not provide suitable living conditions for existing and future occupiers of the premises. This conflicts with criteria in LP Policy D3, which require new development to deliver appropriate outlook, privacy and amenity, to provide conveniently located green and open spaces and to achieve indoor and outdoor environments that are comfortable and inviting for people to use. It conflicts with criterion in LP Policy D6, which requires new development to provide comfortable and functional layouts which are fit for purpose. Also, the use conflicts with criterion in DPD Policy 7B, which requires new development to achieve a high standard of amenity for users. Moreover, without an appropriate contribution towards meeting the additional demand for open space, the use conflicts with DPD Policy 7D.

Living conditions-occupiers of neighbouring residential property

15. The premises is in a largely residential neighbourhood, generally consisting of pairs of semi-detached properties which, as far as I could ascertain, are mostly in single family occupancy, along with some larger scale apartment blocks. Accordingly, although there may be interruptions from passing train services on the adjacent railway, neighbouring occupiers might reasonably expect to enjoy relatively good levels of peace and quiet, particularly during the late evening and early morning, at weekends and on public holidays.
16. Use as an HMO is fundamentally different in character to use as a single dwelling. Occupiers of HMOs are often transient. They are unlikely to share common connections or relationships or have similar work patterns and leisure interests and will be leading daily lives which are largely separate from one another. Such occupiers will generally undertake their day-to-day activities, including preparing and cooking food, doing laundry, socialising and relaxing, as well as travelling for the purposes of work, leisure or to meet shopping needs, separately from one another and often at different times of day. Occupiers and visitors are likely to use shared facilities and outdoor space at various times throughout the day, including well into the evening and early morning, on occasion. Also, individual occupiers of an HMO can each attract their own visitors, including friends and family, as well as deliveries. Accordingly, the approved scheme would have considerably increased activity at the premises, as well as the number and frequency of pedestrian and vehicular comings and goings, compared to use as a dwelling.
17. Further increasing the number of occupiers by around two thirds over and above the approved scheme has most likely involved significant additional activity at the premises, along with a substantial uplift in the number and frequency of pedestrian and vehicular comings and goings. The probable levels of further noise and disturbance arising from activity at the premises over that associated with the approved scheme, along with the extra comings and goings, does not reflect the

relatively quiet residential context. This has most likely led to a significant and appreciable erosion of the sense of peace and tranquillity previously enjoyed by the occupiers of neighbouring residential property. No firm evidence was provided which might suggest otherwise. Reference by some interested parties to increased noise and disturbance associated with the use provides a measure of further support in this respect.

18. Therefore, the use has harmfully eroded the living conditions enjoyed by occupiers of neighbouring residential property. This conflicts with criteria in Policy D3 of the London Plan (LP), which requires new development to deliver appropriate amenity and to help prevent or mitigate the impacts of noise. Additionally, it conflicts with criteria in LP Policies D13 and D14, which require new development to manage noise and other potential nuisances, including by clearly demonstrating that these will be mitigated and managed and to avoid significant adverse noise impacts on health and quality of life. Furthermore, the use conflicts with DPD Policy 7A, which requires new development to not erode the amenity of surrounding uses, as well as with criterion in DPD Policy 7B, which requires a high standard of amenity for users and adjacent uses, including through appropriate levels of site development.

Sustainable transport objectives

19. The premises is in an accessible location, the Public Transport Accessibility Level (PTAL) of 3 reflecting fair access to public transport. The maximum vehicle parking standards set out in Table 10.3 to LP Policy T6.1 require residential development in such areas to provide up to 0.25 spaces per dwelling. The premises forecourt can accommodate up to 2 vehicles. Existing occupiers might well largely rely on public transport and cycling to meet their day-to-day travel needs. However, it is entirely possible that some existing as well as future occupiers will require access to private vehicles at times. Given the number of bedrooms, the likely level of associated vehicle parking exceeds the off-street parking available at the premises, in turn leading to increased demand for parking on the street.
20. Vehicle parking in this and neighbouring streets is restricted by a Controlled Parking Zone. Even so, as far as I was made aware occupiers of the premises are not prevented from applying for parking permits. No completed Planning Obligation under s106 of the Act preventing the occupiers from doing so was provided with the appeal. Whilst a number of on-street parking spaces were available when I visited, it is highly likely that many will be occupied at other times such as in the evenings and at weekends. The demand for additional vehicle parking in this and neighbouring streets, where levels of parking are probably at or around capacity at times, has in all likelihood exacerbated parking congestion as well as having caused inconvenience to the neighbouring occupiers. No firm evidence, such as a parking survey, was provided which might have pointed to a different conclusion.
21. LP Policy T5 requires new developments to provide appropriate levels of cycle parking which should be fit for purpose, secure, well-located and meet the minimum standards set out in Table 10.2 which provides for 1 cycle space per 1 person 1 bedroom dwelling. With in excess of 20 secure covered cycle parking spaces at the premises, the minimum requirement in Table 10.2 is exceeded.
22. Therefore, whilst sufficient cycle parking is provided, the use does not support sustainable transport objectives. This conflicts with LP Policy T1, which requires new development to support and facilitate 80% of all trips in London to be made by foot, cycle or public transport by 2041 and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. It also conflicts with criterion in LP Policy T6.1, which requires new residential development to not exceed the maximum parking standards in Table 10.3.

Character and appearance

23. Residential properties in the locality are mostly similar in terms of their age, scale and architectural style, notwithstanding the presence of some larger, more modern apartment blocks. For the most part, the properties front onto residential streets lined with maturing trees. Accordingly, the premises and its environs possess an orderly and pleasant, settled residential character and appearance. There is no dispute that the extensions and alterations to the building and erecting the outbuilding have not harmed the character and appearance of the surrounding area. I concur; works of similar scale and design were in the approved scheme.
24. The increase in noise and disturbance over the approved scheme does not fundamentally alter the residential characteristics of the premises and is not inherently at odds with the established residential attributes of the environs. Nor do the waste and recycling bin storage facilities erode the appearance of the premises or the locality. These frontage enclosures have a low profile and an understated, orderly appearance consistent with the visual qualities of the surroundings and are not obtrusive. The Council confirmed that the size of the storage facilities meets relevant guidelines; there is no sound reason why I should find otherwise.
25. Consequently, the use safeguards the character and appearance of the surrounding area. There is no conflict with criteria in LP Policy D3 which require new development to respond to the existing character of a place, to be of high quality and to facilitate efficient servicing arrangements that minimise negative impacts on the environment and public realm. There is also no conflict with criterion in LP Policy D6, which requires new development to have adequate and easily accessible waste and recycling facilities. Furthermore, there is no conflict with DPD Policy 7.4, which requires development in existing built areas to complement their street sequence, building pattern, scale, materials and detailing. Nor is there conflict with criterion in DPD Policy 7B, which requires new development to ensure high quality architecture, coherent development with appropriate levels of development on site and a positive visual impact.

Other Matters

26. I acknowledge the important role of HMOs in providing flexible and relatively affordable privately rented accommodation. The use contributes to meeting the demand for such accommodation in the Borough and London generally. This matter carries moderate weight, having regard to the increase in the level of accommodation over that in the approved scheme.
27. The Council's handling of planning applications submitted in respect of the premises is of limited relevance to this appeal.
28. Given my findings on the main issues, the other matters raised in the Council's submissions and by interested parties do not warrant further consideration.

Conclusion

29. The use as a large HMO does not provide suitable living conditions for existing and future occupiers of the premises, it has harmfully eroded the living conditions enjoyed by the occupiers of neighbouring residential property and it does not support sustainable transport objectives, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR