



Appeal Decision

Site visit made on 8 July 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal Ref: APP/M5450/W/25/3363393

16 School Lane, Pinner, Harrow HA5 5NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Danny Moore against the decision of the Council of the London Borough of Harrow.
- The application Ref is PL/3310/24.
- The application sought planning permission for the change of use from HMO (Class C4) to residential (Class C3); conversion of dwelling to two flats (1 x 1 bed and 1 x 3 beds); rooflights in rear roof slope; installation of doors to rear elevation; external alterations; separate amenity space; hard and soft landscaping; bin / cycle storage, without complying with a condition attached to planning permission Ref PL/2165/24, dated 16 October 2024.
- The condition in dispute is No 10 which states that: *"The development hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place"*.
- The reason given for the condition is: *"To enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity in accordance with Policy DM1 of the Harrow Development Management Policies 2013, Policy CS1(B) of the Harrow Core Strategy 2012, Policy D3 of the London Plan 2021 and the Core Planning Principles of the National Planning Policy Framework 2023"*.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was originally made in the name of 'C/O Dimensions', who were also the agent company named on the application. It has been subsequently confirmed that the appeal should proceed in the name of Mr Danny Moore, who is the appellant named on the appeal form.
3. The reason for refusal used in the Council's officer report for planning application reference PL/3310/24 differs from the wording that is used in the decision notice issued for that same application. As the decision notice is the formal notice issued by the Council I have determined the appeal on the basis of that wording.

Background and Main Issue

4. The planning permission for the subdivision of the property to two flats included a condition restricting it to Class C3 dwellinghouse use only, and removing permitted development rights under Schedule 2, Part 3, Class L of the Town and Country

Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). That part of the GPDO permits the change of use of a building from a use falling within Class C4 (houses in multiple occupation) (HMO) to a use falling within Class C3 (dwellinghouses), and vice versa.

5. The main issue is whether the condition is necessary and reasonable to fully consider the effects of a proposal on:
 - the living conditions of the potential future occupiers of the property; and
 - the character and appearance of the property and the area.

Reasons

Living conditions

6. At the time of my site visit the property was in use as a HMO with accommodation over two floors. The planning permission that has been granted permits the change of use of the property from Class C4 HMO use to Class C3 dwellinghouse use, with a 3 bedroom flat to the ground floor and a 1 bedroom flat to the first floor.
7. The Council raises concerns that the removal of the condition could give rise to an overly intensive use and create a poor standard of living accommodation to the detriment of the living conditions of potential future occupiers of the property.
8. The original application was assessed on the basis of the change of use of the property to two flats. Those units have been designed and found to be acceptable for that purpose, including in relation to the level of use and living conditions for future occupiers. The condition ensures that the approved scheme would be implemented on that basis and further consideration would need to be given to any alternative HMO use.
9. Notwithstanding the current HMO use of the property, given the permitted subdivision to two flats over two floors, a potential future change of use of these smaller units into multiple occupancy could be detrimental to the living conditions of future occupiers. This is because a more intensive use of the property could, for example, result in a cramped layout or inadequate communal facilities. It could also result in the location of noise sensitive rooms, such as bedrooms, adjacent to or immediately above or below noisier rooms, such as a kitchen, with a consequent greater likelihood of noise disturbing future occupants.
10. The condition removing permitted development rights would not preclude any development from taking place at all, but would enable further assessment of any proposals to ensure that a satisfactory form of development could be achieved having regard to the development plan. This would be consistent with the requirement in national policy¹ to ensure a high standard of amenity for future users.
11. The property is currently in use as a HMO. However, based on the planning history provided, the permission granted for the two flats appears to be the first time that the local planning authority had the opportunity when dealing with a planning application to exercise control over its use as a HMO. Given the clear emphasis on securing a high standard of residential amenity in the development plan, it is

¹ Paragraph 135 f) of the National Planning Policy Framework

evident why the local planning authority would want to do so. As a result, I attach little weight to the current use of the building in favour of the appeal on this main issue.

12. I have had regard to paragraph 55 of the National Planning Policy Framework (the Framework), which states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so, as well as the Planning Practice Guidance (PPG) on the use of conditions. For the reasons that I have given, I find that clear justification exists.
13. I conclude that the condition is necessary and reasonable in the interests of amenity, in order to be able to fully consider the effects of any future proposal to change the use of the smaller individual flats on the living conditions of future occupiers. The proposal therefore conflicts with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London (2021) (the LP) and Policies DM1, DM26 and DM30 of the Harrow Council Development Management Policies (2013) (the DMP). Amongst other things, these seek to ensure that development delivers appropriate amenity, achieve indoor and outdoor environments that are comfortable and inviting for people to use, achieve a high standard of amenity, and provide a satisfactory standard of accommodation and living conditions for the intended occupiers. I also find that the condition passes the tests in the Framework and the PPG, and it is necessary and reasonable having regard to these.
14. Although it is not referred to in the refusal reason, the reason for imposing the condition refers to Policy CS1 of the Harrow Core Strategy (2012) (the CS). There would also be conflict with this policy, which amongst other things requires a high standard of residential design and layout.

Character and appearance

15. The property lies to the eastern end of School Lane, which I observed to be a quiet residential cul-de-sac accessed from the busier Marsh Road that has a mix of residential and commercial uses. School Lane comprises a mix of predominantly two-storey properties with a significantly larger block of residential development at Weall Court opposite the site.
16. The current HMO use of the property is part of the existing character of the immediate area and the subdivision of the property to flats has been deemed acceptable in this respect through the grant of planning permission. There are no details before me of the nature of the residential use within other properties on School Lane.
17. Given the existing use of the property and the residential character of the area, I do not have any substantive evidence before me to indicate that any future change of use from a Class C3 use to Class C4 use would result in demonstrable harm to the character of the property or the area.
18. I conclude that the condition is not necessary and reasonable to fully assess a proposal on the character and appearance of the property and the area, or that it is required in the interests of visual amenity. The proposal would not therefore conflict with Policy D3 of the LP, Policies DM1, DM26 and DM30 of the DMP, or Policy CS1 of the CS in this respect. Amongst other things, these policies seek to ensure development responds to the existing character of a place, resist

development that would be detrimental to local character and appearance, and contribute positively to their surroundings.

Other Matters

19. The main parties have referred to various appeal decisions that were allowed and dismissed. I have no substantive details of these to be able to determine if they are directly comparable to the appeal scheme before me. As a result, they have not altered my findings in relation to this appeal, which I have assessed on its own merits.
20. There is some support from a third party for the provision of new housing, however, the property would remain in a form of residential use, and this is not sufficient to persuade me that the condition should be removed.

Conclusion

21. Without the condition, it would not be possible to fully consider the effects of any future proposal on the living conditions of the potential occupiers of the property. Therefore, the condition is necessary and reasonable in the interests of residential amenity. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR