
Appeal Decision

Site visit made on 9 July 2025 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/A5270/W/25/3365093

113 Beechmount Avenue, Hanwell, Ealing W7 3AF

- 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 Mendel Moses against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 250482FUL.
 - The development proposed is the erection of a first floor rear extension to facilitate the conversion of an existing 6 unit HMO (C4) into 7 units 7 person HMO (Sui generis) together with the provision of refuse and cycle storage.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a first floor rear extension to facilitate the conversion of an existing 6 unit HMO (C4) into 7 units 7 person HMO (Sui generis) together with the provision of refuse and cycle storage, at 113 Beechmount Avenue, Hanwell, Ealing W7 3AF, in accordance with the terms of the application 250482FUL, subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether or not the proposed development would provide acceptable living conditions for occupiers with specific regard to communal living space.

Reasons for the Recommendation

4. The appeal building currently contains six generously sized ensuite bedrooms. The seventh would be provided (in part) in the first floor extension. The existing situation includes a large open plan kitchen/dining/living space on the ground floor. It has space for a reasonably sized table. It is bright and airy with a window and a door which look onto and give direct access to the rear garden. It has multiple cookers, sinks and space for fridges, food and utensil storage. The servicing area's size, provision and layout are designed around multiple use being in an elongated L shape along two of the room's walls. The whole room measures approximately 20 square metres (sqm). This space is intended to serve the seventh occupant.
5. The evidence suggests that, in regard to local authority licensing requirements, the minimum communal kitchen size should be 11sqm and living room 12.5sqm.

Licensing is a different regulatory regime and is not part of the development plan. Nonetheless it is useful guidance. There are no expressed minimums set out in the cited policies.

6. The open and bright feel to the shared space makes it seem substantially sized. The units all contained to two walls maximises circulation space and the area capable of accommodating a table to the opposite corner would mean this would still be the case. The generous size of each private room also offers space to use for occupiers and the access to the rear garden offers further communal space. I note the Council's concerns in this regard, and specifically whether occupiers of the rearmost ground floor bedrooms would be adversely affected by the circulation of residents, but the rooms appear contained, with a single rearward outlook, the garden is of reasonable size and it would mainly be used in less inclement weather, limiting the impact of any perceived effect on occupiers' living conditions.
7. With this and the above in mind, the kitchen/living/dining room would be adequate communal space to serve the seven occupiers of the HMO going forwards and there would be no adverse effect on their living conditions. Consequently, there would not be any conflict with Policies D3 and D6 of the London Plan 2021, Policy 7B of the Ealing Development Management Development Plan Document 2013 and the relevant paragraphs of the National Planning Policy Framework 2024, insofar as they seek well designed healthy places which promote health and well-being with a high standard of amenity, adequately sized rooms, sufficient natural light, appropriate outlook and help to prevent or mitigate the impacts of noise.

Other Matters

8. There is no evidence of anti-social behaviour or excessive noise at the existing HMO, and the appellant has committed to stringent tenant management protocols to monitor this and excessive noise. This appears to have satisfied the Council on the management of the property and mitigation of the issues, and I have no reason to disagree with their conclusions.
9. Neither the site nor the surrounding area is located within a Controlled Parking Zone and there is no compelling evidence to demonstrate that there is parking stress in the immediate area. At the time of my visit there was little traffic, if any, and there were many places to park. Furthermore, there is good access to public transport and there would be the provision of cycle storage on site.
10. I do not have any substantive evidence to indicate that there is a shortage of any particular type of housing in the area and the existing building is already a HMO. It would continue to be so, regardless of the outcome of this appeal. In addition, and whilst there may not be any other two storey first floor extensions in the immediate vicinity, the Council have not refused the proposal on character and appearance grounds or issues related to the living conditions of the occupiers of neighbouring dwellings. I did not observe anything on my site visit to indicate otherwise.
11. The effect of development on property values is not a planning matter, nor is the outcome of this case, in planning terms, affected by any controlling restrictions, covenants or other provisions set out in deeds of title. Further, I have no compelling evidence pertaining to whether or why the appeal scheme, given its current use which is not disputed, would adversely affect community cohesion or detrimentally impact on local services or infrastructure. These matters do not weigh against the proposal.

Conditions

12. In addition to the standard three-year period implementation condition, it is necessary in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. It is necessary to limit the number of residents to seven to regulate the overall effect of the proposal on the living conditions of occupiers. Additionally, a condition is necessary to ensure materials used in the construction of external surfaces match the existing, in order to respect the character and appearance of the area. Furthermore, a condition is necessary to ensure there would be adequate provision of cycle parking and bin storage at the property, to promote sustainable travel and protect the character of the area.
13. There are sufficient cooking facilities in the communal space and therefore no obvious reason why any residents would want to cook in their rooms where there are none. In any case, a condition aiming to control such would be problematic to enforce. I have not therefore suggested it be included.
14. The Council has suggested a condition requiring that the development shall not be commenced until details have been submitted and approved in regard to enhanced sound insulation values of at least 5db above the ADE Building Regulations values, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings/areas, namely, bedrooms adjoining/below/above the communal room and bathrooms of separate dwellings, and of at least 10dB enhancement for bedrooms adjoining the communal main entrance/staircase.
15. Given HMOs are covered by building regulations it would be unreasonable and unenforceable to impose an enhanced condition without specific evidenced reasons or a development plan policy derivation. The rear ground floor bedrooms may be adjacent to a communal room, but the wall here is the original external wall and as such I do not consider the condition necessary.

Conclusion and Recommendation

16. For the reasons given above, the appeal scheme complies with the development plan and there is nothing sufficiently compelling to suggest otherwise. I therefore recommend that the appeal should be allowed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions stated.

John Morrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: Location plan, E001, E002, E003, E004, P001, P002, P003, P004, P005.
- 3) The use hereby permitted shall be limited to occupation by seven persons at any one time.
- 4) The external materials of the extension hereby permitted shall match those used in the existing building/dwelling.
- 5) The use hereby permitted shall not be first occupied until space has been laid out in accordance with the plans hereby approved for bicycle and refuse/recycling storage. The spaces shall thereafter be kept available for the stated purposes only.