
Appeal Decision

Site visit made on 23 September 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th November 2025

Appeal Ref: APP/X5210/W/25/3369726

34 Shoot-Up Hill, Camden, London, NW2 3QB

- 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 Kingscroft Estates LLP against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2023/0901/P
 - The development proposed is change of use of four small HMOs (Class C4) to a single large HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Submission Draft Camden Local Plan (updated to take account of consultation responses) was reported to Council's Cabinet on 2 April 2025 and the full Council on 7 April 2025. The Council resolved to agree the Submission Draft Local Plan for publication and submission to Government for examination (following a further period of consultation). The consultation on the Camden Local Plan Proposed Submission Draft is now closed, and officers are reviewing the responses received.
3. A signed Unilateral Undertaking dated 1 September 2025, agreeing that occupants would be restricted from applying for a parking permit, was submitted as part of the appeal. Interested parties have had an opportunity to review and make comments on the evidence submitted. Therefore, I do not consider that the Council or any interested parties would be prejudiced by me accepting this document.
4. The Council is satisfied that the submitted Unilateral Undertaking would address its second reason for refusal relating to parking provision and I will cover this matter later.

Main Issue

5. The main issue is whether the development provides suitable living conditions for future occupants with regard to internal floor space.

Reasons

6. The appeal scheme seeks to combine four six-bedroom houses in multiple occupation (HMOs) to create a single 24 room HMO, each with ensuite bedrooms and a kitchen area.

7. Notwithstanding the description of the development on the planning application form; the proposed plans indicate that the development would include a kitchen area in each unit. As each room also has an en-suite bathroom the appeal scheme would allow each unit to be self-contained. While shared kitchens would be retained on the ground floor, occupants would not need to use shared facilities as typically expected in an HMO.
8. As the development would allow each unit to be occupied as a standalone dwelling they should be considered as a studio flat. In order to ensure that accommodation provides sufficient space to live comfortably Policy D6 of the London Plan 2021 (LonP) sets minimum space standards. Table 3.1 in the LonP sets the minimum gross internal floor area for a 1 bedroom 1 person flat, with an ensuite shower, to be 37 square metres.
9. Based on the evidence before me the floor area of every unit does not meet the minimum requirement of 37 square metres. Therefore, the development would fail to meet minimum space standards in accordance with Policy D6 of the LonP. It is acknowledged that communal kitchen facilities would be retained and could be used by occupants. However, paragraph 3.6.2 of the LonP states that the provision of additional services and spaces as part of a housing development, is not a justification for failing to deliver the minimum standards. In this instance as each unit would become a studio flat the communal kitchens are additional spaces and do not justify the failure of each unit to meet the minimum internal floor space requirement for a studio flat.
10. The appellant asserts that the inclusion of additional facilities in each room would improve the living conditions for occupants and that the equipment used in each kitchen could be controlled via condition. However, as each unit would not meet minimum space standards it is indicative that these rooms do not have the capacity for the addition of kitchen facilities resulting in cramped and substandard living conditions.
11. There may be instances where the use of shared facilities could lead to conflict between occupants. However, such instances can be mitigated through suitable management arrangements.
12. The proposed scheme would create a single planning unit, and this may prevent individual units being sold separately. However, the space standards are set to enable a home to become a comfortable place to retreat and there is no substantive evidence before me to justify development significantly below the standards set out.
13. For the reasons detailed above the development would fail to provide suitable living conditions for future occupants with regard to internal floor space. As such the development results in the loss of four six-bedroom HMOs that meet space standards. Therefore, the development is contrary to Policies H3, H6 and H10 of the Camden Local Plan 2017 (CLP), Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan and Policy D6 and H9 of the London Plan 2021. When read together these policies seek to protect existing homes, encourage a range of housing types and require that all homes meet minimum space standards.

Other Matters

14. The submitted Unilateral Undertaking would mitigate the impact of the development on parking provision in the vicinity of the appeal property. I am therefore satisfied that this submission addresses the Council's second reason for refusal as it would accord with the terms of Policy T2 of the CLP which seeks to limit availability of on-street parking permits.
15. The appellant asserts that the Council provided advice that the appeal scheme would be beneficial. However, no evidence has been provided to demonstrate that this advice was formally provided. Notwithstanding this, pre-application advice cannot pre-empt the democratic decision-making process or a particular outcome, in the event that a formal planning application is made.
16. The appellant may have permitted development rights to change each of the six-bedroom HMOs to family dwellings. Be that as it may, this does not justify the provision of accommodation that fails to meet minimum space requirements.

Conclusion

17. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR