



Appeal Decision

Site visit made on 28 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/T5150/W/25/3371027

31 Chapman Crescent, Harrow, Brent HA3 0TG

- 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 Hiten Shah against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/1209.
 - The development proposed is use of property as a 6 bed, 6 person HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided additional information as part of the appeal. This includes plans showing the removal of a car parking space and cycle storage in the front garden, plans showing the layout of kitchens on the ground and first floor and a Transport Informative Letter and Appendices (dated 12th June 2025).
3. The Inspectorates Procedural Guide on Planning Appeals makes it clear that the appeal process should not be used to evolve a scheme. As such, I have not taken the additional and amended information into account in this instance.
4. This approach is supported by the Wheatcroft¹ and Holborn² principles where it is highlighted that a series of small, incremental, proposed amendments to a scheme could result in a substantial difference or a fundamental change. I am additionally concerned about potential procedural failings were I to accept this new evidence, particularly given the comments of consultees who may not be fully aware that the appeal proposal is of a different nature to that which was originally put forward. Thus, there may be a procedural unfairness to these, and other, parties.
5. My attention has been drawn to a recent appeal (the previous appeal) at the host property³, for its subdivision into two flats. As part of their assessment, the Inspector considered the accessibility of the location, and this is a material consideration in the assessment of the scheme before me.

Main Issues

6. The main issues are:
 - whether the location of the site is suitable for the proposed development;

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

³ APP/T5150/W/24/3347711

- whether the proposed development would provide suitable living conditions for future occupants with regard to internal communal amenity space;
- the effect of the proposal on the safe and efficient operation of the local highway network with regard to parking provision; and
- whether the proposed development makes suitable provision for sustainable travel with regard to parking provision and cycle storage.

Reasons

Location

7. The appeal site is located within a residential area, with a PTAL rating of 2, comprising mainly of single family homes. The host property, 31 Chapman Crescent is a three bedroom family home, and the proposal is for the change of use of the dwelling to a 6 bedroom, 6 person House of Multiple Occupation (HMO).
8. Criteria (a) of Policy BH7 of the Brent Local Plan 2019-2041 (BLP) requires that accommodation with shared facilities, such as a HMO, is located in an area with good access to public transport and other amenities including shops (normally within 400m). Further guidance on this matter is provided within the Houses in Multiple Occupation Supplementary Planning Document 2022 (HMO SPD) which states that a PTAL rating of 4 has historically been defined as 'good' and that a HMO must have a minimum PTAL of 3. The SPD also goes on to state that in some cases the PTAL map may be inaccurate and, in some instances, applicants may be able to demonstrate that a site is achieving a PTAL of 3 through the provision of suitable supporting evidence.
9. The appellant argues that the appeal site is very close to a PTAL 3 area. However, there is no evidence provided to clearly support this claim. The Planning, Design and Access Statement includes a map showing a number of shops, services and facilities within 400m and 800m of the appeal property. The appellant specifies that within 400m of the appeal site there are 2 schools, 3 religious venues, 1 dentist, 1 convenience store, 1 car garage and 5 bus stops. However, although there are a number of bus stops, based on the evidence before me they only serve two bus routes. Therefore, I am not convinced that the appeal site has the required connectivity to the wider transport network, which would limit the accessibility of the site for future occupants. Further, while it is acknowledged that there is a shop, and some services and facilities within 400m of the site they are limited and unlikely to meet all of the day to day needs of future occupants.
10. Underground stations, including Kingsbury Station and other shops, services and facilities are in the wider area. Notwithstanding this, the closest station is over 900m away and the edge of Kingsbury Town Centre is approximately 600m away and therefore not close to the appeal site. This view is consistent with the Inspectors decision on the previous appeal at the host property⁴, who found that 'the appeal site is around 600 metres from the edge of Kingsbury Town Centre and therefore not in very close proximity to a wide range of local services and facilities'.
11. Within the appellant's Appeal Statement, my attention has been drawn to the accessibility standards set within the Manual for Streets and the '2k maximum

⁴ APP/T5150/W/24/3347711

commuting distance in CIHT'. However, this guidance does not form part of the development plan and is not determinative in my assessment of the appeal.

12. While Policy BH7 of the BLP does not give a minimum PTAL rating when defining what would be considered to represent 'good access to public transport links', the SPD gives clear guidance in this regard. A PTAL rating of 2 is indicative of a poor accessibility level of public transport and there is no substantive evidence before me to suggest that the PTAL rating of the appeal site is inaccurate.
13. It is acknowledged that a HMO is an important form of low cost housing. Still, it is important that future occupants are able to access shops, services and places of employment, without reliance on a private vehicle. There may be underground stations, takeaways, shops and services in the wider area, but at over 400m away they are not close. Also the appeal site is within an area with a PTAL rating of 2 which indicates that there is poor access to the wider public transport network, which would limit the accessibility of the site for future occupants.
14. The Council states within the first reason for refusal that the proposal would intensify the residential use of the building. However, no extensions are proposed and the three large bedrooms in the dwelling as existing would have the capacity to accommodate a similar number of people. In light of this the appeal scheme would not represent a significant intensification of the existing use. The Council's first reason for refusal also refers to the living conditions of future occupants which I will cover in the section below.
15. For the reasons detailed above the location of the site is not suitable for the proposed development. Therefore, it conflicts with policy BH7 of the BLP which requires that accommodation with shared facilities is located in an area with good access to public transport and other amenities and the guidance provided within the HMO SPD which states that a HMO must be located in an area with a minimum PTAL of 3.

Living conditions

16. In terms of internal communal spaces, the main parties are in agreement that the floor area of the two proposed kitchen areas is 15.4sqm on the ground floor and 9.3sqm on the first floor. The plans submitted with the planning application indicate that an existing outbuilding within the rear garden would be shared by future occupants. However, the floor plans indicate that part of the building would be used for bike storage and a separate W.C as such, based on the evidence before me it is not clear how much of this area would be a usable communal amenity space.
17. Paragraph 5.19 of the HMO SPD states that for every 3 households or 5 people a kitchen space of at least 5.5sqm is required. The SPD also allows for kitchen facilities to be doubled up in a single space. Both of the kitchen areas proposed would meet the minimum space requirements for a kitchen, while the floor plans are not annotated to include specific details of what facilities would be in each kitchen, given the area of each of the rooms it is feasible that all of the necessary facilities could fit in each space. If the appeal proposal was otherwise acceptable, a suitably worded condition could ensure that details of the facilities in each kitchen were provided. As such it is reasonable to suggest that the proposed development would accommodate adequate kitchen facilities.

18. Notwithstanding this, the guidance within the HMO SPD states that an HMO must provide a minimum of 5sqm of internal communal amenity space per occupant. In this instance a total of 30sqm of amenity space would be required. Paragraph 5.24 of the SPD states that a minimum size for one amenity space for 6-10 people should be 16.5sqm. When this is incorporated within a kitchen this area is required in addition to the minimum kitchen space.
19. It is reasonable to expect that occupants have suitable space in which to prepare food, dine and mix with fellow residents as social interaction is important for mental health and well-being. In this instance even the larger kitchen at 15.4sqm would not meet the size requirements to count as usable amenity space as well as a kitchen. The Council state that the HMO SPD requires all internal amenity space to be within the main building, but I am not certain that it explicitly states that this is the case. Nonetheless, I am not certain that the outbuilding would meet the requirement of a single amenity space which is 16.5sqm.
20. For the reasons detailed above the proposed development would fail to provide suitable living conditions for future occupants with regard to internal communal amenity space. Therefore, it would conflict with Policy DMP1 of the BLP which requires that developments provide high levels of internal and external amenity. The scheme also conflicts with the guidance set within the HMO SPD which defines a minimum standard for internal amenity spaces.

Highway Network

21. Chapman Crescent is heavily parked, and the size of the front gardens allows for the formation of private car parking spaces in most front gardens; which further limits opportunities for on street parking. While a HMO can provide low cost housing, it is not always necessarily the case that occupants would not be able to afford a car and, as a result, add to on-street parking demand. Further, as detailed above the appeal site is located in an area with limited access to public transport, which in turn increases the reliance on the private car for day to day transport needs.
22. There is no substantive evidence before me to demonstrate that overspill parking as a result of the development can be suitably accommodated in the surrounding streets. As such I cannot be certain that the proposed development would not harm existing on street parking conditions.
23. In the absence of any evidence to demonstrate otherwise the proposed development would have a harmful effect on the safe and efficient operation of the local highway network with regard to parking provision. Therefore, it would conflict with Policy BT2 of the BLP which supports development on the provision that it would not add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets.

Sustainable Travel

24. Within the London Plan 2021 (LonP) the dominance of vehicles on the streets of London is recognised as a significant barrier to sustainable travel options including walking and cycling. In order to address this, standards are set within the LonP that seek to encourage cycling and control parking provision.

25. Table 10.3 in the LonP sets the maximum residential parking standard for a site with a PTAL rating of 2 to be 1 space for a dwelling with over three bedrooms. Within the Council's delegated report, they state that one parking space would be provided within the front garden and one would be provided within the garage. However, based on the proposed plans it is not clear that there would be a car garage within the appeal property. One parking space in the front garden is indicated on the proposed plans and in light of this I am not certain that the proposed scheme would result in the over provision of parking within the appeal site.
26. Table 10.2 in the LonP sets minimum cycle storage standards for development, requiring one bicycle storage space for each one bed one person dwelling and, in this instance, two visitor spaces would also be required. The application plans do not indicate that cycle storage for eight bicycles would be provided as such there would be insufficient cycle storage for all future occupants and their guests. However, the property has gardens to the front and rear. Had I otherwise been minded to allow this appeal, a suitably worded condition could have secured the provision of a cycle store for the occupiers of the HMO and their visitors.
27. For the reasons detailed above the proposed development makes suitable provision for sustainable travel with regard to parking provision and sufficient cycle storage could be achieved via condition if the proposed scheme was otherwise considered acceptable. Therefore, the proposed development does not conflict with Policies BT2 and DMP1 of the BLP and Policy T5 of the LonP which, when read together, seek to encourage sustainable travel and set standards for parking and cycle storage.

Other Matters

28. The Council raised no concerns regarding the floor area of the proposed bedrooms, refuse storage, the effect of the development on the character and appearance of the area or the number of existing HMOs in the vicinity. Based on the evidence before me I have no reason to disagree with the Council. However, an absence of harm in regard to these matters is a neutral factor weighing neither for nor against the development.
29. Whilst it is clear that HMOs provide much-needed housing accommodation within the city, they need to be subject to careful control in order to ensure that they meet the needs of future occupants and do not harm existing on-street parking provision.

Conclusion

30. There are no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan, and therefore the appeal is dismissed.

C Livingstone

INSPECTOR