



Appeal Decision

Site visit made on 9 December 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2026

Appeal Ref: APP/M5450/W/25/3373572

2A Dale Avenue, Edgware, Harrow HA8 6AE

- 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 Dhiresh Kerai against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0756/25.
 - The development proposed is described as a single and two storey side extension; single storey rear extension; alterations and extension to roof; two rear dormers; rooflights in front and side roof slopes; external alterations (demolition of outbuildings and attached garage) and change of use from dwelling house (C3) to HMO (C4).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has submitted the London Borough of Harrow Local Plan 2021-2041 (the Emerging Local Plan) for examination. The weight to be attributed to the relevant policies of the Emerging Local Plan is addressed below.

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for the proposed development, having particular regard to its accessibility to public transport and services; and
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

4. The appeal site occupies a corner plot on the western side of Dale Avenue, adjoining Camrose Avenue to the north. It comprises a two-story detached dwelling with a substantial garage and side and rear extensions. The surrounding area features predominantly single and two-story residential properties, many of which have been extended.
5. The proposal seeks approval for the change of use of the existing dwelling to a nine-bedroom House of Multiple Occupation (HMO), for occupancy by up to 17 persons. The proposal would also involve the erection of a two-storey side extension, single storey rear extension, alteration and extensions to the roof and the demolition of outbuildings and the attached garage.

6. Planning permission¹ has already been approved for the single and two storey side extension, single storey rear extension and roof alterations including two rear dormers. These elements have not been constructed, as such are included as part of the development description for this current scheme. However, the Council has not raised any specific concerns regarding these works. Based on the evidence before me, I see no reason to disagree.

Suitable Location

7. Policy H9(d) of the London Plan 2021 recognises the role of HMOs in meeting local and strategic housing needs. Policy DM30 of the Harrow Council Development Management Policies, adopted July 2013 (the DMP) supports the provision of Large HMO's, residential hostels and secure accommodation subject to compliance with the following criteria (a) there is good accessibility to local amenities and public transport; (b) they accord with Accessible Homes Standards and provide satisfactory living conditions for the intended occupiers; and (c) there will be no adverse impact on the amenity of the occupiers of neighbouring properties or the character of the area.
8. The Council has also referred to emerging Local Plan Policy HO10 in the reason for refusal. This policy relates to proposals for large HMOs and sets out the criteria which should be met, including requiring development to be located in areas with a PTAL rating of between 4 and 6.
9. The National Planning Policy Framework (the Framework) states that the weight can be given to relevant policies in emerging plans according to (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
10. The Council state that there were limited representations made, no modifications required to the policy and it is consistent with the Framework. Whilst the appellant considers that Policy HO10 should be given no weight on the basis of the legal principle of silence not being acceptance², it is nonetheless at an advanced stage. Therefore, I consider that the policy can be attributed moderate weight.
11. Both Policy DM30 of the DMP and emerging Local Plan Policy HO10 seek to ensure that Houses in Multiple Occupation (HMOs) are located in sustainable areas with good access to public transport and local services. The appeal site lies within an area with a Public Transport Accessibility Level (PTAL) rating of 1b, which is considered low (with 6 being the highest). The nearest underground station, Queensbury, is approximately 0.7 miles away.
12. The appellant challenges the Council's assessment of accessibility, stating that the bus stop on Camrose Avenue benefits from a service every ten minutes³. They also highlight the site's proximity to a supermarket, Chandos Recreation Ground, a medical centre, and a primary school within 200 metres, as well as its accessibility

¹ Planning Application Ref: PL/1647/24

² *Felthouse v Bindley* (1862) 11 CB (NS) 869, and, *Re Selectmove Ltd* [1995] 1 WLR 474

³ Exhibit A – Bus Service 288 Camrose Avenue

to employment opportunities. The appellant further notes that the PTAL rating increases to 2 approximately 20 metres along the road, although this remains low.

13. However, whilst I acknowledge the presence of a nearby bus stop, this does not alter the PTAL rating applicable to the appeal site. Moreover, a PTAL rating of 1b falls significantly short of the level required by emerging Local Plan Policy HO10, which seeks a rating between 4 and 6. Although Policy HO10 is not yet adopted, it demonstrates a clear policy direction to locate this type of development in the most sustainable locations.
14. For these reasons, the proposed development would not be in a suitable location, having particular regard to access to public transport and services. Thus, it would be contrary to Policy DM30(a) of the DMP and Policy HO10 of the emerging Local Plan, which amongst other things, seek to direct HMOs to the most sustainable locations, which have good access to public transport and local amenities.

Living Conditions – Neighbouring Occupiers

15. Policy DM30 of the DMP supports the provision of Large HMO's, residential hostels and secure accommodation providing there will be no adverse impact on the amenity of the occupiers of neighbouring properties or the character of the area.
16. The Council state that there are no HMOs currently located on Dale Avenue, with the area being predominantly characterised by residential properties. However, the evidence provided by the appellant in support of this appeal indicates that both 65 and 67 Dale Avenue have been granted a license to operate as HMO's, each with five bedrooms. The evidence also indicates that a HMO is located 103 Dale Avenue, albeit with only 4 bedrooms. Nonetheless, even if these properties are currently operating as HMOs, the area is still primarily characterised by residential properties, rather than HMOs.
17. The proposed number of occupants would be significantly higher than the number of occupants likely to reside in the appeal property if it remains occupied as a single-family dwelling, even if extended. As a result, such a large group of adults living independently of each other would have a materially different pattern of occupation to that of neighbouring properties. Furthermore, even if all of the bedrooms were occupied on a single person occupancy basis, this would be significantly and materially greater than that which would be expected as a smaller HMO and also, in all likelihood, greater than if occupied by a larger family.
18. The appellant states that Camrose Avenue is a busy road and bus route, accordingly any noise generated from the use of the garden is unlikely to exceed any noise generated by this road and the property will be sound proofed to avoid noise and disturbance. However, whilst the effect of these increased coming and goings on neighbours would be mitigated to an extent by the location of the appeal site at the junction of Dale Avenue and Camrose Avenue, I am not persuaded that these impacts would not be harmful to occupiers of neighbouring and nearby properties.
19. My attention has been drawn to an appeal decision⁴ which was dismissed on the basis that the use of a property by up to 10 people would inevitably lead to an

⁴ Appeal Ref: APP/M5450/W/20/3256326

increased level of activity with regards to the use of the communal spaces, including the garden, as well as comings and goings to and from the property. However, the appellant disputes any similarity to the appeal site on the basis that the appeal decision relates to a semi-detached property, not a corner plot, with a smaller garden and poor access to public transport.

20. Instead, the appellant has drawn my attention to an appeal decision⁵ which set out that it is not possible to draw comparisons with other appeal decisions in Harrow to the extent to which any weight could be given. The Council has also referred to a legal judgment⁶ which the appellant disputes as being irrelevant. However, this judgment clearly established that the effect of a development on character and appearance of an area can go beyond visual aspects. As such, it may be relevant to this case in that a change of use can also impact the character of an area.
21. Nonetheless, whilst have had regard to appeal decisions and legal judgments which have been drawn to my attention, my findings are based on the facts of this case and the site-specific circumstances.
22. For these reasons, I therefore find that the proposed development would cause unacceptable harm to the living conditions of neighbouring residents, with particular regard to noise and disturbance. Thus, it would fail to comply with Policy CS1 of the Harrow Core Strategy (2012) and Policies DM1 and DM30 of the Harrow Development Management Policies Local Plan (2013). These require, amongst other things, a high standard of residential design which achieves high standards of amenity, with no adverse impact on the amenity of neighbouring residents.

Other Matters

23. The appellant states that there would be benefits arising from the proposed development including, providing accommodation for football fans attending the nearby Barnet Football Club. However, as the proposed development would be a HMO it would not be likely to be available to provide accommodation for football fans. They also state that the proximity of the football club already causes much more noise and disturbance than any resident would and does not render the site to be in a location with constrained public transport. The appellant has also indicated that the Council has expressed an interest in utilising the site to provide social housing, which is evidence of demand. Nonetheless, whilst I have had regard to these matters, they do not either individually or cumulatively outweigh the harm which I have identified above.

Conclusion

24. For the above reasons, the proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR

⁵ Appeal Ref: APP/M5450/W/23/3332445

⁶ Nasir Kazalbash v Secretary of State for Levelling Up, Housing and Communities, and London Borough of Hillingdon Council, 27 July 2023