



Appeal Decision

Site visit made on 24 November 2025

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/M5450/W/25/3372342

6 Stirling Road, Harrow, Wealdstone HA3 7NB

- 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 Old Lodge Estates 2 Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/0240/23.
 - The development proposed is change of use from HMO for up to 6 persons (Use class C4) to larger HMO for 7 persons (Use Class Sui Generis), bin and cycle stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development used in the banner heading above from the appeal form and decision notice, as it more accurately describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.
3. The appellant has submitted a revised plan that seeks to demonstrate that the proposed development can provide additional useable private outside space. On the evidence before me, this was originally submitted to the Council approximately five weeks before the Council's decision notice was issued. In any event, this plan does not substantively alter the scheme before me, and the Council and other parties have had the opportunity to comment on the revised plan as part of the appeal. No injustice would be caused by having regard to the appellant's revised plan in my assessment.
4. Two unilateral undertakings ('UUs') were submitted by the appellant during the course of the appeal. The first unilateral undertaking (the 'September UU') was submitted alongside the appeal and the latter undertaking (the 'December UU') was submitted following a period of discussion between the Parties. Both unilateral undertakings seek to secure the proposal as a car-free development and I have dealt with this matter under my first main issue in my decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development on highway safety, with particular regard to parking; and

- whether the proposed development would provide satisfactory living conditions for the future occupiers of 6 Stirling Road, with particular regard to private outside space.

Reasons

Highway Safety

6. Whilst not a matter expressly set out in the decision notice, the Council has raised concerns regarding the effect of the proposed development upon on-street parking, in the event the proposed development was not secured as car free.
7. The proposed development does not include provision for vehicle parking, and would result in provision for an additional occupant, who may seek to park on the road. Stirling Road is located within a Controlled Parking Zone (CPZ). At my site visit, whilst only representing a snapshot in time, I noted that existing parking bays were well used. The appeal is accompanied by signed and dated UUs, which include measures to prevent residents from parking on-street. Although provided by the appellant, the necessity of a unilateral undertaking to secure the proposals as car free has also been challenged by them. My attention has been drawn to the fact that the mortgagee for 6 Stirling Road is not a signatory to either the September UU or December UU.
8. The Council has drawn my attention to Policy T6.1 of the London Plan 2021 and policy DM42 of the Development Management Policies 2013, which require sui generis residential uses to be car free. Whilst I accept that current occupants of the existing HMO may not be prevented from securing a permit to park on the street, I do not have substantive evidence before me as to the policy or highway considerations that may have applied when the property was originally converted to an HMO. In any event, the Council's concerns that the proposed development would result in overspill to nearby streets have not been substantively challenged. On the evidence before me, I conclude that the provision of a mechanism to secure a car-free development would be necessary to make the development acceptable in planning terms.
9. The December UU includes provision for a CPZ contribution, which does not appear within the September UU. Neither party has substantively set out how this contribution is fairly and reasonably related in scale and kind to the development. It has not therefore been demonstrated that this part of the December UU meets the relevant tests.
10. Not all those with an interest in the land are a party to either the September UU or the December UU. A planning obligation is enforceable by the local planning authority against the person entering into the obligation and any person deriving title from that person. It follows that an obligation will not be enforceable against successors in title of those who were not a party to it. Given that the mortgagee is not included in either of the executed UUs, it would not bind their interests.
11. Although the UUs would both require that the mortgage be discharged or a confirmatory deed be provided prior to occupation, if the mortgagee were to take sole possession of the appeal land prior to the relevant provisions of either the September UU or December UU coming into effect, the mortgagee could then implement any extant planning permission without being bound by the planning obligations within the UUs. In that scenario the relevant obligations in the UUs

could not be enforced and consequently I cannot be satisfied that either the September UU or December UU are enforceable and capable of securing the proposed development as car free. I conclude therefore that neither the September UU nor the December UU would be effective. No other mechanism is before me that would secure the proposed development as car free.

12. Had I found differently with regards the effectiveness of the UUs, it would have been necessary to seek commentary from the parties as to whether the provisions within the UUs relating to car-free development fell within the scope of s106(1)(a)-(d) of the Act relating to the use of the land.
13. Whilst the appellant has drawn my attention to a number of appeals whereby it was considered that exceptional circumstances existed to impose a condition requiring an obligation to be entered into before certain development activities commenced, on the evidence before me the nature and circumstances of these appeals appear to be different to this case. Beyond the time required to secure a mortgagee signature, I have not been presented with specific evidence as to why exceptional circumstances exist in this case to justify the lack of a signature of a party with an interest in the land. I do not consider the general time delay described nor the need for engagement with the mortgagee to be sufficient to meet the exceptional circumstances set out in Planning Practice Guidance.
14. My attention has also been drawn to case law¹ with regards the provision of unilateral undertakings. In line with that judgement I have had regard to the provisions of both the September UU and the December UU in my decision. Equally, I have set out above the reasons why a pre-commencement condition requiring an obligation to be entered into would not in this instance meet the exceptional circumstances required.
15. Whilst the appellant has included provisions within both UUs which seek to facilitate the effectiveness of an alternative deed, I have in any event concluded that neither the September UU nor the December UU would be effective.
16. Given my conclusions with regards the September UU and December UU, in the absence of a mechanism to prevent it future residents would be able to secure the necessary permits to park on the street. Whilst the proposed development would result in one additional occupant, additional on-street parking resulting from the development may place pressure on existing on-street parking capacity, and may result in road users parking inappropriately, presenting a risk to highway safety.
17. For these reasons, the proposed development would have an unacceptable impact on highway safety, with particular regard to parking. The proposed development would conflict with the relevant provisions of Policy T6.1 of the London Plan 2021 and Policy DM42 of the Development Management Policies 2013. Amongst other matters, these policies require sui generis residential uses to be car free, and to not prejudice highway safety.

Living Conditions

18. The appeal site comprises the current 6 person House in Multiple Occupation (HMO) and its associated small rear garden, which is largely hard surfaced. The appeal proposal comprises the conversion of a living room into an additional

¹ Tiwana Construction Ltd v SSHCLG & West Suffolk Council [2025] EWHC 1485 (Admin)

bedroom, and the introduction of cycle storage into the rear garden. The proposed development would introduce an additional occupant and the occupiers of the proposed HMO would share a communal kitchen. Neither the proposed plans nor my observations at my site visit suggest that private kitchens would be provided to occupants.

19. The introduction of cycle storage would result in a reduced extent of private outside space available for residents, as the cycle storage would occupy part of the rear garden currently used for such purposes. In addition, the appeal scheme would result in an additional occupant at the site, who may also utilise the rear garden.
20. In terms of whether the proposed development is required to make provision for a particular quantum of private outside space, my attention has been drawn to the standards for private outside space set out in the London Plan 2021 Policy D6, and the guidelines contained within the London Plan Guidance: Housing Design Standards (2023) (the 'LPG').
21. The standards for private outside space set out in Policy D6 of the London Plan 2021 relate to dwellings rather than the larger HMO proposed. In addition, the LPG identifies that the standards for private outside space contained therein are applicable to self-contained residential applications and, given the lack of private kitchen facilities, the proposed development does not include self-contained residential accommodation. No justification has been put forward in this context as to why the private outside space standards identified would therefore apply to the appeal scheme. I therefore find the standards for private outside space set out in Policy D6 of the London Plan 2021 and the LPG to be non-determinative in the case of the appeal.
22. Whilst the Council's decision notice references the nationally described space standards in relation to this issue, this standard relates to the provision of internal space rather than private outside space and is thus non-determinative. Equally, whilst my attention has been drawn to the Houses in Multiple Occupation Conditions and Amenity Standards 2020, this does not set specific standards for external space and is therefore non-determinative.
23. In terms of the proposed private outside space provision, the increased number of occupiers would not materially affect the space available in the rear garden for day-to-day activities, such as drying clothes, that would be likely to occur. The proposed rear garden, although small, would additionally provide a private space for the enjoyment of future occupiers. This would not be affected by the rear garden being hard surfaced nor by the previously consented single-storey rear extension. Whilst the introduction of the proposed cycle storage would reduce the overall area of garden space, sufficient space would remain available such that its function for typical private day-to-day activities would not be compromised. In line with the Supplementary Planning Document Residential Design Guide (2010), the proposed development would therefore provide appropriate space to the rear of the building that would meet the likely needs of future occupiers.
24. My attention has been drawn to two dismissed appeals. Where related to living conditions matters these relate principally to internal space and layout, privacy, and outlook. Whilst reference is made to standards for floor to ceiling heights, neither appeal relates to matters of private outside space or the applicability of private

outside space standards to larger HMO developments. I have therefore afforded these appeals limited weight in reaching my decision on this issue.

25. Whilst my attention has been drawn to a previous decision by the Council whereby planning permission was refused in part due to the provision of insufficient private outside space, on the evidence before me the assessment in this decision as to the adequacy of such space was a planning judgement rather than by reference to a specific standard. This decision has not therefore led me to an alternative approach in this appeal.
26. I therefore conclude that the proposed development would provide satisfactory living conditions for the future occupiers of 6 Stirling Road, with particular regard to private outside space. The proposed development would comply with the relevant provisions of Policies D3, D6 and H9 of the London Plan 2021, and Policies DM1, DM27 and DM30 of the Development Management Policies 2013. Amongst other matters, these policies require development proposals to deliver appropriate amenity, provide satisfactory living conditions for occupiers, and achieve a satisfactory, comfortable and usable outside amenity space.

Other Matters

27. Whilst the Officer Report states that one bedroom would not provide adequate internal space, other evidence presented by the Council and the appellant indicates that the identified bedroom would exceed the internal space size sought by the Council. On the evidence before me, I see no reason to conclude the proposed development would not provide adequate internal space.
28. My attention has been drawn to the substantial weight that the National Planning Policy Framework attaches to the value of using suitable brownfield land within settlements. However, for the reasons stated above the appeal would not safeguard the environment in respect of highways matters. As such, for the specific reasons set out in this decision the site would not be suitable in the context of this description, and the proposal would not be an effective use of land in this regard.
29. Whilst the development would be sustainably located, would provide suitable cycle storage, and would not result in harm to living conditions, these matters are effectively neutral in the planning balance. I acknowledge that the proposed development would provide an additional unit of accommodation, and would result in some economic benefits arising from an additional occupier. Given the scale of development, these benefits would however be very limited in nature and would not outweigh the harm identified.

Conclusion

30. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

D Marley

INSPECTOR