



Appeal Decision

Site visit made on 7 January 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2026

Appeal Ref: APP/T5150/W/25/3375087

90 Preston Hill, Harrow, Brent, HA3 9SG

- 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 Suresh Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/2186.
 - The development is proposed application for the change of use from dwellinghouse C3 to HMO C4 to include hard and soft landscaping, cycle storage, refuse and recycling storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I observed that the property appeared to be in use as a house in multiple occupation (HMO). I was able to access the site frontage and rear garden, as well as the hall, stairs and landing areas at ground, first and loft floor levels, the accommodation identified on the submitted plans as bedrooms 1 and 3 and the ground floor dining/kitchen area. Access was unavailable to other accommodation. However, I am satisfied that my site visit was sufficient to enable me to determine the appeal. Whilst what I saw has helped to inform my assessment, I have dealt with the appeal on the basis that planning permission is being sought for the development as set out in the application and the submitted plans.
3. The appellant suggests that the existing lawful use of the property is an HMO, referencing a valid licence and active tenancy. However, within the context of an appeal under section 78 of the Town and Country Planning Act 1990 it is not within my remit to formally determine whether the proposed development requires planning permission or whether an existing use is lawful or not. I have therefore determined the appeal on the basis of what is proposed and the evidence before me.

Main Issues

4. The main issues are:
 - whether or not the property would be suitable for the proposed development, with particular reference to its location, standard of accommodation and the effect on the provision of family housing;
 - whether the requirements of Biodiversity Net Gain (BNG) are relevant to the appeal scheme and, if so, whether such requirements are met; and

- the effect of the development on parking provision, sustainable travel, and highway and pedestrian safety.

Reasons

Suitability

5. The appeal site comprises a two-storey, semi-detached property situated in an established residential area. The appeal property has been previously extended and altered and features a hard surfaced parking area to the front and a rear garden. There are a variety of house types within the surrounding area, which is characterised by similar sized housing.
6. With regard to the provision of HMOs, Policy BH7 of the Brent Local Plan 2019-2041 (2022) (the BLP) sets out criteria that must all be met for such development to be supported. Amongst others, this includes that it is located in an area with good access to public transport and other amenities (normally within 400m), is of an acceptable quality meeting appropriate standards for the needs of its occupants, and demonstrates that there is a specific Brent need. The Brent Houses in Multiple Occupation Supplementary Planning Document (2022) (the SPD) provides further guidance in assessing HMO development against Policy BH7. This recognises the important role of HMOs, and that the Council is supportive of the provision of additional high-quality HMOs in the right locations and circumstances.
7. There is no dispute that the site is in an area with a Public Transport Access Level (PTAL) of 2. I have no compelling evidence before me to suggest that the use of the PTAL is not an adequate mechanism to assess whether or not a site is a suitable location with regard to access to public transport. The SPD states that in order to meet Policy BH7 part a), an HMO's PTAL must be a minimum of 3, and it must have good access to amenities, including shops. Despite nearby bus stops on Preston Hill, given the area's PTAL, the appeal site is in a location with a low level of access to public transport. Furthermore, from the evidence provided and my observations on site, it does not appear that there are suitable shops and other amenities located within 400m of the site. Consequently, the site is not in a suitable location for the proposed development when considered against criterion a) of BLP Policy BH7 and having regard to the SPD.
8. The existing floor plans for the property indicate a similar layout to the proposed plans for the HMO. The Council states that the development relies on unlawful extensions and that some works are subject to enforcement proceedings. I have not been provided with any details of the layout and appearance of the property prior to any extensions and alterations taking place to ascertain the extent of any differences. However, the appellant does not dispute that there are discrepancies between what has previously been permitted and what has been constructed.
9. At my visit, the layout of the dining/kitchen area differed from the proposed floor plan, although my decision is based on the plans before me. The proposed dining/kitchen area is 16.5 square metres (sqm). Other than this, there would be no shared indoor amenity space. Considered in isolation, the dining/kitchen area would satisfy the SPD requirements for kitchen space. However, it does not meet the SPD expectation for the size of shared indoor amenity space where this is incorporated into a kitchen, and there would be a considerable shortfall in this regard. In addition, contrary to the SPD, the plans showing a table with only five

chairs would be inadequate for the number of residents. The appellant suggests that the proposed shared amenity space is consistent with other approved schemes, although I have not been provided with any further information to support that view.

10. Notwithstanding the reference to reliance on unlawful extensions and the limited information I have in this regard, in any event, based on the plans before me, occupants of the HMO would be subject to a substandard living environment. The development fails to provide sufficient space for occupiers to congregate and spend time together, which would enable improved social integration. Access to the rear garden area would not be sufficient to satisfactorily mitigate the extent of the shortfall, which would also not be suitable for use by occupants at all times of the year. This would conflict with criterion b) of BLP Policy BH7.
11. Although bedroom 2 faces towards the rear garden area, suitable mitigation and provision for defensible space in line with the SPD could be secured by condition were I minded to allow the appeal. Despite the lack of detail on the proposed plans regarding bathroom facilities, I observed that the en-suite bathrooms for bedrooms 1 and 3 had a toilet, shower and sink. These facilities are satisfactory for occupants of the HMO, and I have nothing before me to suggest that they would not be provided for each en-suite within the overall development. However, the provision of satisfactory standards on these aspects would not be sufficient to justify the overall substandard accommodation identified above.
12. The development would also result in the loss of a family sized dwelling. Whilst recognising the contribution to housing people in the borough, the SPD is clear that HMO accommodation is likely to compete for the same properties with families who also need 3 bedroom dwellings or larger, and that the need for family accommodation is significant in the borough. Consequently, where the quality of the HMO is not sufficiently high, through not complying with the SPD, it is more likely to tilt the balance in favour of retaining the premises as a family dwelling.
13. I acknowledge that the property is already occupied as an HMO, indicating some demand for this. However, in balancing the provision of an HMO and the loss of a family sized dwelling, I have considered the need for family homes against the location and quality of the HMO. For the reasons set out above, the development would not satisfy the requirements of BLP Policy BH7 and the SPD on the basis of its location, accessibility to public transport and amenities, and the substandard internal accommodation. I give greater weight to the identified need for the retention of the property as a larger family sized dwelling. I therefore find that a specific Brent need for the HMO has not been identified, as required by criterion d) of BLP Policy BH7.
14. Whilst the property is currently occupied and has an HMO licence, the SPD highlights that compared to planning requirements for new homes, some licencing standards from a planning perspective are considered by the Council to be insufficient, resulting in limited internal amenity space. Licensing also does not deal with the loss of family accommodation. Therefore, the existing occupation of the property, licence, or where there is compliance with other relevant internal and external space standards, do not justify the harm or alter my findings.
15. For the above reasons, I conclude that the appeal site is not suitable for the proposed development, with particular reference to its location, standard of

accommodation and the effect on the provision of family housing. It therefore conflicts with Policies DMP1 and BH7 of the BLP and Policy D6 of The London Plan (2021) (the LP). Amongst other things, these policies require development to meet the criteria of Policy BH7 as set out above, provide high levels of internal amenity, and provide comfortable and functional layouts which are fit for purpose.

Biodiversity Net Gain

16. The mandatory requirements of BNG require developments to deliver a BNG of 10%, unless exempt. There is dispute as to whether the proposal would be exempt based on the scale of development and works that the Council state have previously taken place to the front and rear garden areas of the property. At the time of my visit, the front of the property was fully hard surfaced and the rear garden comprised an area of paving and artificial grass. The proposed plans show areas of new soft landscaping to the front and rear alongside permeable paving, resulting in an Urban Greening Factor of 0.4.
17. The appellant suggests the proposal would benefit from the 'de minimis' exemption for BNG. This would apply in circumstances if there is an impact on onsite habitat, that impact must be on less than 25sqm of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat. The Planning Practice Guidance Biodiversity net gain (PPG) states this exemption is designed to cover planning permissions including change of uses to development where there is no or only a de minimis impact on onsite habitat¹. It does not reference a specific exemption solely for a change of use, or where no increase in built footprint occurs, and the above must be satisfied to be exempt.
18. I have limited evidence to demonstrate what work may have been undertaken and when, its planning status, or the pre-existing condition of the appeal site. However, hard and soft landscaping is part of the description for the appeal proposal, and the evidence indicates that the rear garden area itself exceeds 25sqm. The PPG sets out provisions for the calculation of the pre-development biodiversity value of onsite habitat when loss or impact to habitats (or 'degradation') has occurred prior to the submission of a planning application². The PPG requires that if there has been degradation and there is insufficient evidence about the biodiversity value of the onsite habitat immediately before the degradation, the pre-development biodiversity value of the onsite habitat must be taken to be the highest biodiversity value of the habitat which is reasonably supported by any available evidence relating to it.
19. From the information before me, I cannot be certain that the development is exempt from the mandatory requirements of BNG. No baseline data in the form of a statutory metric tool has been supplied in order to understand any relevant habitat parcels, their size or quality. Therefore, the biodiversity value of the site and any BNG cannot be fully assessed.
20. As such, and taking the above considerations as a whole, I conclude that it has not been demonstrated that the proposed development meets the mandatory requirements for BNG. It would therefore fail to comply with the statutory requirements set out within Schedule 7A of the Town and Country Planning Act 1990 (as amended) and The Biodiversity Gain Requirements (Exemptions)

¹ Paragraph: 004 Reference ID: 74-004-20240214

² Paragraph: 036 Reference ID: 74-036-20240214

Regulations 2024. The proposal would also conflict with Policies DMP1 and BG11 of the BLP, which amongst other things, require development to provide appropriate enhancements and achieve a net gain for biodiversity.

Parking provision

21. The appeal property currently features a hard surfaced finish with an open frontage to the pavement and highway on Preston Hill. A dropped kerb crossover is located to part of the pavement at the site frontage, which continues across a section of the frontage to the adjacent 88 Preston Hill. The majority of properties in the immediate area feature off-street parking areas, and there was a modest amount of on-street parking on Preston Hill at the time of my visit with no parking restrictions in some places.
22. The proposed plans show a parking space for one vehicle, provision for cycle parking, refuse storage, permeable paving and soft landscaping to the front of the appeal property. The application form indicates there would be a reduction of two car parking spaces. I have limited evidence before me to suggest that the existing access is not a lawful crossing point, with the planning history also referencing the conversion of a former side garage to a habitable room, indicating that there would likely be an access in this area.
23. In accordance with BLP Appendix 4, the relevant parking standards for the proposal should be based on the number of bedrooms, with a maximum standard of one space per 10 beds. This also reflects the maximum car parking standards set out at Policy T6.1 of the LP. While the starting point in BLP Policy BT2 and LP Policy T6 is car-free development, these policies make clear that this is in relation to proposals that are well-connected by public transport.
24. As established above, a PTAL of 2 indicates low access to public transport. In such circumstances, BLP Policy BT2 seeks the minimum necessary parking, and the removal of surplus parking spaces will be encouraged. The SPD states it is likely that dedicated on-site parking or hard-standing used for parking related to a previous use will be surplus to requirements, with an expectation that interventions to stop their on-going use will be secured in order to reduce potential parking standard contraventions.
25. Despite only slightly exceeding the standards of the BLP and LP, given the overall proposed reduction in the number of parking spaces, I am not persuaded that the proposal would encourage unnecessary vehicle usage in this location. Future occupants could also park nearby on the highway in any event as there is no Controlled Parking Zone, therefore there would be some modest benefit in retaining a space within the site to avoid adding to on-street parking in the area. Accordingly, the proposal would not conflict with the purpose of the policies in respect of discouraging car use and promoting sustainable transport options. I also have no compelling evidence that it would unacceptably add to traffic congestion, poor air quality, or have a detrimental effect on pedestrian safety. Were I minded to allow the appeal, a planning condition could also secure further details of parking layout and access arrangements, including the front boundary treatment.
26. For the above reasons, and in the absence of compelling evidence to demonstrate otherwise, the proposal would not have an adverse effect on parking provision, sustainable travel, or highway and pedestrian safety. It would therefore comply with Policy BT2 of the BLP and Policy T6.1 of the LP, the aims of which are set out

above. It would also comply with BLP Policy DMP1, which amongst other things, aims for development to be satisfactory in terms of parking and manoeuvring, and to not have an adverse impact on the movement network. For the same reasons, I do not find that there would be conflict with the London Borough of Brent Domestic Vehicle Footway Crossover Policy or the SPD.

Other Matters

27. I have had regard to the contribution the development would make in relation to the efficient and sustainable use of existing housing stock, housing mix, need and affordability objectives, as well as the economic, social and environmental objectives of the National Planning Policy Framework. However, the proposal would replace one form of housing development with another, whilst the scale of development means any associated benefits would be limited and would not outweigh the harm that I have found. The appellant also suggests that the development is reversible. However, they are applying for a permanent permission that conflicts with the development plan, therefore I give this argument limited weight in my decision, and it does not outweigh the harm that I have found.
28. Where the proposal has been found to be acceptable by the Council in other respects, and noting that the property has an HMO licence, these are neutral matters that do not weigh in favour of the development.
29. The Council's reason for refusal 5 refers to inaccurate plans. Whilst this is noted, in addition to my site visit, I have enough detail before me to form the basis of my overall planning assessment. I have dealt with the appeal on the basis that planning permission is being sought for the development as set out in the proposed plans. As I have dismissed the appeal for other reasons, and I do not find this to be determinative to the main issues, I have not raised this further with the parties.

Conclusion

30. Notwithstanding my findings on parking provision, the proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR