
Appeal Decision

Site visit made on 17 February 2026

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 March 2026

Appeal Ref: APP/T5150/W/25/3376358

59 College Road, Wembley, Brent HA9 8RN

- 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 Ahmed Agabani against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/2719.
 - The development proposed is a change of use from a single dwelling (C3 use) to a 4 bedroom/4 persons House in Multiple Occupation (C4 use).
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been made by Mr Ahmed Agabani against the decision of the Council of the London Borough of Brent, this is the subject of a separate decision.

Preliminary Matters

3. The description of development referred to in the banner heading above has been taken from the application form, as I have not been made aware of any agreement for it to be changed.

Main Issues

4. The main issues are:
 - Whether future occupiers would have satisfactory living conditions, with particular regard to the size of the proposed kitchen and living room, and;
 - The loss of a family sized dwelling.

Reasons

Living Conditions- future occupiers

5. The proposed House in Multiple Occupancy (HMO) would have 4 no. bedrooms, serving 4 no. occupiers. It would have a shared kitchen said to measure 6.5 square metres in area, and a living space approximately 14.5 square metres in size.
6. Brent's Houses in Multiple Occupation, Supplementary Planning Document, dated 2022 (SPD) states "for every 3 households, or 5 people (whichever is the lower) a

kitchen space of at least 5.5m² is required. A single kitchen can be doubled up to meet the minimum space to accommodate no more than 6 households or 10 people.” My interpretation of that statement is that the lower of 3 no. households or 5 no. people require a minimum sized kitchen of 5.5 square metres, and for occupation greater than that, but no more than 6 no. households or 10 no. people, a minimum kitchen size of 11 square metres is required. The SPD adds that a kitchen should provide a sink and drainer; cooking facilities (minimum 4 ring hob with grill and oven); a refrigerator/ freezer; worktop and storage; sufficient power sockets; and refuse and recycling storage provision.

7. In terms of the total shared internal amenity space, and to assist with social integration for HMO occupiers, the SPD expects a minimum of 5 square metres of such space for each resident, which can include the kitchen space. For up to five people, there is a minimum of 11 square metres for one amenity space, and although it can be beneficial for the internal communal areas to be a single shared space, they can also be separate spaces.
8. The proposed development relates to 4 no. single HMO rooms, having 4 no. individual occupiers. The SPD does not define what is meant by a household. Although the SPD does defer to the Housing Act 2004 (the Act) for some definitions. In respect of a HMO definition, Section 254 (2) (b) of the Act states HMO living accommodation is occupied by persons who do not form a single household. Moreover, Section 258 (2) of the Act sets out that persons are to be regarded as not forming a single household unless they are all members of the same family household, or when they have been recognised as having a prescribed relationship. Without directly quoting, it says a family can include a married couple, civil partner, or those living together as if a married couple or civil partners, along with their relatives. Against this background, and in the absence of any other definition or confirmation that the proposed accommodation would be occupied by persons having a close relationship or meeting any of the above criteria, I must accept that in this case the 4 no. HMO rooms would likely be separate households, and it would be occupied by 4 no. households/4 no. people.
9. In terms of the SPD, this means the minimum 5.5 square metre kitchen size would not apply as argued by the appellant, instead it would need to be a minimum of 11 square metres to comply with the SPD, so as proposed it would conflict with the SPD in this respect.
10. Notwithstanding the above, the proposed kitchen, even without an internal door would be small and narrow, with limited space to manoeuvre between the worktops to either side, particularly considering that it would also operate as a through space leading to an external door providing access to the rear garden. It is also unclear if all the kitchen facilities, as required by the SPD and set out above, could be provided within the proposed kitchen, certainly the floor plan does not show all of them. Moreover, if all 4 no occupiers sought to use the kitchen at any one time, it is likely that there would be inadequate space, giving rise to a cramped living environment, and likely to prevent all future occupiers from using the shared kitchen at the same time. The limited size and functionality of the proposed kitchen would also be harmful to the living conditions of future occupiers.
11. Collectively the shared internal amenity space would be some 21 square metres. This would meet the minimum of 5 square metres of internal communal living space required by the SPD, and the minimum size for one living space (the

proposed living room would be above 11 square metres in size), and it would provide satisfactory living conditions for future occupiers, to eat and socialise together. Nevertheless, given the very limited size of the kitchen to serve 4 no. occupiers, the combined shared internal amenity space would not provide future occupiers with satisfactory living conditions overall.

12. The appellant has included details of 3 no. planning permissions¹ for HMO developments elsewhere in Brent. Although these have some differences to the appeal proposal, the Officer reports on all of them state that 5 square metres of shared internal amenity space for each occupier is required, that can include the kitchen space, which is consistent with my above assessment. The case on Midstrath Road had a similar sized kitchen to the appeal proposal but with a separate dining room and lounge, it would appear its kitchen size was not consistent with the SPD. The Ridgeway example had an additional occupier but with a shared communal space of some 36 square metres, much different to the appeal proposal. Similarly, the Furness Road case related to 5 no. occupiers and included 25 square metres of internal communal space, again different to the appeal proposal. I can appreciate the appellant's comments, particularly in regard to the Midstrath Road case, nevertheless, those examples have not led me to conclude differently regarding the harm identified in this case, and I am not bound by other such decisions made by the Council.
13. I therefore conclude that notwithstanding that the combined size of the shared internal amenity space would comply with the minimum size required by the SPD, the limited size of the proposed kitchen would be inadequate and would be harmful to the living conditions of future occupiers. In doing so, I find that the proposed development would conflict with policies DMP1 and BH7 of the Brent Local Plan 2019-2041, adopted February 2022 (BLP), that amongst other things require new development to have a high standard of internal amenity, which is of an acceptable quality, and would meet appropriate standards for the needs of its occupiers, including appropriate communal facilities. In addition, the size of the proposed kitchen space would also conflict with the requirements of the SPD as set out above.

Loss of family sized dwelling

14. The existing property is a 3-bedroom semi-detached dwelling, located near to similar such properties in an established predominantly residential area.
15. BLP Policy BH7 says there should be a specific Brent need for the proposed accommodation that has shared facilities, and that there should not be an over-concentration of more than 3 no. HMOs within the nearest 10 no. properties. In addition, BLP Policy DMP1 says that the density, location and use of the proposed development should complement the locality.
16. Neither BLP policies DMP1 and BH7 provide protection for any such family sized dwellings. The protection offered in Policy BH7 relates to uses permitted by the policy itself relating to self-contained accommodation, but the existing property does not currently have such a use. The Council has said there is a need for family sized accommodation, but it has not quantified what this need is. Furthermore, the Council has also recognised that there is a need for HMOs, and that the proposal would not lead to an unacceptable concentration of HMOs in this immediate area,

¹ At 60 The Ridgeway; 7 Midstrath Road; and 88 Furness Road.

nor has any evidence been submitted to demonstrate that harm would arise through the loss of the family sized dwelling.

17. Consequently, on the information submitted, including the extracts of policies provided, I am unable to find the loss of the family sized dwelling would conflict with BLP Policies DMP1 and BH7.
18. Although not stated in its reason for refusal, the Council referred to BLP Policy BH10 in its statement about resisting housing loss, but no copy of this policy was submitted in evidence. Consequently, I have insufficient information to make any firm conclusions regarding that policy on this main issue.

Other Matters

19. It is noted that the appeal site is within a well-connected area; that a management plan could be used to adequately manage the HMO; and that no other harmful effects have been identified other than those outlined above. However, these arguments do not outweigh my findings in this case.
20. I have also had regard to the points raised by interested parties, in addition to the above main issues, which amongst other things relate to whether the appeal property is vacant; the effects of the proposed development on the living conditions of neighbouring occupiers; parking and highway safety, particularly relating to movements to and from a nearby school; fly tipping and waste disposal areas; effects on local services; and the management of an existing HMO nearby. Whilst I can understand the concerns, subject to planning conditions as appropriate, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conclusion

21. Whilst I have found no conflict with the development plan in terms of the loss of the family sized dwelling, I have found that the proposed development would be harmful to the living conditions of future occupiers. The proposed development would conflict with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should be dismissed.

A Hunter

INSPECTOR