



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: 26 March 2026

Appeal Ref: APP/M5450/W/25/3376151

232 Kings Road, South Harrow, Harrow HA2 9JR

- 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 Raj Gupta against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/1917/25.
 - The development proposed is the change of use of an existing dwelling house to 7-bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed reference within the description of development above to “Use Class C4”, as Use Class C4 of the Uses Classes Order 1987 (as amended) relates to a House in Multiple Occupancy (HMO) which can have no more than 6 no. residents, whereas this proposed HMO has 7 no. bedrooms, capable of accommodating up to 11 no. residents, beyond that permitted by Use Class C4. The proposed development would be a larger HMO, which is a sui generis use. The Council has assessed the appeal proposal based on it being a larger HMO, and the appellant’s application and grounds of appeal were also prepared on that basis. I have determined the appeal proposal as a large HMO, and I am content that there would be no unfairness to any party through this course of action.
3. The Council has referred to its emerging New Local Plan Proposed Submission (Regulation 19) Version 2021-2041 (NLP), which is said to have been examined. However, I have limited substantive information regarding the NLP, including whether there are any unresolved objections relating to relevant policies or any required modifications to them. In view of this, and with it not being the adopted development plan, I attach limited weight to it in my decision.

Main Issues

4. Taking into account the reasons for refusal and the areas of conflict identified in the Council’s report, the main issues are:
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance;
 - whether future occupiers would have satisfactory living conditions, with particular regard to noise and disturbance and the proposed communal areas;
 - the location of the proposed HMO; and,

- the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions - neighbouring occupiers

5. The appeal site is an extended end terraced property currently said to be used as a 6-no. bedroom HMO, understood to be capable of accommodating up to 6 no. residents. I am not aware of any planning permission having been granted for this use, although it has not been disputed by the Council. The proposed development seeks to re-configure the HMO to have 7 no. bedrooms; 4 no. ground floor bedrooms each with a double bed; and 3 no. first floor bedrooms each having a single bed. As a result, there would be 4 no. bedrooms joining the party wall to the attached property (no. 230), unlike the existing 2 no. bedrooms and communal living space that join it, according to the existing floor plan. If fully occupied, there could be up to 11 no. residents within the proposed HMO.
6. There are currently 2 no. off-street vehicle parking spaces immediately in front of the appeal property, with a private gate to the side leading into a tiered rear garden, that contains a garage accessed by a private track to the rear side. All of which would be retained. The immediate area is predominantly in residential use, to one side, no.230 is a two storey mid-terraced property, and to the other side, no. 234 is a semi-detached two storey property, with a part diagonal alignment with the appeal property, due to its orientation near to the junction with Capthorne Avenue.
7. The appellant has said in their appeal submission that if the appeal is allowed, a condition could be imposed to limit the proposed HMO to no more than 7 no. residents (said to be an increase of 1 no. residents compared to the existing use). However, no exact condition has been provided to demonstrate how it would meet the tests set out in paragraph 57 of the National Planning Policy Framework (the Framework).
8. Furthermore, with the proposed HMO designed with 7 no. bedrooms that can accommodate up to 11 no. residents, I am not certain it would be reasonable to restrict how the bedrooms could be used. Moreover, in the absence of the precise wording, it is not certain that the Council could effectively enforce such a condition, with the residency of HMOs likely to frequently change. Consequently, on the information before me, I am not persuaded that a condition could be imposed that meets the tests, to limit the proposed HMO to 7 no. residents. Whilst the appellant said it is not the intention to maximise occupation and there could be times when there are few residents, the HMO is designed for up to 11 no. residents and must be assessed as such.
9. Even though it is currently used as an HMO, as a proposed larger HMO (with nearly double the number of potential residents) there would likely be a significantly increased number of movements associated with its future residents, compared to its existing use. This would lead to a significantly more intensive use of the appeal property, both internally and externally, including movements into and out of the property, to the secure cycle parking to the rear side, and the refuse and recycling area to the front of the appeal property abutting the boundary with no. 230. The increased activity, including those directly by its residents together with those indirect activities such as deliveries and visitors, would likely be

significant for up to 11 no. residents and 7 no. households. This increased use and activity would likely give rise to significant noise and disturbance from both outside and inside the appeal property, beyond what would reasonably be expected from a single dwelling in this residential area, and be harmful to the living conditions of neighbouring occupiers.

10. Whilst the appeal property could accommodate a similar number of people as a dwelling, the nature of movements from a single household would likely be much different, and they would be more likely to be coordinated. I am not convinced its proposed use as an HMO would be directly comparable to that of a single dwelling house, and whilst the proposed development would still have a residential use in a residential area, this does not justify its overly intensive use in this case.
11. It is noted that the proposed private amenity space to the rear is said to be above the minimum required size. However, with it being tiered, along with its diagonal boundary to no.234, low boundary treatment to its sides, and with it containing a large garage building, the use of this space for up to 11 no. residents would be very intensive, resulting in a cramped space, that would likely create significant noise and disturbance, and harm to the living conditions of neighbouring occupiers.
12. The submitted HMO Management Plan (MP) and Anti-Social Behaviour Action Plan (ASBAP) are noted. However, they would not be sufficient to address the identified harm. Moreover, neither of these submitted documents included any consideration of noise attenuation at the appeal property.
13. I therefore conclude that the proposed development would be harmful to the living conditions of neighbouring occupiers and conflict with the relevant parts of Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), and policies DM1, DM26, and DM30 of Harrow's Development Management Policies, dated July 2013 (DMP) that amongst other things collectively require a high standard of amenity, with a comfortable living environment both inside and outside, and no unacceptable effects from noise and activities associated with development. The proposed development would also conflict with NLP Policy HO10 in terms of requiring no harmful effects to neighbouring occupiers. In addition, it would be inconsistent with paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future users.
14. The Council referred to the proposed development conflicting with LP Policy D14, however insufficient information in respect of Policy D14 has been provided, so it is not possible to conclude against that policy on this main issue.

Living conditions – future occupiers

15. The Council has raised no objection to the size of the 7 no. HMO en-suite bedrooms, and from my own assessment I see no reason to disagree. Internally there would also be a communal kitchen at ground floor and communal living space at first floor.
16. The proposed development would represent a very intensive use of the appeal property, including its communal spaces, and there would more than likely be significant activity, including movements into and out of it, and between the HMO rooms and communal spaces, particularly with the split-level communal areas, and

the access to the rear garden from within the property itself. In view of the layout and design of the proposed HMO, together with its number of future occupiers, the movements and associated activity within it would likely create unacceptable noise and disturbance for its future occupiers and be harmful to their living conditions.

17. Although not mentioned in its reason for refusal, the Council stated in its report that the proposed communal kitchen/diner space (said to measure 11.3 square metres in area) is below the size requirement set out within its supplementary planning document, which is said to require 10 square metres for a minimum of 3 sharing, plus 1 square metre for additional people sharing. However, no copy of its supplementary planning document was submitted within the appeal documentation.
18. Nevertheless, based on my own assessment of the information before me, the small and narrow shared kitchen space, said to be some 1.8 metres wide, to accommodate up to 11 no. residents would be very cramped, particularly considering the layout of the kitchen worktops and with the space used as a route to the rear garden and 2 no. HMO bedrooms. Moreover, and notwithstanding the first-floor dining space, if all 11 no residents sought to use the kitchen at any one time, there would likely 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.
19. The submitted MP and ASBAP would also not be sufficient to address the above identified harm. Moreover, neither of these submitted documents proposed any form of sound insulation between the proposed 7 no. HMO bedrooms.
20. I therefore conclude that the proposed development would not provide future occupiers with satisfactory living conditions, and it would conflict with the relevant parts of LP Policy D3, DMP policies DM1, DM26 and DM30, that amongst other things, require development to deliver a high standard of residential amenity, avoid unacceptable noise and provide an acceptable living environment. The proposed development would also conflict with NLP Policy HO10 in terms of providing a satisfactory living environment. In addition, it would be inconsistent with paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future users.
21. For the reason outlined above, it was not possible to conclude that there was any conflict with LP Policy D14 on this main issue.

Location of the proposed large HMO

22. The Council in its report also stated that the principle of the large HMO is unacceptable due to it being in an unsustainable location, not in a town centre and away from local services, and transport connectivity, giving rise to conflict in those respects to the requirements of NLP Policy HO10.
23. The appeal site has a Public Transport Accessibility Level 3, (PTAL 3), it also has a bus stop in front of it connecting it to the wider Greater London transport network, and it is said to be some 700 metres from both Rayners Lane Station, and local shops.

24. Although there would be conflict with NLP Policy HO10 in terms of it requiring new large HMOs to be in areas that have a PTAL 4-6 rating, as outlined above I attach limited weight to NLP. Furthermore, the proposed development would be consistent with the objective of Policy HO10 of ensuring large HMOs are in a well-connected area with good access to a range of shops and services. In addition, the location of the proposed HMO would be consistent with DMP Policy DM30 that requires large HMOs to have good accessibility to local amenities and public transport.

Character and appearance

25. There are limited external alterations proposed to the appeal property itself, mainly relating to fenestration changes to its rear side, which would relate sympathetically to the host property and the area. The proposed refuse and recycling store to the front side would be enclosed in an appropriately designed simple structure, which would not be harmful to the character and appearance of the area, nor would its modest scale and location create unacceptable clutter. In addition, secure cycle parking is proposed within the rear garden area, and its siting and functional design would also not be harmful to the character and appearance of the immediate area.
26. It is also noted that the Council has said the proposed development would not lead to an unacceptable concentration of HMOs in the immediate area, and from my own site observations, I see no reason to disagree. Furthermore, measures within the MP and ASBAP would also ensure the use of the appeal property would not harm the character and appearance of the area.
27. Whilst the additional movements and activity associated with the proposed large HMO would likely increase significantly, I am not persuaded that its use would harm the character of the area, even considering the presence of family housing that is said to be prevalent in this immediate area.
28. I therefore conclude that the proposed development would have a satisfactory effect upon the character and appearance of the area and comply with the relevant parts of LP Policy D3, DMP policies DM1, DM26, and DM30, and Policy CS1 of the Harrow Core Strategy, dated February 2012, that amongst other things require new development to respond to existing context, character, and surroundings, together with achieving a high standard of design. Although the proposed development would conflict with part of NLP Policy HO10 with it being situated in an area, said to be characterised by family housing, I attach limited weight to this conflict, and find no harmful effects as a result, consistent with the policy's key objective of protecting the character and appearance of the area.
29. The Council referred to conflict with its supplementary planning document; however, no copy of that policy document has been submitted to enable any firm conclusions to be made against it on this main issue.

Other Matters

30. The appellant in support of the appeal has said the appeal site is in a well-connected area; it is not in a conservation area nor is it a listed building; there would be no significant external alterations or increase in its mass or scale; that there would be no unacceptable highway safety impacts; its floor to ceiling height and the size of the bedrooms and outdoor space would meet the minimum size

requirements; that there would be no unacceptable outlook for future occupiers; and that it includes a bin storage area, MP and ASBAP. However, these are requirements for any such well-designed development and are neutral factors that neither weigh in favour or against the proposed development.

31. I also acknowledge that policies of the development plan and parts of the Framework support certain aspects of the proposed development, including the increased choice of accommodation size, type and tenure; the increased utilisation of the existing building, which is said to make an optimal and effective use of land to help support the need for housing and the community. However, the development plan and the Framework must be read as a whole and complying with part of them does not mean complying with them as a whole. In addition, I am not aware that Harrow does not have an adequate supply of housing.

Conclusion

32. Although I have found that the principle of the proposed development would be acceptable and the proposed development would not be harmful to the character and appearance of the area, I have found that it would be harmful to the living conditions of neighbouring occupiers, and those of future occupiers of the proposed HMO. As such the proposed development would not be sustainable development, it conflicts with the development plan when taken as a whole and there are no other material considerations, including the provisions of the Framework and the points raised by the appellant, which outweigh this finding. For the reasons given above, I conclude that the appeal should be dismissed.

A Hunter

INSPECTOR