



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By: Mildmay High Ltd

Proposal: Change of use from a 6-bedroom small House in Multiple Occupation (HMO) (Use Class C4) to a 7-bedroom HMO (Use Class Sui Generis) for up to 7 people, including new cycle store (part-retrospective)

Appeal Site: 1 Hurstfield Crescent Hayes UB4 8DN

1. Introduction

Our Ref:
Your Ref:

61118/APP/2024/595
APP/R5510/W/24/3356971

1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant permission for Change of use from a 6-bedroom small House in Multiple Occupation (HMO) (Use Class C4) to a 7-bedroom HMO (Use Class Sui Generis) for up to 7 people, including new cycle store (part-retrospective).

1.2 The LPA refused planning permission on 22 October 2024 for the following reason (as stated on the decision notice):

The proposal is tantamount to the subdivision of the property into a six-bedroom House in Multiple Occupation (HMO) with a substandard sized one-bedroom self-contained flat. The proposal, as submitted, does not include satisfactory supporting information in relation to the need for additional parking and amenity space and issues relating to the impact on the existing and adjoining dwellings. The proposal is, therefore, contrary to Paragraph 135 of the National Planning Policy Framework (2023), Policies D6 and T6 of The London Plan (2021) and Policies DMH 5, DMHB 11, DMHB 16, DMHB 18, DMHD 1, DMT1, DMT 2, and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.

1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

2.1 The appellant refutes the Council's assessment that the proposal is tantamount to the subdivision of the property into a 6 bed HMO and a 1 bed flat. The statement confirms that the second floor kitchen is available for use by the occupants of the original 6 HMO rooms.

2.2 The Council is concerned about the subdivision of the property. The ground floor kitchen facilities are considered appropriate for use by the seven residents proposed, especially given that all of the resident's rooms have a sink/utility area in addition to the en-suite bathrooms. The proposed second-floor use could be independently occupied as a one-bedroom self-contained flat, given the nature of the facilities provided within the loft. Whilst it is understood that the application proposes using the kitchen for communal purposes and the addition of a seventh HMO bedroom, its independent use would be difficult to enforce. Officers have made attempts to seek an amendment to remove the second-floor kitchen, but the applicants have chosen to retain these facilities in the proposal. The proposal would, therefore, result in a development which would be tantamount to the creation of a one-bedroom self-contained flat at the second-floor level. The internal floor area of the second floor amounts to 22m². This floorspace would fail to achieve the minimum floor areas required by Policy D6 of the London Plan (2021) and Policy DMHB 16 of the Hillingdon Local Plan - Part Two.

- 2.3 Officers consider, therefore, that the proposal is tantamount to the subdivision of the property into a six-bedroom HMO with a substandard one-bedroom self-contained flat within the loft space. The proposal, as submitted, does not include satisfactory supporting information concerning the need for additional parking and amenity space and issues relating to the impact on the existing and adjoining dwellings. The proposal is, therefore, contrary to Paragraph 135 of the National Planning Policy Framework (2023), Policies D6 and T6 of The London Plan (2021) and Policies DMH 5, DMHB 11, DMHB 16, DMHB 18, DMHD 1, DMT1, DMT 2, and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3. Conclusion

- 3.1 For the reasons set out in the delegated report and this statement, the Council considers that the proposed. The Inspector is therefore respectfully requested to dismiss the appeal.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 2.

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – The LPA's Recommended Conditions