



Section 78 Town and Country Planning Act

Appeal Statement.

14 Willow Tree Lane Hayes UB4 9BB

Change of use from Class C3 dwelling house to 7-bedroom / maximum 8 person HMO Use
Class Sui Generis



Site Information

Consultant	Joseph Orbell/Frederick Colbey
Checked By	Francelita Balbido
Client	SB Property Power
Site Address	14 Willow Tree Lane, Hayes, UB4 9BB
LA	London Borough of Hillingdon.
Description of Development	Change of use from Class C3 dwelling house to 7-bedroom / maximum 8 person HMO Use Class Sui Generis
Pathway (PD/Application/Appeal)	Appeal

Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	Yes

Local Policy Requirements



Local Plan/Core Strategy

Hillingdon Local Plan: Part Two - Development Management Policies (2020).

The London Plan (2021)

Effective Policies in Development Control

Hillingdon Local Plan: Part Two - Development Management Policies (2020).

Policy DMH 1: Safeguarding Existing Housing
Policy DMH 5: Houses in Multiple Occupation (HMOs) and Student Accommodation
Policy DMHB 11: Design of New Development
Policy DMHB 16: Housing Standards
Policy DMHB 18: Private Outdoor Amenity Space
Policy DMT 1: Managing Transport Impacts
Policy DMT 2: Highways Impacts
Policy DMT 6: Vehicle Parking

The London Plan

Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking

SPG/SPD's

The London Cycling Design Standards
LTN 1/20 Cycle Infrastructure Design

Planning History

Change of use from Class C3 dwelling house to 7-bedroom / maximum 8 person HMO Use Class Sui Generis
Ref: 5516/APP/2025/2441 | Refusal

Change of use from a Dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4) (Application for a Certificate of Lawful Development for a Proposed Use).
Ref: 5516/APP/2025/2218 | Refusal

Change of use from C3 dwelling house to 8 bedroom / maximum 8 person HMO Use Class Sui Generis
Ref: 5516/APP/2025/1725 | Refusal

Change of use from Class C3 (Dwelling) to an 8 bedroom Sui Generis (Large HMO).
Ref: 5516/APP/2025/686 | Refusal

Erection of a first floor side extension over existing garage.
Conversion of integral garage to habitable accommodation and amendments to fenestration.
Ref: 5516/APP/2025/3 | Approval

Report Date

7th January 2026



1. Introduction

1.1. This appeal relates to a two-storey building at No 14 Willow Tree Lane. The building has an authorised use within Class C3.

1.2. Planning permission was sought under reference 5516/APP/2025/2441 and subsequently refused by the LPA for the following summarised reasons:

1. Loss of family housing
2. Over-intensification and noise impacts
3. Poor living conditions and over-development
4. Inadequate car parking and highway safety concerns
5. Insufficient cycle parking provision

1.3. Town Planning Expert is the agent for this appeal.

About Town Planning Expert

1.4. Town Planning Expert is a general needs planning consultancy formed in 2012 and practising as a Chartered Planning Practice. Town Planning Expert is instructed to submit a planning application for development as set out below.

Our VICTORY © Framework

1.5. Our VICTORY Framework applies a policy, plan lead, approach to development with the intent of gaining planning permission in a manner that complies with National and Local Planning Policy in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

2. Matters Pursuant to the appeal

2.1. The property in question is currently being occupied as a C4 House in Multiple Occupation for up to 6 individuals. This use was carried out using permitted development allowances of Class L, Part 2, Schedule 2 of the General Permitted Development Order prior to the implementation of an Article 4 direction in December 2025. While it is not the inspector's role within this application to rule on lawfulness, information and evidence to corroborate this lawful use is submitted with this appeal.

2.2. As such the actual change of use proposed is from a 6-bedroom, 6-person House in Multiple Occupation (Class C4) to a 7-bedroom, 8-person House in Multiple Occupation (Sui Generis).

2.3. If the inspector is minded to allow, the appellant submits a revised front forecourt layout to alleviate the concerns of its usability.

2.4. For the avoidance of doubt, it should be noted that this appeal relates to **14 Willow Tree Lane, UB4 9BB** and not 14 Willow Tree Close, UB4 9DB of which is a separate property owned and operated by a different individual but also operated as a HMO within the same Borough.

3. Summation of Case

3.1. The property is in use as a C4 House in Multiple occupation so the concerns relating to a loss of family dwelling are no longer true.

3.2. The concerns regarding noise & disturbances, and parking & traffic have been addressed via third-party impact assessments. These reports were not mentioned in the officer report, or the decision notice, indicating that the council did not pay adequate attention to them.

3.3. Regarding external private amenity, the proposed development consists of a 45sqm sized garden. This would thereby make the proposed development compliant with Policy DMHB 18.

3.4. A comprehensive car parking assessment has been provided as well as an altered forecourt scheme which proves the design will not have an unreasonable impact on the highways.

3.5. As such the applicant will demonstrate that the proposal to change the use of the property from a C3 Dwellinghouse to a Sui-Generis HMO (7-bedroom, 8-person), including the minor external alterations is acceptable and the reasons for refusal are flawed.

4. Local Development Frameworks.

Local Policy

4.1. The application was refused on grounds of Policies DMH 1, DMH 5, DMHB 11, DMHB 16, DMHB 18, DMT 1, DMT 2, DMT 6 of the Hillingdon Local plan. Policies T4, T5, and T6 of the London Plan and paragraphs 135 (f), 116, and 117 of the NPPF.

Policy DMH 1: Safeguarding Existing Housing

A) The net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace.

B) The Council will grant planning permission for the subdivision of dwellings only if:

i) car parking standards can be met within the curtilage of the site without being detrimental to the street scene;

ii) all units are self contained with exclusive use of sanitary and kitchen facilities and provided with individual entrances and internal staircases to serve units above ground floor level;

iii) adequate amenity space is provided for the benefit of residents; and iv) adequate living space standards are met.

Policy DMH 5: Houses in Multiple Occupation (HMOs) and Student Accommodation

A) In all parts of the Borough Proposals for the provision of large HMOs, residential hostels, student accommodation and secure accommodation will be required to demonstrate that:

i) there is good accessibility to local amenities and public transport;

ii) they accord with the Accessible Homes standards and provide satisfactory living conditions for the intended occupiers; and

iii) there will be no adverse impact on the amenity of neighbouring properties or the character of the area.

B) In wards covered by an Article 4 Direction for HMOs

Planning applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted:

i) where it is in a neighbourhood area where less than 20% of properties are or would be exempt from paying council tax (or in the case of Conservation Areas 10%) because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs;

ii) in Conservation Areas where less than 10% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs and the change of use does not form a consecutive HMO use in a street frontage;

iii) where less than 15% of properties within 100 metres of a street length either side of an application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and

iv) where the accommodation complies with all other planning standards relating to car parking, waste storage, retention of amenity space and garages and will not have a detrimental impact upon the residential amenity of adjoining properties.

Policy DMHB 11: Design of New Development

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;*
- building plot sizes and widths, plot coverage and established street patterns;*
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing;*
- local topography, views both from and to the site; and*
- impact on neighbouring open spaces and their environment.*

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Policy DMHB 16: Housing Standards

All housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:

i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and

ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

Policy DMHB 18: Private Outdoor Amenity Space

A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3.

B) Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.

C) Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special Local Character or for developments, which include Listed Buildings, the provision of private open space will be required to enhance the streetscene and the character of the buildings on the site.

D) The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.

Policy DMT 1: Managing Transport Impacts

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;*
- ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;*
- iii) provide equal access for all people, including inclusive access for disabled people;*
- iv) adequately address delivery, servicing and drop-off requirements; and*
- v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.*

B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such measures will be implemented.

Policy DMT 2: Highways Impacts

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;*
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;*
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;*

iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and

v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity

Policy DMT 6: Vehicle Parking

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or

ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

Policy T4 Assessing and mitigating transport impacts

A) Development Plans and development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

B) When required in accordance with national or local guidance, 179 transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Travel Plans, Parking Design and Management Plans, Construction Logistics Plans and Delivery and Servicing Plans will be required having regard to Transport for London guidance. 180

C) Where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

D) Where the ability to absorb increased travel demand through active travel modes has been exhausted, existing public transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans and funding exist for an increase in capacity to cater for the increased demand, planning permission will be contingent on the provision of necessary public transport and active travel infrastructure.

E) The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

F) Development proposals should not increase road danger.

Policy T5 Cycling

A) Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through:

1) supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure

2) securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 and Figure 10.3, ensuring that a minimum of two shortstay and two long-stay cycle parking spaces are provided where the application of the minimum standards would result in a lower provision.

B) Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.¹⁸² Development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

C) Development Plans requiring more generous provision of cycle parking based on local evidence will be supported.

D) Where it is not possible to provide suitable short-stay cycle parking off the public highway, the borough should work with stakeholders to identify an appropriate on-street location for the required provision. This may mean the reallocation of space from other uses such as on-street car parking. Alternatively, in town centres, adding the required provision to general town centre cycle parking is also acceptable. In such cases, a commuted sum should be paid to the local authority to secure provision.

E) Where it is not possible to provide adequate cycle parking within residential developments, boroughs must work with developers to propose alternative solutions which meet the objectives of the standards. These may include options such as providing spaces in secure, conveniently-located, on-street parking facilities such as bicycle hangers.

F) Where the use class of a development is not fixed at the point of application, the highest potential applicable cycle parking standard should be applied.

Policy T6 Car parking

A) Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity.

B) Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.

C) An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.

D) The maximum car parking standards set out in Policy T6 .1 Residential parking to Policy T6 .5 Non-residential disabled persons parking should be applied to development proposals and used to set local standards within Development Plans.

E) Appropriate disabled persons parking for Blue Badge holders should be provided as set out in Policy T6 .1 Residential parking to Policy T6 .5 Nonresidential disabled persons parking.

F) Where provided, each motorcycle parking space should count towards the maximum for car parking spaces at all use classes.

G) Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6 .1 Residential parking, Policy T6 .2 Office Parking, Policy T6 .3 Retail parking, and Policy T6 .4 Hotel and leisure uses parking. All operational parking should make this provision, including offering rapid charging. New or re-provided petrol filling stations should provide rapid charging hubs and/or hydrogen refuelling facilities

H) Where electric vehicle charging points are provided on-street, physical infrastructure should not negatively affect pedestrian amenity and should ideally be located off the footway. Where charging points are located on the footway, it must remain accessible to all those using it including disabled people.

I) Adequate provision should be made for efficient deliveries and servicing and emergency access.

J) A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.

K) Boroughs that have adopted or wish to adopt more restrictive general or operational parking policies are supported, including borough-wide or other area-based car-free policies. Outer London boroughs wishing to adopt minimum residential parking standards through a Development Plan Document (within the maximum standards set out in Policy T6 .1 Residential parking) must only do so for parts of London that are PTAL 0-1. Inner London boroughs should not adopt minimum standards. Minimum standards are not appropriate for non-residential use classes in any part of London.

L) Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy. Some flexibility may be applied where retail sites are redeveloped outside of town centres in areas which are not well served by public transport, particularly in outer London.

5. The Planning History

5.1. November 2025: Change of use from Class C3 dwelling house to 7-bedroom / maximum 8 person HMO Use Class Sui Generis. Reference: 5516/APP/2025/2441. Decision: Refused.

5.2. November 2025: Change of use from a Dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4) (Application for a Certificate of Lawful Development for a Proposed Use). Reference: 5516/APP/2025/2218. Decision: Approved

5.3. August 2025. Change of use from C3 dwelling house to 8 bedroom / maximum 8 person HMO Use Class Sui Generis. Reference: 5516/APP/2025/1725. Decision: Refused

5.4. May 2025: Change of use from Class C3 (Dwelling) to an 8 bedroom Sui Generis (Large HMO). Reference: 5516/APP/2025/686. Decision: Refused.

5.5. March 2025: Erection of a first floor side extension over existing garage. Conversion of integral garage to habitable accommodation and amendments to fenestration. Reference: 5516/APP/2025/3. Decision: Approved.

6. The Fallback Position

6.1. The property is currently lawfully being occupied as a C4, 6-person House in multiple occupations. This lawful use was carried out prior to the implementation of the Article 4 in December 2025 and evidence to support this claim is submitted with this appeal.

6.2. A separate application has been submitted to the Local Planning Authority asserting that the proposed increase of one additional occupant to the existing 6-person HMO does not constitute development, as it does not amount to a material change of use. That application is currently under consideration.

7. Grounds of Appeal.

7.1. The LPA listed 5 reasons for refusal. I shall address each in turn.

- 1. The development, by virtue of the **loss of the existing family dwelling**, would conflict with the Borough's strategic housing goal of safeguarding 3-bedroom family dwellings. Consequently, the principle of development is considered to be unacceptable. The proposal is therefore contrary to Policies DMH 1 and DMH 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)*

7.2. As stated earlier, the property is currently in use as a C4 House in Multiple occupation for 6 persons. This change was implemented using permitted development rights of Class L, part 2, schedule 2 of the General Permitted Development Order 2015 prior to implementation of an immediate article 4. Evidence to support this claim is submitted with this application including rental agreements and statutory declarations.

7.3. The council confirmed this change of use was lawful prior the implementation of the Article 4 under certificate of lawful use reference (5516/APP/2025/2218).

7.4. As such, this application is to intensify the use of this HMO rather than to create a new HMO in its entirety. Therefore the councils claim that this would result in a loss of an existing family dwelling is no longer true and therefore this proposal complies with DMH 1 and DMH 5.

2. *The applicant has failed to demonstrate that the proposal and the high number of potential occupants, would not result in **noise and general disturbance** to neighbouring properties alongside a harmful over intensification of the use of the site, detrimental to both the occupiers and neighbouring properties and the character and appearance of the area, all contrary to the requirements of Policies DMH 5 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135 f) of the NPPF (2024).*

7.5. The property is already occupied by 6 persons and as such, the increase in noise and general disturbance would be caused by an increase of only 2 persons. One of these rooms is to be double occupied and as such many of the movements and noise of the double occupied rooms would be reduced in comparison to if they were 2 separate occupants as they live more akin to that of a single household.

7.6. Therefore the noise and general disturbance would only be increased in reality by 1 household. It therefore cannot be feasible to demonstrate that an increase of this scale to this 6 bedroom HMO would be so detrimental that planning permission could not be granted.

7.7. Additionally, the council in their report refers to an assumption that 11 people could potentially occupy the property. This will not be the case and can be controlled through a condition if required to limit the level of occupancy. Additionally this property would likely not receive a HMO license for 11 persons due to the amenity provision hence why 8 occupants are proposed.

7.8. The council's assessment on the basis of 11 persons when the description of development and drawings submitted clearly outline how this proposal is for an 8-person HMO across 7-bedrooms is flawed and inaccurate.

3. *The proposal, by virtue of it's failure to maintain an adequate amount of **private usable external amenity space** and adequate levels of outlook for the occupiers of the proposed development, would result in **substandard living accommodation** and an over-development of the site to the detriment of the residential amenity of existing and future occupiers. The proposal is therefore contrary to the requirements of Policies DMH 5, DMHB 11, DMHB 16 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 135 f) of the NPPF (2024).*

7.9. This reason for refusal alleges that the proposal would result in substandard living accommodation. This conclusion is not supported by the fact the property is operated within a C4 use class and therefore represents an intensification of an existing HMO.

7.10. The proposal itself seeks an additional 2 occupants to the current, lawful use which is a modest intensification and does not materially alter the nature of the existing residential use of the site.

7.11. Within the officer's report and reason for refusal they rely on policy DMHB 18 which relates specifically to new residential development with no adopted standard for HMOs. Therefore the council's conclusion that this intensification would require an additional 53sqm of external amenity space. This is not justified in the context of a minor intensification of 2 persons.

7.12. The current external amenity space is sufficient for a 6-bedroom HMO under the permitted development rights available to the property at the time of implementation and therefore it cannot be reasonably assumed that an additional 2 occupants require more than double the external space of that for 6 persons.

7.13. Additionally, all internal amenity standards are well-surpassed and as such a lower level of external amenity space is justified.

4. *The applicant has failed to demonstrate that the proposal would provide an **adequate quantum of offstreet parking space** and that those spaces proposed would be functional and capable of safe and independent access. The proposed parking provision is likely to result in roadside parking and create a more hazardous environment for road users, whilst also causing traffic build up and congestion as vehicles try to maneuver to enter and exit the site and stop to pass parked vehicles. The proposed development is therefore considered to be detrimental to pedestrian and highway safety, as well as the free movement of vehicles on the local highways network. The proposed development is therefore considered to be contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), as well as Policies T4 and T6 of the London Plan (2021) and paragraph 116 of the NPPF (2024).*

7.14. Within the application a detailed highways assessment was submitted outlining both the proposal suitability on highways grounds and the substantial available on-street parking that is available.

7.15. Additionally, the current use of the property as a 6-person C4 HMO proves the current situation is occupying a requirement of 3 spaces according to the Borough's Local plan appendix C requirements of 1 parking space per 2 occupants. Therefore it can be assumed that the increase of 2 persons would only generate, at a maximum of 1 additional parking space.

7.16. The submitted parking arrangement with 2 parking spaces is the current, already existing parking arrangement so the council's assertion that this is unusable is unfounded; however, to alleviate these concerns and if the inspector is minded to allow, the appellant submits an alternative layout that improves the usability of the front forecourt.

7.17. This layout improves the parking layout and usability as well as the cycle storage and bin storage location.

7.18. Furthermore, the officer's report also agrees with the applicant that, while the site is within PTAL zone 2 (81/100 on the Department for Transport's new connectivity tool), multiple sustainable travel options are available to the occupants including a bus stop adjacent to the site and further stops roughly 150m away. They go on to comment that *'this connectivity promotes active travel and reduces reliance on private vehicles'*.

7.19. Therefore the council's reason for refusal and their earlier comments are contradictory and the claim that the applicant has failed to demonstrate that the proposal would be acceptable on highways grounds is therefore flawed and inaccurate.

5. *The proposal fails to provide an adequate **quantum of cycle parking spaces** that would be easily accessible, in accordance with cycle parking standards and therefore fails to comply with Policy DMT 5 of the Hillingdon Local Plan (2020): Part Two - Development Management Policies (2020), Policy T5 of the London Plan (2021), the London Cycling Design Standards and LTN 1/20 Cycle Infrastructure Design and paragraph 117 of the NPPF (2024).*

7.20. While the proposal does provide the required 8 cycle parking spaces in accordance with the adopted standards, if the inspectorate is to agree with the LPA in this instance, it would be perfectly reasonable for this issue to be resolved by way of a condition.

7.21. It should further be noted that, while it is an established tenet of the planning system that each application is decided on their own merits, previous appeal decisions within the borough have found this same intensification acceptable on planning grounds and issued planning permissions. These appeal decisions are referenced below and attached within this appeal:

- 16 Victoria Lane (REF: APP/R5510/W/23/3318771)
- 95 Harlington Road (REF: APP/R5510/W/23/3321861)

8.0. Conclusion

8.1. This appeal seeks permission to intensify the lawful use of the property from a 6-person Class C4 HMO to an 8-person, 7-bedroom Large HMO (Sui Generis).

8.2. The application was originally submitted as an existing C3 use but the property is now lawfully converted into a C4, 6-person HMO. As such, the increase of two occupants does not materially change the character of the use, result in over-development of the site, or give rise to unacceptable living conditions.

8.3. The accommodation provides a good standard of internal amenity, with compliant room sizes and adequate communal facilities. When assessed in the context of an established urban HMO, the level of external amenity space and outlook is appropriate and consistent with the surrounding area.

8.4. The Local Planning Authority's concerns fail to properly account for the lawful fallback position and the limited scale of intensification proposed.

8.5. The new front forecourt layout would alleviate many of the concerns relating to highways and cycle storage which improves the residential amenity and alleviates highways concerns while respecting the character of the area.

8.6. The proposal therefore accords with Policies DMH 5, DMHB 11, DMHB 16 and DMHB 18 of the Hillingdon Local Plan and paragraph 135(f) of the NPPF (2024) and therefore the appeal should be allowed.



Appendix 1: Appeal decision at 16 Victoria Lane (REF: APP/R5510/W/23/3318771) and 95 Harlington Road (REF: APP/R5510/W/23/3321861)





Appeal Decision

Site visit made on 3 October 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023.

Appeal Ref: APP/R5510/W/23/3318771

16 Victoria Lane, Hayes, Hillingdon UB3 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Guv Panesar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75939/APP/2022/3043, dated 5 October 2022, was refused by notice dated 3 February 2023.
 - The development proposed is described as change from 6 bed HMO to 8 bed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change from 6 bed HMO to 8 bed HMO at 16 Victoria Lane, Hayes, Hillingdon UB3 5EW in accordance with the terms of the application, Ref 75939/APP/2022/3043, dated 5 October 2022, subject to the conditions set out in the attached Schedule.

Applications for costs

2. The appellant's statement of case refers to costs. In accordance with Paragraph 035 Reference ID: 16-035-20161210 of the Planning Practice Guidance, the costs application must be made in writing by any party not later than the final comments stage. No costs application was made and therefore I have determined the appeal on this basis.

Preliminary Matters

3. It has been brought to my attention that the proposed bedrooms are occupied, but at my site visit I observed that the rooms were used for storage. In any event, for the avoidance of doubt, I have determined this appeal based on the plans which accompany this submission.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of the future occupiers of bedroom 5 and of bedroom 6, with particular regard to outlook and privacy;
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - whether the proposal would make adequate provision for car parking, electrical vehicle charging points and cycle storage.

Reasons

Living conditions of future occupiers

5. The appeal site comprises a two-storey semi-detached dwelling which has a lawful use as a 6-person house in multiple occupation (HMO). During my site visit I observed that the Certificate of Lawfulness has been implemented. There is no dispute between the parties that bedroom 5, bedroom 6 and bedroom 8 have lawful use.
6. Bedroom 5 and bedroom 6 have windows facing the property's driveway. However, the shared parking area is limited in size and therefore it is unlikely that the proposal would lead to more cars parked within it. Further, views of parked cars are not uncommon. As such, despite there being no defensible space to these windows, the proposal would not be more harmful in terms of outlook than the existing situation.
7. The proposed increase in number of occupants within the property would be limited and, consequently, so would be the associated number of comings and goings through the front door when considering the existing situation. As such, the proposal would not be more harmful than the current circumstances in terms of privacy.
8. Bedroom 7 and Bedroom 8 would have their windows directly facing the property's rear garden. However, is not unusual for shared accommodation such HMOs with a shared garden space to have a degree of overlooking. In addition, given the limited increase in the number of occupants, the proposal would not be more harmful than the existing situation.
9. Two internal rooms would be converted to bedrooms, however these are used for storage and therefore they could not be used by the occupants as communal space in any event. As such, overall, the internal space would be acceptable and the HMO's occupiers would have access to a suitable private garden.
10. Therefore, I conclude that the proposal would not be harmful to the living conditions of the future occupiers of bedroom 5 and of bedroom 6, with particular reference to outlook and privacy. The proposal would accord with Policy D6 of the London Plan 2021 (LP) and with Policies DMH1, DMH5 and DMHB11 of the Local Plan Part 2 – Development Management Policies 2020 (DMP). Collectively, these policies support developments that provide satisfactory living conditions for the intended occupiers, amongst other matters. Further, the proposal would be in line with the National Planning Policy Framework (the Framework), where it seeks to create places with a high standard of amenity for existing and future users.

Living conditions of adjoining neighbours

11. The site is located within a short walking distance of the High Street, which comprises a mix of residential and commercial uses. There is a public house adjacent to No 14 Victoria Lane (No 14). As such, there are a number of uses and activities nearby which are capable of generating noise and indeed I observed this during my site visit.
12. The appeal site has a wide frontage and is attached to No 14 to one side. On the other side it abuts an open and substantial garden area used in association

with a block of flats. This neighbouring building is substantially set back from No 16's front elevation.

13. Concerns have been raised regarding noise. Whilst more residents would increase the potential number of comings and goings using the front access to the dwelling, the appeal site has a wide frontage with its door occupying a central position within the plot. This would reduce the noise and disturbance to No 14 and to the block of flat's garden.
14. The rear garden of No 14 and of the block of flats are of good size and therefore the level of activity associated with the proposal would not be discernible, due to the limited increase in number of occupiers. Further, the existing shed on the boundary between the site and No 14 would assist in shield the noise. Similarly, the appeal building is set back from the side elevation of the block of flats, which assists in protecting these neighbours from undue noise. Additionally, the overall density of development in the area is such that there is likely to be activity throughout the day and evening. Consequently, the increase in occupants would be small in the context of the existing use and character of the surrounding area.
15. The HMO's internal layout comprises the kitchen and living area set against the common boundary wall with the attached dwelling at No 14. The increase in the number of residents would be limited, and I have no substantive evidence before me to demonstrate that the use of the property as an 8-bedroom HMO would result in any materially different effects on odour, noise and disturbance than that from its existing lawful use. As such, I am not persuaded that sound insulation measures would be required to attenuate the noise levels to make the development acceptable in planning terms.
16. The proposed new bedrooms (bedroom 4 and bedroom 7) would not be off the common wall with any neighbours. This would minimise any impacts on the closest neighbours in terms of noise and disturbance, as well as odour, should these rooms be fitted with kitchenettes.
17. I have considered the representations from third parties in respect of anti-social behaviour and poor waste management at the site. Whilst this is not pleasant, and I sympathise I have no evidence that this has been directly attributable to the appeal property, and it seems largely related to the behaviour of individuals and so carries limited weight.
18. The Council raises concerns with some bedrooms being double, which would allow for additional occupants. However, the Design and Access Statement clearly states that the purpose of the application is to add two more people to the house. Although there could be visitors, they would not be permanent residents and therefore are unlikely to cause additional disturbance.
19. In conclusion, the proposal would not be harmful to the living conditions of the neighbouring occupiers, with particular reference to any noise or disturbance which may arise. The proposal would accord with Policy DMH5 of the DMP, which seeks to ensure that no adverse impact on the amenity of neighbouring properties will arise from HMO proposals.

Car parking, electrical vehicle charging points and cycle storage

20. The proposal would provide three parking spaces within the property's frontage, which is laid to block paving. Although concerns about parking are

not reflected in the reasons for refusal, the officer report states that there would be a deficiency in the number of parking spaces provided to serve the HMO. Although a Transport Appraisal and Travel Plan have not been submitted, there is sufficient evidence before me to make a decision on this appeal.

21. However, there is no evidence before me to demonstrate that the proposal would lead to additional parking pressure in the vicinity and indeed during my site visit I observed that there was on-street parking available in close proximity to the appeal site. Further, the site is well located within walking distance of a parade shops and bus routes, which would reduce the reliance on vehicles to carry out day to day activities as acknowledged in the Officer's Report. As such, I find it unlikely that the proposal would result in increased parking stress. On this basis, a legal agreement restricting future occupiers from applying for permits is not necessary.
22. Although details of electrical vehicle charging points have not been provided, there is sufficient space within the existing driveway to install these apparatus. Such a scheme could be secured by planning condition.
23. The Design and Access Statement indicates that cycle storage would be provided within the property's rear garden. The Council finds the location in the rear garden to be unsuitable and not fit for purpose. However, the property's rear garden is large and has sufficient space to accommodate the required cycle storage whilst still providing adequate outdoor space for the occupiers. The details of a cycle storage scheme could be secured by planning condition.
24. In light of the above, I conclude that the proposal would make adequate provision for car parking, and conditions would secure electrical vehicle charging points and cycle storage. The proposal would accord with Policy T6 of the LP and with Policies DMT2 and DMT6 of the DMP, where these policies seek to ensure highway safety. The proposal would further accord with the Framework, where it seeks to promote sustainable transport.

Other Matters

25. The Council sets out that it has not been demonstrated that the site could adequately provide waste storage facilities. However, this information can be secured through a planning condition, as sufficient space is available for waste and recycling containers to be stored out of sight in a fenced area. Subject to such a condition, the development would not result in harm to the character of the area or to the living conditions of the adjoining neighbours as a result of inadequate waste and recycling provision.
26. In terms of drainage, the site is not located within Flood Zones 2 or 3, nor does it lie within a critical drainage area or area known for surface water flooding. As such, the existing drainage would be acceptable. On this basis, a condition requiring a drainage management plan is not necessary to make the development acceptable in planning terms.
27. In reaching this view I have had regard to the representations made by third parties. The matters raised have been considered above and can be adequately dealt with by the imposition of conditions, thus, those matters raised do not alter my decision to allow the appeal.

Conditions

28. A condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. I have imposed two further conditions requiring the submission of details regarding cycle storage, electrical vehicle charging point and refuse storage and their implementation, which are necessary to make the development acceptable in planning terms.
29. The Council suggests a condition requiring the provision of a landscape scheme and hard surfacing materials, seeking to minimise overlooking to bedrooms 7 and 8. However, it is not unusual for shared accommodation such as HMOs with a shared garden space to have a degree of overlooking. In addition, the lawful use of bedroom 8 has been established by the Certificate of Lawfulness. Therefore such a condition would not be justified in this case.

Conclusion

30. For the reasons given above, I conclude that the proposal would comply with the development plan read as a whole. There are no material considerations, including the Framework, that indicate that a decision should be taken otherwise than in accordance with it. As such, the appeal is allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, XEVA/16VL/200 Issue A and XEVA/16VL/203 Issue A.
- 3) Prior to the first occupation of either bedroom 4 or 7, details of the type and location of secure cycle storage facilities for at least 8no bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed in accordance with the approved details before first occupation of these rooms and retained thereafter.
- 4) Prior to the first occupation of either bedroom 4 or 7, details of at least one electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The apparatus shall be installed in accordance with the approved details before first occupation of these rooms and retained thereafter.
- 5) Prior to the first occupation of either bedroom 4 or 7, a detailed scheme for the provision of waste storage and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed in accordance with the approved details before first occupation of these rooms and retained thereafter.



Appeal Decision

Site visit made on 5 December 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2024

Appeal Ref: APP/R5510/W/23/3321861

95 Harlington Road, Uxbridge, Hillingdon UB8 3HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jas Hayer against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 5199/APP/2022/3396, dated 7 November 2022, was refused by notice dated 20 January 2023.
 - The development proposed is described as conversion of an existing dwellinghouse (Class C3) into a 6 bedroom (8 person) Housing in Multiple Occupation (HMO) (Sui Generis).
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 February 2024.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing dwellinghouse (Class C3) into a 6 bedroom (8 person) Housing in Multiple Occupation (HMO) (Sui Generis) at 95 Harlington Road, Uxbridge, Hillingdon UB8 3HZ, in accordance with the terms of the application, Ref 5199/APP/2022/3396, dated 7 November 2022, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The decision notice does not reference the correct plan revision numbers. The Council made its decision against revision 1.0B of the drawings and I have determined the appeal on the same basis.
3. The appellant has provided a revised parking, landscaping, refuse and cycle storage plan (2022-95HR-FP-4 rev 2.0A). The proposed changes are minor and the Council has had the opportunity to comment on this drawing. As such, I am satisfied that no parties' interests are prejudiced by my acceptance of this plan.

Preliminary Matter

4. The Council has granted planning permission to convert the dwellinghouse to a 6-person House in Multiple Occupation (HMO) (Use Class C4). During my site visit I observed that the property appears to have been converted to an HMO and one bedroom was occupied. Whilst it is not for me to reach findings on matters of lawfulness, the situation on the ground suggests that 95 Harlington Road (No 95) is now in use as a HMO. I assessed the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupants of adjoining properties with particular regard to noise and disturbance.

Reasons

6. The appeal site comprises a two-storey semi-detached dwelling with a deep rear garden that fronts onto the busy Harlington Road, in recent reuse as an HMO. Parking for two vehicles is provided within the property's frontage, which is laid to hardstanding. The surrounding area is predominantly residential in character and comprises dwellings of different sizes and designs.
7. The proposed increase in the number of occupiers would generate additional comings and goings, but the main entrance to the property is set away from the front windows at 93 Harlington Road (No 93). 97 Harlington Road (No 97) does not contain side windows facing No 95 and its front windows are away from the main entrance to the property. As such, while the additional pedestrian movements may be perceptible to the occupants of Nos 93 and 97, this would not give rise to undue noise and disturbance.
8. The property's driveway is laid to hardstanding for parking and the number of available spaces across the site would not increase because of the proposal. As such, the levels of activity on the driveway would in all probability remain as existing. Consequently, it is unlikely that the proposal would be more disruptive for the adjoining neighbours than the existing situation.
9. The proposal would not comprise any internal alterations to the building, so the increase in residents would be as a result of couples sharing a room. I have no substantive evidence before me to demonstrate that the use of the property by two additional occupants would result in any materially different effects in terms of noise and disturbance. As such, I am not persuaded that sound insulation measures would be required to attenuate the noise levels to make the development acceptable in planning terms.
10. The property contains a good-sized rear garden, which provides an opportunity for outdoor socialising. Whilst there would be nothing to prevent small gatherings, equally this may also happen with the property in use as a family dwelling. Furthermore, the surrounding area experiences some ambient noise, because of the volume of traffic on Harlington Road as a main distributor road, which is also felt within the property's rear garden. Set against this context, the level of activity associated with the proposal would be unlikely to be discernible. There would be provision for cycle storage and plenty of space to store refuse and recycling bins without detriment to the neighbours.
11. The appellant has provided a management plan and supervision plan which set out how the HMO would be managed. While these provide limited information about proposed measures to mitigate any increase in noise and disturbance, the probability is that occupation of the property as an eight person HMO would not be materially different to that of six person in terms of its impacts on neighbours.
12. In conclusion, the proposal would have an acceptable effect on the living conditions of the occupants of adjoining properties with particular regard to noise and disturbance. The proposal would accord with Policies DMH 5 and

DMHB 11 of the Hillingdon Local Plan Part 2 – Development Management Policies 2020, which seek to protect the residential amenity of neighbouring properties.

Other Matters

13. My attention is drawn to an Article 4 Direction in place in the locality which came into force in March 2013. This removes permitted development rights for the change of use of a single dwellinghouse in use class C3, to a small HMO in use class C4. However, the proposal seeks a large HMO for which planning permission would be required in any event. As such, the Article 4 Direction is of limited significance to the appeal before me.

Conditions

14. I have considered the Council's suggested planning conditions in light of the National Planning Policy Framework and Planning Practice Guidance. I have amended these where necessary for clarity.
15. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. To protect the living conditions of neighbours, a further condition is needed to restrict the number of occupants.
16. To ensure that the correct provision for parking is made before the development is brought into use, a condition requiring the provision of parking spaces is necessary. Having regard to the aims of Policy T6.1 of the London Plan 2021, a condition related to the installation of electric vehicle charging points before the development is brought into use is necessary.
17. The Council suggests a condition requiring the provision of a landscape scheme and hard surfacing materials. However, as the proposal is to increase the number of occupants within the property, such a condition would not be justified in this case.

Conclusion

18. Overall, I conclude that the proposal would comply with the development plan as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. As such, I conclude that the appeal should succeed.

P Terceiro

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2022-95HR-FP-1 Rev 1.0B, 2022-95HR-FP-3 Rev 1.0B, 2022-95HR-FP-4 Rev 2.0A, HMO Management Supervision Plan and Site Supervision Management Plan.
- 3) The development hereby permitted shall be occupied by no more than 8 (eight) permanent residents at any time.
- 4) The use of the property as an 8-person house in multiple occupation (HMO) shall not commence until space has been laid out within the site in accordance with drawing no 2022-95HR-FP-4 Rev 2.0A for 3no. cars to be parked. That space shall thereafter be kept available at all times for the parking of vehicles.
- 5) The use of the property as an 8-person house in multiple occupation (HMO) shall not commence until the electric vehicle charging points have been provided in accordance with drawing no 2022-95HR-FP-4 Rev 2.0A. Thereafter, the electric vehicle charging points shall be maintained for the lifetime of the development.