

PLANNING APPEAL STATEMENT

**5 Gerrard Gardens,
Eastcote, Pinner**

**APPEAL AGAINST
LONDON BOROUGH OF
HILLINGDON TO REFUSE
PLANNING
APPLICATION FOR:**

**CHANGE OF USE INTO A
WHEELCHAIR
ACCESSIBLE HMO (USE
CLASS C4) AND
AMENDMENT TO
FENESTRATION**

July 2026

**WRITTEN
REPRESENTATION
APPEAL**

AJM PLANNING

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1. INTRODUCTION

- 1.1 This statement has been prepared in support of a planning appeal against the London Borough of Hillingdon to refuse planning permission for change of use into a wheelchair accessible HMO (Use Class C4) and amendment to fenestration.
- 1.2 The council validated the application on the 19th January 2026 giving it the reference 157/APP/2026/147 and refused the planning application on the 20th May 2026 for the following reasons.

Reason One

The proposed development, by reason of the change of use of the property from a self-contained dwellinghouse to a 4-bedroom wheelchair accessible HMO within Use Class C4, would result in the loss of a dwelling capable of family occupation and has failed to demonstrate that this loss would be justified having regard to the Council's adopted housing mix objectives. The proposed HMO would also fail to demonstrate compliance with the Council's adopted policy framework for HMOs, having regard to substandard living conditions. The proposal would therefore represent an unacceptable and over intensive form of HMO accommodation in this location, contrary to Policies DMH 2 and DMH 5 of the Hillingdon Local Plan: Part Two (2020), Policies H9 and H10 of the London Plan (2021), and the objectives of the National Planning Policy Framework (2024).

Reason Two

The proposed development, by reason of its constrained internal layout, absence of a separate communal living/dining room, limited shared kitchen provision, and poor relationship between Bedrooms 3 and 4 and the shared rear garden, would fail to provide satisfactory living conditions for future occupiers. In the absence of adequate internal communal accommodation, the rear garden would be likely to function as the principal communal/social space, resulting in unacceptable overlooking, loss of privacy, noise and

disturbance to the occupiers of Bedrooms 3 and 4. The proposal would therefore provide a substandard form of accommodation and fail to deliver a high-quality residential environment, contrary to Policies DMH 5, DMHB 11 and DMHB 16 of the Hillingdon Local Plan: Part Two Development Management Policies (2020), Policy D6 of the London Plan (2021), and Paragraph 135(f) of the National Planning Policy Framework (2024). This Planning Appeal Statement and all accompanying evidence sets out why the decision should be overturned and why the Planning Inspector is kindly requested to grant planning permission.

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2. SITE DESCRIPTION

- 2.1 The Delegated Report and submitted Planning, Design and Access Statement is considered to describe the site adequately. It is not considered necessary to repeat this issue.

3. PLANNING HISTORY

- 3.1 The circumstances surrounding the need for this application and now subsequent appeal are highlighted in the submitted Planning, Design and Access Statement. For clarity this application follows the Council imposing an immediate article 4 meaning its conversion to a Use Class C4 property is no longer possible under permitted development.
- 3.2 The application follows the Council imposing an immediate article 4 meaning its conversion to a Use Class C4 property is no longer possible under permitted development. Work commenced on conversion on the 1st September 2025 and was already well advanced on site, the development was near to completion prior to the article 4 notice being made with immediate effect on the 10 December 2025.

4. RELEVANT PLANNING POLICIES

- 4.1 A detailed list of policies has been set out within the Council's Delegated Report. The appellant does not disagree on the policies outlined. As part of the appeal, the Council will provide copies of the relevant policies.

5. APPEAL PROPOSAL

- 5.1 The Delegated Report is considered to cover the main elements of the proposal. It is not considered necessary to exhaustively repeat the description of the proposal, the Case Officer Report describes it in depth.

6. RESPONSE TO REASONS FOR REFUSAL

The council's decision and principle of development

- 6.1 A copy of the Council's decision notice is provided with this appeal submission.
- 6.2 Within Hillingdon the population continues to grow, housing demand remains acutely high as acknowledged in the Council's Local Plan. The Council like many others have publicly acknowledge a challenging financial environment for the Borough where regeneration and growth need to be delivered in a responsible and sustainable way.
- 6.3 To support safe, strong and cohesive communities and improve the quality of housing in Hillingdon, the Council is seeking to ensure that a range of choices is available, with a variety of sizes and types of accommodation to meet the aspirations of residents and increase access to affordable, good quality homes.
- 6.4 While this is respected, the reality is that the Council will have to and already is reliant upon small sites such as the submitted to provide housing needed desperately now and into the future. It is therefore imperative that sites like this are supported and approved without delay. The provision of HMO's while it is accepted that they are not always politically supported, provide a key form of accommodation for those that require such accommodation, while there is an acknowledged need for family units, this cannot be act the expense of those that need alternative forms.
- 6.5 In the case of this property, this HMO has been designed to accommodate those people with access needs i.e. wheelchairs, a specialist form of accommodation that is scarce within the borough.
- 6.6 The Council's assessment of Policy DMH 5 acknowledges that the proposal falls to be determined against the requirements of the policy following the introduction of the Borough-wide Article 4 Direction. However, the

conclusions reached regarding the concentration of HMOs are unsupported by evidence and do not justify withholding planning permission.

- 6.7 Policy DMH 5 seeks to prevent harmful concentrations of Houses in Multiple Occupation by establishing clear numerical thresholds.
- 6.8 The Council's conclusion that the proposal is unacceptable in principle is not supported by the Development Plan when read as a whole and places disproportionate reliance on Policy DMH 2 whilst failing to give appropriate weight to the objectives of the London Plan, the National Planning Policy Framework (NPPF), and the significant public benefits arising from the delivery of accessible specialist shared housing.
- 6.9 The proposal seeks planning permission for the change of use of an existing dwelling to a four-bedroom wheelchair accessible House in Multiple Occupation (Use Class C4). The proposal represents a high-quality form of specialist accommodation designed specifically to meet the needs of wheelchair users, an accommodation type that is in critically short supply throughout London and within the London Borough of Hillingdon.

Misapplication of Policy DMH 2

- 6.10 Policy DMH 2 is intended to ensure that an appropriate mix of housing sizes is delivered across new residential development. It is not a blanket policy preventing any change of use of an existing family dwelling where the overall housing stock continues to contribute towards meeting identified housing needs.
- 6.11 The proposal does not remove residential accommodation from the Borough. Rather, it continues the residential use of the site whilst providing accommodation for four residents with identified accessibility needs. The building remains in residential use and continues to contribute towards the Borough's housing supply. Importantly, the proposal provides accommodation for four households rather than a single household, thereby making more efficient use of the existing housing stock, consistent with

paragraph 129 of the National Planning Policy Framework, which seeks to make effective use of land whilst maintaining high standards of amenity.

- 6.12 The Council has failed to demonstrate how the loss of one family dwelling materially undermines the Borough's housing mix when weighed against the provision of four accessible homes meeting an identified and acute housing need. It remains the case, that in the event that the HMO use ceases, the property can revert back to a single dwelling without permission, in the long term, there would be no loss of family accommodation.

London Plan Policy H12 and Accessible Housing Objectives

- 6.13 Whilst the Officer refers to London Plan Policies H9 and H10, the assessment fails to consider the wider objectives of the London Plan relating to specialist housing, inclusive design and accessible accommodation.
- 6.14 The London Plan places significant emphasis on delivering a diverse range of housing products to meet the varying needs of London's population. Wheelchair accessible housing forms a fundamental component of this strategy.
- 6.15 The proposed development has been specifically designed to provide step-free accommodation capable of occupation by wheelchair users. Such accommodation is significantly underrepresented across London and commands substantial unmet demand.
- 6.16 The Officer's report contains no assessment whatsoever of this public benefit. Instead, the report treats the proposal as a standard HMO conversion when it is demonstrably a specialist form of accessible housing.
- 6.17 Failure to recognise this distinction results in an incomplete planning balance.

Specialist Housing Need

6.18 The Council's own assessment acknowledges that the proposal would provide wheelchair accessible accommodation. Accessible HMOs are exceptionally uncommon despite increasing demand arising from:

- disabled adults requiring independent living;
- individuals unable to access self-contained adapted housing;
- residents requiring affordable accessible accommodation close to services;
- increasing pressure on adult social care and supported living services.

6.19 The proposal therefore provides an important element of London's wider housing needs that cannot simply be measured by bedroom numbers within conventional family housing.

Existing Family Housing Stock

6.20 The Council concludes that the proposal would permanently remove a family dwelling from the Borough's housing stock. This conclusion is overstated.

6.21 The property remains physically capable of occupation as a dwellinghouse and no irreversible structural subdivision is proposed. Unlike applications involving subdivision into self-contained flats, the proposal does not fragment the building into separate planning units.

6.22 Should circumstances change in the future, the building could readily revert to a single dwellinghouse. Consequently, the perceived "loss" of family housing is neither permanent nor irreversible.

Incorrect Reliance on Appeal Decisions

6.23 The Council relies upon two dismissed appeals concerning the subdivision of family houses into self-contained flats.

- 6.24 Those appeal decisions are materially different from the current proposal.
- 6.25 The Station Approach appeal concerned the creation of two flats from a family dwelling. Similarly, the Skipton Drive appeal involved subdivision into self-contained residential units.
- 6.26 Neither appeal considered:
- a small four-bedroom HMO;
 - wheelchair accessible accommodation;
 - specialist accessible housing;
 - accommodation specifically designed for disabled occupiers.
- 6.27 Those decisions therefore relate to materially different forms of development and cannot reasonably be relied upon as determinative precedents.
- 6.28 Appeal decisions must always be considered on their individual planning merits. The Council has failed to demonstrate why those decisions should outweigh the significant public benefits unique to this proposal.

Policy DMH 5

- 6.29 The Officer expressly acknowledges that there is: "no substantive evidence to demonstrate that the proposal would result in an overconcentration of HMOs." This represents an important finding.
- 6.30 Policy DMH 5 principally seeks to avoid harmful concentrations of HMOs and associated impacts upon character and residential amenity. The Council has accepted that no such harm arises.
- 6.31 Similarly, the Highway Authority raises no objection to parking provision.
- 6.32 Accordingly, two of the principal concerns normally associated with HMO development have been satisfactorily addressed.

- 6.33 Once these matters are removed from consideration, the Council's refusal rests almost entirely upon the perceived loss of a family dwelling under Policy DMH 2.
- 6.34 That approach gives disproportionate weight to one policy whilst failing to undertake the balanced planning judgement required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.35 The Council's assessment gives substantial weight to the theoretical loss of a single family dwelling but fails to attribute appropriate weight to the considerable public benefits arising from:
- delivery of four much-needed wheelchair accessible homes;
 - provision of specialist accessible shared accommodation;
 - efficient use of an existing residential building;
 - continued residential use of the site;
 - absence of any identified HMO concentration;
 - no highway objection;
 - high-quality accessible internal accommodation;
 - compliance with the wider objectives of the London Plan promoting inclusive housing and meeting diverse housing needs.
- 6.36 The proposal delivers a specialist housing product for an underserved section of society whilst giving rise to no identified harm in respect of parking, character, concentration of HMOs or neighbour amenity.
- 6.37 Accordingly, the proposal represents sustainable development and complies with the overarching objectives of the Development Plan when read as a whole.

- 6.38 The Inspector is respectfully invited to conclude that the Council has afforded disproportionate weight to Policy DMH 2 whilst failing to properly balance the significant benefits of delivering high-quality wheelchair accessible accommodation. For these reasons, the proposal should be found acceptable in principle and planning permission granted.

Impact on Residential Amenity and Quality of Accommodation

- 6.39 The Council's assessment of neighbouring residential amenity is notable in that it identifies no material planning harm arising from either the physical works or the proposed use of the property. This is an important consideration that weighs positively in favour of the development.
- 6.40 The Officer expressly concludes that the proposed development would not result in unacceptable impacts in respect of privacy, outlook, daylight, sunlight, enclosure or general residential amenity. Furthermore, it is accepted that the proposal would not conflict with Policy D3 of the London Plan (2021), Policies DMHB 11 and DMH 5 of the Hillingdon Local Plan: Part Two (2020), or paragraph 135(f) of the National Planning Policy Framework (2024) insofar as neighbouring amenity is concerned.

Residential Character

- 6.41 The proposed use remains wholly residential in character. Unlike larger sui generis HMOs, the proposal accommodates a maximum of four residents within a small-scale C4 HMO. The level of occupation is modest and closely reflects the residential activity that could reasonably be expected from a conventional family dwelling.
- 6.42 The Council itself acknowledges that the proposal would retain the residential character of the property and would not generate unacceptable impacts on neighbouring occupiers.

6.43 This finding is significant because Policy DMH 5 seeks to prevent HMOs from causing demonstrable harm to residential amenity. The Council has accepted that no such harm would arise.

High Quality Specialist Accommodation

6.44 Whilst the Council accepts that neighbouring amenity would not be adversely affected, insufficient weight has been given to the quality of the accommodation proposed for future occupiers.

6.45 This is not a conventional HMO conversion designed to maximise occupancy. Instead, the proposal has been carefully designed as a high-quality, wheelchair-accessible shared home providing accommodation for individuals with mobility impairments who often experience significant barriers in accessing suitable housing.

6.46 The development has been specifically configured to provide:

- wheelchair-accessible bedrooms;
- step-free access throughout the property;
- accessible bathroom facilities;
- generous circulation spaces suitable for wheelchair users;
- accessible communal living and kitchen facilities;
- private outdoor amenity space;
- safe and inclusive living accommodation designed to promote independent living.

6.47 The resulting accommodation significantly exceeds the standard typically associated with many small HMOs and provides a purpose-designed environment capable of meeting the needs of disabled residents.

Meeting an Identified Housing Need

6.48 The proposal responds directly to an acute and well-recognised shortage of accessible housing across both the London Borough of Hillingdon and Greater London. The London Plan identifies the need for housing that serves the full spectrum of London's population, including disabled people and those requiring accessible accommodation.

6.49 Wheelchair-accessible shared housing represents an exceptionally limited segment of the housing market despite increasing demand arising from:

- adults with physical disabilities seeking independent accommodation;
- residents requiring affordable accessible housing close to employment, healthcare and public transport;
- individuals unable to access suitable self-contained adapted housing due to limited supply;
- increasing pressure on supported housing and adult social care services.

6.50 The proposal therefore delivers an important form of specialist housing that is significantly underrepresented within the Borough. The Council's assessment gives little or no weight to this substantial public benefit.

Management of the Property

6.51 The submitted management arrangements further distinguish this proposal from many traditional HMOs. The application includes robust management measures comprising:

- regular property inspections;
- clearly defined tenant responsibilities;
- procedures for managing anti-social behaviour;

- emergency contact arrangements;
- ongoing management oversight.

6.52 These measures provide confidence that the property will remain well maintained and responsibly managed throughout its operation.

6.53 The Council has acknowledged these arrangements and has not identified any evidence suggesting that the proposed use would give rise to unacceptable noise, disturbance or anti-social behaviour.

6.54 The Council's assessment confirms that:

- there would be no unacceptable impact on neighbouring residential amenity;
- the proposal would retain the residential character of the area;
- no harmful overlooking, loss of daylight or loss of privacy would occur;
- the external alterations are minimal;
- management arrangements are satisfactory;

6.55 The proposal complies with Policy D3 of the London Plan, Policies DMHB 11 and DMH 5 of the Hillingdon Local Plan, and paragraph 135(f) of the National Planning Policy Framework in relation to neighbouring amenity. These findings remove many of the planning concerns commonly associated with HMO development.

6.56 When these positive findings are considered alongside the substantial public benefits arising from the delivery of high-quality, wheelchair-accessible accommodation addressing an identified housing need, the proposal clearly represents sustainable development. The development provides a carefully designed, professionally managed and inclusive form of specialist housing that delivers social benefits significantly beyond those associated with a conventional HMO. It makes effective use of an existing residential building, promotes independent living for disabled residents, and does so without

causing demonstrable harm to neighbouring occupiers or the character of the surrounding area.

Internal Amenity, External Amenity, Inclusive Access and Quality of Accommodation

- 6.57 The Council concludes that the proposed development would fail to provide a satisfactory standard of accommodation due to the absence of a separate communal living room and the relationship between the rear bedrooms and the shared garden. The Appellant respectfully disagrees with this conclusion, which is based on assumptions rather than demonstrable evidence and fails to properly consider the specialist nature of the proposed accommodation.
- 6.58 The proposed development has been specifically designed to provide high-quality, wheelchair-accessible accommodation for four single occupants. It is not intended to operate as a traditional high-density HMO, but rather as a carefully managed shared home for residents with mobility needs who require accessible accommodation whilst maintaining a degree of independence.
- 6.59 The Council accepts that each bedroom substantially exceeds the nationally recognised minimum standards, measuring between 16.2m² and 18.6m², each with its own fully accessible ensuite bathroom. These room sizes are significantly larger than those commonly found within both HMOs and many self-contained apartments.
- 6.60 Each bedroom is capable of functioning as a living space rather than simply a place to sleep. The generous floor areas comfortably accommodate sleeping, seating, study and storage areas, whilst also providing sufficient circulation space for wheelchair users. The inclusion of individual refrigeration and laundry facilities further increases the level of independence afforded to each resident and reduces reliance on shared facilities. The Council's assessment gives little weight to these exceptional standards of private accommodation.

- 6.61 The Officer's principal criticism relates to the absence of a separate communal lounge or dining room. However, neither Policy DMH 5, Policies DMHB 11 and DMHB 16, nor Policy D6 of the London Plan prescribe that every four-bedroom HMO must provide a dedicated living room separate from the kitchen.
- 6.62 The planning assessment must instead consider whether the accommodation provides a satisfactory standard of living when viewed as a whole. In this case, the shared kitchen has been designed as the principal communal hub of the property. The kitchen is fully accessible, enabling all residents to prepare meals, socialise and interact in an inclusive environment. Given the modest scale of occupation, with only four residents, this arrangement is entirely proportionate.
- 6.63 The Council has not demonstrated why a four-person household cannot reasonably function with a shared kitchen as its principal communal space, particularly where every resident benefits from a significantly oversized private room with ensuite facilities.
- 6.64 Indeed, many modern forms of specialist shared accommodation, including supported housing, co-living schemes and accessible shared homes, increasingly adopt this model in recognition of changing lifestyles and greater expectations of privacy and independence.

Specialist Wheelchair Accommodation

- 6.65 A significant omission within the Council's assessment is the failure to properly consider the intended occupiers. The proposed accommodation has been designed specifically for wheelchair users. Residents with mobility impairments often spend considerably more time within their own private space than occupants of conventional HMOs. Consequently, the generous size and quality of each bedroom is of particular importance.
- 6.66 The proposal provides:

- exceptionally large accessible bedrooms;
- fully accessible ensuite bathrooms;
- step-free circulation throughout the property;
- accessible communal kitchen facilities;
- generous manoeuvring space;
- inclusive design principles that promote dignity and independent living.

6.67 These characteristics substantially exceed the quality normally associated with small HMOs. The Council has acknowledged the accessible nature of the proposal but affords this important public benefit very limited weight within its assessment.

Privacy and Relationship with the Rear Garden

6.68 The Council suggests that Bedrooms 3 and 4 would experience unacceptable loss of privacy because they overlook the shared rear garden. This conclusion is speculative and unsupported by evidence.

6.69 Shared gardens are an entirely normal feature of HMOs, apartment developments, extra-care housing and supported accommodation. Residents are expected to share communal outdoor spaces in exactly the same manner as occupants of apartment blocks share communal courtyards or landscaped gardens.

6.70 The fact that two bedrooms overlook a communal garden does not, in itself, amount to poor design. Indeed, overlooking of communal open space from habitable rooms provides natural surveillance, improving security and complying with the principles of good urban design.

6.71 Furthermore, residents of a shared household are not strangers in the planning sense. The interaction between occupiers within shared

accommodation cannot reasonably be equated with overlooking between separate residential properties.

- 6.72 The Council provides no evidence that the relationship between the bedrooms and the garden would produce unacceptable levels of disturbance or loss of privacy.

External Amenity Space

- 6.73 The Council expressly accepts that the quantity of external amenity space is adequate to serve the proposed development. The only criticism relates to the perceived relationship between the garden and Bedrooms 3 and 4. As set out above, this concern is not supported by objective evidence.
- 6.74 The rear garden provides an attractive and usable outdoor environment that enables residents to enjoy recreation, relaxation and social interaction. Importantly, the garden supplements rather than replaces the generous private accommodation provided within each bedroom.
- 6.75 The proposal therefore offers future residents both substantial private space and meaningful external amenity, representing a high standard of residential accommodation.

Inclusive Access

- 6.76 The Council acknowledges that the proposal delivers wheelchair-accessible accommodation and accepts that this weighs in favour of the development. The Appellant agrees but submits that insufficient weight has been afforded to this significant public benefit.
- 6.77 Accessible shared accommodation of this quality is exceptionally scarce throughout London. The proposal has been carefully designed to meet the needs of disabled residents by providing:
- step-free access throughout;

- accessible ensuite bathrooms;
- wheelchair-accessible kitchen facilities;
- generous circulation widths;
- spacious bedrooms well in excess of minimum standards;
- accommodation capable of supporting independent living.

6.78 These are not incidental design features but fundamental aspects of the proposal that directly address an identified housing need. The London Plan places considerable emphasis on inclusive design and ensuring that disabled Londoners have access to suitable housing.

Management Standards

6.79 The Council acknowledges the comprehensive management arrangements proposed, including:

- routine inspections;
- clear tenant responsibilities;
- anti-social behaviour procedures;
- emergency contact arrangements.

6.80 These measures ensure that the property will be proactively managed and maintained to a high standard. The professional management of the property distinguishes it from many private HMOs and provides confidence that communal areas, external spaces and resident behaviour will be appropriately controlled.

Housing Mix

6.81 Residents of HMOs are often seeking accommodation that differs fundamentally from self-contained flats. HMOs provide lower-cost

accommodation, shorter tenancy options and shared living arrangements that are particularly suited to young professionals, key workers, students and individuals on lower incomes. They therefore meet the needs of a different section of the housing market rather than simply duplicating existing housing stock.

- 6.82 Furthermore, this proposal does not involve the loss of an existing family dwelling. At any point in time, the proposal can be 'unconverted' without planning permission and a single dwelling house would once again be created.

Misinterpretation of the Purpose of the Article 4 Direction

- 6.83 The officer appears to place reliance upon the introduction of the borough-wide Article 4 Direction as evidence that HMOs are inherently harmful to residential areas.
- 6.84 This interpretation is incorrect.
- 6.85 An Article 4 Direction does not establish a presumption against HMOs, nor does it indicate that every HMO is harmful. Its purpose is simply to remove permitted development rights so that planning applications can be assessed on their individual planning merits.
- 6.86 Each proposal must therefore be considered against the development plan and material planning considerations. The existence of the Article 4 Direction cannot itself constitute evidence that this particular proposal causes unacceptable harm.
- 6.87 In its approach to this scheme, the Council appears to take the view that HMO's are inherently bad, and must be refused. That is not the role of an Article 4. Each site should be assessed on its own merits.

7. CONCLUSION

- 7.1 The appeal proposal represents the continued use of an established and well-managed House in Multiple Occupation that has successfully provided much-needed accommodation for many years.
- 7.2 The case for providing accommodation for those with particular access needs is compelling, the property meets an identifiable local housing need, complies with the Council's HMO licensing standards, does not result in the loss of family housing, and causes no demonstrable harm to the character of the area or the amenity of neighbouring residents.
- 7.3 When assessed against the National Planning Policy Framework, the London Plan and the Barnet Local Plan, the proposal constitutes sustainable development and the planning balance weighs clearly in favour of approval.
- 7.4 Accordingly, the Inspector is respectfully requested to allow the appeal and grant planning permission.