
Appeal Decision

Site visit made on 9 January 2026 by F Bradford BA (Hons) MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2026

Appeal Ref: 6001102

20 Dorset Avenue, Hillingdon, Hayes UB4 8NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jay Sokal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 4140/APP/2025/1547.
 - The development proposed is described as “proposed change of use from C4 6 bed HMO to Sui Generis 7 bed HMO”.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are the effect of the proposed development on:
 - the living conditions of adjacent occupiers with regard to noise and disturbance; and
 - conditions of highway safety with regard to parking provision.

Reasons for the Recommendation

Background

4. The appeal has been made on the basis of a change of use from a Class C4 6 bed HMO to a sui generis 7 bed HMO. In planning terms, a Class C4 HMO is defined as being limited to occupation by up to 6 people only, rather than by the number of bedrooms. This interpretation is consistent with the originally submitted Planning Statement in support of the application, which highlighted that the proposal sought to increase the overall number of occupants from six to seven, with each of the bedrooms designated for single occupancy.
5. I recognise that the appellant has indicated in their submissions that the licensing of the property that has been in place since 2023 is for occupation by up to 12 individuals, with the subsequent intended occupation of the HMO the subject of this appeal representing a further limited increase over this quantity. However, if the property has been occupied in this manner, then it would appear to have been done so contrary to any accepted lawful occupation as a Class C4 HMO.

6. Despite the licensing of the property for up to 12 individuals, the licensing of the property as an HMO sits separately to the planning process and it does not automatically follow that acceptability under one set of regulations leads to a similar conclusion in the other. The granting of a licence does not therefore direct that a change of use from a Class C4 to a Sui Generis HMO should be granted, where the planning merits of a case may direct otherwise.
7. There is no indication that any application has been made to regularise the occupation of the HMO by 12 people in the meantime since the licence was granted, and the original terms of the application would appear to reflect that the lawful planning occupation of the property would be by up to 6 individuals only. The appeal is therefore assessed on the basis of the change of use as applied for, with the potential for all rooms being capable of accommodating two adults, as previously indicated by the licence for the 6-bed HMO.

Living conditions

8. The appeal site is a two-storey, semi-detached dwelling located on a corner plot between Dorset Avenue and Dorset Close. The surrounding area predominantly features dwellings of the same design as the host with many having been extended over time.
9. The occupation of the appeal dwelling by up to 14 occupants would undoubtedly represent a significantly more intensive use than as a C4 HMO of up to 6 people, or indeed the expected occupation of a family dwelling of this size. The impact of differing independent routines for each occupant coupled with the likely increase of comings and goings from the property including visitors and deliveries, would be significant and would be keenly felt within this generally quiet residential area. The significant intensity and increase in activity, including the intensive seasonal use of garden areas, would generate unacceptable levels of noise and disturbance to the detriment of the living conditions of nearby occupants.
10. The appellant has asserted that a management plan could be imposed by condition as a means of ensuring the conduct of occupants in relation to noise, waste disposal, and maintenance. However, I am not persuaded that such a measure alone would be sufficient to mitigate the impact of the intensification of reasonable occupation of the building. I also note that although the dwelling may meet acoustic standards which would mitigate against the potential for the generation of internal noise and disturbance, this would not address those impacts identified which are not limited to internal activity.
11. For these reasons, I conclude that the proposed development would result in harm to the living conditions of adjacent occupants by way of noise and disturbance. I find conflict with Policy DMH 5 of the Hillingdon Local Plan: Part Two – Development Management Policies 2020 (HLP) which, amongst other things, aims to ensure that HMOs do not have an adverse impact on the amenity of neighbouring properties or character of the area. I also find inconsistency with the National Planning Policy Framework (the Framework) where it seeks to ensure a high standard of amenity for existing and future occupiers.
12. The Council have referenced Policy DMHB 16 (Housing Standards) of the HLP within their reason for refusal in relation to this matter. However, upon review, this Policy appears to relate to the provision of internal space to occupants to provide an appropriate living environment. As such, I do not consider that this Policy is

determinative in this matter, and I have not therefore accorded it any significant weight.

Highways

13. Dorset Avenue, Dorset Close and the surrounding area rely on a combination of off-street and unrestricted informal on-street parking, with vehicles parking partly on the highway and pedestrian footpath. Many front gardens have also been converted into private off-street parking. At the time of my visit, I observed that the road was generally quiet in terms of vehicular traffic and that there were a limited number of on-street spaces available, although I am mindful that parking conditions are likely to vary at other points in the day with increased demand.
14. The appeal site currently accommodates 2 off-street parking spaces, which accords with the requirements of Appendix C of DMT 6 of the Local Plan Part 2 – Development Management Policies for HMOs of up to 6 occupants. The intensification of the occupation of the HMO to up to 14 people would be anticipated to result in a significant increase in vehicles associated with the property and thus a substantially increased need for on-street vehicular parking within the immediate area. As a result, the existing limited capacity of on-street parking would be further reduced.
15. Appendix C notes that for HMOs with more than 6 occupants, car parking will be assessed through a transport appraisal and travel plan. This information has not been provided and there is no other definitive evidence that demonstrates the adequacy of parking provision either on-site or on-street.
16. Given the appeal site's adjacency to the junction between Dorset Avenue and Dorset Close, it is entirely likely that parking would occur on or near the junction by residents of the proposal which would reduce the visibility for vehicles and pedestrians interacting with junction. Furthermore, the reduction in on-street parking availability would result in an increase of vehicles parking half on the highway and footpath and would displace parking arrangements for existing occupants, requiring them to park further away from their properties. Accordingly, and in the absence of a transport appraisal, travel plan or any other substantive evidence, I am satisfied that the proposal would have an unacceptable impact on conditions of highway safety and the living conditions of nearby occupants.
17. I note that there is a bus stop within 250 metres of the appeal site, which I accept would contribute to a reduction on the reliance of private vehicles. However, with the site being located within a PTAL 1b area, indicating an overall poor level of public transport connectivity, there is a greater likelihood that occupants of the appeal dwelling would rely more heavily on private vehicles than those located in an area with greater public transport accessibility.
18. I acknowledge the appellant's reference to evidence suggesting that HMO occupants typically have lower levels of car ownership. Nevertheless, even allowing this to be the case, the specific transport context of the site as directed by the relevant development plan policy is to assess HMOs on a case-by-case basis. Accordingly, there is no conclusive evidence before me that leads me to find the proposal is acceptable in relation to parking.
19. I have had regard to the contention that the conditioning of the submission of details in relation to a Travel Plan or Parking Management Plan may be consistent

with the approach of the Council and the Framework. However, the reasons above indicate that even in the event these documents were submitted, the harm arising from the proposal would not be mitigated and adherence to them could not be reasonably enforced. I am not therefore satisfied that such conditions would be acceptable in this instance.

20. The proposed development would result in unacceptable impacts on highway safety and the living conditions of nearby occupants by way of parking. I therefore find conflict with Policies DMT 1, DMT 2 and DMT 6 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies; and Policies T4 and T6 of the London Plan 2021 (LP). These policies, amongst other things, aim to ensure development addresses its transport impacts, is acceptable in terms of highway safety, and provides adequate vehicular parking. I further find inconsistency with the Framework where it seeks to promote sustainable transport and highway safety.

Other Matters

21. The appellant has indicated that that due to the lack of evidence of substantive harm the presumption in favour of sustainable development, as set out in the Framework, should apply. Whilst I am mindful that the latest Housing Delivery Test (HDT) measure of 91% indicates that the Council has been unable to deliver sufficient housing, this is significantly above the trigger of 75% for the presumption to apply.
22. Nevertheless, even if Paragraph 11d) ii of the Framework were applied, and the presumption in favour of sustainable development was triggered, the adverse impacts of granting planning permission, in terms of highway and living conditions issues would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. These include key policies in relation to directing development to sustainable locations and securing well-designed places that have a high standard of amenity for existing and future users, of which I am required to have particular regard.

Conclusion and Recommendation

23. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I recommend that the appeal should be dismissed.

Finlay Bradford

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR