

4 Press Road, Harrow, Uxbridge, UB8 1AT



CERTIFICATE OF LAWFULNESS FOR A C4 HMO & SINGLE-STOREY SIDE AND REAR EXTENSIONS

PLANNING STATEMENT

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1. Introduction

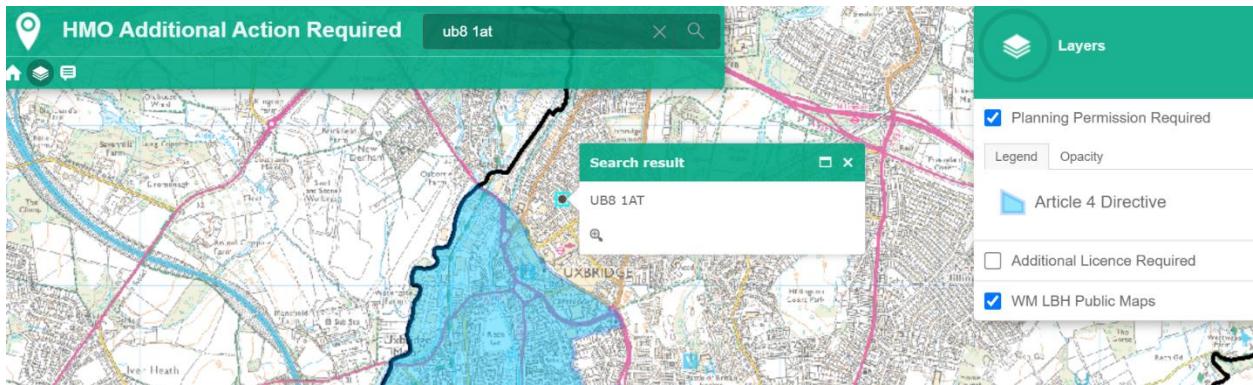
- 1.1** The application site comprises a two-storey semi-detached property that benefits from single-storey side and rear extensions.
- 1.2** The property is currently in use as a C4 HMO for 6 people and this Certificate of Lawfulness seeks confirmation of the existing use.
- 1.3** The C4 HMO use commenced 2nd September 2024 when 3 tenants moved into the property. The property is currently occupied by 6 tenants – 1 per room.
- 1.4** This application demonstrates that the current use of the property as a C4 HMO is lawful and complies with Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the definition of a C4 HMO. The lawfulness of the existing C4 HMO is summarised in Section 2 of this report.
- 1.5** The existing side and rear extensions also comprise permitted development and comply with Class A of Schedule 2: Part 1 of the GPDO. The lawfulness of the existing extensions is summarised in Section 3 of this report.

2. C4 HMO

Eligibility for C4 HMO use

2.1 The application site is not within the borough's Article 4 Direction Area as the image in Fig.1 below shows. The image is taken from the council's online mapping. The site is shown well outside of the blue Article 4 Direction area.

Fig.1 – Image showing the site outside of the A4D area for C4 HMOs.



2.2 As there is no Article 4 Direction in place for this area preventing a change of use from a C3 single dwellinghouse to a C4 HMO, the applicant is entitled to utilise Class L permitted development rights to change from C3 to C4 without requiring planning permission.

2.3 Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) grants permitted development rights for the change of use of a C3 dwellinghouse to a C4 small HMO.

2.4 Class L reads as follows:

Class L - small HMOs to dwellinghouses and vice versa

Permitted Development

L. Development consisting of a change of use of a building -

(a) from a use falling within Class C4 (houses in multiple occupation) of the schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouse) of that Schedule.

2.5 The definition of a C4 (small HMO) is:

'Use of a dwellinghouse by not more than six residents as a 'house in multiple occupation'.

2.6 In addition, to be considered as an HMO, the unrelated individuals must share basic amenities such as a kitchen or bathroom.

2.7 The current use of the property accords with the definition of a C4 HMO for the following reasons:

- (i.) There are 6 people living at the property;
- (ii.) The 6 bedrooms are let on a room-by-room basis to the unrelated individuals who live in the property;
- (iii.) The tenancy agreements explicitly state that the rooms are limited to single occupancy and this ensures that the occupancy of the property is limited to no more than 6 people;
- (iv.) The physical layout of the property is such that there are shared basic amenities in the form of a ground floor kitchen, ground floor WC and first floor bathroom.

2.8 With regard to ensuring that no more than 6 people occupy the property, the tenancy agreements (submitted with this application) include the following clauses (3.) & (4.) limiting the room to single occupancy:

3. Subject to the provisions of this Agreement, apart from the Tenant, no other persons will live in the Property.
4. Every room is strictly let on a single occupancy basis.

2.9 With regard to the layout and functioning of the house being within the definition of a C4 HMO, clause (2.) contractually enshrines the provision of shared basic amenities:

2. The Tenant will have exclusive occupation of the designated room and will share with the other occupiers of the Property the use and facilities of the common parts of the Property (including such bathroom, toilet and kitchen facilities as may be at the Property).

Evidence to demonstrate C4 HMO use

2.10 The C4 HMO use commenced 2nd September 2024 when 3 tenants moved into the property.

2.11 The property is currently occupied by 6 tenants – 1 per room.

2.12 Copies of tenancy agreements for each of the 6 tenants are submitted with this application. All of tenancies relate to current tenants.

2.13 A copy of a recent bank statement showing recent rental payments from all 6 tenants named on the submitted tenancy agreements.

2.14 The provision of 6 tenancy agreements for each of the current tenants, along with corresponding evidence of rental payments and, the submitted floorplans showing the current layout of the property, should be sufficient to demonstrate C4 HMO use. The LPA will be able to verify this evidence when visiting the property.

Decisions confirming C4 HMOs with double bedrooms are not to be considered as Large Sui Generis HMOs

2.15 In assessing HMO applications, the LPA has previously taken the approach that where bedroom sizes are capable of double occupancy, they will be considered as such, and that a property with 6 bedrooms that has the potential to be occupied by more than 6 people as a result of having double bedrooms will then be considered on the basis of its maximum potential occupancy. Under this approach a C4 HMO would be expected to have 6 single bedrooms. This interpretation has since been rejected by the Planning Inspectorate.

2.16 A recent appeal decision (ref: APP/R5510/W/24/3351260) at 4 Rofant Road, HA6 3BE, in the London Borough of Hillingdon, was allowed by the Inspector, who ruled that an application must be considered on the basis of what is presented and applied for. The Inspector noted (in paras 7 & 8 of his decision letter) that:

7. "The Council considers that due to the size of the proposed bedrooms 1 and 4, they are capable of serving more than one individual. As a result, they note in their appeal statement the proposed house in multiple occupation (HMO) could be occupied by up to eight to nine individuals.

8. The development before me is for a use class C4 HMO. With reference to the Town and Country Planning (Use Classes) Order, by definition, the use sought by the appellant is restricted to the occupation of up to six unrelated individuals. Occupation above this level is outside the scope of the use that the appellant has applied for, and as such, I have considered the appeal on the basis of it being a six person C4 HMO."

2.17 In light of this decision, the LPA must determine this application on the basis of the 6-room, C4 HMO being applied for and should not reject it on the grounds that it has the potential to be occupied by more than 6 people.

2.18 This approach is confirmed in a recent approval by LB Hillingdon for a Certificate of Lawfulness (Proposed) for a C4 HMO at 247 West End Road, Ruislip (LPA ref: 28177/APP/2025/305) that was approved on 21st May 2025.

2.19 The delegated report for the approved C4 HMO at 247 West End Road confirms the LPA's acceptance of C4 HMOs regardless of generous bedroom sizes:

“Whilst there may be concerns by the LPA that the bedrooms sizes are suitable for two person accommodation, on reflection of the recent appeal decision within Rofant Road and the appeal decision submitted by the applicant, these are material considerations.

It is not unreasonable to believe that 4 of the residents would simply have larger rooms to compliment their ensuites. It is therefore considered that the property would be used as a 6 person (C4 - HMO), as stated in the application form.”

Summary

2.20 The site is eligible for a change of use from a C3 dwellinghouse to a C4 HMO as there is no Article 4 Direction in place in this part of the borough.

2.21 There are no more than 6 unrelated individuals living at the property and these tenants share basic amenities – in this case the ground floor kitchen, ground floor WC and first-floor bathroom and the loft level bathroom.

2.22 Drawings 103 & 104 submitted with this application show the existing C4 HMO layout and how it complies with the provisions of Part 3, Class L of the General Permitted Development Order (GPDO).

2.23 Recent appeal decisions and decisions made by the council following these appeal decisions, confirm that applications for C4 HMOs are not to be considered on potential occupancy and should be determined on what is applied for – in this case a 6-person C4 HMO.

3. Side and rear extensions

3.1 The property benefits from a single-storey rear extension and a single storey side extension. Both of these extensions comply with permitted development allowances under Class A of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Single-storey rear extension

3.2 The single-storey rear extension (see Fig.2 below) satisfies all provisions of Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Table.1 below demonstrates how the extension complies with Class A PD allowances.

Fig.2 – Images showing the rear extension.

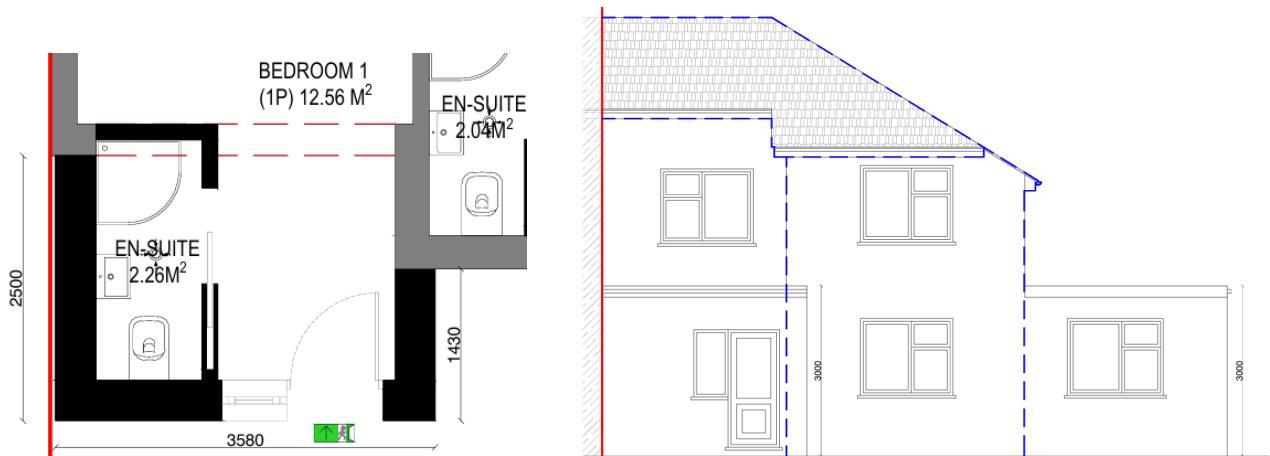


Table.1 – Assessment of the existing single-storey rear extension for compliance with Class A Permitted Development allowances.

A.1 Development is not permitted by Class A if	
a. permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 2 of this Schedule (change of use)	Complies
b. as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	Complies
c. the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	Complies
d. the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	Complies

<p>e. the enlarged part of the dwellinghouse would extend beyond a wall which —</p> <ul style="list-style-type: none"> i. fronts a highway, and ii. forms either the principal elevation or a side elevation of the original dwellinghouse; 	<p>Complies</p>
<p>f. the enlarged part of the dwellinghouse would have a single storey and —</p> <ul style="list-style-type: none"> i. extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or ii. exceed 4 metres in height. 	<p>Complies</p> <p>The proposed extension would project 2.5m from the original rear wall with a maximum height of 3m.</p>
<p>g. for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –</p> <ul style="list-style-type: none"> i. Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or ii. Exceed 4 metres in height. 	<p>N/A</p>

<p>h. the enlarged part of the dwellinghouse would have more than one storey and</p> <p>— i. extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or</p> <p>ii. be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;</p>	<p>N/A - The extension is single-storey.</p>
<p>i. the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;</p>	<p>The eaves do not exceed 3 metres.</p>
<p>j. the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—</p> <p>i. exceed 4 metres in height,</p> <p>ii. have more than one storey, or</p> <p>iii. have a width greater than half the width of the original dwellinghouse; or</p>	<p>Complies.</p> <p>It extends off a side wall but:</p> <p>i. Does not exceed 4m in height.</p> <p>ii. Is single storey.</p> <p>iii. Is less than half the width of the dwellinghouse. The extension is 3.5m wide and the main house is 7.4m wide.</p>

<p>(Ja.) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);</p>	<p>Complies</p>
<p>k. it would consist of or include—</p> <ul style="list-style-type: none"> i. the construction or provision of a veranda, balcony or raised platform, ii. the installation, alteration or replacement of a microwave antenna, iii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or iv. an alteration to any part of the roof of the dwellinghouse. 	<p>Complies.</p>
<p>A.2 In the case of a dwellinghouse on Article 2(3) land, development is not permitted by Class A if</p> <ul style="list-style-type: none"> a. it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles; 	<p>N/A – The site is not on Article 2(3) land.</p>

<p>b. the enlarged part of the dwellinghouse would extend beyond the wall forming a side elevation of the original dwellinghouse; or Not applicable.</p> <p>c. the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.</p>	
<p>A.3 Development is permitted by Class A subject to the following conditions –</p> <p>a. the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse</p> <p>b. any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be i. obscure-glazed, and ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and</p> <p>c. where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the</p>	<p>Complies</p>

enlarged part shall, as far as practicable, be the same as the roof pitch of the original dwellinghouse.

Single-storey side extension

3.3 The single-storey side extension (see Fig.3 below) satisfies all provisions of Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Table.2 below demonstrates how the extension complies with Class A Permitted Development allowances.

Fig.3 – Images showing the existing side extension.

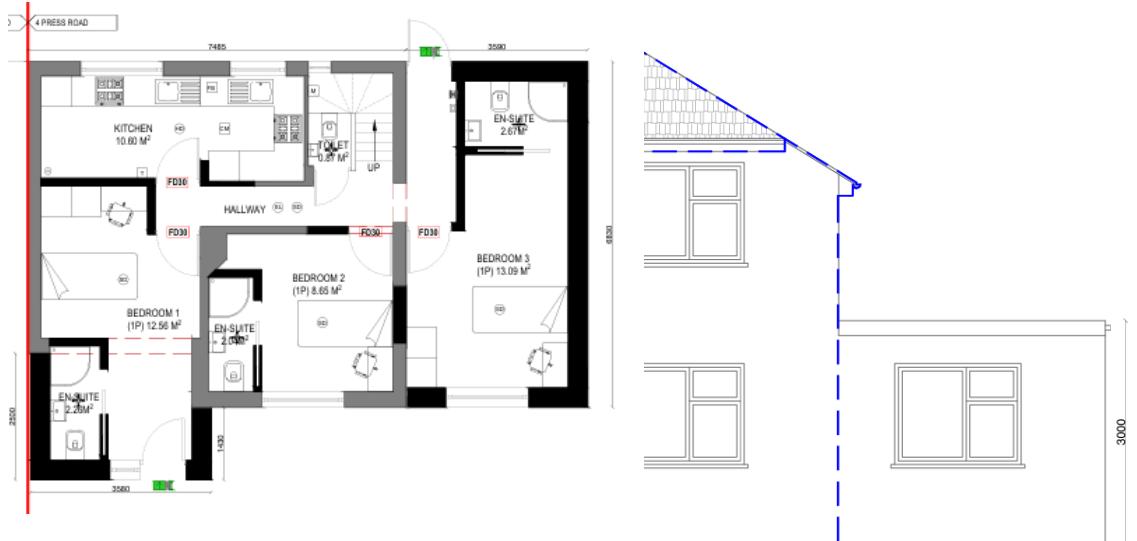


Table.2 – Assessment of the existing single-storey side extension for compliance with Class A Permitted Development allowances.

A.1 Development is not permitted by Class A if	
l. permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 2 of this Schedule (change of use)	Complies
m. as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	Complies
n. the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	Complies
o. the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	Complies

<p>p. the enlarged part of the dwellinghouse would extend beyond a wall which —</p> <p>iii. fronts a highway, and ii. forms either the principal elevation or a side elevation of the original dwellinghouse;</p>	Complies
<p>q. the enlarged part of the dwellinghouse would have a single storey and —</p> <p>iii. extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or</p> <p>iv. exceed 4 metres in height.</p>	N/A
<p>r. for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –</p> <p>i. Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or</p> <p>ii. Exceed 4 metres in height.</p>	N/A

<p>s. the enlarged part of the dwellinghouse would have more than one storey and</p> <p>— i. extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or</p> <p>iv. be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;</p>	N/A - The extension is single-storey.
<p>t. the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;</p>	The eaves do not exceed 3 metres.
<p>u. the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—</p> <p>iv. exceed 4 metres in height,</p> <p>v. have more than one storey, or</p> <p>vi. have a width greater than half the width of the original dwellinghouse; or</p>	<p>Complies.</p> <p>It extends off a side wall but:</p> <p>iv. Does not exceed 4m in height.</p> <p>v. Is single storey.</p> <p>vi. Is less than half the width of the dwellinghouse. The extension is 3.59 m wide and the main house is 7.48m wide (half of this is 3.74m).</p>
(Ja.) any total enlargement (being the enlarged part together with any	Complies

<p>existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);</p>	
<p>v. it would consist of or include—</p> <p>iv. the construction or provision of a veranda, balcony or raised platform,</p> <p>v. the installation, alteration or replacement of a microwave antenna,</p> <p>vi. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</p> <p>iv. an alteration to any part of the roof of the dwellinghouse.</p>	<p>Complies.</p>
<p>A.2 In the case of a dwellinghouse on Article 2(3) land, development is not permitted by Class A if</p> <p>d. it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;</p> <p>e. the enlarged part of the dwellinghouse would extend beyond the wall forming a side</p>	<p>N/A – The site is not on Article 2(3) land.</p>

<p>elevation of the original dwellinghouse; or Not applicable.</p> <p>f. the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.</p>	
<p>A.3 Development is permitted by Class A subject to the following conditions –</p> <p>d. the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse</p> <p>e. any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be i. obscure-glazed, and ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and</p> <p>f. where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, as far as practicable, be the same as the roof pitch of the original dwellinghouse.</p>	<p>Complies</p>

4 Summary

4.1 The existing C4 HMO is lawful as the property is eligible for a change of use from C3 to C4 under Class L and, the existing layout and occupancy comply with the definition of a C4 HMO, namely:

- There are no more than 6 unrelated individuals living at the property.
- The tenants share basic amenities.
- The bedrooms are let on a room-by-room basis to the unrelated individuals who live in the property.
- The tenancy agreements explicitly state that the rooms are limited to single occupancy.

4.2 Both the single-storey rear extension and single storey side extension comply with permitted development allowances under Class A of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).