



Appeal Decision

Site visit made on 24 March 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025.

Appeal Ref: APP/R5510/W/24/3351260

4 Rofant Road, Northwood, Hillingdon HA6 3BE

- 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 Kelly Vhora against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 6923/APP/2024/358.
- The development proposed was originally described as “proposed change of use from Class C3 (dwellinghouse) to Class C4 (Small HMO) 6 bedroom up to 6 persons”.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class C3 (Dwellinghouse) to Class C4 (Small HMO) 6 bedroom up to 6 persons and the erection of a single storey side extension at 4 Rofant Road, Northwood, Hillingdon HA6 3BE in accordance with the terms of the application, ref 6923/APP/2024/358, subject to the conditions in the attached schedule.

Preliminary Matters

2. The development as originally described within the application form did not include the single storey side extension element of the scheme. I note however, that the appellant has adopted the wording from the Council’s decision notice in their appeal documentation. I have therefore proceeded on this basis and used the Council’s wording from its decision notice in my formal decision as it is a more precise description of development.
3. I am aware that a certificate of lawfulness has been granted at the appeal site for the use of the property as a use class C4 HMO of three bedrooms and six persons¹. I have been provided with the plans by the Council and have had regard to this material consideration in the determination of this appeal.

Main Issues

4. The main issues are:
 - a) The effect of the appeal proposal on the character of the area and on the living conditions of nearby neighbours with specific reference to noise and disturbance; and
 - b) Whether the change of use would provide suitable living conditions for future occupants, with specific regard to provision of communal space and the impact of noise on bedroom 2.

¹ LPA ref. 6923/APP/2023/3439

Reasons

Character, Appearance and Living Conditions

5. Rofant Road primarily comprises two-storey detached and semi-detached properties with consistent architectural styles and features. Properties are organised in an identifiable pattern fronting Rofant Road in a mostly linear building line.
6. The appeal property is a semi-detached two storey property with a large single storey outbuilding. It is set in a corner plot orientated at a slight angle and set back from the prevailing building line along Rofant Road.
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.
9. I accept that it is likely that each occupant of the HMO would have their own individual routines, resulting in people entering and leaving the property at various times. However, given the appeal proposal is for a small HMO of up to six individuals, these movements would be limited to a level and intensity that would be in keeping with the surrounding residential area of predominantly family units. I am therefore satisfied that the operation of the site as a small HMO would not be readily discernible from the other properties along Rofant Road and therefore would be in keeping with the character of the area.
10. Similarly, given the limited occupancy of the HMO to six individuals, the use of the property itself and the associated movements would generate a level of noise and activity similar to that of the existing residential property and those properties within the wider area. I do not have any convincing evidence before me demonstrating that the noise generated by six individuals would result in any adverse impacts in relation to the living conditions of any specific neighbours. As such, I find that the appeal proposal would not result in an intensification of the site that would give rise to materially harmful noise and disturbances and would therefore preserve the living conditions of nearby neighbours.
11. For the reasons that I have given, the appeal proposal would accord with Policies DMH5, DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) (DMP) and Policies D3 and D13 of the London Plan (2021) (LP). These policies, amongst other matters, seek to ensure that development responds to the character of the area and that living conditions of neighbours would not be adversely impacted through the introduction of new development.

Living Conditions of Future Occupiers

12. In relation to living conditions of future occupiers, I note again in the Council's evidence that they have referred to eight to nine individuals occupying the appeal

site. However, for the reasons I have given previously, I am satisfied that the scope of the appeal would only apply to six future individuals.

13. In relation to the communal space it would comprise the kitchen, dining area and living area. These would be situated in a regular rectangular shaped room which would lead to the rear garden that would also be shared between future occupiers. Based on the plans before me, I am satisfied that the communal areas would be appropriately sized for the six occupiers proposed by the appeal scheme where residents could individually undertake separate activities such as cooking, eating and sitting without undue interference from other occupiers of the HMO.
14. Furthermore, whilst bedroom 2 would share an internal wall with the living area, given the level of occupancy is limited to six individuals, I am satisfied the level and intensity of use of the adjacent living area by other occupiers of the HMO would not result in levels of noise and activity that would be detrimental to the living conditions of bedroom 2 through noise transfer through the shared wall. I do not have any convincing evidence before me to demonstrate otherwise. As such, I am therefore satisfied that future occupiers would have a high standard of living conditions.
15. For the reasons given, the appeal proposal would accord with Policies DMH5, DMHB 11 and DMHB 16 of the DMP and Policies D6 and D14 of the LP. These policies, amongst other criteria, seek to ensure that development is designed to a high standard that provides satisfactory living conditions and internal space for the intended occupiers of the development.

Other Matters

16. The Council has provided an appeal decision within the borough at 31 Morello Avenue² as part of their evidence where, in this instance, the inspector took into account the likely number of individuals to occupy a 5 bedroom HMO based on bedroom size. However, I note that in this case the appeal proposal was for a sui generis use class HMO rather than a C4 use class HMO. This is a material difference between the cases and means that they are not directly comparable in this regard.
17. I also note that the Council has provided an appeal decision which it believes is comparable to the current appeal relating to the impact on living conditions from noise and disturbance from an HMO³. However, in this instance I note the appeal in question was for a large HMO of up to ten individuals so again is not directly comparable. I am also unaware of the site-specific context of this appeal and if it is comparable to the current appeal. As a result, reference to this appeal has not altered my findings.
18. I note that the Council has confirmed in its officer report that the single storey side extension would, in isolation, be compliant with the Council's design policies. Whilst the acceptability of the design of the extension has been raised by neighbours, the information before me does not lead me to a different conclusion to that of the Council.
19. The adjacent neighbour at 6 Rofant Road has raised concern that the proposal would lead to overlooking to their garden area and concern over the transfer of noise through the shared party wall. However, the Council has not raised concern regarding overlooking and the information before me does not lead me to a different

² PINS ref: APP/R5510/W/18/3218579

³ PINS ref: APP/R5510/W/23/3327485

conclusion. I have also explained in my decision that the level of noise generated by a six person HMO would be at a level and intensity that would not be harmful to the living conditions of nearby neighbours.

20. Neighbours have also questioned the need of the HMO and the loss of the existing property. Concern has also been raised over the increases in traffic, parking and the volume of vehicles accessing the site along with measures relating to sewage water and drainage. The Council has not raised a concern regarding these matters. The evidence before me does not lead me to a different conclusion to that of the Council.
21. I also note that neighbours are concerned that allowing this appeal could set a precedent. However, each case is determined on its own merits. I am satisfied that my decision on this proposal, on this particular site with its distinct characteristics in this context would not harm the ability of the Council to exercise their judgement in future cases.
22. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. I have considered the case on its individual planning merits.

Conditions

23. I have considered the conditions suggested by the Council against the tests in the National Planning Policy Framework (the Framework) and the advice in Planning Practice Guidance. In the of meeting the tests of the Framework, I have amended the wording of conditions where necessary.
24. The appellant has suggested that they would accept a condition limiting the occupancy of the property to six individuals. The Council has also suggested this condition if I was minded to allow the appeal, although I note its primary case being the condition would not be enforceable, again with reference to 31 Morello Avenue. I have already explained why this appeal is not directly comparable to the scheme before me.
25. As use class C4 limits the number of occupants to six individuals, by definition, exceeding this limit would require a separate planning permission. As such a condition limiting the number of occupants to six individuals would not be necessary for this specific development. I am satisfied that the terms of the planning permission are robust and would be able to be enforced by the Council through enforcement procedures should this be necessary in the future.
26. The standard timescale condition for implementation and a plans compliance condition are imposed for the avoidance of doubt and in the interests of certainty.
27. I have imposed a condition requiring materials to match the proposed dwelling. This is necessary to ensure the proposal will preserve the character and appearance of the host property and area.
28. The proposed site plan marks the location of the refuse and cycle storage areas, however full details have not been submitted. As such, conditions securing the full details for the refuse and cycle storage facilities are considered reasonable and necessary in order to encourage sustainable transport and to ensure that sufficient refuse facilities are available for future occupiers.

29. The Council has also suggested a condition to remove permitted development rights relating to windows, doors and openings to be constructed in the walls or roof slopes, in order to prevent overlooking to adjoining properties. I have not been presented with evidence demonstrating that this is required in order to ensure the privacy and adequate living conditions of nearby neighbours. As such, imposing this condition would be unreasonable and unnecessary.
30. A demolition and construction plan has been suggested by the Council. However, considering the small scale of the construction work required and the location of the host property and extension set back from the public highway, I do not consider this condition to be reasonable or otherwise necessary.
31. A condition regarding the provision of electric vehicle charging points has also been suggested. Given the proposal is for a conversion of an existing property and retaining the same level of parking, this would not be a necessary condition in order to make the development acceptable.

Conclusion

32. For the reasons given above, the proposal would accord with the development plan as a whole, and there are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed and planning permission be granted, subject to the conditions set out in the accompanying schedule.

C Housden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos P101, P201, P202 and P301 Rev B.
- 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
- 4) The development hereby permitted shall not be occupied until details of an enclosed refuse storage area have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved enclosed refuse storage area has been implemented in accordance with the approved details. The enclosed refuse storage area shall be permanently retained in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- 5) The development hereby permitted shall not be occupied until details of covered and secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved details. The cycle facilities shall be permanently retained in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.