



Appeal Decision

Site visit made on 29 April 2026

by E Everitt BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2026

Appeal Ref: 6005048

6 Cherry Orchard, West Drayton UB7 7JR

- 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 Sagoo against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 79657/APP/2025/2686.
 - The development proposed is single storey side and rear wrap around extension, insertion of window to first floor flank wall, change of use from single family residential to 5 bed 5 person HMO.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear wrap around extension, insertion of window to first floor flank wall, change of use from single family residential to 5 bed 5 person HMO at 6 Cherry Orchard, West Drayton UB7 7JR in accordance with the terms of the application, Ref 79657/APP/2025/2686, subject to the conditions in the attached schedule.

Preliminary Matter

2. At the time of my site visit, some construction work had been undertaken. Although I observed some inaccuracies between what is shown on the submitted plans and what has been built out, my assessment is based on the plans before me, rather than what has been constructed. Any works carried out not in accordance with those plans would be a matter between the Council and the appellant.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance; and
 - the effect of the proposed development on highway safety.

Reasons

Living conditions

4. The appeal property is a semi-detached building located within an area which is residential in character. I observed during my site visit that Cherry Orchard is a relatively quiet residential street comprising detached and semi-detached dwellings.

5. The appeal proposal would result in the change of use of the existing property from a 3-bedroom dwellinghouse to a 5-bedroom House in Multiple Occupation (HMO). The Council and local residents raise concerns that the proposed development would, by reason of the number of occupiers, lead to increased noise and disturbance which would affect the living conditions of occupiers of adjacent properties in particular.
6. However, while the number of bedrooms would increase as a result of the proposal, the occupancy of the HMO would be limited to 5 people, as specified in the description of development. A suitably worded condition would also provide certainty that occupancy would not exceed this level. In contrast, the intensity of use as a single dwellinghouse cannot be predicted or controlled. In this context, it has not been demonstrated that the occupancy of the proposed HMO would exceed that of the existing dwellinghouse, if occupied by a single family, or represent the over-intensification of the use of the site.
7. Against this background, even in the absence of a noise assessment, I have no substantive evidence before me to suggest that future occupiers of the proposed HMO would be likely to cause any additional noise or disturbance, or any other anti-social behaviour, compared to existing or future occupiers of the existing property. There is nothing in the information before me to demonstrate that there would be a marked increase in comings and goings from the property, on foot or by car, or an increase in the use of the rear garden associated with the proposed HMO compared to the existing dwellinghouse.
8. Taking the above into account, it has not been demonstrated that the proposed use would lead to an increase in noise and disturbance such that it would be detrimental to the living conditions of the occupiers of neighbouring properties, even taking into account the relatively quiet nature of Cherry Orchard. In any event, the use of the property as an HMO would require a licence from the Council. The process for obtaining a licence considers matters including the management of the HMO, thereby providing an opportunity to ensure appropriate provisions are in place to deal with any harmful noise or disturbance should such circumstances arise. The appellant has also brought to my attention that the issue of an HMO licence includes requirements to implement sound attenuation measures.
9. The Council has drawn my attention to 2 recent appeal decisions concerning proposed HMOs, at 5 Crossway and 47 Hanover Circle¹. I do not have full details of these cases, or plans showing the proposals, before me. Nevertheless, it is evident that the cases differ from the appeal case. Notably, the cases relate to proposals for HMOs with greater occupancy levels than the appeal proposal. Moreover, in the latter case, the proposal was located close to existing HMOs. There is no evidence before me to suggest that such circumstances apply at the appeal property. Indeed, the Officer Report confirms that there are no other registered HMOs within Cherry Orchard. Consequently, the conclusions reached in respect of these cases, which are also located elsewhere within the Borough, do not alter my findings in relation to the appeal scheme.
10. I appreciate the frustration of local residents with regard to noise and disturbance during construction. However, construction works are, by their very nature, time

¹ APP/R5510/W/25/3360554 and APP/R5510/W/25/3372543

limited. They would not, therefore, lead to a harmful effect on the living conditions of occupiers of neighbouring properties in the long-term.

11. Accordingly, I conclude that the proposed development would not have a harmful effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. As such, it complies with the relevant provisions of Policies DMH 5 and DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies (adopted 2020) (the LPP2). Among other things, these policies seek to ensure that there will be no adverse impact on the amenity of neighbouring properties.

Highway safety

12. The appeal property is located within a Controlled Parking Zone (CPZ). It is evident from my observations during my site visit that there is limited availability of parking in the CPZ. While the proposed development would provide one off-street parking space, the Highway Authority and local residents raise concerns that the proposal would likely lead to overspill parking on the public highway through a lack of adequate on-site parking provision. Any overspill parking would likely exacerbate the existing parking stress evident in Cherry Orchard.
13. Accordingly, and noting the site's moderately sustainable location, in order to prevent the development increasing pressure on parking in the CPZ, it is reasonable that the development is 'car-capped', thereby deterring car use and ownership.
14. The Council seeks a Section 106 agreement or Unilateral Undertaking restricting future occupiers from applying for resident's parking permits. However, paragraph 56 of the National Planning Policy Framework (the Framework) states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The appellant has provided suggested wording for a condition restricting future occupiers from obtaining parking permits. Based on the evidence before me and my observations on site, together with the limited scale of development, I consider that an appropriately worded condition would, in this case, be sufficient to address the impact of the development. This is a matter I return to subsequently.
15. For these reasons, I conclude that, subject to an appropriately worded condition, the proposed development would not have a harmful effect on highway safety. In this regard, it would accord with the relevant provisions of Policies DMT 1, DMT 2 and DMT 6 of the LPP2 and Policies T2 and T4 of the London Plan 2021 (the LP). These policies seek, among other things, development which does not contribute to the deterioration of safety for all road users and residents, complies with relevant parking standards and addresses its transport impacts in a sustainable manner.
16. Refusal reason 2 on the Council's decision notice also refers to Policy T5 of the LP. However, this policy relates to cycling which is not a matter relevant to this main issue. Accordingly, this policy has not been determinative in this main issue.

Other Matters

17. Local residents have highlighted that Cherry Orchard has a community feel and is one of few safe family-oriented areas in the local area. They suggest that the

proposed change of use of the appeal property to a HMO would alter this established character, undermining the stability and cohesion in the street which results from single-family homes occupied by a community which has lived alongside each other for many years. However, there is no substantive evidence before me demonstrating that the sense of community, neighbourly engagement or character of the area would be harmed as a result of the proposal.

18. I do not dispute that current residents may be committed to maintaining the appearance and cleanliness of the street. Nevertheless, there is no evidence before me to suggest that future occupiers of the proposed HMO would not also do so, irrespective of how long they may reside at the HMO.
19. Based on the plans before me and my observations during my site visit, the proposed extension would appear subordinate to the existing property and respect the character and appearance of the property and the surrounding area. This is irrespective of the loss of side access and the erosion of the open space between the appeal property and 8 Cherry Orchard. I note that the Council has no objection in this regard, a finding which I see no reason to disagree with.
20. There are no details before me of any vetting process for potential occupiers of the HMO. However, no vetting process would be in place for future occupiers of the existing dwellinghouse. This matter does not, therefore, alter my assessment of the proposal.
21. Representations from neighbours note the potential for the proposal to set a precedent for the conversion of family residences in Cherry Orchard. Any future proposals would be assessed on the basis of their own individual circumstances, as I have done with this appeal. This matter does not, therefore, lead me to an alternative conclusion on the main issues.
22. Representations also raise concerns that the concentration of HMOs in the surrounding area has not been adequately assessed. The Council does not raise any concerns in this respect and has confirmed that, following a review of its HMO Register, there are no other registered HMOs within Cherry Orchard. On this basis, the Council concludes that the proposal would not result in a concentration of HMOs. I have no reason to disagree with this finding.
23. In respect of the impact of the proposed development on infrastructure, I note that the Council has not raised any concerns. Notwithstanding that the proposal includes additional bathroom facilities, having regard to my comments above on occupancy, there is no evidence before me to suggest that a harmful increase in pressure on infrastructure or demand for services would arise from the development compared to use of the existing dwelling. Equally, there is no evidence before me to suggest that the proposal would result in an increase in pollution or use of water or fossil fuels. Regarding refuse storage, the HMO Management Plan requires the manager of the HMO to ensure that adequately sized bins are provided in sufficient numbers according to the number of occupants. Moreover, an appropriately worded condition would ensure that appropriate provision is made for the storage of refuse.
24. I acknowledge the concerns raised by neighbours relating to the internal layout of the property, in particular the limited communal space, and the potential for adverse effects on the living conditions of future occupiers. However, based on the information before me and my observations on site, I am satisfied that an

adequate standard of accommodation would be provided. I note that the Council has not raised any concerns in this regard either.

25. I note the concerns raised regarding the proposed provision of cycle parking within the rear garden, from which there would be no direct access to the public highway following the construction of the side extension. However, an appropriately worded condition would secure the provision of secure cycle parking at the front of the property.
26. The Officer Report also refers to the need to provide infrastructure for electric and ultra-low emission vehicles for the development be consistent with Policy T6.1 of the LP. A suitably worded condition would secure this.
27. I appreciate the frustrations of local residents regarding the Council's approach to a previous application at the appeal property, inaccurate details provided on the application form and the commencement of building works and advertisement of the property as an HMO prior to planning permission being granted. Nevertheless, I have assessed the appeal on the basis of the plans before me. I have reasoned above why I have not identified any harm arising from the proposal following consideration of all the information before me, including all comments provided by occupiers of neighbouring properties. Any breach of the conditions attached to this permission would be a matter between the appellant and the Council.

Conditions

28. The Council has provided a list of conditions that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those, as well as those referred to in the Officer Report and suggested by the appellant, with reference to the advice in the Framework and Planning Practice Guidance. I have amended the wording of some suggested conditions without altering their fundamental aims.
29. I have not imposed a condition relating to commencement within the relevant statutory period as construction work has already started.
30. A condition requiring adherence to the approved plans (condition 1) is imposed for certainty.
31. I have imposed a condition restricting the occupancy of the HMO (condition 2) to ensure that the building is used as assessed above.
32. A condition requiring the new window in the flank elevation which serves an en-suite bathroom to be obscure glazed and fixed shut below 1.7m (condition 3) is necessary in the interests of safeguarding the living conditions of occupiers of the appeal property and adjoining properties.
33. I have imposed a condition relating to refuse storage (condition 4) in the interests of safeguarding the character and appearance of the property and surrounding area.
34. A condition requiring arrangements to secure the development as car-free (condition 5) is necessary in the interests of sustainability and highway safety. I have amended the wording of the condition suggested by the appellant to ensure that the condition is enforceable and sufficiently precise to provide certainty that occupiers are not able to obtain parking permits for the lifetime of the development.

35. A condition relating to cycle storage (condition 6) is necessary in the interests of providing appropriate cycle parking and to encourage the use of sustainable modes of transport.
36. A condition relating to electric vehicle charging (condition 7) is necessary to ensure the provision of suitable infrastructure to support the use of electric vehicles.

Conclusion

37. For the reasons given above, the proposal complies with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be allowed.

E Everitt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos Page 03 Proposed GA; Page 04 Proposed Elev and Page 05 Proposed Site Plan, Location Plan.
- 2) The occupation of the House in Multiple Occupation hereby permitted shall be limited to no more than 5 individuals at any one time.
- 3) The development hereby permitted shall not be occupied until the new window in the side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 4) Prior to the occupation of the development hereby permitted details of an enclosed refuse storage area shall be submitted to and approved by the Local Planning Authority. The refuse storage area shall be completed in accordance with the approved details before the building is occupied and retained thereafter.
- 5) The development hereby permitted shall not be occupied until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme or agreement shall ensure that:
 - i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
 - ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

- 6) Prior to the occupation of the development hereby permitted details of accessible covered and secure cycle storage for 5 no. bicycles shall be submitted to and approved by the Local Planning Authority. The cycle storage shall be completed in accordance with the approved details before the building is occupied and retained thereafter.
- 7) Prior to the occupation of the development hereby permitted details of 1 no. electric vehicle charging point shall be provided to and approved by the Local Planning Authority. The charging point shall be completed in accordance with the approved details before the building is occupied and retained thereafter.