



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference	:	LON/00AY/HSL/2025/0006
Property	:	59b Ballater Road, London SW2 5QX
Applicant	:	Peter Robertson
Respondent	:	London Borough of Lambeth
Type of application	:	Application under Schedule 5, Paragraph 31(1) of the Housing Act 2004 in relation to conditions imposed in the grant of a Licence under Part 2 of the Act
Tribunal members	:	Judge Nicol Mr S Mason FRICS
Date and Venue of Hearing	:	7th July 2026; 10 Alfred Place, London WC1E 7LR
Date of decision	:	7th July 2026

DECISION

The Tribunal confirms the conditions to the Applicant's licence in respect of 59b Ballater Road, London SW2 5QX.

Relevant legislation is set out in the Appendix to this decision.

Reasons

1. The subject property is a 2-bedroom flat located on the first and second floors of a converted house. The Applicant had let it to 2 couples so that it qualified as a house in multiple occupation ("HMO") under the Respondent's additional licensing scheme.
2. The Respondent granted the Applicant a HMO licence on 3rd March 2025 subject to, amongst others, the following condition:

iv.

Inadequate fire compartmentalisation. Install a 30 minute fire resistant door between the living area and the hallway. *Fire doors to be installed and maintained in accordance with BS 8214 (latest edition). *Install intumescent strips and cold smoke seals (within door leaf or door frame). *Install a self-closing mechanism. Location: LIVING ROOM

3. On 30th June 2025, the Applicant appealed against that condition. The Tribunal issued directions on 12th December 2025, amended on 15th April 2026.
4. The Tribunal heard the appeal on 7th July 2026. The hearing was attended by the Applicant and Carol Bennett, HMO Licensing & Enforcement Team Leader, on behalf of the Respondent.
5. The documents before the Tribunal consisted of:
 - Applicant's bundle of 29 pages;
 - A Fire Risk Assessment dated 13th March 2026, commissioned by the Applicant;
 - Respondent's bundle of 57 pages; and
 - An Opening Note for the Respondent.
6. The Applicant's reason for challenging the licence condition is that

... the living room is at the top of the flat, on a half level above anything else. Therefore, no one would be required to go through/past the room if a fire was to occur. The rest of the flat is fitted with fire doors and there are fire alarms fitted throughout the flat (including the sitting room). The sitting room is of an open plan design into the corridor and therefore to fit a fire door this would require the building of a new wall to enable a door to be fitted, which would be a considerable change to the property.
7. The Applicant expanded briefly on this. He said it would cost around £10,000 and make the area less easy to use. He pointed out that the Fire Risk Assessment, commissioned by his agents as part of their normal duties, did not mention any need to enclose the staircase and even implied it would be unnecessary.
8. Ms Bennett conceded that the flat had a nice layout but pointed out that the advice from the London Fire Brigade, based on floor plans and photos, was very firmly that the staircase needed to be enclosed. This accorded with LACORS guidance. Her concern is that, if not enclosed, fire and smoke originating on the second floor could escape throughout the flat.
9. The parties have a co-operative relationship and it is somewhat of a surprise that a compromise has not been found. Ms Bennett suggested

an alternative of installing a fire suppression/sprinkler system but the Applicant balked at the cost and effort involved in installation and maintenance.

10. The Applicant's objection to the installation of a fire door is understandable but the bottom line is that there is a fire risk which must be sufficiently mitigated. The only solution available to the Tribunal is to confirm the condition to the licence, although it remains open to the parties to discuss alternatives.

Name: Judge Nicol

Date: 7th July 2026

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Appendix of relevant legislation

Housing Act 2004

64 Grant or refusal of licence

- (1) Where an application in respect of an HMO is made to the local housing authority under section 63, the authority must either—
- (a) grant a licence in accordance with subsection (2), or
 - (b) refuse to grant a licence.
- (2) If the authority are satisfied as to the matters mentioned in subsection (3), they may grant a licence either—
- (a) to the applicant, or
 - (b) to some other person, if both he and the applicant agree.
- (3) The matters are—
- (a) that the house is reasonably suitable for occupation by not more than the maximum number of households or persons mentioned in subsection (4) or that it can be made so suitable by the imposition of conditions under section 67;
 - (aa) that no banning order under section 16 of the Housing and Planning Act 2016 is in force against a person who—
 - (i) owns an estate or interest in the house or part of it, and
 - (ii) is a lessor or licensor of the house or part;
 - (b) that the proposed licence holder—
 - (c) that the proposed manager of the house is either—
 - (i) the person having control of the house, or
 - (ii) a person who is an agent or employee of the person having control of the house;
 - (d) that the proposed manager of the house is a fit and proper person to be the manager of the house; and
 - (e) that the proposed management arrangements for the house are otherwise satisfactory.
- (4) The maximum number of households or persons referred to in subsection (3)(a) is—
- (a) the maximum number specified in the application, or
 - (b) some other maximum number decided by the authority.
- (5) Sections 65 and 66 apply for the purposes of this section.

67 Licence conditions

- (1) A licence may include such conditions as the local housing authority consider appropriate for regulating all or any of the following—
- (a) the management, use and occupation of the house concerned, and
 - (b) its condition and contents.
- (2) Those conditions may, in particular, include (so far as appropriate in the circumstances)—
- (a) conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;
 - (b) conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;

- (c) conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65;
 - (d) conditions requiring such facilities and equipment to be kept in repair and proper working order;
 - (e) conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standards, that the works are carried out within such period or periods as may be specified in, or determined under, the licence;
 - (f) conditions requiring the licence holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233.
- (3) A licence must include the conditions required by Schedule 4.
- (4) As regards the relationship between the authority's power to impose conditions under this section and functions exercisable by them under or for the purposes of Part 1 ("Part 1 functions")–
- (a) the authority must proceed on the basis that, in general, they should seek to identify, remove or reduce category 1 or category 2 hazards in the house by the exercise of Part 1 functions and not by means of licence conditions;
 - (b) this does not, however, prevent the authority from imposing licence conditions relating to the installation or maintenance of facilities or equipment within subsection (2)(c) above, even if the same result could be achieved by the exercise of Part 1 functions;
 - (c) the fact that licence conditions are imposed for a particular purpose that could be achieved by the exercise of Part 1 functions does not affect the way in which Part 1 functions can be subsequently exercised by the authority.
- (5) A licence may not include conditions imposing restrictions or obligations on a particular person other than the licence holder unless that person has consented to the imposition of the restrictions or obligations.
- (6) A licence may not include conditions requiring (or intended to secure) any alteration in the terms of any tenancy or licence under which any person occupies the house.

71 Procedural requirements and appeals against licence decisions

Schedule 5 (which deals with procedural requirements relating to the grant, refusal, variation or revocation of licences and with appeals against licence decisions) has effect for the purposes of this Part.

SCHEDULE 5

LICENCES UNDER PARTS 2 AND 3: PROCEDURE AND APPEALS

PART 3

APPEALS AGAINST LICENCE DECISIONS

32 Right to appeal against decision or refusal to vary or revoke licence

- (1) The licence holder or any relevant person may appeal to the appropriate tribunal against a decision by the local housing authority–
- (a) to vary or revoke a licence, or

- (b) to refuse to vary or revoke a licence.
- (2) But this does not apply to the licence holder in a case where the decision to vary or revoke the licence was made with his agreement.

34 Powers of tribunal hearing appeal

- (1) This paragraph applies to appeals to the appropriate tribunal under paragraph 31 or 32.
- (2) An appeal—
 - (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
- (3) The tribunal may confirm, reverse or vary the decision of the local housing authority.
- (4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.