

FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	**:**	**LON/00AY/HSL/2026/0001**
Property	**:**	**110B Ferndale Road, London SW4 7SE**
Applicant	**:**	**William Hywell Huw James & Vivienne Dawn James**
Representative	**:**	**In person**
Respondent	**:**	**London Borough of Lambeth**
Representative	**:**	**Mr William Radford**
Type of application	**:**	**Appeal against the grant of a Selective licence – sch. 5 Housing Act 2004**
Tribunal members	**:**	**Judge Tagliavini** **Ms J Rodericks MRICS**
Venue	**:**	**10 Alfred Place, London WC1E 7LR**
Date of hearing **Date of decision**	**:**	**7 September 2026**

DECISION

© CROWN COPYRIGHT

The tribunal's decisions

(i) The tribunal finds the letter dated 20 October 2025 serves as a 'minded to serve letter' to which the applicants responded and made their observations on the proposed conditions.

(ii) The tribunal is satisfied the respondent followed/took the required steps in reaching its decision to impose conditions on the grant of the Selective Licence dated 8 January 2026 (as varied).

(iii) The tribunal finds the respondent's requirement that the applicants' instal a fire door on the kitchen at the premises situate as **110B Ferndale Road, London SW4 7SE** ('the premises').

The application

1. This is an appeal pursuant to Part 2, Schedule 5, para. 32(1) Housing Act 2004, against the conditions imposed on the grant of a HMO Licence, specifically the condition that:

> *Ensure the door to the kitchen is a 30-minute fire-resistant door. Fire doors to 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.*

Background

2. On 20 October 2025, the respondent informed the applicants it was minded to grant an HMO licence containing certain conditions. After receiving representations from the applicants the respondent issued a further, varied draft licence on 2 December 2025 as the applicants had complied with various requirements and a Final HMO Licence dated 8 January 2026. The respondent granted a HMO Licence which still included a number of conditions.

The issues

3. At the hearing, the only remaining issue between the parties was the requirement to install a 30 minute fire resistant door to the kitchen with intumescent strips and cold seals. The applicants asserted that the remaining condition was not required because:

    (i) A kitchen fire door was not required.

    (ii) There were adequate means of escaping fire.

    (iii) The cooker is more than 3 metres from the escape route.

    (iv) The respondents have failed to prove the subject property is an HMO under s.254 Housing Act 2004.

    (v) The property was not an HMO and the respondent had no power to impose the conditions included on the selective licence.

4. The applicants asserted the condition was unreasonable and disproportionate and in excess of the legal requirements and asked the tribunal to quash that requirement.

The hearing

5. At the hearing, the applicants represented themselves. The respondent was represented by Mr William Radford, senior Enforcement Officer in the HMO Licensing team. The tribunal was provided with a 75 and a 54 page digital bundle and an additional 6 page Reply. The respondents provided a digital hearing bundle of 72 pages.

Reasons for the tribunal's decisions

6. The tribunal finds the property was let to three persons under a tenancy agreement dated 13/03/2025 which together with application made by Polly Watson (property manager) on behalf of the applicants, established to the tribunal's satisfaction that the property met the definition of a HMO pursuant to s.254 Housing Act 2004 which provides:

    (2) A building or a part of a building meets the standard test if—

    (a)it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;

(b) the living accommodation is occupied by persons who do not form a single household (see section 258);

(c) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);

(d) their occupation of the living accommodation constitutes the only use of that accommodation;

(e) rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and

(f) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities.

7. The tribunal finds the applicants' own oral and documentary evidence also confirmed the property was let as a HMO and that their request to allow 5 persons in 3 households confirms this decision. Consequently, the respondent issued a draft licence dated 20 October 2025 which informed the applicants the responded was 'minded to grant an HMO licence on the following terms and conditions' and invited applicants to make representation.

8. The tribunal finds on 23 October 2025, the applicants made representations and the respondent subsequently varied the conditions, including the suggested increase to the number of occupants and households but retained the requirement of the installation of a 30 minute fire resistant door in the kitchen as recorded in the revised draft licence dated 2 December 2025 attached to the 'minded to letter' which stated:

The local authority is proposing to grant a licence in respect of the above property….Your comments on the proposal are invited and any representations must be received by 23 December 2025 and will be considered prior to the issue of a licence.

9. The applicants subsequently informed the respondent that an appeal had been made on 6 November 2025 to the first-tier tribunal against the proposed draft licence dated 20 October 2025 which does not carry a right of appeal to the tribunal.

10. Although the application to the tribunal was premature, the respondents issued a 'Notice of Decision' dated 8 January 2026 and a copy of the final licence on 8 January 2026 to the applicants. This varied some of the conditions contained in the draft licence but retained the requirement to impose a 30 minute fire resistant door on the kitchen.

11. Although on a strict interpretation, the applicants had incorrectly made an application to appeal the terms of the draft licence dated 20 October 2025, the tribunal decided it was reasonable and appropriate to treat this application as an appeal against the final decision to grant the Selective Licence dated 8 January 2026; r.3 of the Tribunal Procedure (First-tier tribunal) Rules 2013. Neither party objected to this course of action and the respondents did an application to strike out the application for want of jurisdiction.

12. The tribunal finds under schedule 4 of the Housing Act 2004 permits the respondent to impose licence conditions relating to fire precautions; the safety of occupants the adequacy and protection of escape routes. The tribunal finds the respondent is also required to consider and did consider appropriately, the Housing Health and Safety Rating System (HHSRS) when deciding whether or not to impose conditions.

13. The tribunal finds the approximate cost of installing a 30 minute fire safety resistant door with intumescent strips and cold seals is in the region of £500. The tribunal therefore finds the condition imposed on the respondent is not disproportionate but is reasonable and necessary to protect the occupiers safety.

14. The tribunal finds the respondent met all procedural requirements in dealing with the applicants' application for a HMO Licence and took into account all relevant matters before it reached its decision to grant a licence and impose certain conditions including the installation of a fire resistant door to the kitchen. The tribunal finds the LACORs guidance is for guidance only and that the respondent was entitled to diversify from the guidance provided, where it determined that a fire resistant door was required to meet the standards imposed by the Health and Safety Rating System (HHSRS)

15. Therefore, the tribunal declines to quash or vary the terms of the Licence dated 8 January 2026 and dismisses this appeal.

Name: Judge Tagliavini **Date: 7 September 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 should be made on Form RP PTA available at https://www.gov.uk/government/publications/form-rp-pta-application-for-permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber

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).