



Appeal Decision

Site visit made on 18 June 2025

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2025

Appeal Ref: APP/J0350/W/25/3362484

23 Kings Road, Slough SL1 2PS

- 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 Morris against the decision of Slough Borough Council.
 - The application Ref is P/20622/002.
 - The development proposed is described as 'Change of use from a 6-person HMO to a 7-person HMO (Sui Generis)'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to a 7-person house in multiple occupation and the erection of a L-shaped rear dormer, 2 roof lights in the front elevation, and a single storey side and rear extension at 23 Kings Road, Slough SL1 2PS in accordance with the terms of the application, Ref P/20622/002, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development in the heading is taken from the planning application form. However, at the time the application was made, a previously approved single storey side and rear extension and a rear dormer and front rooflights later found to be permitted development, which are shown on some of the drawings, had not been constructed¹. Accordingly, for the purposes of the formal decision in paragraph 1, I have used an amended version of the description specified on the decision notice, which includes those building operations and thus reflects the scope of the scheme more closely.
3. Notwithstanding this, the building did not accurately reflect either the existing or proposed drawings when I visited. However, the Council assessed the application on the basis that the building may currently be used for Class C4² purposes as a small house in multiple occupation (HMO) by no more than 6 residents and so I have considered the appeal in the same way. Furthermore, I have determined it based on the development as shown on the proposed drawings, rather than as constructed, to reflect how the application was publicised and determined.

Main Issues

4. The main issues are the effects of the proposal on: (i) the supply of family accommodation; and (ii) the character of the area and the living conditions of neighbours with regard to the intensity of the use, noise and disturbance.

¹ Council refs: P/20622/000; P/20622/001

² Class C4 of Part C, Schedule 1 of The Town and Country Planning (Use Classes) Order 1987

Reasons

Family accommodation

5. Core Policy 4 of the Core Strategy Development Plan Document (CS) refers to the types of housing supported in the borough. Among other things, it specifies that there should be 'no net loss of family accommodation as a result of...changes of use.' I have not been provided with any guidance as to what might constitute 'family accommodation' for the purposes of the policy, but based on the cases the parties have presented, small HMOs are excluded from this.
6. Accordingly, the Council does not allege that the property is currently family accommodation. However, it contends that its use is likely the result of permitted development rights enabling dwellinghouses to become small HMOs and vice versa³. On that basis it is put forward that the property can currently revert to a dwellinghouse without requiring the approval of a planning application, whereas this would not be the case if the scheme were permitted, as it would have more than 6 residents and thereby not be a small HMO. Moreover, it is argued that if the building were turned back into a dwellinghouse it could provide family accommodation.
7. Fundamentally, the building is not currently used as family accommodation and so I do not see how the proposal would result in its net loss or otherwise conflict with Core Policy 4. I acknowledge that it would be possible to alter the property to make it more suitable for families, but there would be no incentive or requirement for the appellant to do so if the appeal is dismissed. This is the case despite the Council's housing evidence indicating that there is a great need for the provision and retention of family accommodation. Moreover, it has not been argued that there is an oversupply of HMO accommodation or that there is no need for it whatsoever.
8. The Council has referred to dismissed appeals⁴ that involved proposals with allegedly similar considerations to those applicable for this scheme. Conversely, the appellant has pointed to supposedly similar proposals that have been approved by the Council. However, I have not been provided with full details of any of those cases, the evidence presented or that arguments made that will have informed the decisions taken. Consequently, the cases referred to do not lead me to apply Core Policy 4 differently or alter my findings in other respects. The Council has also highlighted that the property is not included on the Council's HMO licence register, but such matters are not relevant to whether planning permission should be granted.
9. I conclude that the proposal would not have an effect on the supply of family housing in the borough. It therefore accords with Core Policy 4 of the CS.

Character and living conditions

10. The Council's concerns in respect of this matter are that the proposed HMO would result in the property being used more intensively than if it were used as a single household or small HMO and in this way conflict with the suburban character of the area, which principally comprises single family dwellinghouses. The Council is also concerned that if each of the bedrooms were to have 2 occupants there could be up to 14 people with different schedules and social networks living in the

³ Class L of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015

⁴ Appeal refs: APP/J0350/W/24/3343896; APP/J0350/W/20/3245330

building. It is put forward that this could bring about significant increases in noise and disturbance to the detriment of the living conditions of the neighbours.

11. Kings Road appears to feature mostly semi-detached and terraced housing. The proposed HMO would appear no different to these and a condition to require the development to be constructed using materials to match the existing property would ensure that it integrates with its surroundings successfully.
12. While I appreciate the Council's concerns regarding the potential impacts arising from up to 14 occupiers, the appellant only proposes up to 7 residents within the HMO and I have no compelling reasons to question their motives. Moreover, the appellant agrees to a condition to make sure that the property is occupied by up to 7 residents. The differences between 6 and 7 residents in terms of comings, goings, noise and disturbance would be minimal and thus there would be little if any perceptible impacts in these respects to the character of the locality or the living conditions of the occupiers of neighbouring properties.
13. The Council has recommended conditions to prevent windows being inserted into the side elevations of the proposed dormer, and to restrict access to the roof of the side and rear extension and prevent its use as an outdoor amenity space. The dormer's position and the extension's roof relative to the windows and the rear gardens of the adjoining properties is such that without restrictions there would be significant harm to the neighbours' living conditions. As such, there is clear justification for a condition to the effect of those suggested by the Council.
14. Subject to the conditions, the proposal would not have a harmful impact on the character of the area or the living conditions of neighbours. It accords with Core Policy 4 and Core Policy 8 of the CS and Policy H20 of The Local Plan for Slough. Together these set out that development should respect its location and surroundings and avoid losses of amenity for adjoining occupiers.

Conditions and Conclusion

15. In addition to the aforementioned conditions and one relating to the standard time limit for the commencement of development, a further condition to require the development to be carried out in accordance with the approved drawings is needed for certainty.
16. The proposal accords with the development plan taken as a whole. For the reasons given above the appeal should be allowed.

Mark Philpott

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: EX-L01; PR-01 (proposed ground and first floor plan), PR-01 (proposed loft and roof plan); PR-E01; PR-E02; PR-S01; PR-D01; PR-D02.
- 3) The external materials of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall be occupied by no more than 7 residents at any one time.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the side elevations of the rear dormer hereby permitted, and the roof of the single storey side and rear extension hereby permitted shall not be used as a balcony, terrace or any other form of outdoor amenity area.