



Appeal Decision

Site visit made on 6 October 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/D1590/W/25/3370348

11 Honiton Road, Southend-on-Sea SS1 2RT

- 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 Nunn of Edney Nunn Investments Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 25/00536/FUL.
 - The development proposed is change of use from 4-bed dwellinghouse (Class C3) to 7-bed House in Multiple Occupation (HMO) (Sui Generis) and alterations to elevations.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from 4-bed dwellinghouse (Class C3) to 7-bed House in Multiple Occupation (HMO) (Sui Generis) and alterations to elevations at 11 Honiton Road, Southend-on-Sea SS1 2RT in accordance with the terms of the application, Ref 25/00536/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the appeal proceedings, the appellant has provided a revised plan showing amendments to the scheme considered by the Council. The changes relate to the layout at first floor, including the relocation of an internal door to create two shared shower rooms. Whilst the appellant considers these changes to be minor, they do not reflect the scheme which was subject to consultation.
3. The appeal must be determined based on the plans as originally submitted to the Council and upon which it based its decision. To do otherwise would prejudice the interests of the Council, interested third parties and consultees, who have not been consulted on the revised scheme and who may have observations to make, particularly in respect to the revised size of bedroom 7. I have therefore proceeded to determine the appeal based on the plans as originally submitted.
4. The appellant has also provided a daylight and sunlight assessment in response to the Council's reason for refusal. The Council has had the opportunity to comment on this document during the appeal proceedings and therefore I have taken it into account in reaching my decision.

Main Issue

5. The main issue is whether the proposal would provide its occupants with acceptable living conditions, with particular regard to natural light, outlook and the location of facilities.

Reasons

6. Policies DM1 and DM3 of the Southend-on-Sea Borough Council Development Management Document (DMD) (2015) require all development to protect the amenity of the site, amongst other matters having regard to living conditions and amenity of the intended occupants including in respect to outlook, daylight and sunlight. Policy DM8 of the Council's DMD states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. One of the criteria to achieve this is through the provision of convenient, useable and effective room layouts.
7. Bedroom 2 is proposed to be positioned on the ground floor. It would be an en-suite bedroom served by one single window positioned at the rear of the property. The daylight and sunlight assessment provided with the appeal demonstrates that, given the orientation, bedroom 2 would receive no hours of direct sunlight. This would fall short of the 1.5 hours recommended through Building Research Establishment (BRE) guidance.
8. However, in respect to daylight, the median illuminance within the bedroom would be 150lux across 69% of the bedroom. This would far exceed the 100lux target over 50% set through the BRE guidance. The part of the room closest to the window would achieve daylight levels of 200lux and above. The areas of the bedroom which would receive under 100lux (the BRE target for a bedroom) would, as expected, be the parts of the room furthest away from the window. Nevertheless, these areas would be relatively modest in the context of the size of the room.
9. BRE targets are guidance rather than adopted policy. However, based on the details of the assessment, I am satisfied that when the daylight and sunlight results are taken as a whole, the bedroom would overall receive sufficient levels of natural light to ensure that its use would be inviting for users to spend long periods of time within.
10. The outlook for the occupiers of bedroom 2 would be towards the rear garden of the property. The presence of the bay window serving the kitchen / diner, and the neighbouring fence would be visible features within this outlook. The neighbouring fence would be some distance from the window (separated by a pedestrian passage along the side of the property). Outlook towards it would therefore be largely at an oblique line of sight. Whilst the bay window would be closer, the main outlook from the window would still on the whole bypass the bay window providing views of the rear garden beyond.
11. I appreciate that occupiers of bedroom 2 are likely to spend long periods of time within the bedroom, other than for the purposes of food preparation and consumption. Nevertheless, I find that the outlook would be acceptable to the living conditions of proposed occupiers. A lack of frequent respite away from the bedroom would therefore not be fundamental.
12. All but one of the bedrooms would have en-suite bathroom facilities. Bedroom 3, at the first floor, would be reliant on the use of a shower room on the ground floor. Whilst this would be less desirable of an arrangement to occupiers when compared to an en-suite facility, the distance between bedroom 3 and the shower room would not be significant. The door to bedroom 3 is relatively close to the top of the stairs with the shower room being the closest room at the bottom of the

stairs. I do not consider that the location of the shower room would be so inconvenient for the occupants of bedroom 3 that it would amount to harm to their living conditions.

13. Based on the above, I conclude that the proposal would provide its occupants with acceptable living conditions, with particular regard to natural light, outlook and the location of facilities. The proposal would therefore comply with Policies DM1, DM3, and DM8 of the Council's DMD.
14. Both Policies KP2 and CP4 of the Southend-on-Sea Borough Council Core Strategy (CS) (2007) seek to promote sustainable development of the highest quality, including through securing improvements to the urban environment through quality design. Based on my above assessment, I have identified no direct conflict with Policies KP2 or CP4 of the CS. The Council's reason for refusal also refers to Policy DM9 of the DMD. This policy relates to the provision of specialist residential accommodation and therefore I find little direct relevance to this policy in the assessment of the appeal proposal.

Other Matters

15. My attention has been drawn to a granted certificate of lawfulness for the change of use from the dwelling to a 6-bedroom HMO. Given that I have found the appeal proposal acceptable on its own merits, I have not considered this further as a potential fallback position in consideration of the main issue above. In any case the internal layout shown differs, with neither bedroom 2 nor bedroom 3 being in the same position as the appeal scheme before me.
16. Letters of representation have been received objecting to the proposal on numerous grounds. It is stated that there has been a recent proliferation of HMO applications in the area, which are perceived to detrimentally affect community cohesion, local services, and lead to increases in anti-social behaviour and disturbance. Nevertheless, I am mindful that the appeal site can already lawfully function as a 6-bedroom HMO. There is little in the evidence before me to substantiate that one additional bedroom would lead to adverse community impacts or undermine the balance of housing stock in the area.
17. It has also been raised that the proposal would not adequately be served by parking provision. In the officer report, the Council has confirmed that there are no specific parking standards for HMOs. The Council is satisfied that, based on the sustainable location of the site with regard to public transport options, and its proximity to services, there would be no adverse impacts on local parking conditions. Even in the context of a potential increase in deliveries to the site, I see no reason to take a different view from the Council in relation to the transportation impacts of the proposal.
18. The appeal site falls within the 'Zone of Influence' for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the protected sites. Specifically, I must consider whether a likely significant effect upon the qualifying species of the sites which would undermine their conservation objectives would result from the proposed development.

19. The appeal proposal relates to the change of use from a dwelling to a HMO. There would be no net addition in dwellings, and the use of the site would only marginally intensify (by one person) from the lawful use of the site as a 6-bedroom HMO. Based on what is before me, there is no credible evidence which indicates that a likely significant effect would result from the proposal. Consequently, I am satisfied that I can rule out a likely significant effect occurring upon the European Sites. In turn, no likely significant effect would arise from any in-combination effects with other development in the area.

Conditions

20. I have considered the conditions put forward by the Council, having regard to the six tests set out in the National Planning Policy Framework (the Framework). Where necessary I have amended the wording in the interests of effectiveness and precision.
21. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans.
22. A condition requiring the provision of refuse and recycling facilities is necessary in the interests of visual amenity. It is also necessary to secure the cycle parking spaces proposed as part of the development in the interests of sustainable travel.
23. The Council has suggested a condition relating to water efficiency. The inclusion of this condition is considered reasonable in the interests of maintaining acceptable housing standards and to comply with Policy DM2 of the Council's DMD.
24. Policy KP2 of the Council's CS seeks for new development to include appropriate measures to achieve at least 10% of the energy needs of new development to come from on-site renewable options. The condition suggested requiring implementation of the proposed solar array is therefore necessary to ensure that the development complies with Policy KP2 of the CS.
25. The Council has suggested a condition limiting the development to seven bedrooms for single occupancy. It is implicit through the description of development that the proposal is for seven bedrooms. Whilst I note the intentions of controlling the occupancy, it would not be realistically enforceable to prevent occupants from moving partners in for example. I am therefore not satisfied that a planning condition to limit occupancy would meet the tests set out in the Framework.

Conclusion

26. The proposed development accords with the development plan when read as a whole, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

L Gardner

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 P01, P04 Rev. A, and P05.
- 3) Prior to first occupation of the development hereby approved, cycle and waste storage facilities shall either be implemented and made available for use in accordance with the details shown on the approved plans P01 and P05 and waste shall be contained and managed in accordance with the approved Waste Management Plan Rev 1 dated 11th June or shall be implemented and made available for use in full accordance with alternative cycle and waste storage details which shall have previously been submitted to and approved in writing by the Local Planning Authority. In either eventuality the approved cycle and waste storage facilities shall be maintained thereafter for the lifetime of the development.
- 4) Prior to the first occupation of the development hereby approved, details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. The approved details shall be implemented prior to first occupation and operated in complete accordance with the approved details and retained as such thereafter.
- 5) Prior to first occupation of the development hereby approved, the solar panels as shown on drawing P04 Rev. A shall be implemented in full accordance with the approved details 'Full SAP Calculation Printout by Elmhurst Energy' and 'Calculations showing generation calculations by GDP Home Energy Assessors'. The approved solar panels shall provide at least 10% of the total energy needs of the development to be supplied using on site renewable sources in accordance with the approved details. Alternatively details of other means of securing 10% of the development's energy needs from renewable energy technologies shall be submitted to and approved in writing by the Local Planning Authority under the terms of this planning condition and implemented in full at the site prior to the first occupation of the approved development. In either eventuality such provision shall be made for the lifetime of the development and in accordance with the agreed details.

END OF SCHEDULE