



Appeal Decision

Site visit made on 3 October 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025.

Appeal Ref: APP/D1780/W/25/3365596

117 Harrison Road, Southampton SO17 3TL

- 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 Rafique Poswall against the decision of Southampton City Council.
 - The application Ref is 24/00394/FUL.
 - The development proposed is described as the erection of new annexe, and change of use from C4 (6-bed HMO) to Sui Generis (7-bedroom) HMO.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal property is currently being used as a House of Multiple Occupation (HMO) and by converting a previously approved ground floor extension has 6 bedrooms. The proposal would seek to further increase the HMO by 1 bedroom in an outbuilding. The appellant has confirmed that each bedroom would have 1 occupant¹.
3. The main parties contest whether the proposed outbuilding would be a residential extension to the HMO increasing it to 7 bedrooms, or a separate dwelling.
4. The main issues are therefore whether the proposed development would constitute an extension to the HMO; the effect of the proposal on the living conditions of neighbouring occupants in relation to noise and disturbance, and the character and appearance of the area; and whether it would provide appropriate living conditions for future occupants with specific regard to internal and external space.

Reasons

Whether the proposed development would constitute an extension to the HMO

5. The proposal seeks to construct a single storey outbuilding within the rear garden to provide an ensuite bedroom and living space. The outbuilding could be accessed without needing to enter the main house but would rely on the main house for cooking and laundry facilities. It would also share the parking and garden areas.
6. Accordingly, any occupant of the outbuilding would be functionally reliant on the main dwelling's facilities for basic day-to-day living needs such as cooking. Therefore, in my mind, the proposal would constitute primary living accommodation that is part of the appeal property and not a separate dwelling. In drawing this

¹ As identified in paragraph 3.2 and the associated table of the appellant's Statement of Case.

conclusion, I have taken account of the findings within *Uttlesford DC v SSE & White* [1992] JPL 171, as referred to by the main parties.

7. Were facilities, such as a kitchen, introduced into the outbuilding that would not require any future occupant to enter the main dwelling as part of day to day living need, then this would be different to that proposed and so likely need planning permission in its own right. Further a condition could be used to ensure the use of the outbuilding is clearly defined.
8. Consequently, from the evidence provided the proposed outbuilding would constitute ancillary accommodation to the appeal property. Therefore, going forward I have considered the proposal as an extension to the existing HMO.

Living conditions - neighbours

9. To one side of the appeal site is 115 Harrison Road separated from the appeal site by a low wall. On the other side is 119 Harrison Road but here the boundary is a tall mature hedge. The proposed outbuilding would be closer to the boundary with No 115.
10. The proposal would provide a portion of the living space for the future occupants of the appeal dwelling within the outbuilding. By the very nature of a HMO, in this case constituting a potential of 7 individuals living in a singular property, it is probable there would be considerable movement between the outbuilding and main dwelling communal spaces. This would be more than would be expected were all the accommodation for the HMO retained within a singular building, or is a single family lived within the property. This additional level of activity would occur in proximity to the most private part of the rear garden of No 115, namely the area immediate to the rear of the house. The associated noise and disturbance that would be inevitable from day to day use of the living spaces and the movement of people between the 2 buildings, along with the lack of screening on the shared boundary, could therefore have a detrimental impact on the living conditions of the occupants of No 115.
11. It is recognised that due to more substantial hedging between the appeal site and No 119 and that the proposed outbuilding is set away from this boundary, the impact of noise and disturbance on the occupants of No 119 would not be so detrimental as to cause harm to living conditions. However this does not negate the harm identified in relation to the occupants of No 115.
12. That no objections have been received from the occupants of adjacent properties on this issue does not mean that there would not be any harm nor does it take account of future neighbouring occupants.
13. Accordingly, the proposal would cause harm to the living conditions of the occupants of No 115 in relation to noise and disturbance. It would not therefore comply with LP Policies SDP1 and H4 insofar as they seek to protect the living conditions of residents nearby to HMOs, and citizens of the city in general.

Character and appearance

14. The appeal site is a semi-detached two-storey dwelling in a residential area where the houses are all a similar functional vernacular. The majority of properties have been extended and there are examples of outbuildings within rear gardens. It was

observed during the site visit that the area appears to have a mix of tenancies but is characteristically of a reasonably quiet residential area.

15. The proposed outbuilding would take up a significant proportion of the rear garden and be substantially larger than other outbuildings in the vicinity. However, it would be domestic in design; subservient in height, mass and size to the host dwelling and surrounding properties; and located entirely to the rear of the appeal property so would not be visible from the public realm. Accordingly, it would not harm the appearance of the local area.
16. The proposal would intensify the current use of the appeal site but as this would only be by a singular bedroom, on the balance of probabilities this would not have a detrimental impact on the residential character of the area.
17. As such from the submitted evidence and on-site observations, the proposal would not harm the character and appearance of the area. It would therefore comply with The Local Plan Review (LP) Policies SDP7, SDP9, and H4 as far as they seek the design of new development to respect their surroundings and for HMO's not to have a detrimental effect on the overall character of an area.
18. It is noted that within its evidence the Council consider the proposal to have an adverse effect on the mix and balance of housing in the area in relation to character and appearance. However, this is based on the proposal constituting a 1-bedroom dwelling.

Living conditions - occupants

19. The Council has assessed the internal space provision with the view that the proposed outbuilding would be a separate dwelling. However as identified in the first main issues, I do not find this the case. Nevertheless, from the information before me the proposal would provide adequate bedroom sizes and internal communal space for a 7 person HMO in accordance with the Council's standards.
20. It would, however, reduce the amount of external space related to the appeal property and the section between the back of the appeal site and the proposed outbuilding would in effect be annexed from the rest of the garden. Nevertheless, all the outside space would be accessible to all the occupants of the HMO and could be landscaped to ensure useability and functionality is optimised. Accordingly, although the proposal would reduce the amount of external space it would not be to such a level as to make the space unusable for future occupants in relation to privacy, sitting out, waste storage and clothes drying.
21. Therefore, the proposed development would be able to provide appropriate living conditions for future occupants with specific regard to internal and external space. It would comply with LP Policies SDP1 and H4 insofar as they seek HMOs to provide adequate amenity space and protect the living conditions of citizens of the city in general.

Other Matters

22. The appeal site is close to the Solent and Dorset Coast Special Protection Area (SPA), the Solent and Southampton Water SPA/Ramsar site and the New Forest Special Area of Conservation/SPA/Ramsar site (the protected sites). Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires an

appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the protected sites.

23. The Council has undertaken a comprehensive AA in which it consulted with Natural England. This concluded that recreational pressure from the additional occupant could be mitigated by a contribution to the Solent Disturbance Mitigation Project (SDMP), which the appellant has already paid. Further by signing up to the Eastleigh Council Nutrient Offset Scheme the appellant could also mitigate the nutrient increase within the protected sites' water environment an increase in population would create. The Council consider this could be secured by a negatively worded condition.
24. There is nothing before me to conclude that this would not be an acceptable form of mitigation. Nevertheless, this would constitute a lack of harm and so cannot weigh for or against the proposal.
25. This would also be the case in relation to the lack of harm identified in terms of parking or highway safety.
26. It is noted that the Council considers, if the proposed outbuilding were a separate dwelling, it would contribute to the area's housing supply and provide some additional economic and social benefits. However, as an extension to an existing HMO these benefits would be extremely limited.
27. Regard has been given to the various approvals and appeal decisions submitted by the main parties. Nevertheless, they are not so comparable to the scheme before me to alter my findings.

Balance and conclusion

28. Whilst I have found for the appellant in relation to the second and third main issues. These would constitute a lack of harm and thus in capable of weighing against the harm that I have found regarding the first main issue. Consequently, the appeal scheme would conflict with the development plan as a whole. There are no material considerations, including the National Planning Policy Framework, worthy of sufficient weight, which would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR