



Appeal Decision

Site visit made on 26 November 2025

by Ms Beloe MSc DIC BSc (Hons) CSci CEnv C.WEM MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/D1590/W/25/3372069

199 York Road, Southend-on-Sea SS1 2RU

- 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 Edney Nunn Investments Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 25/00840/FUL.
 - The development proposed is a change of use from dwellinghouse (Class C3) to 7-bed HMO (Sui Generis), remove chimneys, install solar panels, alter rear elevation and bin and cycle store to rear.
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Decision

1. The appeal is allowed and planning permission granted for the change of use for 199 York Road, Southend-on-Sea, SS1 2RU from dwellinghouse (Class C3) to 7-bed HMO (Sui Generis), remove chimneys, install solar panels, alter rear elevation and bin and cycle store to rear, in accordance with the terms of the application Ref 25/00840/FUL, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of future occupiers with respect to:
 - the size of the communal living space and access to bathroom facilities; and
 - daylight and outlook.

Reasons

3. The property is a two-storey semi-detached dwelling, with garden and driveway, located on York Road in Southend-on-Sea. The property has a certificate of lawful development (25/00562/CLP) issued by the Council for the change of use of the property from a dwellinghouse (Class C3) to a 6 bed HMO (Class C4).

Living conditions of future occupiers with respect to the size of the communal living space and access to bathroom facilities

4. The Council's and appellant's statements of case both provide reference to the Essex Approved Code of Practice (ECP) with respect to Houses in Multiple Occupancy (HMOs). As the most relevant guidance for HMO standards in Essex, I give this document substantial weight.
5. Looking at the proposed plans there is a combined allocated kitchen and dining area of 26.37 square meters. Dining seating with chairs and tables is indicated on the proposed plans for 9 people. I appreciate that the proposed plans are indicative

in regard to the layout of the dining area. On my visit to the property there was a table with 4 chairs, although I considered there was adequate space for a larger table with more chairs without the area feeling overly cramped. I do not have details for the areas of the kitchen and dining areas individually but by looking at the plans and dividing the area equally (which is a reasonable approach from the plans and from my visit to the property), this would give just over 13 meters squared for each. This is greater than the ECP guidelines for shared kitchen facilities for 7 occupants, (no shared living room) which are 10 square meters and dining room of 8 square meters respectively.

6. In regards to there being no proposed shared living space beyond the kitchen/ diner area, from the information submitted in Table 1 of the ECP in the Council's submission, I can see no requirement for a separate living room to that of a dining room. The guidelines are for a living/ dining room.
7. Looking at the evidence before me as a whole, the kitchen/ diner area proposed, would provide adequate floor space for 7 occupants according to the ECP guidelines, and the shape and layout would function well as a pleasant kitchen/ dining space for the occupants to spend time in away from their individual rooms.
8. All but one of the bedrooms would have complete en-suite bathroom facilities. Bedroom 3 on the first floor would have a complete bathroom with shower, toilet and handbasin on the ground floor close to the stairs. Whilst this is less desirable than a full en-suite facility, I do not consider the location of the bathroom so inconvenient for the occupants of bedroom 3 that it would amount to harm to their living conditions.
9. Based on the above, I conclude that the proposed development would provide its occupants with acceptable living conditions with respect to communal living space. The proposed development would therefore align with Policy DM1, Policy DM3 and Policy DM8 of the Council's Development Management Document (DMD) (2015). Together these policies require all developments to protect the amenity of the site and have regard to living conditions and amenity of the intended occupants. The proposed development would also align with Policy KP2 and Policy CP4 of the Core Strategy (2007), which together seek for development proposals to create a high quality and sustainable urban environment.

Living conditions of future occupiers with respect to daylight and outlook

10. I note no daylight assessment was provided with the appellant's statement of case. As such, I have made a judgement based on the daylight entering the room on the day of my site visit.
11. Bedroom 2 is proposed to be located on the ground floor with an en-suite and rear facing window. During my site visit I viewed a window fitting in this space, which allowed in what I consider to be a reasonable level of light. I therefore conclude this bedroom would receive sufficient levels of natural light for future occupiers to spend long periods of time within.
12. The outlook from bedroom 2 would be towards the outside area to the side of the house and onto the rear garden. I find that the outlook would be acceptable to the living conditions of the proposed occupiers.

13. Bedroom 5 is proposed to be located on the first floor directly above bedroom 2 with an en-suite. The plans show a rear facing window. During my site visit I viewed a window fitting in this space, which allowed in what I consider to be a reasonable level of light.
14. The outlook from bedroom 5 would be towards the outside area to the side of the house and onto the rear garden. I find that the outlook would be acceptable to the living conditions of the proposed occupiers.
15. Bedroom 6 is proposed to be located on the first floor with an en-suite. The proposed plans show windows facing towards the neighbouring property. During my site visit I viewed a window fitting in this space, which allowed in what I consider to be a reasonable level of light.
16. The outlook from bedroom 6 would be towards the neighbouring property. I find that the outlook would be acceptable to the living conditions of the proposed occupiers.
17. Based on the above, I conclude that the proposed development would provide its occupants with acceptable living conditions with respect to natural light and outlook. In this respect, the proposed development would therefore accord with Policy DM1, Policy DM3 and Policy DM8 of the Council's DMD (2015), which together require all development to protect the amenity of the site and have regard to living conditions and amenity of the intended occupants, including in respect to outlook and daylight, amongst other criteria. The proposed development would also accord with Policy KP2 and Policy CP4 of the Core Strategy (2007) in this respect, which together seek for development proposals to create a high quality and sustainable urban environment.
18. In addition, the proposed development would accord with the Framework (2024) in respect to daylight and outlook, particularly paragraph 124 which states planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It would also accord with paragraph 135(f) of the Framework in this regard, which states planning decisions should ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

19. A letter of representation has been received raising a number of objections to the proposed development. It is stated that there has been a recent proliferation of HMOs in the area, which are perceived to be having a negative impact on community cohesion through a change to the housing mix. Concerns have also been raised regarding possible exacerbation of already existing pressures on local services such as doctors and dentists. The representation also expressed concern regarding potential increases in antisocial behaviour in the area, potentially impacting the living conditions to occupiers of nearby properties.
20. I note that the property already has a certificate of lawful development for conversion to an HMO for 6 occupants. I also note that these concerns raised were not given by the Council as reasons for refusal of the proposed development in its decision letter. The officer's report on the original application cites similar concerns that were raised in letters of representation to the Council on the original

application. The officer's report states that these concerns were noted and were taken into account in the assessment of the application but other than as reflected with the reason for refusal, were not found to justify refusing planning permission in the circumstances of this case. There is little in evidence before me that one additional bedroom in this already permitted HMO of 6 bedrooms, would lead to detrimental community impacts or change the balance of housing stock in the area.

21. A concern has been raised regarding potential impacts on parking and highway safety in the area through potential increased traffic as it is possible the occupants may have regular use of a vehicle. I note the property has a driveway for up to 2 vehicles. I also note that this concern was not given by the Council as part of its reasons for refusal of the proposed development in its decision letter. The officer's report on the original application cites similar concerns that were raised in letters of representation to the Council on the original application. The officer's report states that these concerns were noted and were taken into account in the assessment of the application but other than as reflected with the reason for refusal, were not found to justify refusing planning permission in the circumstances of this case. I see no reason to take a different view to the Council in relation to impacts on parking and highway safety.
22. The appeal site falls within the 'Zone of Influence' of 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. I must consider whether a likely significant effect upon the qualifying species of the site which would undermine their conservation objectives would result from the proposed development.
23. 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 any likely significant effect occurring upon the European Sites alone or in-combination with other development in the area.

Conditions

24. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council and where necessary I have amended the wording in the interests of effectiveness and precision.
25. 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.
26. In the interest of ensuring that acceptable living conditions for its occupiers is met, a condition limiting the number of bedrooms and occupants to 7 is necessary. This is also needed to ensure the use hereby approved, accords with the development sought and maintained throughout the lifetime of development in accordance with the Framework (2024), the Council's Core Strategy (2007), Policies KP2 and CP4, and Policies DM1, DM3 and DM8 of the Council's DMD (2015).

27. In the interest of visual amenity, public health and the environment, a condition requiring the provision of refuse and recycling facilities is necessary. In the interest of sustainable transport, it is necessary to include a condition to secure cycle parking and storage.
28. In the interest of water efficiency and to comply with Policy DM2 of the Council's DMD (2015), the inclusion of a condition relating to water use is included.
29. The condition included requiring the implementation of the proposed solar array is necessary in the interest of compliance with Policy KP2 of the Council's Core Strategy (2007). This seeks for new development to include measures to achieve at least 10% of its energy needs from onsite renewables.

Conclusion

30. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

Ms Beloe

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development shall only be undertaken in accordance with the following approved plans: P01; P03 Rev D; P04 Rev A.
3. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the development and use of the building as a House in Multiple Occupation subject of this permission shall not at any time be adapted to enable formation of more than seven (7) bedrooms and the property shall not be occupied by more than seven (7) residents at any one time with all seven (7) bedrooms for single occupancy only.
4. Prior to first use of the development, 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 P04 Rev A and waste shall be contained and managed in accordance with the approved Waste Management Plan June 2025; 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 pursuant to this condition. In either eventuality the approved cycle and waste storage facilities shall be permanently maintained thereafter for the lifetime of the development.
5. The development hereby approved 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), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before it is occupied. These measures shall be maintained at the site for the lifetime of the development.
6. Prior to first occupation of the development hereby approved, the solar panels as shown on approved plans P03 Rev D shall be implemented in full accordance with the approved details 'Full SAP Calculation Printout dated 15.04.2025' and 'Energy Statement by GDP Home Energy Assessors Ltd'. 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