
Appeal Decision

Site visit made on 17 December 2025

by **A James BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2026

Appeal Ref: APP/Z3635/W/25/3373359

60 Avondale Road, Ashford, Surrey TW15 3HT

- 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 Daniel Moore of Axmo North Limited against the decision of Spelthorne Borough Council.
 - The application Ref is 25/00714/FUL.
 - The development proposed is described on the application form as 'First floor rear extension to facilitate a change of use from a 6-bedroom HMO (use class C4) to a 7-bedroom HMO (use class *sui generis*)'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension to facilitate a change of use from a 6-bedroom HMO (use class C4) to a 7-bedroom HMO (use class *sui generis*) at 60 Avondale Road, Ashford, Surrey TW15 3HT in accordance with the terms of the application, Ref 25/00714/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Daniel Moore of Axmo North Limited against the decision of Spelthorne Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Spelthorne Borough Council (the council) have indicated that adoption of the Local Plan by the council could be by early 2026 subject to the plan being found sound by the Inspector and then undertaking public consultation on the main modifications. Therefore, at this stage the emerging plan carries limited weight.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the existing occupiers with particular regard to quality of communal space;
 - the effect of the proposal on living conditions of neighbours with particular regard to noise;
 - the effect of the proposal on the provision of parking.

Reasons

Quality of communal space

5. The appeal consists of a semi-detached dwelling which has been converted to a six-person HMO. The site is accessed via Avondale Road and has informal hardstanding at the front of the property for two vehicles.
6. The proposed development consists of a rear extension to the first floor of the dwelling which will provide an extra bedroom. The internal layout is proposed to be rearranged to remove a kitchen from the second floor and creates a larger kitchen/dining space on the ground floor. The proposal provides a communal space in an outbuilding to the rear of 60 Avondale Road.
7. Policy EN1 finds that proposed developments will be required to be a high standard in design and layout.
8. It is agreed between the parties that the proposed bedrooms meet the minimum floor space standards set in the Landlords' guide to standards for houses in multiple occupation (HMO). All the bedrooms have an en-suite, internal storage area and a window to allow natural light. The bedrooms are of a good size and would provide good quality accommodation for future occupiers.
9. The existing layout may provide two kitchens, but these are small and have limited space. The proposal will provide a sizable kitchen dining space on the ground floor. The plans demonstrate that there would be space for two cookers, fridges and washing facilities. There appears to be room for a small table and chairs. I am satisfied that the kitchen/dining room would be functional and would be an improvement to the current situation.
10. I acknowledge the council's concerns with regards to a lack of internal communal space. However, I can see from the evidence that there is proposed communal space within an outbuilding to the rear of the property. The outbuilding is close to the main dwelling house. The outbuilding would provide a further opportunity for future occupiers to socialise and space for relaxation. I have found the proposed bedrooms to be good quality accommodation, and this taken together with the large kitchen, I find that the proposed communal space in an outbuilding to be acceptable in this circumstance.
11. Third parties have raised concerns that the outbuilding will be converted to a bedroom. The proposed description is for a 7-bedroom HMO. The proposed development will need to comply with a proposed plans condition. In addition, a condition can be used to limit the occupation to 7 persons to ensure communal use of the outbuilding is protected and provide clarity regarding occupation numbers. Any increase in bedrooms would require further planning permission which would be assessed on its own merits. Therefore, I am satisfied the communal space will be used as such.
12. In conclusion, the proposed development provides good quality accommodation and would not be harmful to the living conditions of future occupiers. The proposed development would comply with policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (adopted 26 February 2009).

Noise

13. Policy EN1 (b) does not specifically refer to noise but does indicate that proposed development should achieve a satisfactory relationship to adjoining properties.
14. Policy EN11 relates to development and noise. It requires that the proposed development should seek to minimise the adverse impact of noise. The policy also requires that if proposed developments generate unacceptable noise levels, they need to include measures to reduce noise to an acceptable level. The policy also requires noise attenuation measures for residential development in areas with high noise levels.
15. There is no substantive evidence before me that the existing use as an HMO is generating unacceptable noise levels or that the property is in an area of high noise levels.
16. I have found the provision of communal space in an outbuilding to be acceptable and consider there will be enough space within the property for socialising. In any event, the existing use is a 6 person HMO and there is no substantive that adding an additional person would materially change the level of noise generated from movement and socialising.
17. I believe the proposed development will have a satisfactory relationship with neighbouring properties with regards to noise. The proposed development complies with Policy EN1 and EN11 of the Spelthorne Core Strategy and Policies Development Plan Document (adopted 26 February 2009). In summary, these policies seek to ensure high quality design and where appropriate provide mitigation measures for noise.

Provision of parking

18. From my site visit I could see there was hardstanding for two vehicles. I could see this was currently an informal arrangement as there was no crossover. Many of the properties on Avondale Road had off road parking at the front. There would appear to be no parking restrictions, and there was some availability for parking on the road. Although, this is only a snapshot in time.
19. The appellant as part of the proposal is seeking to formalise the current parking situation by introducing a cross over. The proposal would formalise the parking spaces for two vehicles and provide electric charging points.
20. The Local Highways Authority (LHA) have raised no objection and considered the appeal site to be in an accessible location. The LHA indicated that it would not be a necessity for future occupiers to own their own private cars. The LHA notes that within Spelthorne's vehicular parking standards, there are no specific standards for HMO use. The LHA conclude that the proposed development would not result in material harm to highway safety or capacity.
21. The proposed development would result in an increase of one additional occupant. Given that the site is in a well-connected area, the addition of a single person to the existing HMO is unlikely to place harmful pressure on local infrastructure capacity, particularly in relation to parking.
22. When all is considered, I am satisfied that the proposed development is within an accessible location and there are alternative means of travel to the private car.

Due to this I am satisfied that two parking spaces would be adequate to serve the proposed development and would not have a materially harmful effect on the provision of parking in Avondale Road.

23. Therefore, I find the proposed development complies with Policy CC3 of the Spelthorne Core Strategy and Policies Development Plan Document (adopted 26 February 2009). In summary, these policies seek to secure appropriate parking for proposed developments and promote the use of sustainable transport.

Other Matters

24. Third parties have raised concerns that the proposed extension would negatively affect the living conditions of neighbouring occupiers. They also contend that the scheme would amount to overdevelopment of the plot and harm the character and appearance of the area. These matters are not disputed between the main parties. Given that the proposal involves a modest rear extension and would increase occupancy by only one person, I consider it unlikely that the development would exacerbate these issues. This matter therefore carries neutral weight in my decision.
25. Third parties have raised that the proposed waste management arrangements are poor. Such matters are not in dispute between the main parties, and it is agreed between the parties that a condition can be used to ensure there is adequate waste provision and that it is maintained to a satisfactory standard. I agree with this approach and this matter carries neutral weight in my decision making.
26. Concerns with regards to ownership disputes and loss of property value have also been raised. The Planning Practice Guidance set out that planning is concerned with land use in the public interest, rather than the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights. These matters are therefore not a determinative factor in this appeal.
27. Third parties have raised concerns with regards to issues which relate to licensing, structural and property damage. These matters are covered by separate regulatory regimes. These matters are not a determinative factor in this appeal.
28. Third parties have argued that permission should have been obtained for the existing HMO. The Council states that the property was converted to a six-person HMO without the need for planning permission, as this fell within permitted development rights. I have no substantive evidence before me to suggest otherwise. In any event, I must judge this appeal on its individual merits and the local development plan.

Conditions

29. In addition to those already referred to above, I have attached a standard time limit condition. I have specified the approved plan condition for the avoidance of doubt. I have also specified a condition relating to the materials is necessary to ensure the materials match the host dwelling. In the interests of highway safety, I have attached conditions to ensure that the proposed access and vehicle parking is implemented to a satisfactory standard. In the interests of promoting sustainable transport, I have attached a condition which requires details of electric charging points.

30. The council have submitted two conditions which related to the submission of cycle storage details. Paragraph 57 of the NPPF is clear that '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. The aims of the two conditions duplicate each other. Only one condition regarding cycle storage details is necessary. Thus, I have applied one cycle storage details condition in the interest of ensuring sustainable transport options are available for the development.
31. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their overall aim.

Conclusion

32. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed subject to conditions.

A James

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 EX - L003 dated 22 November 2024 and PR-L002 Rev A; PR - P001 Rev A; PR - P002 Rev A; PR - P003 Rev A; PR - P004 Rev A; PR - E001 Rev A; PR - E002 Rev A; PR - E003 Rev A; PR - E004 Rev A; PR - S001 Rev A; PR - S002 Rev A dated 17 July 2025.
- 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
- 4) The development hereby permitted shall be occupied by no more than 7 residents at any one time.
- 5) No more than six residents shall occupy the property until details of the refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the development and retained thereafter.
- 6) No more than six residents shall occupy the property until the vehicle parking spaces have been provided in accordance with drawing no PR-L00R Rev A. Thereafter those spaces shall be retained for the parking of vehicles only.
- 7) No more than six residents shall occupy the property until the proposed vehicular access including the proposed crossover to 60 Avondale Road has been constructed and provided with visibility zones in accordance with drawing no. PR-L002 Rev A. The visibility splays shown on drawing no. PR-L002 Rev A shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.
- 8) No more than six residents shall occupy the property until details of the Electric Vehicle charging points have been submitted to and approved in writing by the council, and the charging points installed in accordance with the approve details. The charging points shall be retained thereafter.
- 9) No more than six residents shall occupy the property until details of the cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the development and retained thereafter.