



Appeal Decision

Site visit made on 27 January 2026

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th February 2026

Appeal Ref: APP/D1590/W/25/3376005

37 Ambleside Drive, Southend-on-Sea SS1 2UT

- 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 Oliver Hall on behalf of Eastway Homes Ltd against the decision of Southend-on-Sea City Council.
 - The application Ref is 25/01185/FUL.
 - The development proposed is convert existing Use Class C4 House in Multiple Occupation (HMO) into 7-bedroom HMO (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted to convert existing Use Class C4 House in Multiple Occupation (HMO) into 7-bedroom HMO (Sui Generis) at 37 Ambleside Drive, Southend-on-Sea SS1 2UT in accordance with the terms of the application, Ref 25/01185/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. At time of my site visit, conversion and renovation works were underway including to provide the additional proposed bedroom¹. Therefore, the development has commenced. This weighs neither for nor against the proposal, which I have determined on the basis of the submitted plans.

Main Issue

3. The main issue in this appeal is whether the proposed development would provide suitable living conditions for future occupants, with particular regard to internal space, outlook, and daylight and sunlight.

Reasons

4. The appeal site comprises a two-storey, semi-detached dwelling within a residential area. A Certificate of Lawfulness² confirms the appeal property's existing lawful use as a six-person HMO.
5. The existing floor plan³ shows two ensuite shower rooms, a shared shower room, and a store cupboard situated at the first floor. The proposal involves conversion of these rooms to provide one additional bedroom with ensuite shower room. This change to the internal layout would increase both the number of bedrooms and the total occupancy of the HMO.

¹ Drawing no 25.563 101 P4 indicates the additional bedroom would be "Bed 6", and the former sixth bedroom is labelled "Bed 7".

² LPA ref: 25/00745/CLP

³ Drawing no. 25.563 030 P1

6. In partnership with other Essex local authorities, the Council has prepared the Essex HMO Amenity Standards 2018 (HMO guide) which reflects requirements of the Housing Act 2004. The HMO guide is not part of the development plan but is utilised by the Council as a material planning consideration.
7. As illustrated on the proposed floor plan⁴, there would be no shared bathroom/WC facilities. Each bedroom would be served by an ensuite with a shower cubicle, toilet and basin. The HMO guide sets a minimum floor area standard of 2.2sqm for a shower room of this type. The floor areas of the proposed ensuite shower rooms range from 1.7sqm to 2sqm and therefore would not meet the minimum floor area standard set out in the HMO guide.
8. However, the proposed floor plan is annotated with the layout of bathroom fixtures and illustrates these would be comfortably accommodated within each ensuite room with sufficient clearance space within which to manoeuvre.
9. Therefore, whilst acknowledging the ensuite shower rooms would have a floor area that is below the HMO guide's standards, the proposed ensuite shower rooms would be functional and convenient and would not be cramped. Therefore, the proposal would provide a satisfactory standard of internal space.
10. The appeal property is a period dwelling with a two-storey outrigger projecting from the rear of the dwelling's main volume. This plan form is typical of dwellings in the area. Dwellings are arranged along Ambleside Drive in a uniform layout which, relative to other nearby development, provides generous separation between the side elevations of dwellings.
11. The two windows at the proposed additional bedroom (Bed 6) are at the building's side elevation and thus oriented toward the outrigger of the neighbouring dwelling. However, the separation distance between the appeal property and neighbouring dwelling permits views from Bed 6 across rear gardens and of more distant features, such as the row of trees behind the property boundary, the upper storey and roofline of dwellings beyond the rail line, and areas of sky. Therefore, the neighbour's outrigger would not appear overbearing or oppressive from Bed 6.
12. The Council note that outlook from the rear-facing windows of Beds 2 and 5 is partly constrained by the two-storey built form of the appeal property's outrigger. In particular, a ground floor bay window projects into view of Bed 2's window. However, the proposal would not change the function of Beds 2 and 5, the existing lawful use of which are bedrooms within an HMO. Nonetheless, despite being constrained by built form, the windows at Bed 2 and 5 offer views down the garden and to features beyond.
13. For these reasons, I am satisfied the proposal would offer adequate outlook from bedrooms, which would form a main habitable space for future occupants.
14. During the appeal, the appellant submitted the Daylight and Sunlight Report, dated 17 November 2025, which assessed daylight provision and exposure to sunlight at Beds 2, 5, and 6. The report concludes that, in respect of both daylight and sunlight exposure, Bed 6 would surpass the BRE minimum illuminance recommendations. Therefore, the additional living accommodation created by the proposal would receive adequate daylight and sunlight.

⁴ Drawing no. 25.563 101 P4

15. Beds 2 and 5 would meet the daylight standard but would not meet the sunlight exposure target. However, the report concludes that since the design maximises sunlight availability as far as practically possible given the constraints of the site, the BRE exposure to sunlight recommendations have been met.
16. The proposal seeks no change to the layout of Bed 2 and, whilst the proposal reconfigures the layout of Bed 5, this would not materially affect sunlight exposure. Even if I were to dismiss the appeal, Beds 2 and 5 would continue to function as bedrooms within an HMO. Consequently, the proposal would have no effect in respect of daylight and sunlight at Beds 2 and 5.
17. The Council allege the communal areas would not offer future occupiers of Beds 2, 5 and 6 reasonable day-to-day respite from the alleged harms. However, since I have found the proposal would provide a suitable standard of accommodation, no harms would exist so as to require compensation. Future occupants would have access to a shared kitchen/living/dining space which exceeds the floor area standard, and a communal garden area. Therefore, I have no compelling reason to consider the communal areas would be anything other than adequate to meet the needs of future occupants.
18. As set out above, the appeal property comprises an existing HMO. The proposal would increase the occupancy of the HMO through alterations to the internal layout to provide an additional bedroom, and each bedroom would be served by an ensuite shower room. The floor areas of all bedrooms and communal areas would exceed the HMO guide's standards. Whilst the ensuite shower rooms fall short of the standard, the plans illustrate that bathroom fixtures can be comfortably accommodated. I have found that the rooms would offer adequate outlook, and it is demonstrated that daylight and sunlight exposure would comply with BRE guidance. Therefore, the evidence before me does not suggest the proposed HMO would be of an unacceptable standard of accommodation. For the reasons given, having particular regard to internal space, outlook, daylight and sunlight, I am satisfied the proposal would provide suitable living conditions for future occupants.
19. The proposal would therefore comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 which together seek to maintain and enhance the amenity of residential areas and secure improvements to the urban environment through quality design. In addition, the proposal would comply with Policies DM1, DM3 and DM8 of the Development Management Document 2015 which seek to optimise the use of land whilst protecting the amenity of the site and not adversely impacting upon the living conditions of the intended occupants, and requires the internal environment be high quality and flexible to meet changing needs of residents through development which provides convenient, useable and effective room layouts.

Other Matters

20. A local resident has raised concerns regarding the number of HMOs in the area and the effect on local infrastructure and community cohesion. Since the lawful existing use of the appeal property is as an HMO, the proposal would not increase concentration of HMOs in the area. The proposal would increase the occupancy rate of the appeal property by one person. Therefore, the increase in local population arising from the proposal would be very small and I have no substantive evidence to suggest this would harm infrastructure capacity or cohesion.

Conditions

21. The Council has provided a list of suggested conditions which I have considered against the requirements of the National Planning Policy Framework. Since the development has commenced, the proposed time limit for implementation would not be necessary. In the interests of certainty, I have specified the approved plans.
22. To maintain the amenity of the area, I have included a condition requiring the provision of waste storage facilities and the submission of a management plan. To promote sustainable travel and avoid harm to highway safety, I have included conditions requiring the provision of cycle storage and car parking.
23. To make efficient use of resources, as required by Core Strategy Policy KP2 and Development Management Document Policy DM2, I have included conditions requiring the development secure at least 10% of the development's energy needs from on-site renewable sources and minimise water consumption,
24. To ensure the use accords with the development description and offers acceptable living conditions for future occupiers, I have included a condition to specify the maximum occupancy of bedrooms and occupants.

Conclusion

25. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 25.563 001 Rev P1 *Location Plan*; 25.563 030 Rev P1 *Existing Floor Plans*; 25.563 031 Rev P1 *Existing & Proposed Elevations*; 25.563 035 Rev P1 *Existing & Proposed Block Plans*; 25.563 101 Rev P4 *Proposed Floor Plans - 7 Bed*.
- 2) Prior to the first use of the building for the purposes hereby approved, covered and secure refuse and recyclable bin storage facilities and a Waste Management Plan for the development shall be provided in full and made available for use by the occupants of the approved development in accordance with full details (including scaled elevations) which shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The submitted waste management plan shall include but not be limited to:
 - i) Where the waste and recycling will be presented on collection day.
 - ii) How the waste and recycling will be transported to the refuse collection point.
 - iii) How the waste and recycling will be collected and by whom.
 - iv) Who will manage the readying, placing and any tidying up afterwards of waste and recycling on refuse and recycling collection days.

The agreed refuse and recyclable bin storage facilities including the management plan shall be implemented and made available for use prior to the first use of the development hereby approved and shall be maintained for such purposes at all times thereafter.

- 3) Prior to the first use of the building for the purposes hereby approved secure and covered cycle storage shall be provided in full and made available for use by the occupants of the approved development in full accordance with the details shown on plan no. 035 Rev P1 or alternative details which shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage shall be retained as such for the lifetime of the development.
- 4) Prior to the first use of the building for the purposes hereby approved two (2) car parking spaces shall be provided and made available for use at the site in full accordance with the details shown on plan no. 035 Rev P1. The car parking spaces shall thereafter be permanently retained only for the parking of vehicles of the occupiers and visitors to 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.

- 6) Prior to the first use of the building for the purposes hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details under the terms of this condition. The energy efficiency and other sustainability measures shall be maintained for the lifetime of the development.
- 7) 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.

END OF SCHEDULE