



Appeal Decision

Site visit made on 13 January 2026

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 FEBRUARY 2026

Appeal Ref: APP/K3605/W/25/3375381

7 Monks Avenue, West Molesey, Surrey KT8 2HD

- 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 Moore against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1648.
 - The development proposed is new window to side elevation & internal changes to facilitate the change of use from C4 6 Bed HMO to Sui Generis 7 Bed HMO. The development includes provision for car and cycle parking, external amenity spaces, and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for new window to side elevation & internal changes to facilitate the change of use from C4 6 Bed HMO to Sui Generis 7 Bed HMO. The development includes provision for car and cycle parking, external amenity spaces, and other associated works at 7 Monks Avenue, West Molesey, Surrey KT8 2HD in accordance with the terms of the application, Ref 2025/1648, subject to the following 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, PR-E001, PR-E002, PRE003, PR-E004, PR-I002, PR-P001, PR-P002, PR-P004, PR-S001 and PRS002 received on 25 June 2025.
 - 3) The development hereby permitted shall not be occupied until the bike and bin storage has been constructed in accordance with plan no. PR- L002 dated 10.06.2025. Thereafter the bike and bin storage shall be retained and maintained for their designated purpose.

Preliminary Matter

2. Reference has been made to the internal configuration of the property not corresponding with the submitted plans. It is not clear in what respect the existing layout is said to differ from the drawings. For the avoidance of doubt, I have determined this appeal on the basis of the plans before me.

Main Issues

3. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants with reference to the provision of internal space;

- the effect of the proposed development on the living conditions of neighbouring residential properties, with reference to noise and disturbance; and,
- whether the proposed development would increase parking stress and congestion on Monks Avenue.

Reasons

Living Conditions

4. Policy DM10(c) of the Elmbridge Local Plan Development Management Plan 2015 (Local Plan) requires proposals to demonstrate that they provide an appropriate standard of living, both internally and externally. Whilst the policy refers to minimum space standards, these standards do not specifically address Houses in Multiple Occupation (HMO). The Council therefore seeks to rely on the Licensing of HMO (Mandatory Conditions of Licences) (England) Regulations 2018 as a benchmark for internal space. However, these regulations are not referenced within Policy DM10(c), and as they relate to licensing rather than planning, they cannot be determinative in this appeal.
5. Even if the HMO Regulations were applied, the Council accepts that the provision of a communal living room is not a mandatory requirement. Accordingly, the question of whether the proposal would provide an appropriate internal standard of living is ultimately a matter of planning judgement.
6. Given that the bedrooms and the kitchen comply with the relevant minimum space standards, and there is no mandatory requirement within the HMO Regulations for a communal living room, the proposal would provide acceptable internal living conditions for future occupiers. Moreover, during my visit, the room identified as a “communal room” on drawing PR-P001 was locked and unfurnished and there was no evidence to suggest that it had been used as a communal space by existing occupiers. Consequently, its conversion to a bedroom would not result in the loss of any established communal facility.
7. Whilst the kitchen is modest in size and does not contain dining furniture, my visit confirmed that most bedrooms were equipped with a small table and chairs suitable for dining. Although it has been suggested that bedrooms cannot be regarded as an alternative communal living space contributing to acceptable living standards, there is no mandatory requirement for a communal lounge. Considering the room sizes and the overall layout of the property, the proposal would provide comfortable and reasonable living conditions for future occupiers.
8. For the reasons above, the proposal would provide acceptable living conditions for future occupants with reference to the provision of internal space. It would therefore be compliant with Policy DM10(c) of the Local Plan insofar as it requires proposals to provide an appropriate standard of living.

Noise and Disturbance

9. Monks Avenue is characterised by a mix of detached bungalows, detached houses, and semi-detached properties. Comings and goings from these dwellings, would typically arise from the use of households with shared routines, visitors and deliveries.

10. The Council asserts that seven separate individuals, each with different daily routines, would generate frequent comings and goings throughout the day and evening. However, it is inappropriate to compare the proposed use with that of a single household, as the property already operates as an HMO for up to six occupants. The addition of one further resident would therefore be unlikely to materially alter existing levels of activity, nor would it result in any significant increase in movements to and from the site when assessed against the established use.
11. The Council refers to the possibility that occupiers may use the kitchen at different times throughout the day and evening, potentially giving rise to noise and disturbance for neighbouring properties. However, such activity is already characteristic of the existing use of the property as an HMO for up to six occupants. The introduction of one additional resident would not materially increase kitchen use or generate noise levels appreciably different from those already associated with the established use. Any noise arising from normal domestic activities, including cooking, falls within what would reasonably be expected in a residential environment.
12. For the reasons above, the proposal would not negatively affect the living conditions of neighbouring residential properties, with reference to noise and disturbance. It would therefore be compliant with Policy DM2 of the Local Plan insofar as it seeks to protect the amenity of adjoining occupiers.
13. Reference has been made to Policies DM9 (Social and Community Facilities) and DM11 (Employment) of the Local Plan. However, the proposal does not relate to a social or community use, nor is it employment development. As such, the relevance of these policies has not been explained, and they do not appear to be applicable to the assessment of the current proposal.

Parking Stress and Congestion

14. Policy DM7 of the Local Plan sets out that proposed parking provision should be appropriate to the development and not result in an increase in on-street parking stress that would be detrimental to the amenities of local residents. Furthermore, the Council's Parking Supplementary Planning Document does not specify a minimum parking standard for sui generis uses and requires an individual assessment to be made.
15. Whilst a parking survey and assessment has not been submitted, Surrey County Council Highways Authority raised no objection to the proposal. Furthermore, the plans indicate that there would be space to park two vehicles on the driveway, and it has not been sufficiently demonstrated that any additional parking provision would be required. In addition, secure cycle storage is proposed, and the site is located close to bus stops offering a regular service. Given that occupiers of the HMO would not need to be car reliant, it is reasonable to conclude that the addition of one new occupant would not give rise to unacceptable parking pressure or congestion.
16. The Council consider that the area suffers from parking stress, a view that appears to be based on observations of cars being parked on the kerb and pavement at the time of their visit. Policy DM7 states that in areas of parking stress, one space per residential unit should be provided. The Council therefore assert that this would result in a requirement for seven parking spaces. However, it has not been

sufficiently demonstrated that the area suffers from parking stress and during my visit there was significant off street parking available. Moreover, the proposal does not seek permission for seven residential units and many properties in the road have driveways. As a result, one further occupant would not feasibly adversely affect parking stress, nor would it reasonably generate a need for five additional car parking spaces.

17. For the above reasons, the proposal would not increase parking stress and congestion on Monks Avenue. It would therefore be compliant with Policy DM7 of the Local Plan and Policy CS25 of the Core Strategy. These policies require proposals to apply maximum parking standards and not result in an increase in parking stress that would be detrimental to the amenities of local residents.

Other Matters

18. A significant number of objections refer to the original change of use from a two-bedroom bungalow to an HMO. However, the property already operates as an HMO, and this appeal relates solely to the proposed increase in occupancy from six to seven residents. Accordingly, representations asserting that the presence of an HMO is out of character for the area fall outside the scope of this appeal.
19. Interested parties raise further considerations that fall beyond the scope of this appeal. These include previously approved applications, the lack of a HMO licence, additional foul pipe, increased risk of crime, odour and inadequate drainage. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees regarding these matters.
20. Reference has been made to the proposal providing insufficient refuse arrangements. However, the scheme includes adequate facilities for refuse, recycling and kerbside food waste collection, all contained within an enclosed timber storage unit.
21. Representations refer to the 90-unit development behind Monks Avenue and suggest that the proposal would place additional strain on local services and roads. However, one additional occupant would not generate any material increase in demand or result in a demonstrable impact on local infrastructure.

Conditions

22. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty.
23. A condition has been recommended to secure the proposed cycle storage. The wording has been revised to reference the relevant plan and to ensure that both the proposed cycle and bin storage are provided, in accordance with the details submitted.

Conclusion

24. For the reasons given above the appeal should be allowed.

V Goldberg

INSPECTOR