
Appeal Decision

Site visit made on 19 January 2026

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2026

Appeal Ref: APP/Z3635/W/25/3375319

4 Burgoyne Road, Sunbury-on-Thames, Surrey TW16 7PW

- 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 S Salim (Ammar homes Ltd) against the decision of Spelthorne Borough Council.
 - The application Ref is 25/01028/FUL.
 - The development proposed is described as the change of use from C3 (licensed 6-bed HMO) to sui generis to allow for 8 bed HMO.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr S Salim (Ammar homes Ltd) against Spelthorne Borough Council. This application is the subject of a separate decision.

Preliminary Matter

3. The Council has referred to policies within the draft Spelthorne Local Plan 2022 – 2037. I note that the draft plan is at Examination, and although it is at an advanced stage, at the current time it does not form part of the statutory development plan. Further, I have not been made aware as to whether there are any unresolved objections in relation to the cited policies. I therefore attach limited weight to those policies in my decision.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions for its occupants, with regard to the provision of communal space, outlook, privacy, parking and odour; and
 - the effect of the proposed development on the living conditions of the occupants of adjoining properties, with particular reference to bin storage, and noise and disturbance.

Reasons

Living conditions – occupants

5. The parties indicate that the appeal site is currently used as a six-person house in multiple occupation (HMO). The appeal scheme seeks to increase the number of

residents to eight, by making use of the study and of the dining room as bedrooms. Consequently, this communal accommodation would be lost and the shared space available to serve the proposed eight residents would be limited to the kitchen / living room.

6. I observed in my site visit that limited space for eating would be provided by an island situated between the kitchen and the living space. Even though it is unlikely that all residents would require use of the kitchen simultaneously, the layout of the kitchen and dining space would not be appropriate to allow multiple people to prepare food, cook and eat at the same time. This would result in a poor layout, with limited functionality and inadequate circulation space.
7. Overall, the size and layout of the room would not be suitable to enable residents to prepare their meals, dine and relax in comfort, and I have not been provided with compelling details to suggest that the space could be arranged in a different manner. The proposed communal space would therefore fail to provide an acceptable shared living environment for eight occupants and would undermine their quality of life.
8. Whilst the size of the communal kitchen / living room may accord with the Council's guidelines and with the Licensing and Management of Houses in Multiple Occupation and Other Regulations 2006, HMO licensing is a separate entity to planning. These standards therefore operate independently of planning and do not necessarily align. The licencing seeks to ensure that an HMO is safe and has basic facilities. Planning policies on the other hand seek to deliver functional accommodation with a high-quality living environment for the intended occupants.
9. Although concerns about the quality of bedrooms 7 and 8 are not reflected in the reasons for refusal, the officer reports sets out that these rooms would not provide adequate living conditions for its future occupants in terms of privacy and outlook.
10. Bedroom 7 would be served by one window facing onto the boundary fence. The gap between the window and the boundary fence is modest and, as such, this window offers inadequate views to the external environment. Therefore, the future occupant of this room would not be provided with an appropriate outlook. In addition, the window faces into the garden area, which would compromise the privacy of the future occupant, even more so when considering the small space of the outdoor area.
11. Bedroom 8 would be served by two windows. The rear window faces onto the boundary fence at a very short distance, so it would offer a severely constrained outlook. The side window facing onto the communal garden. While the outlook of this window would be appropriate, due to the small size of the garden space, the future occupant of this room would not be afforded appropriate levels of privacy.
12. The Council has referred to the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011, which sets out that that dwellinghouses of three or more bedrooms should be provided with a minimum of 70m² usable garden space. By virtue of the nature of accommodation, HMOs do not use outdoor space in the same way as families, so whilst such standard may be useful as a starting point, subjective judgement is needed to assess both the size and quality of such an area.

13. The rear outdoor space is modest in size, and its layout is heavily constrained by its limited depth and position of the existing building. Moreover, the proposed siting of the bike storage would further restrict the available space. As such, the size and shape of the garden would not offer sufficient space for carrying out outdoor activities, including drying clothes and relaxing when considering its intended use by eight residents. Moreover, I find it unlikely that the space would be able to satisfactorily accommodate all eight occupants at the same time, if necessary, without being used overly intensively or feeling cramped.
14. Overall, the space would not be functional and would fail to offer residents adequate private outdoor space. Whilst the public spaces close by could be utilised by the HMO's occupants for some recreational purposes, such spaces would not be a substitute to the provision of adequate private garden space.
15. The proposed bin storage would be located in front of the window serving bedroom 1, which the evidence indicates is existing. In any event, the window serving this room is situated near the front door, so the privacy of this bedroom is already compromised. The bins would not be substantial in height or size, so they would not appear unduly conspicuous in views out of the window serving bedroom 1. The proposed plans show that the bin storage would be enclosed, which would assist with minimising odour. As such, the proposal would not cause undue harm to the living conditions of the occupants of bedroom 1.
16. The proposal would be provided with two parking spaces within the driveway. The proposed increase in number of residents would have the potential to generate greater parking demand when compared with the existing situation. The Council advises that it does not have specific parking standards for HMOs and relied on its parking standards for dwellings of four or more bedrooms to undertake its assessment. On this basis, the proposal should be provided with three parking spaces.
17. However, Policy CC3 of the Core Strategy and Policies Development Plan Document 2009 (DPD) requires appropriate parking provision to be made for off-street parking in development proposals in accordance with its maximum parking standards. The proposal would accord with this. Therefore, the amount of parking provided would not be harmful to living conditions.
18. In light of the above considerations, I am satisfied that the proposal would provide suitable living conditions for the occupant of bedroom 1, with regard to privacy, outlook and odour and would be acceptable in terms of parking provision. However, the scheme would fail to provide acceptable living conditions for future occupants, with regard to the provision of communal space, outlook and privacy. Accordingly, the proposal would be contrary to DPD Policy EN1, which amongst other things, requires a high standard in the design and layout of new development.

Living conditions – adjoining neighbours

19. The appeal property is a large, semi-detached dwelling which is located in a predominantly residential road. The frontage of the site is enclosed by a tall brick wall to the road and wooden fencing to the sides, and the front door of the appeal dwelling is well separated from the front windows on neighbouring properties.

20. The position of the bin storage would be secluded from neighbouring properties given the existing boundary treatments, thereby minimising visual harm. As noted above the bins would be enclosed, which would assist in minimising any undue odour.
21. The proposed increase in occupation from six to eight persons would inevitably result in some additional activity, such as comings and goings. While it may be that occupants of HMOs largely live independently from one another, with varying routines and schedules, the increase in number of residents associated with the proposal would be modest and therefore unlikely to result in a level of activity of such a magnitude that would cause undue noise and disturbance to neighbouring residents.
22. As such, the proposal would have an acceptable effect on the living conditions of the occupants of adjoining properties, with particular reference to bin storage, and noise and disturbance. The proposal would therefore accord with DPD Policies EN1 and EN11, which among other things, support development that achieves a satisfactory relationship with neighbouring properties and seek to minimise adverse impact of noise.

Other Matters

23. The appellant makes reference to the East Barnet¹ case law. However, my conclusions on each of the issues raised are largely dependent on the proposal itself, its likely effects and the application of policies relevant to it. I have had regard to the case quoted, but in that context.
24. The appellant also draws attention to a number of allowed appeals and to a planning permission recently granted by the Council for an HMO elsewhere in the Borough. Although they may address issues that are broadly similar to those considered in this appeal, since the decision in this case turns on the specific facts of the scheme being proposed and its effect on living conditions, the relevance of other schemes on different sites in different contexts are of limited help for the purposes of comparison. In reaching this conclusion I have had regard to the North Wiltshire² case law that the appellant directs me to.
25. There are some inconsistencies within the officer report with regard to the effect of the bin and cycle storage on the character and appearance of the area. However, the cycle storage would be provided within the rear garden, with limited visibility from public vantage points. The appeal site is enclosed by tall boundary treatments, which screen public views towards the frontage of the site. As such, the proposal would have an acceptable effect on the character and appearance of the area.
26. The appellant refers to HMO design guides in other Boroughs. However, because of their location elsewhere, such guides would be of limited relevance in the context of this appeal.

¹ East Barnet UDC vs British Transport Commission [1962] 2 QB484

² North Wiltshire DC vs Secretary of State for the Environment [1992] 65 P&CR 137

Planning Balance

27. The proposal would have an acceptable effect on the living conditions of the adjoining neighbours and on parking provision. However, these are neutral matters rather than ones that carry positive weight for the development.
28. The proposed development would make a positive contribution to the housing mix within the Borough. It would provide affordable accommodation in an accessible location close to public transport and local services and would meet diverse community requirements. However, the additional number of bedrooms provided by the proposal would be modest and therefore these benefits would not overcome the harm to the living conditions of the occupants of the HMO as I have identified above.

Conclusion

29. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR