
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: 23 February 2026

Appeal Ref: APP/Z3635/W/25/3374915

25 Edward Way, Ashford, Surrey TW15 3AY

- 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 Spelthorne Borough Council.
 - The application Ref is 25/00865/FUL.
 - The development proposed is described as internal alterations to facilitate the change of use from C3 to Sui Generis 7 Bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that some internal alterations have taken place at the appeal property which do not correspond with the plans before me. For the avoidance of doubt, I have determined the appeal based on the plans provided with the planning application which were considered by the Council.
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 the Council expects to adopt it in early 2026, subject to the plan being found sound by the Inspector. Although the draft plan is at an advanced stage, at the current time it does not form part of the statutory development plan, and 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:
 - the effect of the proposed development on the character and appearance of the area, with particular regard to refuse and cycle storage;
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of communal space, privacy, outlook, odour and parking; and
 - the effect of the proposed development on the living conditions of the occupants of adjoining properties, with particular reference to refuse storage, and noise and disturbance.

Reasons

Character and appearance

5. 25 Edward Way is a semi-detached bungalow with roof accommodation and attached single storey element which lies in a predominantly residential road. The frontage of the property is laid to hardstanding and does not have any form of front boundary treatment. The street scene is generally characterised by pairs of semi-detached properties set back from the road with parking and soft-landscaped areas to the road frontage. In general, the front boundary treatments of the properties along the road consist of low height brick walls and, typically, the properties do not have storage structures within their frontages.
6. The proposed refuse and cycle storage would be placed within the frontage of the appeal site. This would result in a cluttered appearance and would introduce an incongruous form of development into a highly prominent location in the street scene where there is a general absence of storage structures to the front of the properties. Consequently, the proposal would appear markedly at odds with the character and appearance of the area.
7. Despite the boundary treatments, the proposed plans show that the storage units would be visible from public vantage points. While screening with planting is proposed, this would likely appear contrived because of the size and siting of the proposed structures. Therefore, I am not persuaded that the harm would be successfully overcome by a condition requiring revised screening details or different enclosure materials as suggested by the appellant. As such, the proposal would be detrimental to the visual quality of the street scene.
8. The proposed development would therefore have a harmful effect on the character and appearance of the area, with particular regard to refuse and cycle storage. The proposal would be contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document 2009 (DPD), which amongst other things seeks to create buildings and places that are attractive.

Living conditions – future residents

9. The proposed House in Multiple Occupation (HMO) would be provided with a communal kitchen on the ground floor. The proposed plans indicate that the overall floorspace of the kitchen would allow for space for preparing and cooking food, as well as a table which would provide space for eating.
10. In the absence of a communal lounge, the HMO bedrooms would form the main living space for occupants to relax and use for recreational purposes. However, even with bedrooms of an acceptable size and with windows, it is reasonable to expect that future occupants should have access to a good standard of communal accommodation where to socialise with fellow residents.
11. Given the size of the kitchen, I am not convinced that the room could be arranged to provide an acceptable level of kitchen, dining and living accommodation, together with adequate circulation space to serve the number of intended occupants. The outcome would be a poor-quality living environment that would significantly undermine the living conditions of prospective occupants.
12. The Council has referred to the Design of Residential Extensions and New Residential Development Supplementary Planning Document 2011, which sets out

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 property benefits from an L-shaped rear external space. However, the space is modest in size, and its layout is heavily constrained by its limited depth. As such, the size and shape of the garden would not offer sufficient space for carrying out daily outdoor activities, including drying clothes and relaxing when considering its intended use by seven residents. Moreover, I find it unlikely that the space would be able to satisfactorily accommodate all seven occupants at the same time, if necessary, without being used overly intensively or feeling cramped. Overall, the space would not be functional and would fail to offer residents adequate private outdoor space.
14. The appellant states that the scheme would accord with the Council's Landlord's guide to standards for HMOs and licensing standards. However, these standards operate independently of planning and do not necessarily align. Consequently, compliance with licensing standards does not automatically mean that planning permission should or will be forthcoming as licensing and planning legislation are separate.
15. The proposed cycle storage and refuse storage would be sited near the windows serving units 5 and 1 respectively. While these enclosures would be present on views out of these windows, owing to their size and scale, it is unlikely that their effect on outlook would be so intrusive as to making living in these bedrooms untenable.
16. The windows are located near the front door and face the property's driveway and road, so lower levels of privacy within the rooms would be expected. Given this relationship, the proposed arrangement would not be unduly harmful to the privacy of future occupants. The proposed plans show that the bin storage would be enclosed, which would assist with minimising odour.
17. The proposal would not make provision for on-site parking. 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.
18. However, DPD Policy CC3 states that the parking standards are maximum levels of provision. As such, the absence of on-site parking would not be harmful to the living conditions of future residents.
19. Given the above, I am satisfied that the proposal would provide suitable living conditions for the future occupants of bedrooms 1 and 5, 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. 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

20. The appeal property is semi-detached and lies within a street of a similar type of dwellings which are set within wide plots. The proposal is to convert the existing house into a seven person HMO. It is evident from the information before me that HMOs are not directly comparable to family dwellings, mainly because they appeal to different client groups. Therefore, the level of activity associated with seven adults living together, including comings and goings and deliveries, is likely to be greater than with a single-family household.
21. However, the semi-detached form of development along this stretch of Edward Way and wide plots means that the physical relationship between the appeal property and neighbouring properties is not one of significant proximity. The front door to the appeal dwelling is well away from the neighbours on either side and therefore in all probability the pedestrian movements generated by the proposal would not unduly perceptible. In addition, the proposed kitchen would not be immediately adjacent to the party wall, so it is unlikely that the activity within this communal room would be perceived from the attached property. As such, it is unlikely that the proposed use would result in undue levels of noise and disturbance.
22. As discussed above, the proposed refuse store would be enclosed. As a result, it is unlikely that it would generate undue odour. While this structure would be perceptible from the closest neighbouring properties, it would be set at an appropriate distance, so visual harm to the neighbours would be limited.
23. Thus, the proposal would have an acceptable effect on the living conditions of the occupants of adjoining properties, with particular reference to refuse storage, and noise and disturbance. It 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 Considerations

24. The appellant, in their appeal submission, asserts that the dwellinghouse has been converted to a six-person HMO (Use Class C4) purportedly under permitted development rights. However, the Council draws my attention to a Certificate for Lawful Development¹ (the Certificate) which was refused because the appellant failed to demonstrate, on the balance of probabilities, that the C4 use had been implemented prior to an Article 4 Direction coming into force.
25. Therefore, while I note the bundle of evidence put forward by the appellant seeking to demonstrate that a six-person shared residential use on site is realistic, I attach substantial weight to the Certificate issued by the Council. Thus, having regard to the Mansell² caselaw that the appellant directs me to, I find that there is no substantial evidence that the fallback position is greater than a theoretical possibility. Consequently, the suggested fallback position would have modest weight in the determination of the appeal.
26. In any event, even if I were to consider that the property could be converted into a six-person HMO under permitted development rights, the proposal would result in

¹ LPA Ref 25/01251/CPD

² Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

one more resident living on site. While this increase would be modest, the fallback position would nevertheless be less harmful in terms of living conditions of future residents, as there would be fewer persons using the available communal space. Given such, the fallback would attract limited weight in favour of the appeal scheme.

Other Matters

27. My attention is drawn to another HMO that has been granted planning permission³ on a nearby property. However, this application appears to relate to an increase in the number of occupants, so an HMO had already been established at the property. As such, I cannot make any useful comparison between the proposal and this scheme.
28. The appellant also draws attention to the planning permission pertaining to an HMO granted by the Council at 299 Feltham Hill Road⁴. However, on the details provided, I am not satisfied that both cases would be sufficiently similar to allow any meaningful comparison. Moreover, I have not been directed to any specific example of comparable HMOs operating with similar or smaller external spaces than this development. Therefore, these examples would be of limited relevance. I have as a consequence considered the proposal on its own merits.
29. Interested parties have raised concerns with the level of on-street parking on Edward Way and surrounding roads. However, this is not supported by photographic evidence and not highlighted as a concern by the Highway Authority. At the time of my site visit, I found there to be space available for parking on the street within the vicinity of the appeal site, albeit I appreciate that this was a snapshot in time. Accordingly, there is no compelling evidence before me which indicates that the proposal would unduly exacerbate parking problems or prejudice highway safety.

Planning Balance

30. The appellant sets out that the Council can demonstrate 2.3 to 2.4 years supply of deliverable housing sites, which is not disputed by the Council. In such circumstances, paragraph 11 d) ii of the National Planning Policy Framework (the Framework) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. The proposed development would make a positive contribution to the housing choice and mix within the Borough. It would provide affordable accommodation in a location close to public transport. Given the scale of accommodation proposed, these benefits attract moderate weight in favour of the appeal scheme.
32. In terms of harm, for the reasons outlined above, the proposal would have a harmful effect on the character and appearance of the area and would fail to provide adequate living conditions for future residents in terms of provision of internal communal space. The Framework seeks to ensure that developments function well and add to the overall quality of the area, are sympathetic to local character including the surrounding built environment, and create places which promote health and well-being with a high standard of amenity for future users.

³ LPA Ref 17/01850/FUL

⁴ LPA Ref 25/00710/FUL

Therefore, the conflict between the proposal and DPD Policy EN1 should be given substantial weight in this appeal.

33. Taking the above into account, I find that the substantial harm to the character and appearance of the area and to living conditions of future residents would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

34. 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