



Appeal Decision

Site visit made on 20 January 2026

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2026

Appeal Ref: APP/Z3635/W/25/3374847

31 Junction Road, Ashford, Surrey TW15 1NJ

- 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 (Axmo North Limited) against the decision of Spelthorne Borough Council.
 - The application reference is 25/00797/FUL.
 - The development proposed is: Rear hip to gable extension, with 2 no. flank dormers, and 2 no. rooflights, to facilitate loft conversion into habitable space; erection of a single storey rear extension; changes to fenestration and extension of dropped kerb with new hardstanding on front driveway; all to facilitate the conversion of a C3 dwellinghouse into an 8 person HMO (Sui-Generis) with associated parking and amenities.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I was unable to gain access onto the site itself on the day of my visit. However, the site was under construction at the time with much of the pre-existing dwelling altered, including the roof undergoing extension. Large parts of the site appeared difficult to access due to building works and/or materials. Given these circumstances, an on-site inspection would have been of limited value and I determined that I could assess the main issues on the basis of observations from the street and the written evidence and plans before me.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide a suitable standard of accommodation for future occupants;
 - The effect of the proposal on the living conditions of neighbouring occupants.

Reasons

Character and Appearance

4. The appeal relates to a detached bungalow on the northern side of Junction Road, an established residential street. The immediate townscape features a mix of detached and semi-detached properties, both single storey and two storey, including dormer storeys in the roof spaces. The low, detached bungalow form of the appeal property is prevalent along the street, including at Nos 33 and 35 next

door. Hipped roofs and red brick facades predominate and lend visual consistency to the street amid the varied scale and form of the buildings.

5. The proposal includes a hip-to-gable extension to the rear roof slope, a dormer window to each side of the main roof slope, a single storey, flat roofed extension to the rear of some 8m depth, changes to fenestration, replacement hardstanding to the front, removal of the front boundary wall and extension of the dropped kerb.
6. It is common ground that the hip-to-gable extension, the proposed dormer windows and the rear extension have gained prior approval from the Council under separate applications¹, with a lawful development certificate² also issued for hardstanding and changes to fenestration. There is no dispute from the Council that the proposed plans before me reflect the size, shape and position of the works granted prior approval. Therefore, this represents a significant fall-back position for the appellant, as these works can be implemented irrespective of the outcome of the appeal. As indicated above, works were underway at the time of my visit.
7. The hip-to-gable addition would add considerable bulk to the building, but this would be contained to the rear where its size would not be readily apparent. The Council criticises what would be an 'unbalanced' side elevation, but neither side elevation would be open to clear view due to the presence of dwellings to either side. In oblique views from the street, the additional massing of the rear gable would not appear prominent or overly sized relative to the existing dwelling.
8. The proposed dormers would be prominent in view from the street and, due to their negligible set down from the main ridge, would appear as conspicuous extensions spanning across and dominating the existing pitched roof, rather than proportionate additions, as seen on other properties nearby, that are set lower into the roof slope and retain the prominence of the original roof shape. The proposed dormers therefore create a top-heavy, disjointed roof line at odds with the modest, original bungalow form, at odds with the Council's design guidance³ which stipulates dormers should be set down 0.5m from the ridge line and not be dominant or out-of-proportion. The incongruity of the dormers would be also clearly understood given the original roofline retained to No 33 next door.
9. The single storey extension would be significant in depth at 8m, almost doubling the original depth of 10.58m, and nearly 5m deeper than the existing extension. In locating to the rear, its full massing would not be visible from the street, but it would represent a substantial increase in the footprint and plot coverage of the building, significantly beyond the Council's guideline depth of 4m for rear extensions, whilst at the same time reducing the rear garden to well below the prevailing size of neighbouring gardens.
10. Taken cumulatively, the proposed extensions would result in a building of excessive scale and massing relative to its original form and its plot. Even with the acknowledged variety of the surrounding built form, the incongruous design of the dormer windows would appear as a particularly conspicuous and jarring feature of the streetscene. The sense of overdevelopment would be exacerbated by the removal of the boundary wall and creation of a stark, hard paved forecourt exclusively for parking and with no substantive soft landscaping, which further

¹ Council Refs 25/00134/PDH, 25/00135/PDH, and 25/00269/CPD

² Council Ref 25/00272/CPD

³ Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011), Para 3.56

conflicts with the Council's design guidance that parking areas should not normally exceed 50% of the width of the frontage.

11. For these reasons, I find that the proposal would cause significant harm to the character and appearance of the area, contrary to Policy EN1 of the Core Strategy and Policies Development Plan Document (February 2009) (the CSP) which requires developments to achieve a high standard of design and layout that respects and makes a positive contribution to the streetscene and the character of the area in which they are situated.
12. However, as set out above, it is open to the appellant to develop the property in a substantially similar manner through the schemes already granted prior approval and/or lawful development certificates. This is a material consideration which counters the identified development plan conflict on this main issue, such that the effect on character and appearance is ultimately not a matter weighing against the proposal in the overall planning balance.

Standard of Accommodation

13. The proposed rooms would each exceed the 7.5sqm minimum size for a single bedroom as set out under the Nationally Described Space Standards⁴. However, this standard is more directly applicable to single bedrooms within a dwelling, where occupants have full access to other bedrooms and communal living areas. This differs from HMO accommodation, the nature of which is that occupants live more independently than in a shared house or family home. This entails keeping most belongings within one bedroom, and using it as a space not only to sleep, but to study, work, relax and often to eat meals. Hence, the overall quality of that space, beyond its basic size, and that of communal spaces, are relevant considerations.
14. Bedrooms 1 and 2 would face the front forecourt where communal parking spaces are proposed. This would severely restrict outlook for occupants and would necessitate regular closure of windows to prevent car fumes entering. Moreover, occupants would have to regularly close blinds or curtains to ensure privacy, which would limit sunlight and daylight in the room itself. I note these rooms have side facing windows, but these face the side boundary and communal bin stores at close range, and would not provide sufficient quality of light or outlook to ensure a satisfactory standard of accommodation overall.
15. Bedrooms 1, 3, 4 and 5 would have windows facing the communal alleyway to the side of the building. The privacy of these rooms would also be undermined due to the ability of those using the side alleyway to view directly into the rooms, with the alternative of closed curtains reducing light and outlook also harmful. Bedrooms 5 and 6 would face onto the communal rear garden. Given that the garden may be occupied for extended periods, the potential loss of privacy for those in Bedrooms 5 and 6 would be significant. The side windows of Bedrooms 2 and 6 would also offer little outlook or light being only some 40cm from the side boundary treatment.
16. The shortcomings in the quality of these bedrooms increases the importance of communal space being fit for purpose. In this case, the communal space comprises a kitchen of 17.24sqm. The Council refers to its Landlords Guide to

⁴ Technical housing standards – nationally described space standard (March 2015)

Standards for HMO document⁵ used by the Environmental Health department, and indicates that the kitchen would fall slightly short of the 18sqm required. However, this appears to relate to HMOs with 3-5 occupants where minimum room sizes are 6.51sqm for single occupancy. The appellant instead points to all bedrooms exceeding 8.5sqm and thus the applicable standards indicate that no additional communal living space is required, and for the kitchen to be at least 13.5sqm for 8 occupants. It is unclear where this figure has been obtained, as under Table 1 of the HMO Standards document, the minimum kitchen size for 6-10 people is 10sqm. Nonetheless, the proposed kitchen would exceed either measurement.

17. However, licensing standards reflect minimum acceptable sizes for spaces and do not necessarily indicate a certain quality or useability of spaces. I accept that the more independent living patterns of HMO occupants means it is unlikely that all residents would require the kitchen space at the same time. However, whilst the plans show dual sinks, fridge/freezers and cookers, there is limited work surfaces to either side of the cookers that would fall well short of the guideline 2000mm width for an HMO with 8-10 residents. This size and layout would cause inconvenience where several residents are looking to cook or eat at the same time. Moreover, as there is no other communal area, such as a lounge, that would afford occupants some other recreational space, the kitchen represents the only communal area for residents to gather and eat. The space proposed would not allow all these activities to occur comfortably at the same time, resulting in cramped conditions likely to prompt occupants to instead return to bedrooms which, as set out above, would be inadequate spaces for spending extended periods of time.
18. The Council also points to shortfalls in the external space. It points to its guidance⁶ that dwellings of three bedrooms or more should have at least 70sqm of external space. Although an eight person HMO is not a dwelling, given it would entail occupancy levels well above that of a normal three bedroom dwelling, it is reasonable to consider this upper standard in assessing the suitability of external space to be provided.
19. The Council indicates that just under 55sqm of space would be provided to the rear, but this would include a large cycle storage unit to the corner that would not be useable space. Further external space would exist in the form of the side alleyway and front forecourt parking, but this would amount to functional or circulation space, rather than amenity space where residents could relax.
20. Consequently, the usable space would be limited to that to the rear of the property. At 5.2m deep, it would fall well short of the 10m depth for rear gardens set out under the SPD and would represent a cramped space that would fall well short of that required to accommodate the proposed number of occupants. As set out above, it would also place those using the garden immediately in front of the bedroom windows of Rooms 5 and 6, restricting the extent to which the garden and these bedrooms could be comfortably used simultaneously.
21. I conclude that due to identified shortcomings in the outlook, light and/or privacy to several bedrooms, the proposal would fail to provide an acceptable standard of accommodation for future occupants. Further shortcomings in the layout and usability of the proposed communal kitchen and external garden space would

⁵ Landlords' guide to standards for houses in multiple occupation (HMO)

⁶ Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011), Table 2

further undermine the quality of the accommodation and the living conditions of prospective residents.

22. For the reasons set out, the proposal would be contrary to the requirement of Policy EN1 of the CSP which requires developments to achieve a high standard of design and layout. It would also conflict with the National Planning Policy Framework (the Framework) which requires that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
23. I have had regard to the fall-back position of the appellant where potentially 6 occupants could reside in a Class C4 HMO, but evidently this would involve fewer occupants, more space per occupant in communal spaces and the potential for one or more bedrooms to be utilised as additional communal space. As a result, the fall-back scenario would not be demonstrably more harmful than that proposed, and so it does not indicate that this should negate the harm identified.

Neighbours' Living Conditions

24. The Council's concerns relate to the proposed use of the property as an eight person HMO. It accepted that planning permission would not be required for a change of use of the property from a dwelling to a small HMO of up to six occupants (Class C4). The dwelling prior to the current works on site was a modest, two bedroom dwelling, which was unlikely to support occupancy of up to six people. However, it is relevant that works are ongoing to enlarge the property and a C4 use could be effected once these are completed. This is a fall-back position for the appellant. The necessary assessment, therefore, is whether an additional two occupants would cause harm to the living conditions of neighbouring occupants.
25. In simple terms, eight occupants living largely independently is likely to result in additional comings and goings compared to a six person HMO or a family-sized dwelling house. However, a greater number of occupants is not of itself evidence that a larger HMO use would cause material harm to neighbouring occupants.
26. An increase of two occupants compared to a Class C3 or C4 use would not be significant in absolute terms, and there is no substantive evidence put to me by the Council that their comings and goings would be significant in number, would occur continuously or at such volume that it would cause significant harm to neighbours' living conditions. Comments by the Council that occupants would be expected to be younger and more disposed to an active lifestyle with greater comings and goings are speculative. Even so, more comings and goings does not necessarily translate to more noise and disturbance. Noise from opening and closing of doors, or occupants conversing with visitors, would in most cases be brief and unlikely to be so loud as to cause disturbance.
27. The Council suggests that the lack of communal space in the building would force occupants to go out more. Again, this is speculation. Moreover, it could be argued that the lack of a communal living room would in fact lessen the extent to which occupants may congregate and potentially make noise within the property which would disrupt neighbours. The more independent nature of HMO living means occupants may also self-regulate others who make noise.

28. I note the concerns raised about potential for anti-social behaviour; however, these comments are anecdotal and do not provide evidence that such behaviour would occur at the appeal site.
29. The appellant has provided a management plan for the HMO, though this does not include any measures to address noise and disturbance should it occur. In the circumstances where occupancy would increase significantly compared to the pre-existing use, I consider it would be reasonable to secure an amended management plan which includes measures to inform occupants of their responsibilities in respect of noise and disturbance and gives contact details of the managing agent should neighbouring occupants require them. Should permission be forthcoming, it would also be necessary to condition the number of occupants to ensure the HMO operates as proposed and avoids unanticipated impacts that may arise from occupancy higher than eight persons.
30. Separately, the Council did not identify harm to neighbours' living conditions from the physical works proposed. I have noted the proximity, orientation and existing rear additions of neighbouring properties, as well as the low profile of the rear extension and that the dormer windows and rear hip-to-gable would be located within the extent of the original roof area and behind the depth of the pre-existing rear extension. I am satisfied that the position and scale of these elements would not cause undue levels of enclosure or loss of light to neighbouring occupants. As such, I have not found reason to disagree with the Council's position.
31. Taking these considerations together, I am satisfied that the proposal would not result in unacceptable effects on neighbours' living conditions. No conflict arises with Policies EN1 or EN11 of the CSP in terms of their aims that development achieve a satisfactory relationship to adjoining properties and minimises the impact of noise.

Other Matters

32. Though not a reason for refusal, I note the concerns raised in respect of on-street parking in the area. The proposal indicates space for up to three cars on site. No specific parking standards for HMOs have been put to me, and I note the County Highway Authority's comments that the site is accessible by public transport and within reach of local services. I have no other evidence to suggest that parking in the area is at unsustainable levels or would become so as a result of the development.
33. No evidence has been put to me that there is, or would be, an overconcentration of HMOs in the area that would materially threaten the prevailing residential character of the area. Nor has the Council indicated a policy requirement that the proposal must demonstrate a need for HMO development, to justify its location or to address impacts on local infrastructure, which in any event would be very modest given the overall level of occupancy proposed.
34. I have noted concerns over effects on drainage and waste disposal, but do not have substantive evidence that these matters could not be suitably managed through the Building Regulations or planning conditions where necessary.
35. The appellant refers to a number of other Council decisions where fall-back positions were material considerations. I do not have the full details of these proposals before me to ascertain whether they are in fact comparable. This is also

the case for appeal decisions cited by the Council in its statement of case. Ultimately, each scenario will have some differences in circumstances and proposals must be considered on their own merits. As such, these examples do not have a decisive bearing on my decision. In any event, I have acknowledged the appellant's fall-back position in assessing the main issues above and I factor it into my conclusions below.

36. I have had regard to other matters raised in representations, but have not identified any which would weigh materially for or against the proposal in the planning balance. Therefore, as they would not be decisive to the outcome of the appeal, it is not necessary to address them further.

Planning Balance

37. The appellant contends that the Council is unable to demonstrate a five year supply of deliverable housing sites, with supply stated to be between 2.3 and 2.4 years. The Council has not refuted this. Paragraph 11(d) of the Framework is therefore engaged and policies most important for determining the application are considered out-of-date. However, that does not mean that no weight should be given to these policies. Rather, weight should be afforded based on the degree of consistency with the Framework.
38. As set out above, I find Policy EN1 to be consistent with the Framework's requirements for high standards of design, developments that function well and add to the overall quality of the area and provide a high standard of amenity for existing and future users. Therefore, the conflicts identified with Policy EN1 in respect of the character and appearance of the area and failure to provide a satisfactory standard of accommodation should be afforded significant weight.
39. Paragraph 11(d)(ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
40. The Framework sets a clear objective of significantly boosting the supply of housing. The provision of a larger HMO would deliver a modest social benefit in providing accommodation for more occupants at the lower end of the housing market compared to the existing two bedroom dwelling. However, there would ultimately be no increase in the overall number of residential units, and thus no material contribution to the Council's housing supply shortfall. As such, the benefits of providing a larger HMO attract only limited weight given the scale of the proposal and considering that there would still be a countervailing social benefit in having the building remain as a single dwelling. Economic benefits from additional residents living, working and spending in the local area would be similarly limited.
41. The appellant's fall-back position effectively negates the harm identified to the character and appearance of the area, as the external works can be developed outside of the application. However, the fall-back position does not enable occupation of the building as an HMO by up to eight persons, nor does it provide an internal layout that is more harmful than that proposed. In these respects, therefore, the fall-back position does not overcome the harm identified in respect

of the standard of accommodation, which is contrary to the key policy of the Framework to secure well-designed places.

42. Overall, I find that the adverse effects of the proposal in terms of the failure to provide a suitable standard of accommodation significantly and demonstrably outweigh the benefits of providing additional HMO accommodation in this case. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

43. The material considerations in this case, taken together and inclusive of the fall-back position, do not outweigh the overall development plan conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR