



Appeal Decision

Site visit made on 27 February 2026

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2026

Appeal Ref: APP/D1590/W/25/3376924

47 Old Southend Road, Southend-on-Sea SS1 2HA

- 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 Mark Oliver of Oliver Assets LLC against the decision of Southend-on-Sea City Council.
 - The application Ref is 25/01318/FUL.
 - The development proposed is to change the use of a 7-bed sui generis HMO to an 8-bed sui generis HMO and the provision of cycle and refuse storage on site. Facilitated by chimney removal, erection of a flat roof rear dormer, alterations to the flank elevation fenestration and the demolition of the existing rear lean to and the erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted to change the use of a 7-bed sui generis HMO to an 8-bed sui generis HMO and the provision of cycle and refuse storage on site. Facilitated by chimney removal, erection of a flat roof rear dormer, alterations to the flank elevation fenestration and the demolition of the existing rear lean to and the erection of a single storey rear extension at 47 Old Southend Road, Southend-on-Sea SS1 2HA, in accordance with the terms of the application, Ref 25/01318/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Mark Oliver of Oliver Assets LLC against Southend-on-Sea City Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this appeal are whether the proposed development would provide satisfactory living conditions for future occupants with particular regard to:
(i) the outlook from proposed bedrooms 2 and 5, and natural light reaching those rooms; and (ii) the location of the proposed shower room relative to proposed bedroom 3.

Reasons

Outlook and access to light

4. The appeal property is currently occupied as a 7-bed house in multiple occupancy (HMO) following the grant of planning permission a few years ago. The proposal is to increase occupancy within the building to provide an 8-bed HMO through extensions and reconfiguring the internal layout. Bedrooms 2 and 4 in the existing HMO would be altered with internal subdivisions and ensembles to create bedrooms

2 and 5 in the one proposed, which would be served by the existing rear facing windows that are tall and clear glazed. Compared to existing bedrooms 2 and 4, the internal alterations to create proposed bedrooms 2 and 5 would not change the outlook from those bedroom windows, nor would they reduce the amount of light reaching those rooms through the existing windows.

5. The principal outlook from those proposed bedrooms would be across the side/rear gardens of the host property and Number 45, and towards the rear elevations of the buildings fronting Wesley Road. The built form of the host building's two storey rear outrigger and that of the opposing outrigger to Number 45 both limit the field of vision looking out of those windows. However, as the viewing distances are relatively long and the gap between those walls is relatively wide, those outriggers would not have an oppressive or overbearing presence in views from out of proposed bedrooms 2 and 5. Therefore, I am satisfied that the future occupants of those bedrooms would have a satisfactory outlook.
6. Although my visit during the early afternoon was only a snapshot in time, I saw that both bedrooms were receiving good levels of daylight. The living conditions in those rooms were not dark or oppressive. Given the relationship between the sizes of the windows serving proposed bedrooms 2 and 5, the gap between those outriggers and the open gardens beyond them, I am satisfied that sufficient natural light would continue to reach those bedrooms. This would be particularly so in the afternoon as the sun moves through the sky towards the west. The findings of the appellant's technical internal daylight study are consistent with my assessment of this matter.
7. On the evidence before me and my observations at my visit, I am satisfied that the proposed HMO would provide adequate living conditions for its future occupants with particular regard to the outlook from proposed bedrooms 2 and 5, and access to light within those rooms. The Council, having found harm to the living conditions of the occupants of proposed bedrooms 2 and 5 in respect of outlook and access to light, is concerned that the absence of a communal living room would compound those harms by not providing occupants with respite space away from them. However, as there would be no harm in those respects it follows that there would be no harm to be compounded by the absence of a communal living room.
8. The living conditions for occupants would not be cramped. There is no dispute that all proposed bedrooms and the kitchen/dining room would meet or exceed the minimum room sizes in the adopted Essex Approved Code of Practice for a HMO of this size and type. In my judgement the size of the proposed kitchen/diner would meet the requirements of Policy DM8 of the Southend on Sea Borough Council Development Management Document 2015 ("the DMD"), insofar as it would enable occupants to use the room simultaneously in a comfortable manner.
9. For the reasons given above, I conclude that the proposed development would provide satisfactory living conditions for future occupants with particular regard to the outlook from proposed bedrooms 2 and 5, and daylight reaching those rooms. Consequently, the proposed development would accord with DMD Policies DM1, DM3 and DM8 insofar as they seek to ensure, amongst others, that development does not adversely impact upon the living conditions of the intended occupants, and Policies CP4 and KP2 of the Southend on Sea Borough Council Core Strategy 2007 ("the CS") which, amongst others, seek high quality design.

10. For those same reasons the proposed development would be consistent with paragraph 135 of the National Planning Policy Framework (“the Framework”) insofar as it requires decisions to ensure that development provides a high standard of amenity for its users.

Location of the shower room relative to Bedroom 3

11. Apart from bedroom 3, all proposed bedrooms would be served by an ensuite with a shower, toilet and wash basin. Therefore, the occupant of proposed bedroom 3 would be highly likely to have almost exclusive use of the first floor shower room and have easy access to it by walking along the hallway/corridor on the same floor. Consequently, the proposed shower room would be conveniently located for use by the occupant of bedroom 3 and it would contribute to providing them with satisfactory living conditions, consistent with the policies in the DMD, the CS and the Framework that are referred to above.

Conditions

12. I have considered the Council's suggested planning conditions in accordance with the tests in the Framework and the Planning Practice Guidance. Where necessary I have amended the wording of the suggested conditions to ensure compliance with those tests.
13. In the interests of certainty of the planning permission granted, a condition is imposed to specify the approved plans. To control the development and its effects to those that I have found acceptable, it is necessary to impose a condition limiting the maximum number of residents and bedrooms.
14. As there is no substantive evidence to demonstrate that the cycle storage and bin storage facilities shown on the drawings would be inadequate or otherwise unacceptable, imposing conditions to secure alternative facilities has not been justified as necessary in this instance. To encourage sustainable travel and to ensure satisfactory servicing of the development, I have imposed a condition requiring those facilities to be provided and retained.
15. Development plan policy, including CS Policy KP2, seeks to secure non-exhaustive measures for energy efficiency, water efficiency and the inclusion of other sustainability measures, including at least 10% of the energy needs of a development being met through onsite renewables where feasible. Those policies justify such measures to be secured through a planning condition. However, to enable the precise mix of appropriate and feasible measures to be agreed between the parties, I have altered the suggested condition.
16. In the interests of safeguarding the living conditions of nearby residents it is necessary, given the nature of the residential surroundings of the appeal site, to impose a condition to control the hours of construction and demolition work.
17. It is reasonable to suppose that residents of the proposed HMO would put their bins out on collection day and take them in afterwards and I am not aware of any options other than for roadside collection. Although the Council has submitted with its appeal statement a copy of the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments 2019, it has not explained whether any parts are relevant to the case before me. Consequently, on the evidence before me the suggested condition for a waste management plan, detailing who

will do what, when and how in respect of dealing with household waste and recycling, including requiring a named individual to be responsible for those activities, has not been shown to be necessary or reasonable.

18. The approved drawings are annotated to specify that the materials to be used for the external surfaces of the enlargements and alterations to the building would match those that exist. Therefore, a condition stating the same would be an unnecessary duplication of the plans condition number 2.

Conclusion

19. For the reasons given above, I conclude that the appeal development is consistent with the development plan as a whole. There are no material considerations to indicate otherwise. Consequently, the appeal is allowed and planning permission is granted, subject to the attached conditions.

G Sylvester

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 1028-100; 1028-101; 1028-102 Rev 01; and 1028-103.
- 3) The development hereby permitted shall not be occupied until a scheme for the provision of energy efficiency, water efficiency and sustainability measures to be included in the development has been submitted to and agreed in writing by the local planning authority and the measures implemented as approved. Thereafter the measures in the approved scheme shall be maintained and retained for the lifetime of the development.
- 4) Prior to the first occupation of the development hereby permitted the bin storage facility shown on the approved drawings shall be provided, kept available for bin storage and thereafter retained for the lifetime of the development.
- 5) Prior to the first occupation of the development hereby permitted the cycle storage facility shown on the approved drawings shall be provided, kept available for cycle storage and thereafter retained for the lifetime of the development.
- 6) Demolition or construction works shall take place only between the hours of 08:00 to 18:00 on Monday to Friday, and 08:00 to 13:00 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) the House in Multiple Occupation hereby permitted shall not be adapted to form more than 8 bedrooms, nor shall it be occupied by more than 8 residents at any one time with all bedrooms for single occupancy only.

End of schedule