



Appeal Decision

Site visit made on 2 September 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2025

Appeal Ref: APP/V1505/W/25/3365174

14 Gordons, Pitsea, Basildon, Essex SS13 3DZ

- 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 Morris Kay against the decision of Basildon Borough Council.
 - The application Ref is 25/00165/FULL.
 - The development proposed is a first-floor side extension and the change of use from a 6-bed HMO (Class C4) to a 7-bed HMO (Sui-Generis).
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor side extension and the change of use from a 6-bed HMO (Class C4) to a 7-bed HMO (Sui-Generis) at 14 Gordons, Pitsea, Basildon, Essex SS13 3DZ in accordance with the terms of the application, Ref 25/00165/FULL, 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 numbers E00, P01, P02, P03, P04 and P05.
 - 3) The House in Multiple Occupation hereby permitted shall not be occupied by more than 7 persons.

Application for costs

2. An application for costs was made by Mr Morris Kay against Basildon Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of neighbouring dwellings, with regard to noise and disturbance.

Reasons

4. The appeal site comprises a semi-detached building used as a small House in Multiple Occupation (HMO). The site is within a primarily residential area consisting of predominantly two-storey terraced properties. The entrance to the building is positioned centrally within the front elevation, away from the site boundary and the entrance doors of neighbouring properties.
5. The proposal is for the change of use of the existing small HMO to a large HMO for a maximum occupancy of 7 persons within 7 bedrooms. The greater capacity

would be likely to increase activity at the site given that occupants would live largely independently, including from more people coming and going at the front of the site. Nonetheless, a greater number of occupants is not, of itself, evidence that a larger HMO would cause material harm to the living conditions of the occupants of neighbouring properties or to the character of the area.

6. The activity relating to the change of use would primarily take place to the front of the site. While there would be an increase in comings and goings, the activity would be to the front of the site where the front door is positioned away from the neighbouring properties, including those on the opposite side of the footway. This would limit the effect of any noise and disturbance generated by future occupants entering and leaving the property.
7. The proposal would intensify the HMO use at the site. Nevertheless, this would not lead to demonstrable harm to the living conditions of the occupants of neighbouring properties. Furthermore, the location of the site within an area primarily comprising dwellinghouses would not fundamentally alter the residential character of the area. In addition, there is no substantive evidence before me to demonstrate that there are no other HMOs in the area.
8. I conclude that the proposal would not harm the living conditions of the occupants of neighbouring dwellings with regard to noise and disturbance. The development therefore accords with Policy BAS BE12 of the Basildon District Local Plan Saved Policies 2007, which states that planning permission for new residential development will be refused if it causes material harm in noise or disturbance to the occupants of neighbouring dwellings, and the National Planning Policy Framework, which requires development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

9. I note that concerns have been raised in respect of the effect of the HMO on neighbouring residents, in respect of safety, security and littering. Nonetheless, there is no substantive evidence before me to suggest that occupiers of a HMO have any greater likelihood of generating excessive noise or antisocial behaviour than those occupying any other property.
10. The mandatory condition requiring biodiversity net gain (BNG) of at least 10% is imposed on permissions granted pursuant of a planning application made on or after 12 February 2024 or 2 April 2024 for small developments such as this. Given that the application was made after 2 April 2024, the mandatory requirement applies. Nevertheless, the Council state that the development would not impact a priority habitat and would impact less than 25 square metres of onsite habitat, the development is subject to the de minimis exemption from requiring BNG. I see no reason to disagree with this conclusion.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.

12. In order to safeguard the living conditions of future and neighbouring occupiers of the site, I have imposed a condition controlling the number of occupants of the HMO.

Conclusion

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

J Pearce

INSPECTOR