

Appeal Decision

Site visit made on 14 February 2017

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th March 2017

Appeal Ref: APP/V2825/W/16/3165110

89 Adams Avenue, Northampton NN1 4LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Clayson of Clayson Country Homes Ltd against the decision of Northampton Borough Council.
 - The application Ref N/2016/0876, dated 23 June 2016, was refused by notice dated 26 September 2016.
 - The development proposed is change of use of property from Dwellinghouse (C3 Use Class) to a House in Multiple Occupation (C4 Use Class) for use by 5 persons. Replacement of existing single storey lean to extension.
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Decision

1. The appeal is allowed and planning permission is granted for “change of use of property from Dwellinghouse (C3 Use Class) to a House in Multiple Occupation (C4 Use Class) for use by 5 persons. Replacement of existing single storey lean to extension” at 89 Adams Avenue, Northampton NN1 4LJ in accordance with the terms of the application, Ref N/2016/0876, dated 23 June 2016, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of car parking associated with the development on highway safety in the area.

Reasons

3. The appeal site is a terraced dwelling in a predominantly residential area characterised by rows of terraced properties. Vehicle parking in the area is generally provided on the highway and the proposal would not provide off-street vehicle parking.
 4. The Council’s reason for refusal states that it has not been demonstrated that the proposal would have a neutral impact upon the highway system due to parking demands and a shortage of car parking in the vicinity. The Local Highways Authority (LHA) has objected to the application on the basis that a previous parking survey has demonstrated that there is no residual parking capacity in the area. The LHA also states that the proposal would lead to an increase in parking demand with a resultant detrimental effect on highway safety and residential amenity.
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5. The Council's decision refers to the Houses in Multiple Occupation Interim Planning Policy Statement 2014 (IPPS) which promotes the use of sustainable transport and the provision of adequate parking. I note that the IPPS¹ states that those in rented accommodation have the lowest level of car ownership and it may therefore be the case that additional parking is not required in areas close to facilities. The IPPS states that applications for a change of use to a House in Multiple Occupation (HiMO) will be supported in principle if they are within walking distance of facilities and services in a local centre, well connected to public transport, and provide suitable storage for bicycles². This is reflected in Principle 3 of the IPPS.
6. The site is located in close proximity to the allocated Local Centre of Wellingborough Road. At my site visit I was able to walk from the appeal site to Wellingborough Road in just over 5 minutes. The Council state that this Local Centre is focussed on leisure and specialist retail services. However I saw that there is a selection of shops which would provide for the everyday needs of residents in the area, and that retail and other services would therefore be within easy reach of residents of the proposal without having to rely on the private car.
7. I also note that Wellingborough Road is well served by bus routes which would provide access to services in the wider area and would further reduce reliance on the private car. The appellant has also agreed to provide cycle parking which could be secured by a condition.
8. On the basis of the above I consider that the proposal would comply with the provisions of Principle 3 of the IPPS. The Council refers to a second strand of the Principle relating to areas where additional parking is required. However, in my view, it is clear from the supporting text of the IPPS that accessibility is a key element when considering a site specific approach to parking provision. For the reasons stated above I consider that the site is in an accessible and sustainable location and therefore meets the aims of the IPPS.
9. I saw on my site visit that there are no parking restrictions in the area and that parking spaces were available in the immediate area of the appeal site. I acknowledge that my visit took place during the day and that the peak time of demand for parking in this primarily residential area is likely to be in the evening and at weekends. I am also mindful that the appellant has not undertaken a parking survey as requested by the LHA. However, due to the sustainable location and subject to a condition limiting the number of residents, I consider that any cumulative increase in on-street parking as a result of the proposal would be relatively small. In the context of the extent of the overall supply of car parking in the area, any effect is likely to be very limited and would not lead to the severe impact which the Framework states³ should lead to a development being refused.
10. In support of the appeal, my attention has been drawn to an Appeal Decision⁴ which allowed a change of use from a dwelling to a HiMO in a neighbouring street at 30 Whitworth Road. In his Decision, the Inspector concluded that the site is in a sustainable location and is likely to be more attractive for people

¹ Para 4.2.26

² Para 4.2.29

³ Paragraph 32 of the Framework

⁴ APP/V2825/W/16/3151257

who do not use cars than those who do. In my view, the same conclusions can be drawn for the current appeal site. My attention has also been drawn to planning applications for HiMOs on Bostock Avenue which have either recently been approved or recommended for approval, and which would appear to raise similar issues to the current appeal in relation to parking provision and sustainability of location.

11. In relation to the examples referred to above, the Council state that demand for parking on Adams Avenue is likely to be higher by reason of other developments in the vicinity, in particular planning permission for the erection of two houses and six flats on land adjacent to 54 Adams Avenue. However, no substantive evidence has been provided to me to demonstrate how these developments would lead to comparatively higher demand for on-street parking on Adams Avenue. Furthermore, I saw at my site visit that the site adjacent to 54 Adams Avenue is also bounded by Billington Street, which would provide further on street parking provision for new development thereby reducing the pressure on Adams Avenue.
12. I have also been referred to a number of other appeal decisions and applications. However, these would appear to be materially different from the current appeal in relation to matters such as the characteristics of the location, the original use of the site and the type of development proposed. I therefore consider these to be of limited relevance.
13. I have had regard to the objection from a local Councillor in relation to parking issues and a change in the nature of the area. I have addressed parking issues above. In relation to the effect on the character of the area, I have not been made aware of evidence that the proposal would lead to an overconcentration of HiMOs in the area in contravention of the IPPS. I also note that the Council Officers report on the application states the proposal would retain a suitable mix of house types.
14. I therefore conclude that the proposal would not be detrimental to highway safety arising from an increase in car parking in the area. It would therefore comply with the provisions of the Framework with regards to the location of development where it would make the fullest use of sustainable modes of transport and where safe and secure access can be achieved for all people. It would also comply with the advice of the IPPS, and in particular Principle 3 with regard to HiMOs with limited or no additional parking provision in accessible locations.

Conditions

15. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. As a result, I have amended some of them for clarity.
16. In addition to the standard 3 year time limitation for commencement, a condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty. A condition limiting the maximum number of residents is appropriate in the interests of amenity and highway safety. A condition relating to refuse and cycle storage is appropriate in the interests of amenity and sustainable transport. A condition requiring the

materials of the rear extension to match those of the host property is appropriate in the interests of character and appearance.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is allowed.

David Cross

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: Site Location Plan, 1249/1A, 1249/2 and 1249/3.
- 3) The development hereby permitted shall be occupied by a maximum of five residents at any one time.
- 4) Full details of the refuse and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 5) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.