

Appeal Decision

Site visit made on 27 February 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 16th March 2017

Appeal Ref: APP/L2820/W/16/3163593

103 St Peters Avenue, Kettering, Northamptonshire NN16 0HD

- 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 Miss Lisa Percival against the decision of Kettering Borough Council.
 - The application Ref 2016/0520, received by the Council on the 20 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is described on the application form as looking to convert into a 7 bed HMO (currently a 6 bed).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development has been altered by the Council to read the change of use from dwelling house to 7 bedroom HMO (House in Multiple Occupation). Whilst the description of the development on the appeal form is somewhat longer, the succinct description which the council has used reflects the development proposed and I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on:
 - (i) the living conditions of the future occupiers of the proposed ground floor bedroom and the occupiers of nearby residential properties;
 - (ii) the character and appearance of the area; and
 - (iii) highway safety.

Reasons

Living conditions

4. The proposed additional bedroom would be located on the ground floor at the rear of the property where there is currently a shared lounge. The existing kitchen area would also be increased in size into this area to provide a larger communal area for the occupants of the HMO. The communal use of the existing lounge also allows for access to the rear garden for the occupiers of the HMO and does not present any adverse privacy issues.
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5. The lounge currently has French doors onto the garden and these would be retained for the new bedroom. Given that other occupiers of the HMO can access and use the rear garden (via the rear access gate), there would be a significant amount of overlooking potential into the proposed ground floor bedroom resulting in little privacy for its future occupier. To my mind, the location of the additional bedroom immediately adjacent to this garden area would not provide a suitable living environment for its future occupier.
6. Whilst the lack of a direct route through the property to the garden/cycle storage area for the other occupiers is not an ideal situation this is not a determinative factor.
7. Turning to the effect on the living conditions of the surrounding occupants, the Council have based their concerns on up to 14 persons residing at the property. However, the Council officer's report to committee included a recommended condition in the Committee Update which would restrict the number of occupants at the property to seven and this is repeated in the Council's suggested conditions. Furthermore, the Appellant has stated that the application is to allow for one extra person to live at the property and in effect there would be a maximum of seven persons at the property.
8. I accept that a HMO can have different characteristics to a family dwelling in terms of potentially more activity through comings and goings, general noise and disturbance and the need for more facilities such as refuse storage. Notwithstanding that a properly managed HMO would not have a significant impact on the living conditions on the occupants of adjoining residential properties. This is particularly important considering the current use of the property allows for up to six persons.
9. Therefore, given the limited intensification of the use of the premises I consider that there would not be significant harm to the living conditions of the occupiers of the surrounding residential properties. However, this does not outweigh the harm I have found.
10. For the above reasons the development would not provide suitable living accommodation for the future resident of the new bedroom contrary to Policy 8 (e)(i) of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (CS) in this respect and the objectives of the National Planning Policy Framework (the Framework) which amongst other matters seeks to ensure that suitable standard of privacy for the future occupiers of the development.

Character and appearance

11. The appeal site relates to a modern terraced property constructed approximately ten years ago and is currently being used as a HMO for up to six persons. To the side, is the entrance to the rear parking courtyard, albeit with residential accommodation above. The area is characterised by terraced properties the majority of which do not benefit from off street parking.
12. The Council's case is that the proposal would significantly increase the intensity of the development, including additional comings and goings and would be out of character with the quiet suburban nature of the street.
13. Concern has also been raised over the refuse bins being on the street frontage and that there is a cigarette disposal bin to the front of the building. Whilst the location of the bins is a regrettable feature, from my site visit, I saw several

properties on the street which also had bins stored to the front of the properties. As such I give this factor very limited weight. In respect of the cigarette disposal bin there was not one located on the property frontage, although one was located in the rear garden.

14. Whilst I consider that the occupation of the property by 14 persons would be likely to cause harm to the character of the area, planning permission should not be refused where it is possible to mitigate the impacts of a development by the imposition of a planning condition. In this case, the Officers report recommended such a condition restricting the development to a maximum occupancy of seven persons.
15. With such an occupancy restriction in place, I consider that the development would not be significantly different to the existing situation and would not give rise to any harm to the character of the area through the limited intensification of the use.
16. For the above reasons, the proposed change of use would respect the character of the area and would accord with the provisions of Policy 8 of the CS in this respect and the objectives of the Framework which amongst other matters seeks to protect the character and quality of an area.

Highway safety

17. The terraced nature of the area indicates that there could be a high demand for on street parking. However, the Appellant has indicated that two parking spaces are available in the rear parking courtyard. However, these are not allocated spaces and have not been included in the application site, which severely limits the weight I can attach to them.
18. Notwithstanding that, as I have already identified, the proposal is for a maximum of seven persons. Given the existing lawful use allows for up to six persons, there would be limited additional impact over and above the existing situation. Whilst it is possible that there could be periods of occupancy when the HMO may have higher car usage than other residential uses, this is also true of most housing.
19. From my site visit, I saw that this section of St Peters Avenue was not a through road and there were plenty of parking spaces available on street. Whilst I am conscious that my site visit was only a snapshot of the parking availability in the street, I consider that the addition of one additional resident would not have a significant impact on the demand for on street parking (and the subsequent effect on highway safety). Furthermore, the site is located close to town centre in a sustainable location and where a choice of means of transport is available.
20. For the above reasons, the limited increased demand for on street parking spaces as a result of the scale of this HMO use would not result in reduction in safety for any users of the highway network. As such the proposal accords with Policy 8 (b) of the CS in this respect which seeks to ensure that development does not prejudice highway safety.

Conclusion

21. Whilst I have found no harm to the living conditions of the occupiers of surrounding residential properties, the character and appearance of the area,

or highway safety this does not outweigh the harm I have found in respect of the living conditions of the future occupier of the new bedroom. Consequently, the appeal is dismissed.

Chris Forrett

INSPECTOR