
Appeal Decision

Site visit made on 28 February 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 6 April 2017

Appeal Ref: APP/V2825/W/16/3164220

96 Hood Street, Northampton, Northamptonshire NN1 3QU

- 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 J Dunlop against the decision of Northampton Borough Council.
 - The application Ref N/2016/0380, dated 21 March 2016, was refused by notice dated 2 June 2016.
 - The development proposed is described as 'Change from a C3 to C4 Dwelling House'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a dwellinghouse to a house in multiple occupation at 96 Hood Street, Northampton, Northamptonshire NN1 3QU in accordance with the terms of the application, Ref N/2016/0380, dated 21 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be occupied by a maximum of 6 residents at any one time.
 - 2) Full details of cycle and refuse storage to serve the development shall be submitted to the local planning authority within one month from the date of this permission. The refuse and cycle storage shall be fully implemented within a further month of its approval by the local planning authority and be retained thereafter.

Procedural Matter

2. The description of the development subject to the appeal in the application form, which is reflected in the header to my decision, refers to the proposed use as being a 'dwellinghouse'. However, it is clear from the plans and other submitted information that the development is actually a change of use from a dwellinghouse to a House in Multiple Occupation (HMO). I have dealt with the appeal on this basis and my formal decision is worded accordingly.
 3. At the time of my site visit, the appeal property had been converted and was in use as an HMO. This has not affected my consideration of the appeal which I have determined on its planning merits.
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Main Issues

4. The main issue is whether, having regard to its effect on the character of the area and on levels of on street car parking, the development subject to appeal causes there to be an undue geographical concentration of HMOs.

Reasons

5. The appeal property is a 3 storey house with pedestrian access direct off the street located within an area of densely developed terraced housing. Whilst there is a commercial area nearby on Kettering Road, the character of Hood Street itself is mainly residential.
6. The HMO which is subject to appeal contains 6 bedrooms which, together with shared toilet/shower rooms, stairwells and landing areas, occupy the ground, first and second floors. A kitchen and communal living area are provided within the basement. The HMO use is aimed at the student market.
7. The Council's HMO Interim Planning Policy Statement (IPPS) 2014 requires that proposals for new HMOs should not result in more than 15% of the residential properties within a 50 metre radius being used for this purpose. This approach is broadly consistent with the aim, set out in the National Planning Policy Framework (the 'Framework'), of supporting and maintaining a balanced, mixed and inclusive community. However, as the IPPS is not part of the statutory development plan, and it is not clear that it has been subject to substantial independent scrutiny along with its relevant evidence base, I have treated the 15% threshold as a broad guideline only.
8. The rationale for the 15% threshold includes the need to protect the character of and dwelling mix within primarily residential areas. As the flats above the commercial units alongside Kettering Road do not form part of a residential area and are unlikely to provide family housing of a type found in Hood Street it is reasonable to exclude them from the calculation. It is also reasonable to exclude the HMO at 8 Couper Street as only part of the rear yard, and no part of the building, of this property falls within 50 metres of the appeal site. Following this approach the appeal proposal would lead to the concentration of HMOs within 50 metres of the appeal site being about 17-19%¹.
9. However, whilst this slightly exceeds the guideline in the IPPS, the location of the property close to the main route and commercial area on Kettering Road means that much of the pedestrian traffic associated with the use is likely to be in this direction, rather than through the main body of the residential area. In this sense the context of the site is somewhat different to that of properties which are within the heart of the residential area.
10. There is no dispute between the parties that Hood Street has significant levels of on street parking, which are likely to cause inconvenience and hazard for local residents and visitors. The appeal property, in common with others in the area, lacks any off street parking space.
11. The previous use of the property as a single dwelling would, according to the standards in the Parking Supplementary Planning Guidance 2003, typically generate a need for 1.5 car spaces. Whilst the SPG contains no equivalent

¹ These figures are calculated having regard to the data presented in the 'HMO calculations' spreadsheet submitted with the Appellant's final comments and in paragraphs 4.4 and 5.6 of the Council statement.

standard for HMOs, I agree with the Appellant that students, for whom the HMO use is intended, have a generally low rate of car ownership. Given the easy accessibility of Northampton University, shops and other services by walking or public transport, there is no need for student occupants to own cars.

12. Furthermore, whilst the HMO could be occupied by people who are not students, given the very limited size of the rooms within the HMO and the shared nature of the accommodation provided it is likely that these would be from low income groups with low car ownership levels. There is no firm evidence to demonstrate that the proposed occupation of the HMO, even by 6 semi-independently living persons as proposed, would lead to a material increase in car parking in Hood Street when compared to its previous use as a single dwelling.
13. The Council has expressed concerns that the proposal would be detrimental to the character of the area as a result of increased coming and going, noise, overgrown gardens, street litter and fly tipping. I note the photographs of rubbish stored outside the property submitted by interested parties. I also agree that students would have a general tendency to exhibit greater levels of loud and boisterous behaviour than members of the settled community. However, there is little firm evidence before me to demonstrate that these problems would be materially greater when compared with use as a private dwelling house, which could also be occupied by students. I also note that an enclosed rubbish storage area has now been provided at the rear of the property.
14. I conclude that, considered in isolation, the proposal would not be likely to cause material harm to the character of and car parking provision in the area. Furthermore, whilst it would lead to the density of HMOs in the area slightly exceeding the guidance in the IPPS, I do not consider that it would lead to an undue geographical concentration of such uses. Its approval would not lead to material conflict with the relevant provisions of Policy H5 of the West Northamptonshire Joint Core Strategy 2014, Policy H30 of the Northampton Local Plan 1997 or the Framework related to this matter.

Other Considerations

15. Whilst the property is located in the Boot and Shoe Quarter Conservation Area, the evidence does not demonstrate that the HMO subject to appeal fails to preserve or enhance the character or appearance of this Area. Matters related to the minimum size of the rooms and availability of toilets in the HMO are more properly dealt with under other legislation. No firm evidence has been submitted to substantiate fears that the proposal would lead to increased crime levels.

Conditions

16. My list of conditions is based upon that submitted by the Council and commented upon by the Appellant. My condition 1 which limits the number of persons who may occupy the property is needed to protect the character of the area and to limit car parking generation in the interests of highway safety. My condition 2, requiring the approval of cycle and refuse storage is needed in the interests of sustainable transport and to protect the appearance of the area.

17. As the approved development is a change of use and has already been completed it is not necessary to include a condition listing the approved plans. I have not included a condition limiting the use to student accommodation only as it is not clear that other groups which are likely to occupy the property would have greater car ownership levels.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Jonathan Clarke

INSPECTOR