

Appeal Decision

Site visit made on 4 April 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 07 April 2017

Appeal Ref: APP/V2825/W/16/3167588

45 Junction Road, Northampton, Northamptonshire NN2 7JA

- 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 Wyatt against the decision of Northampton Borough Council.
 - The application Ref N/2016/0951, dated 12 July 2016, was refused by notice dated 6 September 2016.
 - The development proposed is change of use to showroom (ground floor) and office/storage (first floor).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the loss of a dwelling is justified;
 - the effect of the proposed development on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Housing needs

3. Policy H5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (CS) seeks to ensure the existing housing stock of the area is managed and safeguarded through amongst other things restricting the loss of existing dwellings to other uses. The justification for the policy makes clear that such development proposals will not be permitted unless there is an overriding justification.
 4. I acknowledge that the appellant's run an established local company which employs local people and contributes to the vitality and vibrancy of the area. I have also considered that the additional space created by the appeal proposal would provide a showroom and an improved customer experience and thus create further opportunities for the business to grow and contribute more to the local economy.
 5. However, there is no substantive evidence before me which demonstrates for example that alternative larger premises are not available nearby which are not in residential use. Furthermore, whilst I acknowledge the existing business premises would be improved, there is no substantive evidence before me to indicate that the proposal would result in more people being employed by the
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business or that without the proposed development the viability of the enterprise would be compromised.

6. I acknowledge other dwellings are planned to be and are being built nearby. However, the development plan identifies a significant need for housing in the area and the appeal proposal would result in a loss of permanent residential accommodation. Based on the evidence before me, I am not satisfied that there is an overriding justification for the proposed development and thus I am not convinced that the benefits of the development would outweigh the harm arising from the loss of a dwelling.
7. For the reasons given, I find there is no overriding justification for the loss of a dwelling to a non-residential use. Thus, the proposal is in conflict with Policy H5 of the CS which seeks to ensure the housing needs of the area are met.

Living conditions

8. The appeal building is a terraced dwelling in a residential area. The proposal would result in the provision of additional commercial floor space directly adjacent to an adjoining dwelling.
9. I acknowledge the Council's comments about the nature of the proposed use and I agree there are no exceptional circumstances that would justify the imposition of a planning condition to make any permission personal to the appellant. Thus, the occupants of the proposed development could not be controlled provided they fell within any approved use.
10. I also note the Council's comments with regard to separating features, operating hours and the activities undertaken on the premises. However, there is no substantive evidence before me to suggest that the proposed development would inevitably result in unacceptable levels of noise and disturbance for the occupants of the adjoining dwelling.
11. I have considered the appellant's noise assessment and I am satisfied that the proposed development would not harm the living conditions of the occupants of the adjoining dwelling with particular regard to noise and disturbance. Thus, in this regard the proposal would accord with Policy S10 of the CS which seeks to ensure a high quality living environment and good design.

Conclusion

12. For the reasons given above, whilst I have found no harm to nearby residents living conditions I have found harm in terms of the unjustified loss of a dwelling. Thus, on balance the proposal would not accord with the development plan and therefore having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR