
Appeal Decision

Site visit made on 26 July 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/V2825/W/17/3172866

121 Colwyn Road, Northampton NN1 3PU

- 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 GLB Properties Limited against the decision of Northampton Borough Council.
 - The application Ref N/2016/1420, dated 14 October 2016, was refused by notice dated 16 December 2016.
 - The development as originally proposed is a change of use from C2 residential care home for 7 persons to 9no. person HMO.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. During the determination of the application the proposal was changed to a House in Multiple Occupation (HiMO) for seven persons. The Council made their decision on this amended proposal and I have considered the appeal on that basis.
3. At the time of my site visit the property was in use as a HiMO for nine people and all the bedrooms appeared to be occupied.

Main Issue

4. The main issue is the effect of the proposal on the character of the area which is within the Boot and Shoe Quarter Conservation Area (BSQCA).

Reasons

5. The site is located in a long terrace of residential properties. Indeed the wider conservation area is predominantly distinguished by long terraces of small houses in a grid layout, which results in the area having a dense and largely residential character.
6. Principle 1 of the Council's HiMO Interim Planning Policy Statement (IPPS) states that they would seek to restrict HiMOs if it would result in more than 15% of the properties within 50 metres of the site being in use as HiMOs. This aims to ensure that a balanced community is maintained. HiMOs tend to have a different character to that of a single family use due to the occupiers being more transient in nature, generating more comings and goings, and generally resulting in a more intensive use of the property, and an overconcentration of

HiMOs can adversely affect the character of the area through, amongst other things, an increase in litter and noise.

7. The Council suggest that, within 50 metres of the site, there are 44 properties of which seven are already in use as HiMOs, excluding that at the appeal site. The proposal therefore would result in an eighth which would equate to 18% of the properties being in use as HiMOs, which clearly exceeds the 15% threshold. The appellant suggests there are 47 properties within 50m. Using this figure the proposal would result in 17% of the properties being HiMOs, which is still in excess of the threshold. Whilst either figure is not greatly in excess of the limit, they are both demonstrably so.
8. I note the appellant's suggestion that the threshold makes no allowance for the density of the area and that the proportion is distorted because The Racecourse recreational area covers much of the 50 metre radius which reduces the number of properties within it. However as the threshold is a proportion figure not an absolute number, I consider it is a fair method to assess the concentration of a particular use. Consequently, the proposal's conflict with this threshold means it would not maintain a balanced community and would adversely affect the character of the area.
9. A balanced community contributes positively to the character of the BSQCA, and the failure of the proposal to maintain this means it would harm and not preserve the character of the BSQCA. However the harm is less than substantial and it is therefore necessary to consider if there are any public benefits that would outweigh this harm as set out in paragraph 134 of the National Planning Policy Framework.
10. The Council accept they do not have a five year supply of housing. Although the proposal would provide accommodation for seven people, it would not be a dwellinghouse and therefore it would make no contribution to the Council's housing target. I recognise it would, nonetheless, make a small contribution to the supply of accommodation in the borough, but it would be comparable to the lawful use of the property as a care home for seven people, and therefore there would be no net gain and little public benefit. I consider the harm to the character of the area and of the BSQCA would significantly and demonstrably outweigh the benefit.
11. The development would therefore fail to accord with Saved Policy H30 of the Northampton Local Plan (NLP) which seeks to ensure the concentration of HiMOs does not adversely impact upon the character of the area. It would also conflict with Saved Policy E26 of the NLP and Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy which all require development to conserve heritage assets. Also it would not comply with the advice in the Council's IPPS as detailed above.

Other matters

12. I note the objections from the Highways Authority with regard to the lack of available parking space, though from their evidence it is not clear if their concern is specific to the streets around this site, particularly as the photos in their statement illustrate other parts of the town. Notwithstanding this, I do recognise the concerns of local residents in this regard, and this is suggestive of a specific issue near the site.

13. However, the application was not refused on parking grounds as the Council considered, consistent with the appeal decision relating to a similar proposal at No 133¹, that the keen competition for parking spaces in the vicinity means the HiMO would be less attractive to car owning occupiers, and that the site has ready access to the shops facilities and public transport services on Kettering Road. This position is supported by Principle 3 of the IPPS which advises that a HiMO with limited or no parking provision can be supported in principle if it is within 400 metres of a bus stop or within walking distance to facilities and services, and cycle parking is provided. It is not disputed that the proposal meets these criteria.
14. The Council also accept that were the building used as a family dwellinghouse, or as a care home, it could generate a demand for parking greater than that resulting from the proposal.
15. As such, I do not consider that the proposal would have an adverse effect on the availability of parking, but this does not outweigh my findings on the main issue as set out above.

Conclusion

16. For the reasons given above, and taking account of all other considerations, the appeal should be dismissed.

Andrew Owen

INSPECTOR

¹ APP/V2825/W/16/3152765