
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/17/3170057
32 Burns Street, Northampton NN1 3QE

- 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 Jonathan Elks against the decision of Northampton Borough Council.
 - The application Ref N/2016/0848, dated 16 June 2016, was refused by notice dated 1 September 2016.
 - The development proposed is a change of use from dwelling (Use Class C3) to house in multiple occupation (Use Class C4) for 4 residents.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the development in the heading above is that used on the appeal form and the Council's decision. I have used this as it describes the proposal more succinctly and accurately than the description used on the application form.
3. At the time of my site visit the property was furnished but unoccupied. However the appellant states that the change of use of the building to a house in multiple occupation (HiMO) has already occurred, and I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area which is within the Boot and Shoe Quarter Conservation Area (BSQCA), and the effect on highway safety.

Reasons

Character and appearance

5. The site is located in a long terrace of residential properties which have a uniform appearance. 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 HiMOs 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 15 HiMOs including the appeal site, whilst the appellant has identified 13 HiMOs in the same area using the Council's HiMO Register as it stood in February 2017. However the Council have confirmed that the Register is out of date and it has subsequently been withdrawn. The Council's evidence includes a plan showing HiMOs in the area as of 7 April 2017. This more recent evidence confirms the presence of 15 HiMOs within 50 metres of the site, including the appeal site. I accept the number of HiMOs is constantly changing, and most probably has changed since the HiMO use commenced at this site. However I must determine this appeal on the basis of the most contemporary evidence before me.
8. How the 50 metres is measured affects the percentage figure. The Council state there are 88 properties within 50 metres, whilst the appellant suggests a different method of measuring the 50 metres which covers approximately 62 properties. This means the proportion of HiMOs is either 17%, using the Council's figures, or 23% using the appellants. In either case the proportion exceeds the 15% threshold. Therefore the development results in an excessive number of HiMOs in the vicinity which creates an unbalanced community and adversely affects the character of the area.
9. The threshold is not greatly exceeded by the development, and I acknowledge the Inspector of an appeal¹ for a similar proposal at 96 Hood Street considered a proportion of 17-19% would not cause harm to the character of the area. However that site was closer to the commercial area of Kettering Road and in that case the Inspector recognised that the context of that site is different from the heart of the residential area, which is where I consider this appeal site to be. I also acknowledge that Inspector's comments that the IPPS is not part of the development plan and is only guidance. Nonetheless, in this case, I have no reason to consider that 15% is not an appropriate threshold.
10. I have considered the other appeal decisions referred to by the appellant, but insofar as they relate to an overconcentration of HiMOs, none appear to result in an evident exceedance of the 15% threshold as in the case before me.
11. The HiMO use commenced at this site in 2014 and the appellant suggests there have been no substantial complaints regarding the occupation of the property since then. However, the lack of complaints does not mean the character of an area has not been adversely affected. Notwithstanding this, an objection from a local councillor, and a letter of objection on behalf of two neighbouring occupiers was received during the determination of the application.
12. A balanced community contributes positively to the character of the BSQCA, and the failure of the proposal to maintain this balance means it harms the character of the BSQCA. However the harm is less than substantial and it is

¹ APP/V2825/W/16/3164220

therefore necessary to consider if there are any public benefits that outweigh this harm, as required by paragraph 134 of the National Planning Policy Framework (the 'Framework').

13. The Council do not dispute the need for HiMOs nor do they contest that they do not have a five year supply of housing. However the provision of one type of housing replacing another at this site results in no positive benefit to the overall supply of housing, and the need for HiMOs should not be at the expense of the character of the area. Therefore these matters do not outweigh the harm to the BSQCA.
14. Consequently the proposal fails to accord with Saved Policy H30 of the Northampton Local Plan (NLP) and Policy H5 of the West Northamptonshire Joint Core Strategy (WNJCS) which both seek to ensure the concentration of HiMOs do not adversely impact upon the character of the area. It also does not comply with the advice in the Council's IPPS as set out above.

Highway safety

15. The dense, terraced nature of the area means there is little off street parking. At the time of my mid-morning site visit there was some space available for on-street parking on Burns Street. However I accept that at this time of day and at this time of year when many students are not be living in the HiMOs, including that at the appeal site, the availability of on-street parking is most likely at its greatest.
16. The surveys conducted by Northamptonshire Highways suggests that, at times when all local residents are likely to be at home, there no residual on-street parking capacity. However details of these surveys have not been provided and it is unclear as to whether they relate to the surroundings of this specific site. Indeed the photos included with their statement do not show nearby streets.
17. I also give substantial weight to the fact that the site is close to the shops, facilities and public transport services on Kettering Road. Principle 3 of the IPPS 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. It is not disputed by the parties that the site meets both these criteria. The appellant's assertion that the previous occupiers of the property have not had cars also indicates that the site has acceptable access to shops and services.
18. Furthermore, in light of the proximity of local services, I consider the parking demand resulting from the occupation of the property by four people is unlikely to be significantly different to that which could be the case were it occupied by a family.
19. As such, I do not consider the parking demand generated by the HiMO compromises highway safety. Consequently, in this respect, the development accords with Policy H30 of the NLP which aims to ensure HiMOs do not create a substantial demand for on street parking, and the IPPS as set out above. Furthermore, it accords with the general aims of chapter 4 of the Framework which promotes sustainable transport.

Conclusion

20. In conclusion, although I consider the HiMO does not have an adverse effect on highway safety, this is significantly and demonstrably outweighed by the harm that the development causes to the character of the area, including the BSQCA. As such, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR