



Appeal Decision

Site visit made on 5 December 2017

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2018

Appeal Ref: APP/V2825/W/17/3181070 2 Gray Street, Northampton NN1 3QQ

- 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 Colin Clayson, Clayson Country Homes against the decision of Northampton Borough Council.
 - The application Ref N/2017/0250, dated 2 March 2017, was refused by notice dated 14 June 2017.
 - The development proposed is described as: 'New 3 bedroom student accommodation annex to the rear of 2 Gray Street, Northampton'.
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Decision

1. The appeal is allowed and planning permission is granted for new 3 bedroom student accommodation annex to the rear of 2 Gray Street, Northampton at 2 Gray Street, Northampton NN1 3QQ in accordance with the terms of the application, Ref N/2017/0250, dated 2 March 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 1550/3c; and 1550/4.
 - 3) Prior to the commencement of development, details of all proposed external facing materials shall be submitted to and approved in writing by the local planning authority. The development hereby approved shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall be occupied by a maximum of 3 students at any one time.
 - 5) The development hereby permitted shall not be brought into use until cycle and refuse storage facilities have been provided in accordance with details to be first submitted to and approved in writing by the local planning authority. The cycle and refuse storage facilities shall thereafter be retained in accordance with the approved details.

Main Issue

2. The main issue is the effect of any on-street parking arising from the proposed development on highway safety.

Reasons

3. The appeal site comprises a 3 storey terraced property used for student accommodation and associated land which lies to the side and rear of it. This land is partly used for car parking. The car parking area was approved and provided as part of a previous planning permission¹. Condition 4, of that permission requires the provision of 5 parking spaces at the appeal site, which are provided. The existing car parking area is accessed via a gated entrance off Gray Street. The surrounding area is predominantly residential comprising mainly terraced dwellings, which are reliant on on-street parking.
4. The site is within the Boot and Shoe Quarter Conservation Area (CA).
5. As a consequence of the proposal the existing parking provision would be reduced to 4 spaces resulting in the loss of 1 existing parking space, as per the requirements of the extant planning permission. No additional parking would be provided for the proposed 3 units of student accommodation.
6. The appellant asserts that the existing parking spaces are under-utilised with only 2 parking spaces being used most of the time for the existing 12 room student accommodation and further that the retained 4 spaces would be sufficient for the total 15 rooms of student accommodation.
7. On the other hand, representations made by third parties suggest that the existing parking area has been occupied by up to 8 vehicles, indeed photographic evidence has been provided, which shows 6 vehicles parking at the appeal site. In responding to this the appellant states that the additional parking was a recent occurrence due to residents from a nearby site using some of the parking spaces and that this matter has now been resolved.
8. In the absence of any strong survey evidence, I am not persuaded that most of the time only 2 students use the parking area. Equally, I have limited substantive evidence that the appeal site is regularly used for the parking of up to 8 vehicles, and the photograph only represents a snap shot in time.
9. Whilst, the Council has suggested that demand for parking would be increased by the proposed development I have not been referred to any specific parking requirements for the proposed accommodation.
10. Irrespective of the existing and proposed parking demand, the proposal would result in the loss of a parking space and an addition of 3 units of accommodation, which may increase demand for on-street parking.
11. However, in this particular case the appeal site is within walking and cycling distance (approximately 390m) from Kettering Road. Despite the Council's assertion that this is not a designated centre, I observed that this has a good range of convenience stores, other shops and services and frequent buses to the town centre. Therefore, a range of shops and facilities to meet the day to day needs of residents are accessible by walking, cycling and public transport. As such, the appeal site is in a sustainable location. I am therefore satisfied that it is likely that a high proportion of future tenants would not need access to a car.

¹ 08/0074/FULWNN

12. The appellant has also referred me to the Council's 'Houses in Multiple Occupation Adopted Interim Planning Policy Statement' (IPPS), which provides advice for assessing Houses in Multiple Occupancy (HiMO) applications. Whilst, I accept that this document relates to applications for HiMO the appeal proposal which would comprises 3 separate living areas with a communal facility does share similarities with HiMO type of accommodation. As such, I attach considerable weight to this.
13. In particular, Principle 3 of the IPPS, states that HiMO with limited or no parking are required to satisfy criteria that the site is within 400m of a bus stop or within walking distance to facilities and services contained in the town centre, district centre, local centre or neighbourhood parade. In my judgement this lends support to the appellant's case.
14. I also note that paragraph 4.2.26 of the IPPS states: 'However, it is also accepted that some occupants of HiMO including students, may rely on bicycles, walking and buses for travel. Northamptonshire County Council states that those in rented accommodation have the lowest level of car ownership. It may therefore be the case that additional parking is not be required in areas closer to facilities and services, and those close to public transport networks or cycle routes'. This is supported by the appellant's experiences of other student accommodation in his control.
15. The evidence relating to accessibility, opportunities for public transport and car ownership levels as referred to in Paragraph 39 of the National Planning Policy Framework (the Framework) suggest that the local parking standards should be applied flexibly in this case.
16. I am also mindful that the appellant has agreed to the provision of secure cycle storage at the appeal site, which could be secured by condition if the appeal were to succeed. This would further promote sustainable modes of transport in line with one of the core principles of the Framework, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
17. Moreover, the Council's overriding concern is that the increase in parking demand would result in parking in areas such as corners and junctions within roads, on pavements or in visibility splays to the detriment of the free flow of traffic and highway safety. The appeal site is located near to junctions and corners. However, during my site visit I observed that these areas were clearly marked with double yellow lines and despite parking spaces being in high demand along Gray Street and other nearby roads, I observed no incidents of illegal or inconsiderate parking.
18. I accept that my site visit represents a snapshot in time. However, limited evidence about parking illegally or close to junctions, across dropped kerbs or double parking has been provided. Furthermore, no objections have been raised specifically to the proposals subject of this appeal by the Local Highway Authority.
19. For the above reasons I conclude that given the type and location of the development being proposed car ownership is likely to be low and in any event on-street parking arising from the proposed development would be unlikely to be harmful to highway safety. There would be compliance with Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), Adopted

- December 2014, as the use would be located where services and facilities can be easily accessed by walking, cycling and public transport.
20. For the above reasons I also find conflict with the Framework, in that the proposal would not impede safe access or result in conflict between traffic, pedestrians and cyclists.
21. The Council's Conservation Officer has advised that the Boot & Shoe Quarter Conservation Area Appraisal & Management Plan, which was adopted as Supplementary Planning Guidance (SPG) in June 2011, to reduce on-street parking pressures discourages the conversion of off-road yard areas to residential use. Although I have not been provided a copy of the SPG, having concluded that on-street parking arising from the proposed development would be unlikely, I therefore find no conflict with the SPG.
22. The Council has drawn to my attention a dismissed appeal². I appreciate that there are similarities in the location of that appeal and the one before me. Notwithstanding this, in that appeal the Inspector had regard to the particular circumstances of the appeal site and evidence presented to him by third parties. Accordingly, I attach limited weight to this. In any event, each proposal is considered on its individual merits. Therefore, my decision is based on the merits of this appeal.

Other Matters

23. I have taken into account the representations received from other interested parties including a number of neighbours, a local Councillor and the Double H Residents Association.
24. A side elevation of the proposed building would be located along the rear boundary of 18 Hunter Street (No 18) and part way across the rear boundary of 20 Hunter Street (No 20). However, this side elevation would be single storey and approximately 3m in height. Consequently, a considerable extent of it would be screened by the existing boundary treatment. I therefore see no reason why the proposed development would unacceptably compromise the outlook and light levels from these properties particularly given the reasonable separation distance between rear facing ground floor windows and the proposed development.
25. Furthermore, I see no reason why the above arrangement would affect the ability of the occupier of No 20 to sit outside in their garden during nicer weather.
26. Due to the juxtaposition and separation of the proposed development from other neighbouring dwellings along Hunter Street and Hersey Street there would be no unacceptable impacts in respects of reduce levels of light, outlook or overlooking to these properties.
27. I note concerns that the increase in development on the appeal site would result in their being insufficient turning area for vehicles within the site. However, the proposed parking arrangement is similar to that which has previously been approved at the site and indeed the Council has not drawn my attention to any specific issues in respect of this. Similarly, I have not been made aware of any specific amenity space requirements for the proposed

² APP/V2825/W/17/3171501

development. I therefore consider the proposed development acceptable in respect of these matters.

28. Based on representations submitted during the planning process and as part of the appeal there is concern from some of the local community over the number of dwellings being occupied by students in the locality of the appeal site and in particular concerns in relation to the proliferation of rubbish, potential for vermin, and noise/light pollution. However, I have no substantive evidence before me in respect of these matters. In particular, I have not been made aware of any such matters by the Council. Furthermore, I am not persuaded that the use of the appeal site by an additional 3 students would individually or cumulatively exacerbate any of the issues referred to above.
29. Some local residents have raised concerns over the lack of direct vehicular access for emergency vehicles to the building. However, the access already exists. Furthermore, I have not been provided with any technical evidence to suggest that the proposed arrangement would be problematic in this respect. Also, the appellant has advised that the proposed development would comply with Building Regulations and HiMO licensing requirements such that the layout has had regard to fire regulations.
30. It has been suggested that bats roost in the fabric of the existing building. Bats are protected and it is an offence to damage or destroy a breeding site or resting place used by them. In this particular case I have not been provided any technical evidence to suggest that the proposed development would disturb or destroy any such protected species.
31. The Council has advised that the University of Northampton's Avenue campus, which is near to the appeal site is due to close and relocate to a location south of the town centre. However, having found that the appeal site is in a sustainable location with good links to public transport, I see no reason why the site could not continue to provide student accommodation.
32. The significance of the CA is in the quality of its traditional architecture and materials, which the proposed development would reflect. As such, the proposal would not harm the significance of the CA.
33. I note the concerns in respect of the construction process; whilst this is likely to be disruptive it would be short-term and is not a reason to withhold permission.
34. None of the other matters raised outweigh or alter my overall conclusion on the main issue.

Conditions

35. The Council has suggested 5 conditions. Where necessary and in the interests of precision, I have amended them to accord with the Planning Practice Guidance.
36. In addition to the standard time limit on the commencement of development, it is necessary to list the relevant plans in the interests of certainty.
37. A condition relating to materials is necessary to ensure that the appearance of the development would be satisfactory.

38. It is also necessary to impose a condition restricting the occupancy of the property to a maximum of 3 students in order to limit car parking generation in the interests of highway safety particularly as the appellant's case is predicated on the basis that the accommodation is for students who would have low car ownership. A condition is also required for the approval of refuse and cycle storage facilities in the interests of the amenity of the area and promoting sustainable transport.
39. Conditions 3 and 5, which prevent any development approved by the planning permission from commencing until they have been complied with, are considered fundamental to the development hereby approved.

Conclusion

40. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR