



Appeal Decision

Site visit made on 3 September 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/V2825/W/19/3230096

58 Moore Street, Northampton NN2 7HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Sanjay Mistry of Mistry and Parmar Investment Management Limited against the decision of Northampton Borough Council.
 - The application Ref N/2018/1765, dated 7 December 2018, was refused by notice dated 29 March 2019.
 - The application sought planning permission for change of use from dwellinghouse (use class C3) to house in multiple occupation (use class C4) for 5 occupants without complying with a condition attached to planning permission Ref N/2017/1217, dated 9 March 2018.
 - The condition in dispute is No 3 which states that: The development hereby permitted shall be occupied by a maximum of five residents at any one time.
 - The reason given for the condition is: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is located within an area which is covered by an Article 4 Direction which has removed Permitted Development Rights for the Change of use from a dwellinghouse to a House in Multiple Occupation (HiMO).

Background

3. Planning permission N/2017/1217 was granted for the change of use from dwellinghouse to house in multiple occupation. During my site visit I saw that the property is used as an HMO with lockable bedrooms. Condition 3 prevents the property from being occupied by more than 5 residents. The appellant is seeking to change the condition to increase the maximum number of residents from 5 to 6.

Main Issue

4. The main issue is the effect of varying condition 3 on the living conditions of the occupants of 58 Moore Street.

Reasons

5. The appeal scheme comprises a terrace property located within a generally residential area. Accommodation is set over four floors, with beds located in rooms on all floors. The kitchen is located on the ground floor and provides access to the toilet and shower room. The living room is located within the basement with a window at head height which allows some light into the room. At the time of my site visit there was a bed in the living room, two sofas and a television.
6. Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1)(CSLP)(2014) states that housing developments will be expected to make the most efficient use of land having regard to the living conditions provided for future residents, amongst other things. Policy H5 states that houses in multiple occupation will be allowed where they would not adversely affect the character and amenity of existing residential areas. Although not specifically identified within the Council's reason for refusal, my attention has also been drawn to Policy H30 of the Northampton Local Plan (NLP) 1993-2006¹ which requires properties to be of sufficient size to accommodate the proposed use.
7. Houses in Multiple Occupation Adopted Interim Planning Policy Statement (IPPS)(2014) sets out a number of principles objectives in relation to HiMOs. Principle 2 objective is to secure the provision of adequate facilities and amenities. To support this objective, the document sets out minimum room sizes which differentiate between dwellings for 1-5 persons and 6-10 persons.
8. The kitchen would not meet the minimum room size specified for 6-10 persons in the IPPS. The appellant asserts that the shortfall in room size is minor and, as the increase in occupancy would be from 5 to 6, suggests that the standards should be applied more flexibly. Whilst the property complies with the required sizes set out within the IPPS for properties with 1-5 persons, the IPPS is a minimum standard. Any increase in occupancy which would result in a shortfall in room size, as set out in the IPPS, could result in accommodation which is smaller than is reasonable to expect.
9. Given the size and limited width of the kitchen, occupants of the property would be unlikely to be able to utilise the kitchen at the same time. Manoeuvrability within the kitchen would be constrained by the fact that occupants of the dwelling would have to use the kitchen to access the toilet and shower room. Moreover, any increase in the number of occupants within the property would increase the need for storage space within the kitchen for food and other items which could further restrict movement within the kitchen. This would result in cramped conditions which would harm the living conditions of occupants.
10. The IPPS sets out space standards for bedrooms for 1 occupant of 8.5sqm or larger, except where a separate living room is provided which is not a kitchen/dining room, in which case the bedroom can be a minimum 6.5sqm. Although all of the bedrooms would exceed the minimum of 6.5sqm set out within the IPPS, rooms D and F appear to fall short of the 8.5sqm. Furthermore, the useable space within the proposed loft room would be restricted due to the sloping of the roof. As such, a separate living room would need to be provided.

¹ Adopted June 1997

11. The basement living room would be the only communal space within the house with seating for eating and socialising. It would not meet the minimum room size specified for 6-10 persons in the IPPS and, given its limited size, I consider it unlikely that occupants of the dwelling would be able to comfortably use the space at the same time. Consequently, it has not been demonstrated that the property would be of a sufficient size to accommodate an additional occupant without compromising the living conditions of existing and future occupants.
12. Thus, for the above reasons, I conclude that the condition is reasonable and necessary in the interests of preserving the satisfactory living conditions of existing and future occupants of the property. The removal or variation of the condition to allow an additional occupant would conflict with Policies H1 and H5 of the CSLP and Policy H30 of the NLP which seek to protect residential amenity and would fail to comply with the IPPS. It would also fail to comply with the National Planning Policy Framework (the 'Framework')(2019) which seeks development with a high standard of amenity for existing and future users.

Other Matters

13. Moore Street is a one-way street with parking on both sides. Whilst the Highway Authority has objected to the proposal due to a lack of parking, the objection was not identified as a reason for refusal by the Council. I saw that the site is a short distance a range of shops, within an area which is served by public transport. Furthermore, the appeal scheme would only increase occupancy of the property by 1, which would be unlikely to result in a significant increase in parking demand. I therefore concur with the Council on this matter and conclude that the appeal scheme would be unlikely to significantly harm highway safety.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed, and the condition retained in its present form.

M Savage

INSPECTOR