
Appeal Decision

Site visit made on 20 September 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2019

Appeal Ref: APP/V2825/W/19/3224666
161 Euston Road, Northampton, NN4 8DX

- 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 Jacek Luniewski against the decision of Northampton Borough Council.
 - The application Ref N/2018/1717, dated 7 December 2018, was refused by notice dated 22 February 2019.
 - The development proposed is use of property as House in Multiple Occupation for up to 4 occupants.
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Decision

1. The appeal is allowed and planning permission is granted for a house in multiple occupation for up to 4 occupants at 161 Euston Road, Northampton, NN4 8DX in accordance with the terms of the application, Ref N/2018/1717, dated 7 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ER/02, ER/03, ER/04.
 - 3) The development hereby permitted shall not be occupied by more than 4 residents at any time.
 - 4) Prior to its first occupation as a 4 person house in multiple occupation, details of the storage facilities for refuse and bicycles shall be submitted to and approved in writing by the Local Planning Authority and the storage facilities shall be provided in accordance with the approved details. Thereafter the storage facilities shall be retained.
 - 5) The house in multiple occupation hereby approved shall not be operated with any ground floor bedrooms.

Procedural matter

2. The description of development on the application form is for a House in Multiple Occupation (HMO) for up to 5 occupants. However, this number was reduced to 4 during consideration of the application. This change is reflected in the description of development above.
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Main Issue

3. There is one main issue which is whether, having regard to its effect on the character of the area and residential amenity, the change of use to an HMO would result in an overconcentration of similar uses in the area.

Reasons

4. The appeal property is a modest two storey end of terrace dwelling which lies in a street characterised by other similar dwellings arranged in long terraces. It lies within an area covered by an Article 4 Direction restricting permitted development rights allowing the change of use of dwellings to houses in multiple occupation. None of the dwellings have front gardens or off street parking. Overall there is significant uniformity of layout and design. At the time of my site visit, a weekday afternoon, the street was quiet and there was no evidence of accumulated waste. Those properties identified in the evidence as existing HMOs did not appear noticeably different from other dwellings in the street
5. The appeal dwelling lies at the end of Euston Road, adjacent to a petrol filling station and close to the busy Towcester Road. It is within a short distance of smaller shops and services on St Leonards Road which has a mixed commercial and residential character and is within walking distance of bus services and a supermarket. According to the submitted plans it is currently arranged with two bedrooms, a bathroom and a kitchen on each floor plus a lounge on the ground floor. The proposed layout would have one double and two single bedrooms plus a bathroom on the first floor and a dining/kitchen, shower room and two reception rooms on the ground floor.
6. In 2014 the Council adopted an Interim Planning Policy Statement "Houses in Multiple Occupation" (IPPS). This does not form part of the development plan but was subject to public consultation prior to adoption. I therefore afford it moderate weight. The IPPS sets out at Principle 1 that proposals for new HMOs should not result in more than 15% of the residential properties within a 50 metre radius being used for this purpose. This approach is broadly consistent with the aims of the National Planning Policy Framework (NPPF) to deliver a variety of size, type and tenure of housing to meet the needs of different groups so as to support strong, vibrant and healthy communities.
7. It is clear from the document that the 15% threshold over a distance of 50m was adopted because it reflects an approach used in other areas, represents a mid point between those levels adopted by other Councils and was intended to allow for some growth in the number of HMOs to satisfy anticipated demand. It applies as a blanket threshold throughout the extensive area covered by Article 4 Directions in the centre of Northampton. The methodology is purely mathematical and does not differentiate between areas with different character or levels of resilience nor explain how anomalies such as clipped dwellings or mixed commercial and residential areas are to be treated. I therefore consider that it cannot reasonably be applied as an absolute or "one size fits all" approach but should be used as guidance and applied flexibly.
8. The Council calculates that in this case the 15% threshold would be exceeded by some 0.9%. The rationale for the 15% threshold encompasses the need to protect the character and appearance of and the living conditions within the

area, in accordance with Policy H30 of the Northampton Local Plan 1993-2006 (LP), adopted 1997, and Policies H1 and H5 of the West Northamptonshire Joint Core Strategy (CS), 2014. In terms of location, the position of the appeal dwelling, close to Towcester Road and adjacent to a petrol filling station, means that it is subject to greater levels of noise and disturbance than dwellings in the heart of the residential area. Moreover, there is a footpath adjacent to the dwelling which provides a shortcut from Southampton Road to the filling station which has a shop and, via Towcester Road, to the commercial area of St Leonards Road. This is likely to increase the comings and goings near to the appeal site. Equally, any comings and goings associated with the property are most likely to be to and from Towcester Road.

9. The Council has identified potential effects on the character and appearance of an area and on the living conditions of neighbours which might arise as a result of HMOs in general. However, there was no evidence of such effects within the Euston Road area at the time of my site visit and although third parties have made representations which include photographs of bagged refuse I have no evidence that this was waste that had accumulated having been discarded from HMOs.
10. In terms of noise, the context of the appeal dwelling would minimise disturbance from comings and goings and I have no compelling evidence that a small HMO for four people is likely to generate materially more noise than, for example, a household with teenage children. Nevertheless should excessive noise occur it could be dealt with, as at any house, through Environmental Health legislation. Furthermore, the end of street position with direct access to the rear garden from the adjacent footpath, which would make the storage of refuse and bicycles easier than at most dwellings nearby, would be likely to minimise the risk of potential harm to either the character or appearance of the area or the living conditions of other residents.
11. I therefore conclude on the main issue that the proposed HMO would have no materially detrimental effect on the character of the area or on residential amenity. In consequence, and notwithstanding the limited breach of the IPPS 15% threshold, the change of use of the appeal dwelling to an HMO would not result in a material overconcentration of HMOs in the area. It would therefore comply with the requirements of Policy H30 of the LP, Policies H1 and H5 of the CS, and the NPPF. Taken together these policies seek to provide for a mix of house types, sizes and tenures to cater for different accommodation needs, including HMOs where they would not adversely affect the character or amenity of the area.
12. Although the Council identifies the sustainable location of the appeal dwelling and concludes that the provision of car parking spaces would not be necessary, third parties, including the Highway Authority, express concern regarding the existing pressures on street parking in the area which they consider might be exacerbated by the proposed HMO. However, the dwelling is within easy access of shops, services, public transport and the expanding University of Northampton. Moreover, students and those living in rented rooms are amongst the groups with the lowest level of car ownership. In view of this and notwithstanding evidence of parking contravention in the area I am satisfied that the proposed change of use would be unlikely to add materially to parking stress.

13. I have considered the suggested conditions in the context of advice set out in the Planning Practice Guidance. In addition to the statutory commencement condition and a condition requiring the development to be carried out in accordance with the approved plans which is necessary for the avoidance of doubt, I agree that a condition limiting the number of occupants to four is necessary to protect the character and amenities of the area. I shall also impose a condition relating to the provision and retention of storage facilities for refuse and cycles. This is to protect the appearance of the area, to encourage sustainable transport and to protect the living conditions of neighbouring occupiers. In addition, the Environment Agency seeks a condition preventing ground floor sleeping in order to reduce the risk of flooding to future occupiers. Whilst this would not be reasonable or enforceable a condition restricting bedrooms to the first floor, as proposed, would meet the six tests for planning conditions and I shall therefore impose an amended condition.
14. For the reasons set out above and having regard to all other matters raised, including the loss of a family dwelling which could be reversed at any time and the effect of HMOs on house prices in the area which is not a material planning issue, I conclude that the appeal should be allowed.

KE Down
INSPECTOR