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## Appeal Decision

Site visit made on 13 August 2019 by John Gunn DipTP Dip DBE MRTPI

**Decision by R C Kirby BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 October 2019**

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**Appeal Ref: APP/V2825/W/19/3230684**

**25 Alcombe Road, Northampton, NN1 3LE**

- 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 Paresh Deshmukh against the decision of Northampton Borough Council.
  - The application Ref N/2018/1544, dated 7 November 2018, was refused by notice dated 17 April 2019.
  - The development is described as change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) incorporation rear dormer window, front roof light and new basement window to front elevation.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) for 5 occupants, including new rear and front roof lights and new basement window to front elevation at 25 Alcombe Road, Northampton, NN1 3LE, in accordance with the terms of application Ref N/2018/1544, dated 7 November 2018 and 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: 1903-101, 1903-103 Rev A, 1903-105 and 1903-106.
  3. Prior to the occupation of the property full details of facilities for the recycling and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. No bedroom shall be occupied until refuse and recycling facilities have been provided in accordance with the approved details and the facilities shall thereafter be kept available for the storage of refuse and recycled materials.
  4. Prior to the occupation of the property full details of facilities for the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. No bedroom shall be occupied until cycle storage facilities have been provided in accordance with the approved details and the facilities shall thereafter be kept available for the parking of bicycles.

5. The development hereby permitted shall be occupied by a maximum of five residents at any one time.

6. The basement room and the second floor attic room shall not be used as bedrooms at any time.

### **Appeal Procedure**

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### **Procedural Preliminary Matters**

3. The proposal was amended during the course of the application and the proposed flat roof dormer to the rear has been omitted from the scheme. The decision notice reads 'Change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) for 5 occupants, including new rear and front roof lights and new basement window to front elevation (part retrospective)'. The appellant has used the same description used by the Council, on his appeal form, and therefore it is assumed that both parties are content with the amended description. The reference to 'part retrospective' is not necessary however as this is not an act of development. I have considered the appeal on this basis.

### **Main Issue**

4. The main issue is whether the proposed development provides acceptable living conditions for the intended future occupiers, with particular regard to outlook and the internal layout of the property.

### **Reasons for the Recommendation**

5. At my site visit I saw that works had commenced on the conversion of the property to a house in multiple occupation (HiMO), but no residents had moved in. The works carried out included internal alterations, which had established the positions of the bedrooms and wc/showers, and the installation of windows to the basement lounge and attic space.
6. My site visit gave me access to all the rooms and I saw that bedroom 1 on the ground floor contained a large bulkhead, designed to accommodate the basement window, which occupied a significant amount of the floorspace. Whilst this feature intruded into the bedroom there was still sufficient space to accommodate furniture to meet the likely everyday needs of the intended future occupier. The other bedrooms within the property were also of a reasonable size and large enough to accommodate furniture likely to be associated with the proposed use. The kitchen would also be a reasonable size and access to bathrooms would be provided. The occupiers would be also be able to use the lounge in the basement.
7. The evidence before me indicates that the proposed accommodation would accord with the space standards set out in the Council's Houses in Multiple

Occupation Interim Planning Policy Statement (IPPS). Each of the rooms would be served by a window and would be served by a reasonable amount of natural light.

8. The bedrooms and kitchen would have a reasonable outlook from the windows within the respective rooms. The outlook from the lounge would however, as a result of its high-level window, limit views from this room to the sky or objects passing close to the windows, such as pedestrians on the pavement. Even so, the room would be pleasant to use. It would be of a size to accommodate a seating and entertainment area and would receive natural light through the window. The restricted outlook from the room would be unlikely to deter the intended future occupiers of the HiMO from using it.
9. The bedrooms, kitchen and wc/showers would have direct access to the corridors and stairs enabling acceptable standards of circulation between the ground and first floor of the property. On the basis of the submitted plan access to the storage space in the attic would not be required on a regular basis and as a consequence movement to this part of the property is considered acceptable. The stairway to the basement lounge, although narrow and steep, is well located relative to the kitchen. The juxtaposition of these facilities increases the likelihood of residents making greater use of the lounge space increasing the social interaction between the residents to the benefit of their living conditions. Having regard to these matters I do not find that the property would have a contrived layout, as asserted by the Council.
10. In light of the foregoing I conclude that the proposal would provide acceptable living conditions to the intended future occupiers of the HiMO. The proposal would comply with Policies H1 and S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) and the National Planning Policy Framework (the Framework) which jointly seek to make the most efficient use of land with the living conditions provided for future residents being a consideration, including access to natural light, and that places that promote health and well-being with a high standard of amenity for existing and future occupiers are created.

## **Other Matters**

11. The appeal property is a two storey mid-terrace dwelling, with a basement and loft space. It falls within the Boot and Shoe Quarter Conservation Area (CA) which is noted for its terraced houses with continuous rooflines fronting long straight streets. On street parking is available on a permit basis.
12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the Framework. At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.

13. The Council, in its Committee report indicates that the proposal would have a neutral effect on the CA. On the basis of the evidence before me, and acknowledging that the basement window would be of a different design to others in the road, I have no reason to find differently in this regard. The proposal would preserve the character and appearance of the CA.
14. Concern has been raised that the proposal would affect the balance and mix of housing in the locality. The Council considered this matter when it determined the planning application, finding that the proposed HiMO would fall within the threshold set within the IPPS in relation to HiMOs. It did not raise this as a concern when it refused the planning application. In the absence of substantive evidence to demonstrate otherwise, I have no reason to find differently in this regard.
15. Representations have been made that the proposal would result in noise disturbing nearby occupiers, would worsen parking pressures in the area and add to pressures on services. I have no evidence before me to substantiate these concerns and note that the Council did not include these matters in its reason for refusing the planning application. These matters do not alter the conclusion that I have reached.

### **Conditions**

16. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal was allowed. I have considered these against the guidance set out in the Framework and the Planning Practice Guidance. I have however altered some of the suggested wording to reflect this guidance.
17. To ensure that the development is undertaken as approved, a condition referring to the approved plans is necessary.
18. To ensure that satisfactory living conditions are provided to the intended future occupiers of the property, conditions are necessary controlling the number of occupiers that could live within it and preventing the basement and attic from being used as bedrooms. A condition is also necessary in respect of the provision of refuse and recycling, in the interests of living conditions. In the interests of sustainable travel modes, a condition is necessary requiring cycle facilities to be provided.

### **Conclusion**

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions set out above.

*J Gunn*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed.

*RC Kirby*

INSPECTOR