



Appeal Decision

Site visit made on 7 January 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2020

Appeal Ref: APP/U2805/W/19/3240011

13 Deene Close, Corby NN17 1HY

- 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 Mrs Catherine Godfrey against the decision of Corby Borough Council.
 - The application Ref 19/00100/DPA, dated 25 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is change of use from 3 bed single dwelling to 4 bed 7 person HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to whether the proposal would preserve or enhance the character or appearance of the Lloyds Conservation Area;
 - the living conditions of the surrounding dwellings, with particular reference to noise and disturbance; and
 - the provision of parking and consequently highway safety.

Reasons

Character and appearance

3. The appeal site is located on Deene Close, which is within the Lloyds Conservation Area (CA). It is a residential cul-de-sac and at the end of the Close there is a grassed area in the middle of the road. The properties in the road are predominately semi-detached and terraced properties of similar designs. The appeal concerns an end-of-terrace property with a hard-surfaced area in front, which is currently being used for the parking of vehicles.
4. The appellant has stated that the internal changes have already taken place and that no external alterations to the property are proposed. The only external alteration to the site is to increase the area of hardstanding.

5. As the appeal site is located within a Conservation Area, I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
6. Paragraph 193 of the Framework says when considering the impact of a proposal on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
7. Within the CA the roads form the main structure of the housing estate and there are a number of cul-de-sacs that run off them. These are predominantly named "Grove" or "Close". The cul-de-sacs are of various generic shapes, with the access road being straight then meeting an elongated oval or round island sometimes referred to as a "frying-pan handle" or "hair-brush handle" cul-de-sac. The houses on the cul-de-sacs are generally built around a central grassed island, some of which are planted with trees. The areas of open green space to be found in the 16 islands of the cul-de-sacs, add significantly to the character of the houses arranged around them.
8. As there would be no external alterations to the building and only a modest extension to the existing area of hardstanding, in an area where parking areas are well established, I consider that the proposed development would have a neutral effect that would preserve the character and appearance of the CA, causing no harm to its significance.
9. As such I find no conflict with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy (NNJCS) (2016), insofar as they relate to heritage assets, and the provisions of the Framework in relation to heritage assets. These policies, amongst other things, seek to protect and preserve the North Northamptonshire historic environment and respond to the site's immediate and wider context and local character.

Living Conditions

10. The change of use to a 7 person HMO would increase the number of people able to live at the property. However, the property would remain residential in character and use. Whilst it is likely that there may be more vehicle movements, there is no substantive evidence before me to suggest there would be different patterns of behaviour from the occupiers or why the proposal would cause harmful noise and disturbance compared to the existing vehicles movements in the area. Vehicle movements would be expected in an urban residential setting.
11. Consequently, the proposed development would not materially harm the living conditions of the surrounding dwellings, with particular reference to noise and disturbance. Therefore, it would accord with Policy 8 of the NNJCS and paragraph 127 of the Framework. These policies, amongst other things, seek to protect the amenity of neighbouring properties.

Parking provision

12. The appeal site does not currently have a dropped kerb, therefore, despite the hard standing to the front of the property, and the previous owners of the property parking their cars there, the property does not have a formal parking area. The appellant has stated that they have applied to the Council to have a dropped kerb, which would formalise the parking arrangements. However, I have been given no information of the current position with regard to the application for a dropped kerb. Therefore, this is not something I can take into account.
13. Northamptonshire Parking Standards (2016) guidance suggests that the proposal should supply one car and one cycle parking space per bedroom, which would equate to 4 car and 4 cycle parking spaces. Whilst I note this recommendation is not adopted policy, it provides a reasonable expectation of the demands from the proposal. Although 4 vehicles may be able to physically fit on the driveway, they would have no room to manoeuvre and would require the other occupiers and visitors to move their vehicles in order to exit the site. The appellant has suggested that vehicles could be parked elsewhere in the street as there are no parking restrictions in place. However, this would be an unsatisfactory situation which would lead to increased pressure for on-street parking and add to parking stress in the area.
14. I acknowledge that the lack of parking and congestion has been raised by a number of parties. However, I have no substantive evidence before me or any reliable indicators of what the traffic experienced in this area is like on a day-to-day basis. Therefore, I have used my own judgement, taking into account the context of the area and my own observations. The proposed HMO would generate additional parking demand from residents and visitors, which could not all be accommodated off-street. There would be insufficient space within the cul-de-sac to accommodate displaced vehicles without having an adverse effect on the safety and convenience of existing residents and other highway users.
15. The appellant has suggested that the tenants sign an AST rental agreement, which states they must not be a nuisance or annoy the neighbours. The appellant has also stated that the existing residents cause some of the parking problems on the Close. However, I do not have any substantive evidence before me to support these claims.
16. I note that the garden is large enough to accommodate space for bicycles and motorcycles, and covered cycle parking could be provided if future tenants requested it. However, an area for this has not been designated on the submitted plans, therefore, I only afford this limited weight.
17. I have found that the proposal would not materially harm the character and appearance of the CA or the living conditions of neighbours with regard to noise and other disturbance. However, for the reasons given above, I consider the lack of on-site parking provisions would adversely affect highway safety. This represents a substantive and overriding objection which must be decisive. As such, the proposal conflicts with NNJCS Policy 8 and National policy in the Framework. These policies, amongst other things, seek development to ensure that there is a satisfactory means of access, provision for parking, priority for the needs of pedestrians and cyclists and to not have an unacceptable impact on highway safety.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR