



Appeal Decision

Site visit made on 15 May 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2020

Appeal Ref: APP/V2825/W/20/3244897

5 St Michaels Mount, Northampton NN1 4JH

- 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 Peter Ingles against the decision of Northampton Borough Council.
 - The application Ref N/2019/0749, dated 24 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is described as 'change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4). Previously an HMO until Summer 2018'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

3. St Michaels Mount forms part of a grid of terraced streets to the east of the A5123 centred around the Grade II listed St Michael & All Angels' Church. The two storey houses on St Michaels Mount have canted bays to ground floor set to the side of the entrance door set within arched porches, with upper floor windows under thick 'n' shaped lintels. Houses on Turner Street, which has a western junction with St Michaels Mount are similarly detailed, and houses on the southern side of Derby Road, to the north of the appeal site have double canted bays to front. St Michaels Avenue to the south has grander, 3 storey terraced properties, one of which, the large Vicarage has side gables on to St Michaels Mount.
4. The character and appearance of the area is therefore defined by attractive, well detailed properties in the late Victorian/Edwardian style. The area is reasonably well kept, but there are signs of decay and poor maintenance in some of the properties and areas where bags of refuse are stored on pavements. On-street car parking spaces are at a premium. I acknowledge that at the time of my visit, during the Covid-19 outbreak, that the character of areas may be slightly different to a time when 'normal' day to day life is in progress; nevertheless it was clear to me that the character and appearance of the area was affected adversely by some areas of poor maintenance and general upkeep.

5. The proposal seeks to change the use of No 5 St Michaels Mount from a dwellinghouse to a house in multiple occupation (HMO). Policy H5 of the Joint Core Strategy¹ states that the existing housing stock will be managed and safeguarded by allowing HMOs where they would not adversely affect the character and amenity of existing residential areas. Policy H30 of the Local Plan² effectively states that permission for HMOs will be granted where, amongst other criteria, the use would not result in an over concentration of similar uses in a locality leading to a material detrimental change in the character of the area.
6. An adopted interim planning policy statement (IPPS) on HMOs was adopted by the Council in November 2014. The IPPS notes that opportunities exist to capitalise on properties that can accommodate additional occupants, therefore promoting a sustainable approach towards addressing the requirements of the younger population, jobseekers, students, in – migration and those on lower incomes, but that the establishment of HMOs can bring about certain issues which, unless properly managed, can lead to detrimental effects on the occupants, the neighbours and the physical environment of the neighbourhood, including parking, noise and local environmental conditions.
7. Principle 1 of the IPPS states that all planning applications for change of use from dwellinghouses to HMOs will be supported, provided that the proposal does not result in a concentration of similar uses in one particular locality, does not result in a material change or an adverse impact on the character and amenity of the area and does not result in more than 15% of the total number of HMO dwellings within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality.
8. The initial view of the Council was that the proposal would lead to a concentration of 16.4% of HMOs within 50m of the application site; further calculations in their statement of case considered that this was an underestimate and that the actual figure would be around 17.1%. The appellant is of the view that the figure is 14.4% and queries the timing, opaqueness, and accuracy of the Council data. What is clear however is that the current figure, and likely figure including the proposal is in the region of 15%.
9. The appellant submits a diagram in support of their view showing the 50m radius; however the fine margins involved are demonstrated by the inclusion of two properties within the 50m radius of the application site of which only very small areas of their land fall within this radius, both of which make a significant difference to the 15% figure. Evidence also details various properties which have been converted into individual flats.
10. From my visit I could appreciate the thrust and aim of the IPPS and considered that it was already possible to discern the effect that the number of HMOs in the area was having on the character and appearance of the area; while on site it was largely possible to discern which properties were already HMOs by comparing visual aspects with the list of supplied HMO properties. I am of the view that a further HMO would potentially add to this effect and would have a negative effect on the character of the area. Therefore in this instance

¹ West Northamptonshire Joint Core Strategy Local Plan (Part 1), West Northamptonshire Joint Planning Unit, December 2014

² Northampton Local Plan 1993-2006, Northampton Borough Council June 1997

regardless of whether the proposal would result in just under 15% or just over 15% of HMOs within a 50m radius of the site I consider that the proposal would adversely affect the character and amenity of the area and would lead to an over concentration of HMOs leading to a material detrimental change to the character of the area. I also note in this context further guidance issued by the Council reducing the 15% figure to 10%.

11. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal would be contrary to Policy H5 of the Joint Core Strategy, policy H30 of the Local Plan and to the IPPS, and material considerations advanced do not indicate otherwise.
12. Therefore, for the reasons given above, and having regard to any other matters raised, I conclude that the proposal should be dismissed.

Jon Hockley

INSPECTOR