
Appeal Decision

Site visit made on 27 May 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/V2825/W/19/3242722

8 Bostock Avenue, Northampton NN1 4LW

- 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 I Bhatti against the decision of Northampton Borough Council.
 - The application Ref N/2019/1175, dated 9 September 2019, was refused by notice dated 6 November 2019.
 - The development proposed is described as 'change of use from dwellinghouse (use class C3) to House in Multiple Occupation for 8 occupants (Sui Generis).'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety and the living conditions of local residents with specific regard to car parking provision.

Reasons

3. The appeal site is a two storey terraced dwelling set back from and facing the road. It is in a dense residential area of similar dwellings in a back to back layout, arranged around a network of right angled streets. An extant planning permission exists for the conversion of the dwelling to four flats¹. I shall return to this matter later. The appeal site does not have off street parking. Cars parked either side of the road is a common feature of Bostock Avenue and the surrounding streets. There are no on street parking restrictions.
4. As a change of use from a dwelling to one designed to house eight unrelated individuals, each as their own distinct 'household', I foresee that there would be an increased demand for car parking over its current use. Theoretically, the eight unrelated individuals could have access to their own car and whilst the proximity of the appeal site to extensive local amenities would mean occupiers would unlikely have to rely on a car to access them day to day, this would not necessarily dissuade them from owning one. In any case, and through any planning permission, one could not reasonably control whether a future resident owned a vehicle which is a choice and not a land use matter.

¹ Planning Inspectorate reference APP/V2825/W/18/3213410

5. The lack of off street parking at the appeal site would mean residents would have to park on the road which as I have said is currently unrestricted and according to the evidence under high parking stress. I visited the site mid afternoon on a weekday and whilst I could get a space, options were limited and on a number of surrounding streets vehicles were parked nose to tail and close to junctions. I made the visit at a time when a lot of people might still be working at home but notwithstanding it strikes me that demand for spaces would be higher in the evening when anyone that has been away returns.
6. The Council also explain that, within a 50 metre radius of the appeal site, just over 11% of dwellings are Houses in Multiple Occupation (HMO). Given the density of local development, this is a low concentration vs more conventionally occupied dwellings. If parking stress is as high as the Council suggest where the majority of housing tenure is of the more conventional type, increasing the number of HMOs can only make that situation worse.
7. The HMO SPD² sets out the principles by which HMOs in the borough will be considered. Specific to this main issue is principle 4 which addresses the matter of adequate parking. I note the appellant has not provided a parking beat survey. However, it seems sufficiently clear from the evidence I have seen that the area does not have sufficient on street car parking and patent that the parking standards adopted by the SPD could not be met in full. With that in mind, the SPD explains that a HMO proposal must be located within 400m of a bus stop served by bus route(s) providing a service of at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays and be within 400m of facilities and services contained in the town centre, a district centre, local centre or neighbourhood parade.
8. The appeal scheme would appear to be able to address these distance and service requirements but this would not to my mind be sufficient to overcome the potential problems that could arise given the existing parking situation in an unrestricted area and the additional high load that the appeal scheme could bring to bear on that situation. In any case, compliance with an SPD does not automatically make a development proposal acceptable. Its provisions are ultimately a material consideration and not part of the development plan. The relevant policies of which³ set out to ensure, amongst other things, that multiple occupancy uses do not create a substantial demand for on street parking in areas judged to be experiencing local difficulties or adversely affect the amenity of residential areas.
9. Taking all of the above factors into account, the proposed development would lead to increased demand for on street parking in an area where it is unrestricted and clearly at a premium. The level of increased demand arising out of the appeal scheme would not be insignificant in this context and could give rise to vehicles parked close together which could hamper pedestrians crossing the street as well as vehicles parked in close proximity to street junctions which could limit their effectiveness and reduce visibility around corners, potentially increasing the likelihood of vehicular conflict. Finding a parking space in high demand areas can also be the cause of anxiety for neighbouring occupiers and therefore making this situation worse has the potential to adversely affect the living conditions of local residents. The harms

² Northampton Borough Council Houses in Multiple Occupation Supplementary Planning Document 2019

³ Saved Policy H30 of the Northampton Local Plan 1993-2006 and Policy H5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1 2014

that I have found in regard to these matters would lead to conflict with saved Policy H30 the Northampton Local Plan 1993-2006 and Policy H5 of the West Northamptonshire Joint Core Strategy Local Plan Part 1 2014, the aims of which I have set out above.

Other Matters

10. Returning to the matter of the extant planning permission for the conversion of the existing dwelling into four flats I agree that this too would place an increased demand for on street parking. Indeed, my colleague refers to this in their decision. They were of the view however that given the size and level of intended occupation of the flats, the level of increased demand would not be significant over and above the existing situation. I am inclined to agree. In the case of the appeal scheme, this would be for eight self contained and individually occupied households which is fundamentally different in nature and scale to a conventional family dwelling. I understand that as a family dwelling there could conceivably be more than one car owned. There could perhaps be two or maybe three. But again, even this situation would be noticeably different to eight.
11. I am acutely aware that owing to the location of the HMO in this case, some future occupiers might elect not to own a car. I have alluded to this above. Indeed, there is something to be said for an element of buyer beware in that future potential occupiers will be appreciative of the fact that parking is not provided and is a problem on the street locally. I would attach some weight to this. I am however reminded of my colleague's findings in a scheme for a HMO for five occupants at 54 Bostock Avenue⁴: *"Whilst I acknowledge that great weight must be given to the sustainable and accessible location of the appeal property, this must be assessed against the significant adverse impact the proposal would have on parking provision and highway safety in the area. I appreciate the sustainable and accessible location of the property. However, I find that this would not necessarily result in reduced car ownership. Whilst there would be a possibility that not all future residents of the proposal would own a car, I find there also to be a reasonable probability that they would."*
12. I note the position of the Framework⁵ on how decisions should be approached on transport matters. Whilst the availability of parking is a transport matter it does not concern transport provision per se. In any case, the Framework's position on this matter does not absolve the need to assess a development scheme on its own merits and against the provisions of the development nor necessarily downplay the effects it might have at a local level which, given my findings and the current parking situation, has the potential to be severe in any event.

Conclusion

13. I have had regard to other matters that have been raised, including those by third parties, but it is for the reasons I have given that the appeal is dismissed.

John Morrison

INSPECTOR

⁴ Planning Inspectorate reference APP/V2825/W/17/3171501

⁵ The National Planning Policy Framework 2019