
Appeal Decision

Site visit made on 22 June 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2020

Appeal Ref: APP/V2825/W/20/3246171
15 Burns Street, Northampton NN1 3QE

- 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 V Kryshinets, on behalf of NV Pro Limited, against the decision of Northampton Borough Council.
 - The application Ref N/2019/1165, dated 8 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is the proposed change of use of dwelling to 4 No person HMO to include single-storey extension to rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the implications of the proposal for the achievement of balanced communities and its effect on the character of the area.

Reasons

3. The appeal site is a mid-terraced property. The local area consists of many similar such dwellings and a number of these are in use as Houses in Multiple Occupation (HMO). Existing HMO's are in close proximity of the site such as at 21 and 23 Burns Street. The site is within an area with a relatively high concentration of HMO's. Consequently, the character of the area is a combination of family accommodation and commercial let properties.
4. The development plan for the district includes the West Northamptonshire Joint Core Strategy (2014) (CS). Policy H5 of the CS seeks to restrict the loss of existing dwellings and only allow HMO's if they would not adversely affect the character and amenity of residential areas. The Council's HMO supplementary planning document (SPD)¹ identifies that managing the number of HMO's supports local communities in meeting its housing needs and ensures that an area maintains a mixed and balanced community. This sets a maximum threshold of 10% of properties to be HMO's within a 50m radius of a site. This SPD has been recently adopted following public consultation. Accordingly, this material consideration is afforded significant weight.
5. The site is within an area subject to an Article 4 direction. This means that proposals for HMOs, for between 3-5 occupiers, would require planning

¹ Northampton Borough Council- Houses in Multiple Occupation – Supplementary Planning Document 2019

permission. I understand that the area is subject to particular pressure from such conversions which if unregulated would be harmful to the character of an area. The concentration of such properties would result in social pressures including adverse impacts on local services. The local area is subject to a high proportion of multi-let accommodation. This has begun to imbalanced the local community to the disbenefit of family accommodation.

6. The proposal would increase the quantum of HMO's, within a 50m radius, to around 14%. This would therefore be in breach of the threshold established by the Council's SPD. This would result in the creation of a further HMO which would not propagate the provision of a balanced community as defined by the SPD. This would be harmful to the character of the area through a reduction in the quantity of family housing. Therefore, the scheme would promote community imbalance through intensifying the existing use of the dwelling in an area that is already characterised by a large number of HMO's.
7. Consequently, the proposal would not support balanced communities and would be contrary to Policies H1 and H5 of the CS. These seek, amongst other things, for development to provide for a mix of house types and to cater for different accommodation needs. These also seek to only allow HMO's where they would not adversely affect the character and amenity of a residential area. The proposal would also fail saved policy H30 of the Northampton Local Plan 1993-2006 (1997) which seeks to limit the quantity of HMO's within primary residential areas. Furthermore, the proposal would be contrary to the Council's HMO SPD that seeks to maintain balanced communities. This approach is consistent with the National Planning Policy Framework that supports strong, vibrant and healthy communities.

Other matters

8. The proposal would have complied with the Council's previous version of its HMO guidance². However, this was replaced just prior to the application the subject of this appeal being determined by the Council. Although I am sympathetic to the appellant's concerns, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such, the Council's current HMO SPD is an important material consideration with respect to this decision. Furthermore, the SPD was adopted following extensive consultation. This would have raised local awareness of the proposed change and alerted applicants to the proposed revision. Therefore, the relevance of the previous SPD has had only a limited bearing on the merits of the case.
9. The Highway Authority objected to the proposal due to its anticipated effect on parking capacity in the area. During my visit, I observed that on-street parking provision was limited with few available spaces. As my visit was in the daytime, I would expect demand to be greater in the evenings and weekends. However, the site is located within an accessible location and it includes cycle parking. This therefore satisfies the Council's parking SPD³.
10. Also, an appeal decision at 54 Bostock Avenue⁴ has been drawn to my attention in evidence. In that case the Inspector found local on-street parking

² Houses in Multiple Occupation- Adopted Interim planning Policy Statement 2014

³ Adopted Supplementary Planning Document – Parking Standards 2019, paragraph 3.33

⁴ Planning Appeal Reference: APP/V2825/W/17/3171501

to be congested around nearby corners. This was considered to impede visibility and resulted in harm to highway safety. However, in regard to the appeal site nearby junctions are subject to traffic regulation orders. Therefore, I do not anticipate a similar impact on highway safety. Also, the second appeal decision⁵ referred to was significantly different to the appeal in scale and use and I therefore cannot draw any meaningful comparisons. As such, I have only afforded limited weight to the concerns of the Highway Authority.

11. The appeal site is within the Northampton Boot and Shoe Conservation Area (CA). The significance of which derives from its importance to Northampton's Boot and Shoe industry. The area consists of streets with long rows of terraced brick properties and a substantial number of buildings that remain with links to the industry. However, the proposed rear extension would be discreet and have no meaningful effect on the conservation area. Furthermore, although, the Council's conservation officer has objected to the proposal, I find that the proposal would preserve the character of the CA and have only a neutral impact on its significance.

Conclusion

12. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR

⁵ Planning Appeal Reference: APP/L2820/A/13/2190082