



Appeal Decision

Site visit made on 30 June 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/V2825/W/20/3245648

9 Allen Road, Northampton NN1 4NB

- 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 Davies against the decision of Northampton Borough Council.
 - The application Ref N/2019/1390, dated 1 November 2019, was refused by notice dated 30 December 2019.
 - The development proposed is change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants including single storey rear extension and new door and window.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants including single storey rear extension and new door and window at 9 Allen Road, Northampton NN1 4NB in accordance with the terms of the application, Ref N/2019/1390, dated 1 November 2019, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing:- O27-2A.
 - 3) The development hereby permitted shall be occupied by a maximum of 5 persons.
 - 4) Prior to first occupation as a House in Multiple Occupation, full details of storage facilities for recycling, refuse and cycles shall be submitted to and approved in writing by the Local Planning Authority. The storage facilities shall be installed in accordance with the approved details prior to first occupation of the House in Multiple Occupation and shall be retained thereafter.
 - 5) The materials to be used in the construction of the external walls and roof of the single storey rear extension hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mrs Davies against Northampton Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The description of proposed development shown on the Council's decision notice is more precise than that shown on the planning application form and I have therefore used this description in the banner heading and the decision.

Main Issue

4. The main issue is the effect of the proposal on the residential character of the area and the living conditions of surrounding occupiers, having particular regard to the concentration of Houses in Multiple Occupation (HMO) in the area.

Reasons

5. No 9 Allen Road is a 2 storey mid-terrace property which is located in a predominantly residential area comprising terraced housing. It is in an accessible location close to shops, facilities and bus services in Wellingborough Road.
6. Saved Policy H30 of the Northampton Local Plan 1993-2006 (the NLP) states that within the primarily residential areas the use of a residential unit by any number of persons not living together as a family will be granted subject to, amongst other things, the use not resulting in an over concentration of similar uses in one locality leading to a material change in the character detrimental to the amenities of neighbouring residents. Policies H1 and H5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) December 2014 (the CS) seek to provide a mix of housing types with HMOs allowed where they will not adversely affect the character and amenity of existing residential areas.
7. In addition, the Houses in Multiple Occupation Supplementary Planning Document (HMOSPD) was adopted in November 2019 and provides guidance in support of the above development plan policies. This was adopted following formal consultation and therefore it is a material consideration. It states that HMOs contribute to the overall need to provide a variety of housing types, however it identifies that over-concentrations of HMOs can cause negative impacts on the character and amenity of existing residential areas. Principle 1 of the HMOSPD states that proposals for HMOs should not result in more than 10% of the total number of HMO dwellings within a 50 metre radius of the application site, in order to prevent over-concentration of similar uses in one locality.
8. The Council states that the proposed HMO would result in a concentration of 10.4% of properties within a 50 metre radius of the appeal site being in use as an HMO. This is only marginally above the guidance 10% threshold. Furthermore, the Council's HMO map shows that the 50 metre radius touches the side boundary of No 21 Florence Road and the front corner of No 38 Florence Road. Whilst I note the guidance in the HMOSPD that the calculation of concentration will include any part of the main building within the 50 metre radius, these HMO properties are to all intents and purposes outside of that area. A significant majority of surrounding properties consist of single family

dwellinghouses and so the proposal would not harm the housing mix or the balance of the community. Taking these factors together, I find that the proposed HMO would not cause an over-concentration of HMOs in the locality and therefore it would not adversely affect the residential character of the area or the living conditions of the occupiers of neighbouring properties.

9. For these reasons, I conclude that the proposal would not be harmful to the residential character of the area and the living conditions of surrounding occupiers, having particular regard to the concentration of HMOs in the area. The proposed development would therefore comply with saved Policy H30 of the NLP, Policies H1 and H5 of the CS and the objectives of the HMOSPD, which, amongst other things, seek to ensure that proposals for HMOs would not result in an over-concentration of similar uses in the locality that would adversely affect the character and amenity of existing residential areas. It would also accord with the National Planning Policy Framework which, amongst other things, seeks to achieve well-designed places with a high standard of amenity and provide housing which meets the needs of groups with specific housing requirements.

Other Matters

10. I have had regard to the representations from local residents and the Local Highway Authority (LHA), which, in addition to the above main issues, raise concerns that the proposed HMO would exacerbate demand for on-street parking, which would be detrimental to highway safety. Local residents also state that noise, pollution and congestion would be increased.
11. The officer's report sets out that the appeal property is in an accessible location close to shops, facilities and bus stops where sustainable transport modes such as walking and bus services are available. In this context, the officer's report states that the absence of parking provision for the proposed HMO accords with the requirements of the NPSSPD and the HMOSPD. I agree. To my mind, the accessible location of the appeal site reduces the likelihood that individual residents of the HMO would choose to own a car.
12. Whilst I recognise that there is limited capacity for on-street parking, given that the site has an existing residential use which could also generate demand for parking, the risk that the proposed HMO would lead to a material increase in parking demand resulting in harm to highway safety or the living conditions of neighbouring occupiers is negligible. There is no clear evidence before me to demonstrate otherwise. The LHA has drawn my attention to appeal decisions at 54 Bostock Avenue¹ and Ashbourne Residential Care Home². However, in those cases the Inspectors found on the evidence before them that the proposals would increase demand for on-street parking, which is not my finding in the current appeal.
13. Any residential use, including a single dwellinghouse within Use Class C3, has the potential to create noise. There is no substantive evidence before me to show that the proposed HMO would cause an increase in noise, pollution or congestion.

¹ Appeal reference APP/V2825/W/17/3171501

² Appeal reference APP/L2820/A/13/2190082

Conditions

14. The Council has suggested 6 conditions which I have considered against the Framework and the advice in Planning Practice Guidance.
15. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plan as this provides certainty.
16. I have attached a condition to require that the HMO is limited to a maximum occupancy of 5 persons because the decision is based on the impact of this number of occupants. It is also necessary in the interests of providing acceptable living conditions for future occupants.
17. In order to encourage the use of sustainable transport and in the interests of the appearance of the area, I have imposed a condition to require recycling, refuse and cycle storage facilities to be installed in accordance with details to be submitted to and approved by the Council.
18. Furthermore, a condition requiring the external walls and roof of the proposed single storey rear extension to be finished in materials to match the existing building is necessary to maintain the character and appearance of the area.

Conclusion

19. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR