
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: 10 July 2020

Appeal Ref: APP/V2825/W/20/3245912

41 Alfred Street, Northampton NN1 5HB

- 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 W Agroh against the decision of Northampton Borough Council.
 - The application Ref N/2019/1286, dated 7 October 2019, was refused by notice dated 22 January 2020.
 - The development proposed is change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants.
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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 4 occupants at 41 Alfred Street, Northampton NN1 5HB in accordance with the terms of the application, Ref N/2019/1286, dated 7 October 2019, subject to the following condition:
 - 1) The development hereby permitted shall be occupied by a maximum of 4 persons.

Application for costs

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

Background and Main Issue

3. The planning application sought retrospective permission and I have therefore determined the appeal scheme on the basis of the change of use that has already begun.
4. The Council's decision notice refers to the residential amenity of occupiers. I therefore consider that the main issue is whether or not the development provides acceptable living conditions for occupiers, with particular regard to the adequacy of cycle storage.

Reasons

5. The Northampton Parking Standards Supplementary Planning Document November 2019 (the NPSSPD) and the Houses in Multiple Occupation Supplementary Planning Document November 2019 (the HMOSPD) require cycle storage provision for Houses in Multiple Occupation (HMO) to be in accordance with the Northamptonshire Parking Standards September 2016.

This document requires 1 secure covered cycle space per bedroom. The appellant indicates that bicycles could be stored in the internal utility/storage room adjacent to the main entrance. However, the first floor position of the appeal property means that occupiers would need to carry a bicycle up a flight of stairs. Taken together with the limited size of the utility/storage room, it is unlikely that residents would take an ordinary bicycle within the building as it would be impractical to do so.

6. The appellant further comments that cycle storage could be provided in the parking area adjacent to the premises. However, there are no details before me to show how this arrangement would work or whether there would be an impact on the car parking layout. Furthermore, given that the parking area is quite open and publicly accessible, I am not convinced that cycle storage in this area would provide adequate security that would encourage residents to store their bicycles there. As such, having regard to the above factors, the appeal scheme conflicts with the guidance in the NPSSPD and the HMOSPD.
7. Nevertheless, the HMO provides only one additional bedroom compared to the pre-existing 2-bed flat and so in my view the absence of a dedicated cycle store has not caused material harm to living conditions. As occupiers are unlikely to use the internal utility/storage room to store an ordinary bicycle there would be limited impact on the storage provision for general household items. Whilst not necessarily ideal, occupants would have the option to use a folding bicycle which is easier to carry and store than an ordinary bicycle. Furthermore, given the accessible location of the site, which is within walking distance of shops, facilities and bus services in Wellingborough Road, there are other sustainable transport modes available to occupiers.
8. For the above reasons, I conclude that whilst there is some conflict with the guidance in the NPSSPD and the HMOSPD, in this case the development provides acceptable living conditions for occupiers. The development therefore accords with Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted December 2014 and saved Policy H30 of the Northampton Local Plan 1993-2006 adopted June 1997, which amongst other things, state that housing development will be expected to have regard to the living conditions provided for future residents and ensure that the existing property is of sufficient size to accommodate the proposed use. The appeal scheme also complies with paragraph 127 of the National Planning Policy Framework, which, along with other things, states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

9. I have had regard to the representation from Northampton Partnership Homes, which raises concerns including: anti-social behaviour; and, insufficient parking for additional households. There is no substantive evidence before me to show that the HMO would cause anti-social behaviour. 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, I am satisfied that the parking provision for the HMO is acceptable.

Conditions

10. The Council has suggested 5 conditions which I have considered against the Framework and the advice in the Planning Practice Guidance. The Council's suggested conditions in relation to the standard time limit and approved plans are not necessary because the change of use has already begun. Furthermore, there is no substantive evidence before me to show that the HMO would cause a material increase in refuse or recycling compared to the pre-existing 2-bed flat, therefore, the suggested condition for the provision of recycling and refuse storage is not necessary.
11. Given my findings on the main issue, a condition to require the provision of cycle storage for 3 bicycles is not reasonable.
12. I have attached a condition to require that the HMO is limited to a maximum occupancy of 4 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 occupants.

Conclusion

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

C Osgathorp

INSPECTOR