
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: 13 July 2020

Appeal Ref: APP/V2825/W/20/3246371

49 Lutterworth Road, Northampton NN1 5JR

- 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 Singh against the decision of Northampton Borough Council.
 - The application Ref N/2019/0884, dated 8 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants.
-

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 at 49 Lutterworth Road, Northampton NN1 5JR in accordance with the terms of the application, Ref N/2019/0884, dated 8 July 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:- A818-1.
 - 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, storage facilities for recycling, refuse and cycles shall be installed in accordance with the details shown on drawing No A818-1. The storage facilities shall be retained thereafter.
 - 5) The basement room shall be used as a storage room only and shall not be used as a bedroom at any time.

Application for costs

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

Main Issue

3. The main issue is the effect of the proposed development on local parking provision, with particular regard to highway safety and the living conditions of the occupiers of neighbouring properties.

Reasons

4. No 49 Lutterworth Road is a mid-terrace property, which is located in a predominantly residential area comprising terraced housing. There is no off-street parking available at the appeal site and parking is generally only available on-street. The on-street parking provision is to both sides of the road and is not subject of restrictions.
5. The appeal property is in an accessible location within walking distance of Wellingborough Road, which provides a range of shops and facilities. The Council states that the appeal site is within 250 metres of a bus stop. Furthermore, the rear garden is large enough to accommodate cycle storage, which could be secured by condition.
6. The Northamptonshire Parking Standards 2016 (the NPS) states that HMOs should provide parking provision of 1 space per bedroom, which equates to 5 parking spaces for the proposed HMO. However, paragraph 105 of the National Planning Policy Framework (the Framework) states that local parking standards should take into account, amongst other things, the accessibility of the development and the availability of and opportunities for public transport. In this respect, the NPS does not appear to have taken into account sites that have good access to facilities and public transport. Given the accessible location of the appeal property and the availability of alternative modes of transport, including walking, cycling and public transport, it is unlikely that all future occupants of the HMO would own a car.
7. I note the concerns raised by the Highway Authority and local residents in respect of the effect of the proposal on parking demand in Lutterworth Road. Photographs have been submitted by local residents to show double parking in the road and concerns expressed in respect of obstruction in the highway. Nevertheless, whilst I acknowledge the current limited parking capacity, there is no substantive evidence before me to show that in comparison to the existing single household, the proposed HMO would cause a material increase in demand for on-street parking or cause unsafe parking.
8. For the above reasons, I conclude that the proposed development would not cause a material increase in demand for on-street parking and therefore it would not be detrimental to highway safety or the living conditions of the occupiers of neighbouring properties. The proposal would therefore accord with saved Policy H30 of the Northampton Local Plan 1993-2006 adopted June 1997, which, amongst other things, seeks to ensure that HMOs would not create substantial demand for on-street parking in areas judged to be experiencing local difficulties in this respect. It would also comply with Policy H5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted December 2014, which, amongst other things, seeks to ensure that HMOs would not adversely affect the amenity of existing residential areas. Moreover, it would accord with paragraph 109 of the Framework, which states that development should only be refused on highways grounds if there would

be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

9. I have had regard to the representations from local residents, which, in addition to the above main issue, raise a range of other matters. These include: noise disturbance; anti-social behaviour; fly-tipping; over-concentration of HMOs in the street; and loss of family home and impact on community.
10. Any residential use, including a single dwellinghouse within Use Class C3, has the potential to create noise, disturbance or anti-social behaviour and there is no substantive evidence before me to suggest that future occupants of the proposed HMO would have a material impact on the living conditions of neighbouring properties. In order to protect the appearance of the area, a condition could be imposed to require refuse and recycling storage facilities to be provided in accordance with drawing No A818-1. The Council has raised no objections in respect of the mix of housing types in the area and I see no reason to take a different view.

Conditions

11. The Council has suggested 6 conditions which I have considered against the Framework and the advice in Planning Practice Guidance.
12. 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 plans as this provides certainty.
13. 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.
14. 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 provided in accordance with the details shown on drawing No A818-1.
15. Furthermore, in order to ensure that the proposed HMO provides a satisfactory standard of accommodation, I have imposed a condition that the basement room shall be used as a storage room only and shall not be used as a bedroom.

Conclusion

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

C Osgathorp

INSPECTOR