



Appeal Decision

Site visit made on 15 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/U2805/W/20/3255611

2 The Brontes, Corby NN17 2NH

- 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 Leonard Durici against the decision of Corby Borough Council.
 - The application Ref 20/00127/COU, dated 30 March 2020, was refused by notice dated 4 June 2020.
 - The development proposed is planning permission for dwelling house change of use to sui generis HMO for 12 people.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have removed the word 'Retroactive' from the description as this is not a description of development. It was apparent on my site visit that the building was already in use as a House in Multiple Occupation (HMO) and I have therefore assessed the proposal on the basis that it is made retrospectively.

Main Issues

3. The main issues are:
 - the effect of the proposal on living conditions for occupiers of No 3 The Brontes with particular regard to privacy;
 - whether or not the HMO provides suitable living conditions for its occupants with particular regard to internal and external communal space; and
 - whether or not the development is likely to give rise to inconvenience for residents and other road users on neighbouring roads arising from additional demand for on-street parking.

Reasons

Living conditions for occupiers of No 3 The Brontes

4. During my site visit, I had an opportunity to stand and look out of the window which has been inserted to the first-floor north elevation of the appeal building. I was able to obtain views into the rear garden serving No. 3 at relatively close proximity. The window results in material harm to the privacy of occupiers of this neighbouring dwelling.

5. The appellant suggests that they intend to remove the window and convert the bedroom to an en-suite with no window facing No 3. A condition could be attached to any planning permission requiring the window opening to be blocked up within a specified period. However, the proposed plans indicate this room as being 'Bedroom 8' and the room was in use as a bedroom at the time of my visit. Given the clear intention of the appellant to accommodate 12 people within the HMO, I am concerned that there would be a temptation to retain the room as a bedroom. A condition restricting the use of this room would be difficult to enforce and a bedroom without a window would create a poor living environment for occupants of the HMO. For these reasons, I am not persuaded by the evidence before me that the mitigation proposed would be appropriate.
6. I conclude that the development has a materially harmful effect on the privacy of No 3 and it has not been demonstrated that this could be mitigated without harm to the living conditions of occupants of the 12 person HMO. The development is therefore contrary to Policy 8 of the North Northamptonshire Joint Core Strategy (2016) (CS) which amongst other things seeks to protect amenity by not resulting in an unacceptable impact on the amenities of future occupiers or neighbouring properties. The development also conflicts with Paragraph 127 of the National Planning Policy Framework (the Framework) which amongst other things requires that development provides a high standard of amenity for existing and future users.

Living conditions for occupants of the HMO

7. Internal shared accommodation includes a kitchen and dining area, two shower rooms, a bathroom and a living room. The appellant has drawn my attention to the comments of the Council's Environmental Services team which confirm that the washing and cooking facilities are sufficient to meet licencing purposes under the Housing Act 2004. I have not been provided with any contrary evidence to suggest that these facilities would not be sufficient to serve 12 occupants.
8. The majority of uncovered outdoor space is indicated as being for the provision of parking. The other external space predominantly relates to a hard surfaced closed off underpass. Given the number of occupants, it is likely that this space would be used intensively for the storage of bins, washing lines and cycle storage. Taking these factors into account, it is likely that the usability of the overall outdoor space for the enjoyment of occupiers of the HMO would be seriously compromised.
9. I conclude that the development does not provide suitable living conditions for its occupants with particular regard to the provision of outdoor space. In that particular regard the development is contrary to the parts of Policy 8 of the CS and the Framework that seek to ensure developments provide a high standard of amenity for its users.

Whether or not the proposal would give rise to inconvenience for road users

10. The area is predominantly residential and the appeal site is situated close to the junction of Burns Drive and Willow Brook Road. Whilst some dwellings in the area have their own parking facilities, there are several that do not. I acknowledge that my site visit only provided a snapshot of the parking situation in the area. However, I noted that on street parking was prevalent on

surrounding roads and that the parking court to the rear of The Brontes was well used at the time of my visit.

11. The HMO results in the building being occupied at a greater intensity than a family dwelling. Consequently, there is the potential for there to be a greater demand for parking. The parking layout provided does not account for the need for individual occupiers to be able to manoeuvre their vehicles in and out of the site using the existing access point. Accounting for this requirement, there would only be space to accommodate two parking spaces.
12. Whilst I acknowledge that there are likely to be other more sustainable travel options due to the site's location within the built up area, the appellant has not provided any substantive evidence in terms of occupant to vehicle ratios or parking surveys showing on-street parking levels in the area at different times of the day. Without such information, I am not convinced that the level of parking provided is sufficient and that there would not be a detrimental impact on roads close to the site as a result of increased competition for on-street spaces. This is particularly concerning given the site's location close to a road junction where an accumulation of on street parking has a greater potential to negatively impact on traffic movements.
13. I conclude that it has not been demonstrated that the HMO does not result in an increased demand for on-street parking that would be likely to result in inconvenience for road users in the area. The development therefore conflicts with Policy 8 of the CS which amongst other things requires that development integrates well with vehicular movement networks and ensures a satisfactory means of access and provision for parking. The development also conflicts with paragraph 127 of the Framework which amongst other things requires that development functions well and adds to the overall quality of the area.

Conclusion

14. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR