



Appeal Decision

Site visit made on 22 September 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/V2825/W/20/3254880

69 Moore Street, Northampton NN2 7HU

- 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 Jean Michel Hall of Eleven-Eleven Projects Ltd against the decision of Northampton Borough Council.
 - The application Ref N/2020/0113, dated 20 January 2020, was refused by notice dated 11 June 2020.
 - The development proposed is a change of use from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) for 6 occupants.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the decision notice and appeal form. I have used that wording for clarity in preference to the description on the original application form, which was longer and included wording which was related to the merits and purposes of the proposal rather than descriptive of the development.
3. The application form indicated that although the physical works to facilitate the change of use have been completed, the property is currently unlet and unoccupied. None of the information before me indicates that this situation has changed, and I have therefore determined the appeal on the basis that the proposed change of use to a House in Multiple Occupation (HMO) has not yet taken place.

Main Issue

4. The main issue is the effect of the proposal on the character of the area, with particular regard to creating balanced communities.

Reasons

5. The appeal relates to an end-terrace house with two storeys as well as a basement which also forms part of the living accommodation. It adjoins a building contractor's small yard, although the surrounding area is primarily residential and comprises similar streets of terraced houses, with shops and services including bus stops a short distance to the south east on St. Matthew's Parade and Kingsley Park Terrace. There are several HMOs close to the appeal

site, including Nos 58, 78, and 84 Moore Street. From the evidence before me and my observations on my site visit it is apparent that there are many other HMOs in the wider surrounding area. The character of the area is therefore defined, in part, by its tight terraced streets containing a mix of family housing and other housing including flats and HMOs.

6. The Council's *Houses in Multiple Occupation* Supplementary Planning Document (the SPD) acknowledges that HMOs can contribute positively to the community mix and help to provide a variety of types of accommodation to meet rising housing need. However, it also recognises that problems such as increased demand for on-street car parking, overspill of refuse, and a shift in demand for businesses and services to the detriment of resident families can arise from an over-concentration of HMOs. The SPD therefore seeks to ensure that the town has balanced and mixed communities, and that the character of neighbourhoods is protected, by ensuring that areas do not end up with a high concentration of HMOs at the expense of other types of housing. The SPD sets a maximum threshold of 10% of HMOs within a 50m radius of any other proposed HMO. The SPD is relatively recent, having been adopted in November 2019 following public consultation, and accordingly I afford it significant weight in reaching my decision.
7. The proposal would result in there being a 10.7% concentration of HMOs within 50m of the appeal site, and the threshold established in the SPD would therefore be breached. The creation of an additional HMO in this location would not support the creation or maintenance of a balanced community as sought by the SPD. It would also intensify the use of the dwelling and reduce the quantity of family housing available in a neighbourhood which already contains a significant number of HMOs.
8. The appellant indicates that they have invested considerable time and money in the property to create good-quality housing aimed at young professionals, and the information before me supports this view. However, regardless of the quality of accommodation on offer, in general terms HMOs tend to result in more comings and goings than family housing, more social activity (and an associated increased likelihood of noise disturbance), and greater pressure on parking and certain other services. As the appellant has pointed out, Northampton is less than an hour from Euston by train, and has seen increased demand for housing, including temporary accommodation, from people travelling to London for work. This is indicative of the housing pressure facing the town and, in my view, supports the approach set out in the development plan. While I recognise that my decision will be a disappointment to the appellant, it is not in any way a criticism of the quality of the accommodation which the development would offer, which was not at issue in this appeal.
9. I conclude that the proposal would not support the creation or retention of balanced communities, and so would be harmful to the character of the area. It would therefore conflict with Policies H1 and H5 of the 2014 West Northamptonshire Joint Core Strategy and Saved Policy H30 of the 1997 Northampton Local Plan. Among other things these policies seek to ensure that a range of housing types, sizes and tenures are available, and that HMOs are only permitted where they would not adversely affect the character and amenity of residential areas. The proposal also conflicts with the guidance in the SPD which supports the creation and maintenance of balanced communities.

Other Matters

10. The appellant bought the appeal property in April 2019. The use of the property as an HMO would not have fallen foul of the higher threshold of 15% of HMOs within 50m of any other proposed HMO in the previous SPD. However, the current SPD was adopted around 2 months before the planning application was submitted. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such, the current SPD is an important material consideration with respect to this decision. The SPD was adopted following extensive consultation, but the evidence before me indicates that the appellant did not seek pre-application advice from the Council which would have alerted them to the proposed change in the threshold. Although I am sympathetic to the appellant's situation, the previous SPD is of very limited relevance to the merits of the case.
11. The appellant has also suggested that many of the existing HMOs in the area are not of an adequate standard and will not ultimately be reissued with HMO licences. This may well be so, but there is no substantive evidence before me to support this claim, and a pre-emptive decision in anticipation of that possible future scenario falls outside the scope of this appeal.

Conclusion

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

M Cryan

Inspector