



Appeal Decision

Site Visit made on 7 December 2020

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2021

Appeal Ref: APP/V2825/W/20/3258808

17 Holly Road, Northampton NN1 4QL

- 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 Kryshinets against the decision of Northampton Borough Council.
 - The application Ref N/2020/0663, dated 15 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is the change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation for 7 occupants including the insertion of a new rear door and rear dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on highway safety and residential amenity with regard to car parking provision.

Reasons

3. Holly Road is characterised by terraced housing set close to the back edge of the pavement. At the time of my site visit, during the morning, on street parking along both sides of the road was heavy with only a few available parking spaces. I accept that as the study¹ referred to in the Council's supplementary planning document 'Houses in Multiple Occupation' (HMO SPD) indicates in the evening and at weekends when people are more likely to be at home there will be no residual on street parking available.
4. The HMO SPD advises that the starting point for considering a change of use of a dwelling house to a House in Multiple Occupation (HMO) is the provision of one off road parking space and one secure covered cycle parking space for each bedroom. As the proposal is for a seven bedroom HMO and the house has only one off road parking space in the form of its garage to the rear it would fall well short of this standard.
5. In such circumstances the Council's HMO and Parking Standards SPDs advise that a 'parking beat survey' must be provided to support the application to demonstrate whether there is sufficient capacity for the parking that would be generated by the development within 200m of the site. No such survey has

¹ Loughborough HMO study 2018

been provided. The position of the Council, based upon parking surveys that have been carried out in the area, which the study referred to earlier supports, is that on-street parking is at capacity. The appellant has not provided substantive evidence to contest this.

6. The limited availability of on road parking increases the likelihood of residents and visitors parking close to road junctions. Such parking reduces the inter-visibility between pedestrians and vehicles at points where pedestrians are likely to cross the road. Indeed, during the site visit I saw a car park on the corner of Abington Avenue and Holly Road obstructing the natural crossing point of this junction for pedestrians and reducing their visibility to oncoming traffic.
7. The HMO SPD refers to an exercise over a recent six year period in the area nearby on the opposite side of Kettering Road where the number of HMOs increased significantly and the number of parking tickets increased by 64%. This strongly indicates that an increase in HMOs in an area results in an increase in inappropriate or dangerous parking.
8. Therefore, whilst the appeal property in compliance with the HMO SPD is in a location where regular bus services, shops and facilities are readily accessible on foot, and the edge of the centre of Northampton is approximately 1km away, I find that the evidence indicates that the proposed size of HMO is likely to generate extra parking demand and pressure on on-road parking to the detriment of highway safety. This is because whilst not all future residents would necessarily own a car, there is a reasonable probability that a significant number would. The resulting increase in pressure on the already strong competition for on road parking spaces would also harm residential amenity by making it more difficult and stressful for local residents to park.
9. By virtue of an Article 4 direction permission needed to be applied for, and was granted, for the change of use of the appeal property from a dwellinghouse to a five person HMO. However, a point is reached at which the increase in the number of bedrooms in a proposed HMO would be likely to result in an unacceptable increase in the demand for on-road parking and harm highway safety and residential amenity. In my judgement, the proposed development in increasing the size of the HMO at No 17 from 5 bedrooms to 7 bedrooms would pass this point.
10. The proposed development would involve a loft conversion and the construction of a large rear dormer to create two additional bedrooms in the roof space. Whilst the Council has not objected to the rear dormer, as it is an integral part of creating a 7 person HMO it is not functionally separate from the proposed change of use. A split decision refusing permission for the change of use and granting permission for the dormer would therefore be inappropriate in this case.
11. Reference has been made to a number of HMO applications with little or no off street parking that have been allowed on appeal, with one such application granted permission by the Council, due to their location close to services, facilities and bus routes². However, equally I have been referred by the

² Appeal refs APP/V2825/W/20/3246371, APP/V2825/W/17/3176700, APP/V2825/W/17/3189210, APP/V2825/W/18/3203354, APP/V2825/W/17/3178646, Planning application ref N/2019/1372

Council to an appeal decision, which itself refers to a second appeal decision, that both refused permission for HMOs in similarly accessible locations due to the adverse effects on highway safety and residential amenity caused by insufficient parking provision³. The Inspectors and decision makers in all these cases would have exercised their judgement on the evidence presented to them, as have I in this appeal in respect of the evidence before me. The fact that permission has been granted at some addresses for HMOs on appeal is therefore not a consideration of material weight in favour of the proposal.

12. I recognise that the proposed development would comply with the other requirements of the HMO SPD in relation to the percentage of HMOs in the immediate area, amenities and facilities for future residents and flood risk. Compliance though with the HMO SPD and, as a consequence, relevant policies of the development plan in this regard is a matter of neutral rather than positive weight in favour of the proposal.
13. Taking all these matters into account, whilst the proposed development would comply with the requirements of the HMO and Parking SPDs these material considerations are insufficient to overcome the unacceptable harm that would be caused to highway safety and residential amenity by the increased demand for on street parking. The harm that would be caused would conflict with policy H5 of the West Northamptonshire Joint Core Strategy and policy H30 of the Northampton Local Plan. These policies seek to ensure, amongst other matters, that HMOs do not create a substantial demand for on street parking in an area that is experiencing local difficulties, and that they do not adversely affect the amenity of residential areas. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector

³ Appeal refs APP/V2825/W/17/3242722, APP/V2825/W/17/3171501