

Appeal Decision

Site Visit made on 8 December 2020 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/V2825/W/20/3255691

104 Lower Thrift Street, Northampton, NN1 5HP

- 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 M Kelly against the decision of Northampton Borough Council.
 - The application Ref N/2020/0036, dated 10 January 2020, was refused by notice dated 23 March 2020.
 - The development proposed is the change of use of dwelling to house in multiple occupation for 7 occupants.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the intended future occupiers with particular regard to the light to and outlook from, the proposed communal space.

Reasons

4. The appeal site contains a two-storey terraced dwelling with rooms within the basement and attic. The basement is a large room with a small window at the front, and a pair of patio doors to the rear. The front window is situated high up on the wall, partially above the height of the ceiling which has been cut out to accommodate it. The patio doors at the rear open out on to stairs up to the rear garden at ground floor level. The proposal would convert the dwelling into a House in Multiple Occupation (HMO) with bedrooms on the ground, first and second floor and a communal room, serving as a living, kitchen and dining room, within the basement.
5. Although not an overly dark or overcast day, given the size and position of the front window, at the time of my visit the end of the room near the front window was dark and gloomy. The patio doors to the rear of the room are more substantial and, at the time of my visit, afforded a good level of light to the area immediately around the doors. However, given the overall size of the room I noted a substantial area of it did not receive good levels of natural daylight. As such occupiers would be reliant on artificial light when using the room and given its intended function and likely frequency of use including

- cooking, relaxing and meeting others within the property it would not be a pleasant place to spend time within.
6. Moreover, during my observations on site, I found there to be no meaningful outlook from the patio doors as, although they provide a large area of glazing, they look directly out on to a tall flight of steps. Furthermore, the height and obscured glazing on the front window prevented any outlook to the front of the property. Overall, the room did not have a suitable outlook and would not be pleasant for future occupiers to use.
 7. The suggestion that the intended future occupiers would use their bedrooms for relaxation is not substantiated and given their size, there would be a high probability that occupiers would use the communal space for meeting others within the property and entertaining. The kitchen area serving Bedroom 7 would only be likely to be used by occupiers of this room. It would be unlikely that other occupiers within the property would use it. Accordingly, the provision of this space does not offset the harm identified, nor does the quality of the accommodation that the bedrooms provide in terms of outlook and light.
 8. I have been directed to other examples of similar development, but I have not been provided with the circumstances of these. The Council has also referred to a recent appeal¹. Although it also related to the quality of living conditions provided by a basement room, the circumstances, such as the number of windows, were different and thus not directly comparable and carry little weight in my consideration of this case. Nevertheless, all proposals must be considered on their own merit.
 9. The appellant has raised that the Private Sector Housing team did not object to the proposal. However, from the information before me it appears unlikely that their comments are based on planning merits and this attracts limited weight.
 10. Moreover, the appellant has raised a number of other matters to which the proposal complies, including its location in relation to other HMOs, parking provision, flood risk, character and appearance, and its sustainable location. However, the lack of harm in respect of these matters is not a benefit of the proposal and therefore they are neutral factors in this case.
 11. Therefore, for the reasons set out above, I conclude that the basement provides poor quality living accommodation for the intended future occupiers of the host property to the detriment of their living conditions, in conflict with Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LP1) and Policy H30 of the Northampton Local Plan (NLP) which require that HMO developments are of a sufficient size and provide suitable living conditions for future residents. The proposal would also conflict with the guidance on adequate facilities and amenities contained within Principle 2 of the Houses in Multiple Occupation Supplementary Planning Document. Although Policy H5 of the LP1 was also referred to by the Council, it is not directly relevant to the matters before me.

¹ APP/V2825/W/19/3229760

Recommendation

12. For the reasons given above I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

R C Kirby

INSPECTOR