



Appeal Decision

Site Visit made on 11 December 2020

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/V2825/W/20/3256999

46 Adams Avenue, NORTHAMPTON, NN1 4LQ

- 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/2020/0229, dated 11 February 2020, was refused by notice dated 15 June 2020.
 - The development proposed is the change of use from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) for 5 occupants.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the application form described the background to the application, what was proposed and the merits of the application. In the interests of clarity, in the heading to this decision I have therefore used the abridged version used on the decision notice and appeal form.
3. The application form makes clear that the works required for the change of use have been completed but that the property is currently empty. As no information has been provided demonstrating that this situation has changed, I have therefore dealt with the appeal on the basis that the proposed change of use to a HMO has not yet occurred.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and residential amenity of the area, with particular regard to the balance of the community.

Reasons

5. The proposed development would change the use of a three bedroom terraced house to a five bedroom house in multiple occupation (HMO). An Article 4 Direction covering the area removed permitted development rights in respect of the change of use of dwellinghouses to HMOs in 2012. As a result, an application for planning permission was required.
6. The development plan includes the West Northamptonshire Joint Core Strategy and the Northampton Local Plan. Policies H1 and H5 of the Joint Core Strategy and policy H30 of the Local Plan, amongst other matters, require that a mix of housing is provided to cater for the needs of different groups and that new development does not adversely affect the character of an area or the amenity of neighbouring residents and the locality.

7. The National Planning Policy Framework ('the Framework') sets out the government's policies and so is an important material consideration. In delivering homes and well-designed places the Framework advises that planning should ensure that homes to meet the different needs of different groups in the community are provided¹. It also states that decisions should ensure that developments, amongst other matters, do not undermine quality of life or community cohesion or resilience².
8. The supplementary planning document *Houses in Multiple Occupation* (SPD) identifies that HMOs form part of the mix of housing required in the town. However, it also recognises that an over concentration of HMOs can result in a range of problems such as a more transient population, divisions in the local community, poor management of houses and increased noise and disturbance. The SPD provides guidance in this context relating to determining planning applications for HMOs. As a result, it is a relevant material consideration.
9. The change of use of 46 Adams Avenue to a HMO would result in 14.3% of the housing stock being HMOs within a 50 metre (m) radius. In order to create, support and maintain a balanced, mixed and inclusive community, Principle 1 of the SPD states that proposals for HMOs within such a radius should not exceed 10%. The threshold of 10% has been derived from research and, in my judgement, provides a strong indication of when the extent of HMOs is unbalancing a community and adversely affecting its character and amenity.
10. When the appellant bought No 46 its use as a HMO would have complied with the 15% HMO threshold contained within the Council's guidance that applied at that time. However, by the time that the planning application had been submitted the SPD with its lower threshold of 10% had been adopted. The Council states, and this has not been refuted by the appellant, that pre application advice was not sought. Had it been, then the appellant would have been aware of the proposed threshold change and would have been able to make an informed decision about whether to apply for permission. I therefore attach little weight to this consideration in favour of the appeal.
11. Adams Avenue is a pleasant wide residential tree lined road of terraced houses set close to the pavement. A number of houses identified as HMOs within a 50m radius of No 46 exhibit typical signs of HMO use which adversely affect the character of an area, such as overspill from wheelie bins and general lack of maintenance. HMOs also result in greater movement of people to and from a house and increase the likelihood of noise and disturbance. I accept that No 46 is in good condition, that the appellants would offer a high standard of accommodation and that the HMO would be well managed with only young professionals accepted as residents. Measures would also be taken by the appellants to discourage car use. However, planning permission runs with the property rather than with the applicant. As a result, should permission be granted and the property changes hands in the future there is no guarantee that this would continue.
12. The appellant is confident that a number of the existing HMOs are not up to standard and will not have their licences renewed. This would have the effect of reducing the percentage of buildings in use as HMOs, including the appeal property, to below 10%. There is no evidence though before me that this has yet happened or that there is anything to prevent such houses returning to HMO

¹Paragraph 72 c) of the Framework

² Paragraph 127 f) of the Framework

use once the conditions for a licence had been met. As a result, this consideration has not altered my findings in relation to the main issue.

13. The HMO is close to the railway station and would help meet the demand for good value accommodation for individuals commuting to London. However, in order to maintain a balanced, mixed and inclusive community it is necessary to prevent an undue concentration of single people in HMOs at the expense of family sized houses. In exceeding the 10% threshold contained in the SPD the proposed development would fail to do so.

14. Taking all these matters into account, I therefore conclude that the proposed development would adversely affect the character and residential amenity of the area and undermine the balance of the community. It would therefore be contrary to policies H1 and H5 of the Joint Core Strategy, policy H30 of the Local Plan, the SPD and the Framework.

Other Matters

15. The appellant has invested significant time and money carrying out repairs, converting and improving No 46 which would not be recouped if the appeal failed and permission was refused. Whilst I have given the appellant's personal circumstances careful consideration and have sympathy for them, I am mindful of the advice contained in Planning Practice Guidance³ that in general planning is concerned with land use in the public interest rather than private interest. Moreover, risk is inherent in business and an allowance for it needs to be made when making investment decisions. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm caused and the conflict with the development plan.

Conclusion

16. For the reasons given above, and having regard to all matters raised, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

³ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'