



Appeal Decision

Site Visit made on 5 January 2021

by R Sabu BA(Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2021

Appeal Ref: APP/V2825/W/20/3259493

5 Essex Street, Northampton NN2 6DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr J Luo against the decision of Northampton Borough Council.
 - The application Ref N/2020/0366, dated 26 March 2020, was refused by notice dated 6 July 2020.
 - The application sought planning permission for change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) for 4 occupants without complying with conditions attached to planning permission Ref N/2017/0515, dated 22 December 2017.
 - The conditions in dispute are Nos 1, 4, and 5 which state that:
Condition 1: The development hereby permitted shall be carried out in accordance with the following approved plans: Basement Rev A, Ground Floor Rev A, First Floor Rev A - All as received 15/12/2017.
Condition 4: The development hereby permitted shall be occupied by a maximum of four residents at any one time.
Condition 5: The basement room shall be used as a storage area only and shall be maintained as such for the duration of the use hereby permitted and the basement room shall not be used as a bedroom at any time.
 - The reasons given for the conditions are:
Condition 1: For the avoidance of doubt and to accord with the terms of the planning application.
Condition 4: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.
Condition 5: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable living environment for future occupiers with particular regard for outlook.

Reasons

3. The proposal seeks the use of the basement room of the property as a bedroom for an additional occupant. The room has a high-level obscured window that is set within a recess in the ceiling such that views to the outside are largely gained from either directly under the recess or from a low height from the floor level. As such, there would be very limited outlook from the room such that the basement room would provide an oppressive living environment for future occupiers.
4. While the window provides some natural light, given the height of the window, its obscured nature and that it is set within a recess in the ceiling, there is not an

abundance of daylight entering the space. Therefore, I am not persuaded that the level of daylight within the room would override the harm to the living environment that would arise from the limited outlook. In addition, there is no certainty that future occupiers would not spend substantial parts of the day in their bedroom rather than in communal areas.

5. I acknowledge the comments of the Inspector for the case at Clarence Avenue. In that case, natural light was obtained from a light well and the communal internal areas benefited from large clear glazed windows which provided an alternative area of outlook for future occupiers to spend their time. From the evidence, the living and kitchen areas of the appeal property do not benefit from large windows with views directly to the outside that would override the lack of outlook from the proposed basement bedroom. Therefore, that case is not directly comparable to this scheme.
6. I also acknowledge the other cases referred to by the main parties, including those at Semilong Road, Palmerston Road and York Road. However, limited further details are before me to allow a direct comparison to be made with this appeal. In any event, each case must be determined on its individual merits.
7. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard for outlook. Therefore, it would conflict with Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) Adopted - December 2014 (LP) which requires, among other things, developments to have regard to the living conditions of future residents. It would also conflict with LP Policy H5 which allows Houses in Multiple Occupation (HIMOS) where, among other things, they would not adversely affect the amenity of existing residential areas. The scheme would also conflict with paragraph 127 of the National Planning Policy Framework in this respect.
8. Since Policy H30 of the Northampton Local Plan 1993-2006 Adopted June 1997 refers to the amenities of neighbouring residents, the proposal would not directly conflict with this Policy.
9. While the Houses In Multiple Occupation Supplementary Planning Document Northampton Borough Council November 2019 (SPD) does not specifically refer to outlook, the proposal would conflict with the aims of the SPD, in particular Principle 2 which seeks, among other things, proposals that will protect the amenity and the provision of a good standard of living environment for future residents and users of the development.

Other Matters

10. I note the evidence regarding the sustainability of the location including proximity to open spaces and services. I also acknowledge that the size of the room would be sufficient to meet the needs of future occupiers, and that the other rooms in the property may provide a suitable living environment for future occupiers. In addition, I note the evidence regarding permitted development, efficient use of the property, demand for HIMOS and the urban location of the site. However, given the harm identified above, these matters have not altered my overall decision.

Conclusion

11. For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR