



Appeal Decision

Site Visit made on 15 June 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2021

Appeal Ref: APP/U2805/W/21/3269380

20 Deben Road, Corby NN17 2JY

- 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 Alcin Tuncel against the decision of Corby Borough Council.
 - The application Ref 20/00299/DPA, dated 28 July 2020, was refused by notice dated 4 December 2020.
 - The development proposed is change of use from C3 (dwelling house) to a Sui Generis HMO for 8 people including provision of bin storage and bicycle parking area.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 (dwelling house) to a Sui Generis HMO for 8 people including provision of bin storage and bicycle parking area at 20 Deben Road, Corby NN17 2JY in accordance with the terms of the application, Ref 20/00299/DPA, dated 28 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block Plan Ref 06, Proposed Elevations Ref 03.

Main Issues

2. There are three main issues. These are the effect of the proposed development on a) highway safety with specific regard to the provision of car parking; b) the living conditions of the occupiers of nearby properties with specific regard to disturbance from noise and the availability of car parking; and c) the character of the area.

Reasons

Highway Safety

3. It appeared to me at my visit that the site lies in a sustainable location. The position of the house without direct vehicular access, and its proximity to a range of goods, services and employment opportunities, is conducive to travel by modes other than car. It was also evident that people walk or cycle from the vicinity of the appeal site to the nearby supermarket. The provision of a secure enclosure for eight bicycles within the garden of the house would be a further incentive to travel other than by car.

4. The Council suggested that provision of five car parking spaces would be appropriate for the proposal, in light of unadopted guidance in Northamptonshire Parking Standards (2016). The proposal would therefore be contrary to this guidance. However, taking into account that the change is from an existing five bedroom house which could reasonably be expected to have an existing parking demand, the requirement for the appeal proposal would in reality amount to less than five additional parking spaces. It is also relevant that the house is currently operating as a small HMO for up to six occupants (under permitted development rights, which is not contested in this appeal). The proposal would therefore amount to an increase of only two occupants above the existing position, with a correspondingly small change to parking demand.
5. The appellant's Parking Beat Survey submitted with this appeal showed some parking areas at capacity and one area exceeding capacity at the times of the survey, whereas on other roads there was greater availability of spaces. It also highlighted that a small number of vehicles were described as having parked illegally, notwithstanding that some spare on-street parking capacity remained at that time. Whilst undertaken during a half-term holiday for Corby schools, no evidence is before me to suggest that this would have materially underestimated parking demand in this area.
6. The National Planning Policy Framework (the 'Framework') requires local parking standards to take into account the accessibility and use of the development, amongst other considerations. Given the inherent sustainability of the site, the evidence that whilst constrained there is a small degree of on-street parking capacity in the locality if not in the immediate proximity of the site, that the appeal site is an existing house with an associated parking demand, and that it is already operating as a small HMO, I conclude that the proposal would not materially change the prevalence of on-street parking in the vicinity of the site. It therefore would not be harmful to the safety of users of the highway and pavements or change the accessibility of the surrounding roads for refuse vehicles and fire tenders to any great extent. It follows that concerns from two residents over existing issues of illegal parking, blocking of pavements and difficulties for disabled access would not be materially altered by the development.
7. Accordingly, I find that in the particular circumstances of this proposal, the absence of additional parking provision would not harm highway safety. The proposal therefore broadly accords with Policy 8 of the Core Strategy¹ which, amongst other matters, aims to ensure satisfactory provision for parking, prioritises the needs of pedestrians, cyclists and public transport users and resists developments that would prejudice highway safety. It would also be compliant with paragraph 109 of the Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Living Conditions

8. Houses in the immediate vicinity are laid out around three sides of an area of grass. The appeal site is therefore separated from houses opposite and there are no houses to one side of the property or to the rear. The HMO use proposed is likely to be more intensive than that associated with a single five

¹ North Northamptonshire Joint Core Strategy (2016)

bedroom household. That said there is a degree of separation between the front doors of the appeal site and that of the adjoining neighbour, sufficient to avoid undue disturbance from the additional comings and goings that would be likely to occur at the appeal site. Moreover, the communal kitchen/dining area would be located on the side that is not adjoining the neighbour. This would significantly reduce the potential for noise and disturbance from activities associated with the communal space there.

9. The appeal site has a reasonable sized garden and the proposals include raising the height of the fence which would increase the sense of separation from the neighbouring garden. In addition, and due to the site's location adjacent to extensive areas of public open space, this would in all likelihood limit the extent and intensity of use of its rear garden. As such I consider that the use of the appeal site's house and garden by eight occupants would not be harmful to living conditions in the neighbouring house by way of unacceptable levels of noise and resulting in disturbance.
10. Whilst I have considered the effects of the proposed change of use from a single household to an HMO, its current use as an HMO for six people is relevant to the consideration of effects on living conditions. In this instance the increase in activity associated with the addition of two people to the household would be marginal, and not so great as to create an unacceptable change to the living conditions of the occupiers of neighbouring houses with respect to disturbance from noise.
11. Similarly, whilst occupiers of the proposal may require parking spaces in the surrounding streets where there is already parking stress, as reasoned above the potential increase in demand for on-street parking associated with an eight person HMO would not be substantially different from the existing position, particularly in light of the site's proximity to a range of facilities accessible by non-car modes. Consequently, any change to parking availability as a result of the development would in all likelihood be minor and not sufficient to unacceptably harm living conditions of the occupants of properties in the vicinity.
12. I therefore conclude that the proposal would not harm the living conditions of the occupiers of nearby properties with regard to disturbance from noise and the availability of car parking. Consequently, it would accord with Policy 8 of the Core Strategy which amongst other matters seeks to ensure development avoids unacceptable impacts on amenities of neighbouring occupiers. It would also accord with paragraph 127 of the Framework which seeks to ensure that development maintains high standards of amenity for existing and future users.

The Character of the Area

13. The Council's evidence on the effect of the proposed development on the character of the area is brief, referring only to how it would sit with the residential character of the area. Taking into account the existing use of the property and the fact that it would not significantly change from that, as well as that the residential use of the property would remain, I do not consider any harm would arise in relation to this main issue. As such, and in regard to this matter specifically, there would be no conflict with Policy 8 of the Core Strategy which, amongst other matters, seeks to ensure development responds to its local context and character. Similarly it would not conflict with paragraph 127

of the Framework which sets out that development should be sympathetic to local character.

Other Matters

14. I note concerns raised by local residents including matters relating to the density of housing in the area, other HMOs in the vicinity, litter and waste, feelings of not being safe in the street, and vulnerability of nearby residents. I have had full regard to these matters, however consideration of these in the particular circumstances of this appeal does not lead me to a different overall conclusion on the acceptability of the proposed use in this location, nor would they amount to harm in which would justify withholding planning permission.

Conditions

15. In addition to the standard time limit condition, a condition specifying the approved plans is required for certainty.

Conclusion

16. For these reasons and subject to the conditions I have set out above, the appeal should be allowed.

Rachel Hall

INSPECTOR