



Appeal Decision

Site Visit made on 15 September 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/V2825/W/21/3271424

48 Abington Avenue, Northampton NN1 4PA

- 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 Alistair Mitchell Company Ltd against Northampton Borough Council.
 - The application Ref N/2020/1513, dated 24 November 2020, was refused by notice dated 21 January 2021.
 - The development proposed is conversion of duplex apartment into 2no. apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address for the appeal property above is taken from the appeal form and Council decision notice. The address on the application form gives a different property number but it is clear from the appeal drawings and other submissions that this is incorrect.
3. The description of development in the header is from the appeal form. It is different than that provided on the application form as it omits reference to the development having already commenced and it being an amendment to a previous proposal. As it appropriately describes the scheme, I am satisfied no injustice would be caused by basing my assessment on this description.
4. The development has already commenced insofar as the 2 apartments have been created, laid out as shown on the plans and are being lived in as separate units. The removal of a chimney breast as shown has not been completed. My assessment is based on the appeal drawings.
5. Since its decision, Northampton Borough Council has merged with other authorities to form West Northamptonshire Council. As the same development plan remains in place, this merger has no effect on my assessment.
6. An emerging Northampton Local Plan Part 2 (eLP) has been submitted for examination. However, I have not been informed whether this plan is subject to any unresolved objections and so I attach limited weight to its policies.

Main Issue

7. The main issue is whether the development provides acceptable living conditions for its occupants.

Reasons

8. The 2 apartments are at the rear of the appeal property and both provide a bedroom, kitchen/living area and a shower room. The flats are similar in size although the rooms are laid out differently.
9. The Council has referred to the nationally described space standard (national standard) which, as a minimum, requires a 1 bedroom apartment with shower room to provide 37 m² of gross internal floor area. Both flats have an internal floorspace of between 25 and 27 m². The removal of the chimney breast would marginally increase these areas but there would still be a significant shortfall against the national standard's minimum figure.
10. There is no policy within the West Northamptonshire Joint Core Strategy Local Plan Part 1 adopted 2014 (JCS) or the Northampton Local Plan 1997 which requires development to comply with the national standard. The eLP includes such a policy but this is not yet adopted and so is afforded limited weight in my assessment. As such, the failure to accord with the national standard is not determinative on this issue.
11. However, the size and layout of the ground floor flat provides limited space to accommodate furniture and at the same time allow easy circulation. I saw this is particularly the case in respect of the bedroom which is accessed directly from the main entrance door. Moreover, the window serving this and the kitchen/living area face directly out onto the nearby boundary wall and flank elevation of the neighbouring property. Through a combination of the confined space and limited outlook, the ground floor flat provides an unsatisfactory standard of accommodation.
12. In comparison, the layout of the first floor flat is better. The bedroom window faces the back garden and so has a good outlook and access to natural light. Also, with the bedroom at the back, circulation around the whole apartment is easier. However, acceptability in these regards does not address or override the inadequacies of the ground floor unit.
13. The appellant advises that the current occupiers are satisfied with the apartments. However, this is not verified in writing and in any case, satisfaction may be explained by reasons such as the location or low rent levels rather than the amount and quality of the internal space. The appellant has suggested a condition that would limit occupancy of each of the flats by a single resident. However, even as a dwelling for a sole occupant, the ground floor apartment would provide inadequate internal space for the aforementioned reasons.
14. Therefore, whilst I consider the first floor unit is sufficient, I conclude the ground floor apartment would provide unacceptable living conditions for occupants. In these regards, the proposal as a whole would not accord with JCS policy H1. Amongst other things, this expects development to have regard to living conditions for future residents.

Other considerations and planning balance

15. The National Planning Policy Framework (the Framework) requires local authorities to identify a supply of deliverable sites sufficient to provide a minimum of 5 years' worth of housing. The Council advise that it is unable to demonstrate such a supply. In such circumstances, paragraph 11 of the Framework states that relevant development plan policies which are most

important for determining the application are deemed out-of-date. It goes on to require an assessment of the benefits of the scheme and its adverse impacts against the Framework as a whole.

16. The development has made a more efficient use of a building within an urban area close to services and public transport links. Also, it adds to the housing stock and so helps address the identified shortfall. However, irrespective of the level of housing land supply that can be identified, the benefits in these regards are modest as only a single additional unit has been created.
17. The Framework highlights the importance of good design and specifically looks to ensure development creates places with a high standard of amenity for users. Moreover, it states that schemes which are not well-designed should be refused. As such, I attach significant weight to the concerns in respect of the standard of accommodation in the ground floor flat. The unacceptability of the scheme in these regards significantly and demonstrably outweighs the benefits of the scheme. As such, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.
18. Dismissing this appeal may put at risk the occupation of the apartments by their current residents. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights (right to respect for private and family life) as incorporated by the Human Rights Act 1998. However, these rights are not unfettered and can be interfered with by a public authority in accordance with law in a number of circumstances.
19. In this case, there is a legitimate and established planning policy aim to ensure users of property are provided with a high standard of amenity. Such a policy is necessary for the protection of health. No case has been made that the personal circumstances of the existing occupants requires them to remain in the apartments. As such, I attach greater weight to the public interest. Dismissal of the appeal is proportionate and so it would not result in a violation of the residents' human rights.

Conclusion

20. The identified harm in respect of the main issue means the scheme is contrary to the development plan policies when considered as a whole. The benefits and other considerations do not provide sound justification to grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR