



Appeal Decision

Site visit made on 21 February 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2022

Appeal Ref: APP/W2845/W/21/3283132

3 Langham Place, Northampton NN2 6AA

- 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 A Ellis on behalf of LME Properties Limited against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0185, dated 12 May 2021, was refused by notice dated 8 September 2021.
 - The development proposed is change of use from dwelling to 13no. person house in multiple occupancy to include modifications to front lightwells.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the character or appearance of the Barrack Road Conservation Area (the CA) would be preserved or enhanced; and
 - The effect upon highway safety, having particular regard to the intended parking arrangements.

Reasons

The CA

3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of designated conservation areas when exercising planning functions.
4. The significance of the CA as a designated heritage asset is drawn, in-part, from its range of grand and impressively detailed terraces that often incorporate large town houses. This significance continues to be readily identifiable despite various conversions (from family housing) having taken place. The appeal property forms part of Langham Place, a prominent terrace of varied style that incorporates a mix of residential and commercial uses.
5. Whilst no large family homes endure in immediate proximity to the site, such properties offer stability to the wider area and make a valid contribution to the CA's heritage significance. This is true of the appeal property itself, which is read and experienced as an integral part of a grand terrace of local status and importance.

6. The Council's Conservation Officer has asserted that a house in multiple occupation (HMO) incorporating 13 bedrooms would not be in keeping with the quality of the location and has noted that similar sized properties that address Barrack Road have remained in single family occupation. Moreover, the proposal would be likely to lead to the appeal property being used in a noticeably more intensive and transient manner when compared to if occupied as a single household.
7. Whilst reference has been made to the existing appeal property being of a size capable of easily accommodating 17 people, it is very unlikely to be occupied by a single family in such numbers. It has not been clearly substantiated otherwise. Furthermore, the characteristics of occupation by a large single household (likely incorporating multiple dependents) would differ when compared to a large HMO comprised of various separate households.
8. I accept that the proposal would not result in an undue concentration of HMO uses, most particularly when considered in the context of a 10% standard that applies within a 50m radius of the site through the Houses in Multiple Occupation Supplementary Planning Document (November 2019) (the HMOSPD). It is also the case that the external alterations intended to the front of the property (to extend lightwells) would have a low-key and acceptable effect in conservation terms.
9. Even so, for the above reasons, the proposal would fail to preserve or enhance the character or appearance of the CA such that less than substantial harm would be caused to its heritage significance. As set out in the National Planning Policy Framework (July 2021) (the Framework), any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal.
10. The scheme would bring back into active residential use a vacant and under-utilised building observed to be in a poor internal condition and would promote the availability of differing accommodation options. Future occupancy as a HMO would also bring activity to the area and support the local economy. Nevertheless, as merely a single property (albeit large in size) is under consideration, the scheme's benefits attract fairly limited weight. These benefits would be insufficient to outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries.
11. The scheme conflicts with Policy BN5 of the West Northamptonshire Joint Core Strategy (December 2014) (the JCS) and the Framework in so far as these policies require development proposals to sustain and enhance the heritage and landscape features which contribute to the character of conservation areas.

Highway safety

12. The appeal property is served by a single garage to the rear, which has been earmarked to offer secure cycle storage. It is thus the case that no on-site vehicular parking would be provided for future occupiers. Upon inspection, I observed a somewhat limited range of unrestricted on-street parking opportunities to exist close to the site and witnessed the spaces that did prevail to be in often high demand. This is consistent with representations made by local residents, who have made reference to a lack of on-street parking provision in the area.

13. The HMOSPD sets out a starting point of one on-plot car parking space per bedroom. This is consistent with the standard specified in the Northamptonshire Parking Standards (September 2016) and the Parking Standards Supplementary Planning Document (November 2019). The HMOSPD indicates that, where this standard cannot be met, proposals must be supported by parking beat surveys and that, where such survey work reveals insufficient on-street parking capacity, sites will need to be situated in proximity to bus stops offering regular services and to facilities and services contained within designated centres.
14. As confirmed in the Council's Committee Report, the Local Highway Authority has not, in recent times, been accepting parking beat surveys. This is because of their perceived unreliability due to the continuing effects of the Covid-19 pandemic. I see merit in this stance and accept that parking surveys could convey results non-reflective of the likely long-term situation in any given location.
15. Importantly, the site is situated in proximity to facilities and services and to designated bus stops offering regular services. Furthermore, the town centre, a bus interchange and the town's train station are situated within realistic walking distances. Whilst it is likely that some future occupiers would own a car, the site's central location and the on-site availability of secure cycle storage are factors that would be anticipated to appeal to persons dependent upon sustainable modes of transportation. When also factoring in that the appeal property's use as a single dwellinghouse would generate its own parking demands, I find the intended parking arrangements to be acceptable. Indeed, instances of inconsiderate or dangerous parking would be unlikely to arise as a direct result of the proposal's implementation.
16. For the above reasons, having particular regard to the intended parking arrangements, the proposal would not prejudice highway safety. The scheme accords with Policy H5 of the JCS, saved Policy H30 of the Northampton Local Plan (June 1997), the Framework and the HMOSPD in so far as these policies and guidance indicate that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

17. There are various Grade II listed buildings situated close to the site, including 9-28 Langham Place, Langham House, 1-3 Adelaide Terrace and The Poplars. Without prejudice to my findings in a wider conservation sense, I am satisfied that the proposal would not harmfully impinge upon the manner in which each of these individual assets is able to be experienced and enjoyed. Indeed, heritage harm would not be caused by bringing forward development within their settings.
18. The existence of a December 2021 planning permission¹ to change the use of the appeal property to a HMO for up to twelve occupants has been brought to my attention. As well as a reduction in the level of occupancy (when compared to that being considered here) it is apparent that an amended internal layout centred upon the provision of private washroom facilities for each bedroom has been approved. These differences/improvements dictate that the existence of

¹ WNN/2021/0867

the December 2021 permission does not undermine my findings with respect to the first main issue in this appeal.

19. I have noted objections/concerns raised by interested parties with respect to matters including the potential for noise and anti-social behaviour to occur. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Planning Balance

20. I have found that the proposal would cause less than substantial harm to the heritage significance of the CA. The scheme's benefits, which include bringing back into active use a vacant and under-utilised building, would be outweighed by this identified harm and the associated policy conflicts. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

21. Whilst I have found the proposal to be acceptable in respect to its effect upon highway safety, I have identified harm in a conservation sense. This harm is the overriding consideration in this case. Thus, for the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR