



Appeal Decision

Site visit made on 14 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/G2815/W/21/3287858

106 Park Road, Rushden NN10 0LU

- 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 Granit Caushaj against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00974/FUL, dated 16 June 2021, was refused by notice dated 1 September 2021.
 - The development proposed is the conversion of a dwelling house to a maisonette and a flat including attic conversion and rear dormer extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site would be an appropriate location for the type of proposed housing, with regards to local planning policy, and
 - The effect of the proposal on the integrity of the Upper Nene Valley Gravel Pits Special Protection Area (the SPA).

Reasons

Housing

3. This appeal concerns an end of terrace property whose last known use, based on the evidence before me, appears to have been as a small House in Multiple Occupation (HMO). The appellant has indicated that the proposed conversion has already begun and the dormer extension is complete, which aligns with my observations on the external condition of the property during my site visit.
4. The appeal site is located within Rushden and Policy H4 of the Rushden Neighbourhood Plan (made June 2018) (the RNP) states that new market housing proposals will be required to provide a balance of property sizes and types to meet market demands in accordance with Policy 30 of the North Northamptonshire Joint Core Strategy 2011-2031 (July 2016) (the NNJCS).
5. Policy 30 of the NNJCS states that housing development should provide a mix of dwelling sizes and tenures to cater for current and forecast accommodation needs and to assist in the creation of sustainable mixed and inclusive communities. This policy goes on to state that the need is for predominantly smaller dwellings in both the affordable and market housing sectors, with

- around 70% of new households forecast to be of a size that 'need' 1 or 3 bedrooms.
6. The RNP provides more specific detail for Rushden, and notes that flats have seen the highest percentage increase of any tenure type in Rushden between 2001 and 2011, although the overall proportion of one and two bedroom dwellings is still far less than the 3, 4 and 5 bedroom properties. It nevertheless advises that, although two and three bedroom properties account for a very significant proportion of Rushden's housing stock, this does not necessarily mean that existing stock is able to cater for market demand.
 7. RNP Policy H4 is explicit in its requirement for a mix of property sizes and types and notes that there is an aspiration locally to address the balance of housing types within Rushden and provide more homes suitable for families and older people. Proposals for flats will only be supported in exceptional circumstances and where one of a number of criteria would be met.
 8. The criteria in RNP Policy H4 which is of relevance to this appeal is the requirement to demonstrate that the proposal meets an identified local need. Criteria (ii) is not relevant to the appeal proposal as it appears likely that the appeal property was formerly a single dwellinghouse comprising of two to three bedrooms, similar to the adjoining terraced properties, and thus could reasonably be reconfigured to a single dwellinghouse. Criteria (iii) is also not of relevance as the appeal building is currently in residential use.
 9. I acknowledge that the data presented in the RNP is of a considerable age. However, I have not been provided with any conclusive evidence that the current trends and housing mixes in Rushden are contrary to the figures presented. Whilst I observed that the surrounding area appears to comprise of single dwellinghouses, I cannot be certain this is the case as distinguishing flats amongst dwellinghouses is not always clear cut. Furthermore, the suggestions that there have been no planning applications for the conversion of dwellings to flats in this postcode area and that there is a limited number of 1 bedroom properties for sale in Rushden does not convince me that this indicates a lack of a proliferation of flats in the area. The evidence before me does not therefore robustly demonstrate that there is a need for flatted development in the locality.
 10. Despite the fact that the appeal property is not in use as a single family dwellinghouse, this position does not address or overcome the requirement of RNP Policy H4 to provide more homes suitable for families, which the appeal proposal would still not achieve. Moreover, the conversion to a small HMO did not require planning permission and converting the property back to a single family dwellinghouse would likely be relatively straightforward. Accordingly, the existing use does not justify the appeal proposal.
 11. Consequently, due to the lack of evidence to indicate that there is a local need for flatted development in Rushden, the proposal would not be an appropriate location for this type of housing and, for this reason, it fails to accord with Policy H4 of the RNP.

Upper Nene Valley Gravel Pits Special Protection Area

12. The appeal site is within the zone of influence of the SPA. As I am dismissing the appeal for other reasons there is no need for me, as the competent

authority, to carry out an assessment on the likely significant effects of the proposal on the SPA or explore the necessity for undertaking an Appropriate Assessment and secure mitigation where required.

13. I acknowledge that the appellant has indicated a willingness to make a payment towards mitigating the effects of the proposal on the SPA. The appellant indicates that this has been paid although the Council has not confirmed receipt and I do not have any conclusive evidence that the payment has been made. Nevertheless, even if the appellant has indeed paid, this would not alter or overcome my conclusions on the other main issue as detailed above. Therefore, I have not pursued this matter any further with the main parties.

Planning Balance and Conclusion

14. The proposed development would deliver two residential properties close to a range of shops and services and future occupiers would spend in the local area. However, given the small scale of the development, and also comparing it with the existing use and the difference in bedroom numbers, I afford limited weight to these benefits. There are also areas in which the appeal scheme would be acceptable, such as its visual effects and highway safety. These would however represent a lack of harm and thus are neutral matters.
15. The proposal would conflict with the development plan as a whole for the reasons noted above and I afford substantial weight to this and the harm arising. Accordingly, material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

H Ellison
INSPECTOR