



Appeal Decision

Site visit made on 12 April 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/W2845/W/21/3288343

31 Connaught Street, Northampton NN1 3BP

- 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 Chris Salt (Atlas Family Group Ltd) against the decision of West Northamptonshire Council.
 - The application Ref N/2021/0348, dated 9 March 2021, was refused by notice dated 8 September 2021.
 - The development proposed is Change of use from a Dwelling House (use class C3) to a C4 HMO (House in Multiple Occupation) for three occupants.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was originally for four occupants but was modified during the lifetime of the application. The description shown above is taken from the Council's Decision Notice. I am satisfied that neither party is prejudiced from this alteration.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character of the area, with particular regard to creating balanced communities.

Reasons

4. The appeal site is a two-storey terraced house in an area of predominately residential development, but with some commercial premises in the locality. Vehicle parking is mainly on-street and controlled via permit. From the evidence supplied and my site visit, it is apparent that there are a number of HMOs in the locality.
5. The Council's Houses in Multiple Occupation Supplementary Planning Documents (2019) (the SPD) sets out the positive contribution of HMOs to the overall community mix of dwellings, and how it aids in addressing housing needs. On the negative side, it recognises issues such as increased demand for parking, refuse overspill and shifts in demand for businesses and services, which all affect resident families.
6. Whilst the external appearance of the property is unaltered, and therefore acceptable, this is a different concept to the character. The National Planning Policy Framework (the Framework) gives guidance at various points to demonstrate that character is defined by more than the visual aspects; it

includes the way a development functions, creates better places to live and work, reflects an understanding of an area's defining characteristics and how people and places contribute to that character.

7. The character of single-family dwellings is therefore different from that of an HMO. An HMO could increase the density of occupation which could, in turn, have an effect on the activity generated by both people and vehicles, as well as the likelihood of requiring additional refuse facilities. The occupiers of HMOs may have a different lifestyle, resulting in movements at different times of the day and night in comparison with a single-family dwelling. It follows that the presence of an HMO, whilst not necessarily changing the appearance of the building, can be detrimental to its character.
8. The SPD therefore sets a limit to HMOs, to ensure the correct balance and mix of communities, setting a limit of 10% of HMOs with 50m of a proposed HMO.
9. The Council have stated that the 10% level would be breached if the proposed HMO was to be allowed. There is some conflict between the two main parties regarding the calculation, due to timing issues regarding this application and other nearby applications for HMOs.
10. Therefore, I have studied the evidence provided by the Council and I would agree that regardless of the timing of the other applications, with regard to the current appeal scheme, there is no alternative timing scenario that would not have breached the 10% rule set out in the SPD.
11. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that if regard to the development plan is to be had then determination of an appeal must be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework also makes it clear; the development plan is the 'starting point for decision making', not its end.
12. In summary, I find that the appeal proposal would not support the creation or retention of balanced communities, would therefore be harmful to the character of the area. It would therefore conflict with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy (2014) and Saved Policy H30 of the Northampton Local Plan (1997). Among other matters, these policies seek to ensure that a suitable range of housing types, sizes and tenures are available, and that HMOs are only permitted where they would not adversely affect the character and amenity of residential areas. The proposal also conflicts with the advice in the SPD which supports the creation and maintenance of balanced communities.

Conclusion

13. For the reasons given above the appeal is dismissed.

Paul Cooper

INSPECTOR