



Appeal Decision

Site visit made on 15 March 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/M2840/W/21/3282669

37 Church Street, Rushden NN10 9YU

- 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 Robert Singleton against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00193/FUL, dated 22 January 2021, was refused by notice dated 13 April 2021.
 - The development proposed is the change of use from office/shop to 4 bedroom HMO.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from office/shop to 4 bedroom HMO at 37 Church Street, RUSHDEN, NN10 9YU in accordance with the terms of the application, Ref NE/21/00193/FUL, dated 22 January 2021, 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: Site Location Plan, Existing/Proposed Floor Plans, and Proposed Block Plan.
 - 3) The development hereby permitted shall be used as a House in Multiple Occupation only, with a maximum of 4 bedrooms and a maximum of 4 occupiers.
 - 4) Prior to the first occupation of the development hereby permitted, details of the waste management arrangements (including types and size of bins as well as storage and collection) are to be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and retained in perpetuity.

Preliminary Matters

2. The appeal site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), which is a designated site. The Conservation of Species and Habitats Regulations 2017 (as amended) requires the decision maker to consider whether or not the proposal could adversely affect the integrity of the site. Therefore, whilst the reason for refusal relating to the effect of the proposal on the SPA has been withdrawn, I have nonetheless considered this matter below.

Main Issues

3. The main issues are:

- Whether the proposal would provide sufficient outside amenity space for future occupiers to meet their needs and for bin storage; and,
- The effect of the proposal on the SPA.

Reasons

Living Conditions

4. The appeal site is within a central area of Rushden which is characterised by a mixture of uses, including residential and commercial. The appeal site itself contains a semi-detached building with a long, but narrow, outrigger to the rear and a similarly narrow, but long, rear outside space. This space is laid out in timber decking and has a gate to the rear of the site and a shared passageway that accesses on to Church Street.
5. The proposal would result in the creation of a House in Multiple Occupation (HMO) providing four bedrooms. Given this type of accommodation and the size of internal accommodation provided, I find that it is most likely to be occupied by single adults rather than couples or families. As such, it is very unlikely that future occupiers would include children. Given this, I find that the typical needs of future occupiers, with regard to outside amenity space, would be somewhat limited and focus primarily on sitting outside for socialising and relaxing. Alongside this, the outside space would need to provide storage for waste and recycling bins and may need to accommodate bicycles. Although I note the reference to hanging out washing, I do not find this to be necessary.
6. The submitted plans show space within the proposed garden for 4 bins and 4 bicycle stands to serve the property. Whilst I note the Council's concerns with the bin storage provision, what they would require is not clear as they have made reference to requirements for 2 bins, 8 bins and refuse sack collection. Although I find that it is more likely that, given the scale of the proposal, 2 bins would be sufficient to serve the property, even if a greater number of bins were required the garden is sufficient to accommodate this.
7. However, the bin and bicycle storage would, especially if greater than that shown, take up a significant portion of the proposed garden resulting in a somewhat limited area for use as an amenity space. Nevertheless, as outlined above, the typical needs of future occupiers are likely to be limited and I find that the remaining space would be sufficient to accommodate chairs and a table for sitting out.
8. Moreover, whilst the provision on site would be limited, it would be supplemented by nearby green spaces and parks. Immediately adjoining the site is a small green space at the junction between Wellingborough Road and Church Street and to the south is a small park accessed off the High Street. Further to the south, but still close to the site, is Hall Park, which is significantly larger. Collectively these would provide ample space for future occupiers to sit outside, socialise and relax. Moreover, Hall Park would provide space for exercising and, in the unlikely situation that there are children at the host property, playing.

9. Therefore, whilst the outside amenity space on site would be limited, I find that it would, especially when taken cumulatively with the nearby green spaces, provide suitable outside amenity space for the typical needs of any future occupiers, as well as the storage of bins and bicycles. The proposal would therefore comply with Policies EN1 of the Rushden Neighbourhood Plan (the RNP), Policy E13 of the East Northamptonshire Local Plan Part 2: Submission Plan 2011-2031 (the LP2) and Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (the JCS). These policies collectively, and amongst other matters, require that developments ensure quality of life, including by way of providing accessible, suitable amenity spaces, and that waste and recycling are properly dealt with.

Upper Nene Valley Grave Pits Special Protection Area

10. As identified through the submitted information before me, the proposal is likely to have a significant effect on the internationally important interest features of the SPA, both alone and in combination with other plans and projects. The potential for the development to have a likely significant effect on the integrity of the SPA would principally arise from recreational disturbance associated with an increase in population.
11. I have undertaken an appropriate assessment (AA) and Natural England, as the statutory nature conservation body (SNCB) were consulted. As the competent authority, I have taken the comments of the SNCB into account in reaching my decision.
12. A receipt accompanied the appeal submission demonstrating the payment of a financial contribution, to the Council, towards meeting the need for off-site mitigation to off-set the recreation impacts arising from the project. The Council has justified the sum sought by reference to the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document and its addendum (the SPD). This is supported by Natural England who confirm that the measures would be sufficient to avoid the adverse impact to the integrity of the European Site and relevant features.
13. These measures would therefore be effective and reliable in preventing harmful effects on the European Site for the duration of the proposed development. The development would consequently comply with Policy 4 of the JCS which seeks to protect and enhance biodiversity and ecological networks, including special protection areas. The development would also comply with the guidance of the SPD with regards to mitigation.

Other Matters

14. Although no parking places would be provided for future occupiers, the appeal site is within a central location where access to services and facilities would be good, and where sustainable transport options would be available. I note that the Council also found that there would be no harm arising from the lack of parking provision on site.
15. Although I note concerns regarding the effect of waste collection from the front of the property, Church Street, the appeal site and its neighbouring properties would already generate waste and require bin collections to be made. As such, I find it unlikely that the change of use would significantly or unacceptably affect the existing waste collection situation at the front of the property.

16. I note the concerns that the proposal could result in 8 future occupiers at the appeal site and that the internal accommodation provision is not appropriate. However, given the size of the building and its associated garden, I find that it would be appropriate to limit the number of future occupiers. This would ensure that each future occupier has access to sufficient private and communal space and that they would have a good level of living accommodation.
17. The proposal would result in changes to the way in which the property is used, namely that occupiers would more likely be present overnight, use the garden, and be present over weekends. This would have some effect on the living conditions of the neighbouring occupiers as it would likely result in increased levels of noise and the perception of a reduced level of privacy. However, this would be only to a level typical of terraced residential properties and as such would not be an unacceptable issue.

Conditions

18. The Council have suggested a number of conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the Framework and Planning Practice Guidance and have amended some of the suggested wording to reflect this advice.
19. For certainty, I have set out the timescale for the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. A further condition would be required for the submission of more detailed plans, in accordance with the Council's requirements, regarding the storage of waste and recycling bins to ensure that they are suitably stored without affecting highway safety, the shared alleyway or the useability of the garden.
20. Given the small scale of the internal and external accommodation provision, a condition would be necessary to ensure that the number of future occupiers does not exceed 4 in the interests of protecting their living conditions.

Conclusion

21. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR