



Appeal Decision

Site visit made on 20 March 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/V2825/W/22/3306179

141 Wycliffe Road, Northampton NN1 5JJ

- 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 Pickering against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/0181, dated 15 February 2022, was refused by notice dated 8 June 2022.
 - The development is described as “proposed 7 person HMO and proposed 1 bed ground floor flat”.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Pickering against West Northamptonshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. Since the Council issued the decision, it has been brought to my attention that the Northampton Local Plan Part 2 2011-2029, (NLPP2) was adopted. The NLPP2 replaces the Northampton Central Area Action Plan (NCAAP) and the saved policies of the 1997 Northampton Local Plan (NLP). The Council has confirmed that NLPP2 policies Q1, Q2, H02 and H03 are now relevant to this appeal, the appellant has had the opportunity to comment on these policies. It is incumbent on me to take into account the current development plan in reaching a decision and I have therefore dealt with the appeal on this basis.

Main Issues

4. The main issues raised by this appeal are the effect the development would have on: i) the living conditions of neighbours with regard to noise or disturbance, ii) living conditions for future occupiers of the House in Multiple Occupation (HMO), with regard to internal space, facilities and garden space, and for future occupiers of the one bedroom flat, with regard to light and garden space.

Reasons

Neighbouring occupiers living conditions

5. The front door and shared corridor to the HMO section of the appeal house directly adjoins the shared boundary with 143 Wycliffe Road. Consequently, these two houses have a sensitive relationship.
6. Taking account of the size of the appeal property, the activity generated by at least 6 persons living independent lives, with separate routines, their attendant comings and goings along with those of their visitors, it is reasonable to assume would lead to a level of activity that would be more intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family. This increase would cause unacceptably disturbance to neighbouring occupiers. Consequently, the comings and goings of future occupiers of the HMO using a shared entrance and corridor would be detrimental to neighbouring occupiers' living conditions.
7. The flat would include a separate front door which is directly adjoining the entrance and door of number 139 the adjoining house, the limited activity that could reasonably be expected from occupants of a one-bedroom flat would not result in any unacceptable noise or disturbance to occupiers of number 139.
8. The appellant suggests that the development accords with the Houses in Multiple Occupation Supplementary Planning Document, Northampton Borough Council, adopted November 2019. However, principle 2 of the SPD requires all proposals protect the amenity and the provision of a good standard of living environment for neighbouring and local occupiers, which for reasons set out above the proposed development fails to achieve.
9. I conclude that the noise and disturbance of the HMO would have a significant detrimental impact on the living conditions of occupiers of the neighbouring house. It is therefore contrary to policies H1 and H5 of the West Northamptonshire Joint Core Strategy (Part1) (WNJCS). These policies seek, amongst other things, that new development has regard to the impact on amenities of occupiers of neighbouring properties. The development is also contrary to policies Q1 and Q2 of the NLPP2 which seek, amongst other things that new development creates and protects a high standard of amenity for occupiers.

Living conditions – future occupiers

10. With respect to the HMO and its internal space, the Committee Report states that the room sizes of the HMO meet the National Minimum Space Standards. At my site visit I saw that the room sizes were sufficient to provide a bed and separate area for seating, some were large enough to also include en-suite facilities as indicated on the plans. Consequently, the room sizes were sufficient to provide acceptable living conditions for occupants in this respect.
11. With regard to internal facilities, the plans illustrate two en-suites, two bathrooms and two kitchen/living room areas of similar size to serve 7 occupants. These facilities exceed the minimum standards set out in table 4 of the Houses in Multiple Occupation Supplementary Planning Document, Northampton Borough Council, adopted November 2010, and the provision would be suitable to serve future occupants needs, providing acceptable living conditions in this respect.
12. Regarding outdoor garden space, the garden space for the HMO is shared with cycle parking and bin storage areas but has sufficient remaining space to

provide useable space for drying clothes and sitting out, so would meet the needs of future occupants of the HMO.

13. Turning to the one-bed flat, the kitchen area would be darker than the main living area of the same room, being set back away from the front elevation and in a long narrow room. However, the width of this room is sufficient to allow for a new partially glazed front door and large front window which would provide sufficient light to ensure acceptable living conditions for occupants in all parts of this room.
14. In respect of the garden area, this would be proportionate to the relatively small size of the flat and would provide sufficient area for occupants to sit outside and dry clothes, so would be sufficient to serve the needs of future occupiers of the flat.
15. Overall I conclude that the internal space, facilities, light and garden space, are sufficient to provide acceptable living conditions for future occupiers of the HMO and one bedroom flat and in this respect accords with policies H1 and H5 of the WNJCS. These policies seek, amongst other things, that new development has regard to the living conditions provided for future occupants. The development accords with policies Q1, Q2, H02 and H03 of the NLPP2 which seeks, amongst other things that development is well designed, compliant with existing space standards, is not overbearing upon existing buildings or open spaces, that external private or communal garden space, in its extent and design, meets the reasonable needs of its users.

Other Matters

16. I note the suggested benefits of the proposed development and its location which the appellant has raised, including the proximity to the bus stops and a local centre, that it meets parking requirements, the use of matching materials in the extension and that it would not have an adverse impact on neighbouring outlook, there is no impact on flooding, that the proposal is an efficient use of land, providing extra residential accommodation which is in demand, the original recommendation of the Council's planning officer and that the appellant supports the suggested conditions. However, in reaching my decision I have had regard to these other matters, but they do not overcome the adverse impacts which significantly and demonstrably outweigh the benefits, when assessed against the development plan policies and the Framework when taken as a whole.
17. The appellant has referenced the similarities to other appeal decisions¹. No copies have been provided, but one included a Planning Inspectorate reference and related to 49 Lutterworth Road. The appeal decision referred to is different to this appeal because it relates to fewer HMO units. No reference is provided for 113 Abington Avenue. In any case the appellant references these appeals in relation to parking matters, which are not a main issue of this appeal.

Conclusion

18. The proposal would not cause material harm with respect to the living conditions of future occupiers of either the HMO or flat, however I have found harm with respect to the living conditions of neighbouring occupiers. This would bring the scheme into conflict with the development plan taken as a whole and

¹ 49 Lutterworth Road (ref APP/V2825/W/20/3246371) & 113 Abington Avenue

there are no material considerations of such strength as to justify a decision other than in accordance with the development plan, therefore the appeal is dismissed.

S Crossen

INSPECTOR