



Appeal Decision

Site visit made on 17 November 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2023

Appeal Ref: APP/W2845/W/23/3320637

6 King Edward Road, Northampton, West Northamptonshire NN1 5LU

- 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 V Kryshinets (VK Property Stream Limited) against the decision of West Northamptonshire Council.
 - The application Ref WNN/2023/0167, dated 15 February 2023, was refused by notice dated 27 March 2023.
 - The development proposed is change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6No persons.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6No persons at 6 King Edward Road, Northampton, West Northamptonshire NN1 5LU in accordance with the terms of the application, Ref WNN/2023/0167, dated 15 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ASM-22-V9-001a, ASM-22-V9-002b, ASM-22-V9-003b, and ASM-22-V9-004.
 - 3) The development hereby permitted shall not be occupied until bin storage facilities have been provided in accordance with the details shown on approved drawing ASM-22-V9-003b. The refuse bin storage facilities shall thereafter be permanently retained in accordance with the approved details.
 - 4) The development hereby permitted shall not be occupied until secure and covered bicycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The bicycle parking facilities shall thereafter be permanently retained in accordance with the approved details.
 - 5) The development hereby permitted shall not be occupied by more than six residents at any one time.

Preliminary Matters

2. The Council adopted the Northampton Local Plan Part 2 2011-2029 (LP) after the planning application was determined. The LP replaced the remaining saved policies of the Northampton Local Plan 1993-2006 (NLP). Therefore, the policies from the NLP referenced in the reasons for refusal no longer exist. The Council has confirmed that those policies have been replaced with Policies Q1,

HO3, and MO4 of the LP. The determination of this appeal refers to the recently adopted local plan policies and Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan Part 1 (CS), which are included in the development plan.

Main Issue

3. The main issue is the effect of the proposed development on the availability of on-street parking provision.

Reasons

4. The site is located in a built-up residential area, where the majority of dwellings are in terraced rows. There are no parking restrictions in the local area, and the majority of parking is on-street. The evidence indicates that there is limited availability of on-street parking spaces, particularly during the evenings when more residents are at home.
5. The appeal scheme would convert an existing family dwelling into a House in Multiple Occupation (HMO) for six residents. Permitted development rights for such conversions have been removed at the site by an Article 4 Direction, therefore planning permission for the development is required. The Council published the Houses in Multiple Occupation Supplementary Planning Document (2019) (HMO SPD) to aid the preparation and consideration of planning applications in relation to HMOs. The HMO SPD is therefore relevant to the consideration of the appeal.
6. The existing property does not benefit from dedicated parking provision and no additional parking spaces are proposed as part of the development. Consequently, if the future occupiers of the HMO were to own private vehicles, they would most likely be parked on the street. Concerns have been raised that an increase in demand for parking would exacerbate unsafe parking practices that are already prevalent in the area.
7. Taken together, the Northamptonshire Parking Standards (2016) (Parking SPG) and the Adopted Supplementary Planning Document Parking Standards (2019) (Parking SPD) set out the local car parking requirement for HMOs as one on-plot parking space per bedroom. The appeal proposal would clearly fall short of this standard. However, both documents allow for scenarios where the car parking standard cannot be met in full. Moreover, the HMO SPD provides criteria where HMOs could be allowed even where parking capacity is known to be insufficient.
8. The Parking SPG indicates that the existing 4-bed dwelling generates the need for three car parking spaces. Therefore, at worst, the proposal may increase parking demand by approximately three spaces. However, whilst the proposed HMO may appeal to some young professionals on moderate incomes, it would be most likely to attract tenants on lower incomes who are less likely to own private vehicles. Therefore, in all probability, the parking demand arising from the proposal is likely to be similar to, or marginally more than, the existing dwelling. Consequently, even if there would be some additional pressure for on-street parking arising from the proposal, it would be unlikely to be at a level that would cause severe harm to highway safety.
9. Notwithstanding the above, the site is located within 400m of a bus stop that provides very regular services into Northampton town centre. There are also

other services and facilities within 400m of the site. These include a convenience store, a café, a GP surgery and dentist, as well as the recreational facilities at Abingdon Park and opposite Park Avenue South. In this regard, the proposal would adhere to the HMO SPD criteria for HMO proposals where parking provision is known to be insufficient.

10. Moreover, whilst further than 400m from the site, the parties agree that the nearest part of the Wellingborough Road local centre is within a 10-minute walk. The local centre provides a wide range of services and facilities, including a supermarket, which lies within 800m from the appeal property. Consequently, it is entirely feasible that future occupants of the HMO would be able to meet the majority of their daily needs via walking, cycling and public transport thus reducing the need for travel by private car and the associated demand for parking spaces.
11. Taking all of the above into account, including the site's location with easy access to services and facilities without the need for a private car, I conclude that the proposal would not cause unacceptable harm to the availability of on-street parking provision. Accordingly, there would be no conflict with Policy HO3 of the LP, which supports HMOs subject to criteria, including, amongst other things, where appropriate car parking is provided. There would also be no conflict with Policies MO4 and Q1 of the LP and Policy S10 of the CS which, taken together and amongst other things, expect development to have regard to the Parking SPD, and to be located where services and facilities can be easily accessed by walking, cycling or public transport.

Other Matters

12. Concerns have been raised in respect of the overconcentration of HMOs in the area as well as the potential for antisocial behaviour, noise, and the loss of a family dwelling. However, the Framework supports the delivery of a variety of homes to meet the needs of different groups in the community, and there is no evidence to suggest the development would cause a rise in anti-social behaviour or other nuisances. The evidence indicates there is only one licensed HMO within a 50m radius of the appeal site. Therefore, the addition of the proposed development would amount to a concentration of less than 1%. Therefore, I do not find any material harm arising in respect of these matters.
13. There would be no external changes to the host property, and the Council has not raised any objections to the size or quality of the accommodation for future occupiers, or to the living conditions of neighbours. Moreover, no harm has been identified in respect of the loss of historic features. Based on the evidence, and my own observations, I have no reason to take a different view on these issues. The absence of harm weighs neither for nor against the proposal.
14. I acknowledge the concerns of interested parties about property values in the area. However, the Planning Practice Guidance (PPG) makes it clear that planning is concerned with land use in the public interest, so that the protection of purely private interests such as property values could not be a material consideration. Therefore, the effect of the proposal on house prices has not been a determinative matter in my consideration of the appeal.

15. I have also been referred to the title deeds of the property, which it is stated may prohibit the proposed development. However, matters of Land Law fall beyond the scope of this appeal.

Conditions

16. The Council provided a list of suggested conditions, which I have considered against the tests set out in paragraph 56 of the Framework and the PPG. Where appropriate and necessary, I have adjusted the wording of the conditions to improve precision and enforceability.
17. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty.
18. I have included a condition to secure the implementation and retention of the proposed bin storage details. This condition is necessary to protect the character and appearance of the area from littering and odour.
19. A condition requiring the submission of cycle parking details is also included. This condition is necessary to prioritise sustainable travel modes.
20. I have also included a condition limiting the number of residents to six. This condition is necessary to ensure the living conditions are satisfactory for future occupiers and to limit demand for on-street parking spaces.

Conclusion

21. For the reasons given above, and having regard to the development plan when read as a whole and all other material considerations raised, and subject to the listed conditions, I conclude that the appeal should be allowed.

E Catchside

INSPECTOR