



Appeal Decision

Site visit made on 5 March 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/W2845/W/23/3331381

1 Holly Road, Northampton NN1 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Morris against the decision of West Northamptonshire Council.
 - The application Ref is WNN/2023/0604.
 - The development proposed was originally described as 'Addition of a lower ground floor light-well and internal reconfigurations'.
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Decision

1. The appeal is allowed and planning permission is granted for addition of a lower ground floor light-well and internal reconfigurations to help accommodate up to 19 occupants at 1 Holly Road, Northampton NN1 4QL in accordance with the terms of the application, Ref WNN/2023/0604, subject to the following conditions:
 - (1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans, all as amended 21/06/23: 101 (Existing and Proposed Floor Plans), 201 (Existing and Proposed Elevations) and 301 (Sections).
 - (3) The development hereby permitted shall be occupied by a maximum of 19 residents at any one time.
 - (4) Prior to the development hereby approved first being implemented, full details of storage facilities for refuse and recycling shall be first submitted to and approved in writing by the Local Planning Authority. Once approved in writing, the development shall only be implemented in accordance with the approved details which shall then be retained thereafter.
 - (5) Prior to the development hereby approved first being implemented, full details of secure and covered bicycle parking facilities shall be first submitted to and approved in writing by the Local Planning Authority. Once approved in writing, the development shall only be implemented in accordance with the approved details which shall then be retained thereafter.

Preliminary Matters

2. The Council's decision notice includes a revised description which specifies that the proposal would facilitate provision of accommodation for up to 19 occupants within the appeal property. This description is also used by the appellant in their appeal submission and I have therefore used it in my decision.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

5. The evidence before me indicates that No 1 Holly Road is in use as a House in Multiple Occupation (HMO) for up to 9 occupants. There is no dispute between the parties that this use is well established. It is situated in a predominantly residential area with some commercial units in the locality. The host building occupies a corner position and sits at the end of a terraced row on Abingdon Road. It sits at an angle relative to the neighbouring property at No 3 Holly Road which in turn has a blank gable and high brick wall to the shared boundary with the appeal site.
6. In June 2023, the Council refused planning permission at the appeal site for the 'Addition of front dormer and internal reconfigurations including the relocation of a kitchen to the basement and the creation of a new bedroom'¹. The evidence before me indicates that proposal also sought to increase the capacity of the HMO from 9 occupiers up to 19 occupants. The Council's delegated report in that instance stated that the proposal was deemed to have no adverse impact on neighbouring amenity. That particular proposal was refused on other grounds.
7. The appeal proposal also seeks to provide accommodation for up to 19 occupants. However, in finding that there would be harm to neighbouring living conditions, the Council has cited an appeal decision relating to a proposed HMO at 141 Wycliffe Road, Northampton². That particular decision was made in March 2023 and therefore before the Council's previous decision at No 1 Holly Road. Therefore, it is difficult to reconcile how this alone would alter the Council's changed position in term of neighbouring amenity considerations.
8. Moreover, the appeal decision at No 141 Wycliffe Road compared the activity associated with a HMO to the existing single family unit in that instance. It also observed that 'the front door and shared corridor to the HMO section of the

¹ LPA Ref WNN/2023/0303

² Appeal Ref APP/V2825/W/22/3306179

appeal house directly adjoins the shared boundary with 143 Wycliffe Road. Consequently, these two houses have a sensitive relationship’.

9. In contrast, the appeal building in this instance is already a HMO and neighbouring occupiers would likely be accustomed to activity associated with that use. Furthermore, the shared corridor within the reconfigured HMO would be centrally located within the building and therefore set away from the boundaries with No 3 Holly Road and No 17 Abingdon Avenue. Above basement level, bedroom spaces rather than communal areas would be located adjacent to the adjoining wall with No 17.
10. On my site visit, I also noted that the external areas of the building are hard surfaced and open to views from the street. Together with the likelihood that occupiers of the HMO would be individuals living independently, this reduces the likelihood of these areas being used intensively such as for sitting out in large numbers. Even if some residents did choose to sit out, this alone would not be unusual within a residential setting.
11. Given the site-specific relationships described, I am satisfied that there would be no material harm to the living conditions of neighbouring occupiers in this particular instance.
12. I conclude, the proposal would have an acceptable relationship with the living conditions of neighbouring occupiers, with particular regard to matters of noise and disturbance. In that regard, it would comply with the neighbouring amenity requirements in Policies H1 (Housing density and mix and type of dwellings) and H5 (Managing the existing housing stock) of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) and Policies Q1 (Placemaking and design) and Q2 (Amenity and layout) of the Northampton Local Plan Part 2 (2023).

Other Matters

13. Third-parties have raised concerns that the proposal would add to parking stress in the area. However, the Council has confirmed that due to the building’s established use as a HMO and its location close to bus services and the local services and facilities at the Kettering Road local centre, it would comply with the approach to assessing levels of parking provision in the Houses in Multiple Occupation Supplementary Planning Document (2019) (HMO SPD). There is no detailed evidence to suggest that there would be material harm to the area resulting from any increased parking demand such that an alternative approach to that set out in the HMO SPD should be applied in this instance.
14. Bearing in mind its established use, there is no objective evidence to suggest that the proposal would lead to an overconcentration of HMOs in the area or that it would increase levels of deprivation. The Council’s report also confirms that the proposal meets the relevant space standards and there is nothing before me that would indicate I should reach a different finding. The suggestions that modern fire standards could not be met and that water, sewerage and electricity supplies may not be adequate to serve the development, have not been substantiated by any detailed evidence. Appropriate refuse and recycling facilities could be required by way of a condition.

Conditions

15. In the interests of certainty, I have attached the usual timescale for implementation and a condition specifying the approved plans which the development must adhere to. I have imposed the Council's suggested conditions restricting the number of occupants to no more than 19 and requiring details of bicycle, refuse and recycling storage to be approved and implemented. I have reworded these conditions where necessary in the interests of precision. These conditions are necessary to ensure the accommodation is suitable for the number of occupants applied for, to promote sustainable travel and to ensure suitable refuse storage provision is in place at the point of occupation.

Conclusion

16. For the reasons set out, the appeal is allowed.

M Russell

INSPECTOR