



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: 11 April 2024

Appeal Ref: APP/W2845/W/23/3325700

19 Johnson Court, Northampton NN4 8GJ

- 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 Marcus Reay against the decision of West Northamptonshire Council.
- The application Ref is WNN/2023/0285.
- The development proposed was originally described as 'change of use from dwelling house to HMO including conversion of garage to bedroom'.

Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling house (Use Class C3) to House in Multiple Occupation for 7 occupants (Sui Generis) including conversion of garage to a bedroom at 19 Johnson Court, Northampton NN4 8GJ in accordance with the terms of the application, Ref WNN/2023/0285, 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: PCE-Harmann-January-23-Planning (Existing and proposed elevations and floor plans) and PCE-Harmann-January-23-Site Plans.
 - (3) The development hereby permitted shall be occupied by no more than 7 persons.
 - (4) Prior to first occupation of the development hereby permitted, full details of cycle storage and bin storage facilities, including timescales for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. Once approved in writing, the approved cycle and bin storage facilities shall be implemented in accordance with the approved details.

Preliminary Matters

2. The Council's decision notice includes a revised description which specifies the proposed House in Multiple Occupation (HMO) would be for 7 occupants. This description is also used by the appellant in their appeal submission. I have used this more precise description 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 whether the proposal would give rise to highway safety issues and/or inconvenience for road users and pedestrians in the area.

Reasons

5. No 19 Johnson Court is a three-storey terraced dwelling situated within a highly populated residential area, close to the University of Northampton. From what I observed on my site visit, there are significant levels of on-street parking stress on Johnson Court and other nearby roads. Consequently, I found that there were very limited opportunities to park on street in close proximity to the site. I also noted that there was a prevalence of vehicles parked across driveway entrances and mounted on pavements in the locality.
6. The Northampton Borough Council Houses in Multiple Occupation Supplementary Planning Document (2019) (HMO SPD) sets out a series of principle objectives for HMOs including at 'Principle 4: To secure the provision of adequate parking'. This principle requires that HMOs satisfy the car parking and cycle parking standards in the Northamptonshire Parking Standards (2016) (NPS). The NPS sets out a requirement of 1 parking space per bedroom for a HMO. The HMO is intended to have 7 occupiers. There is no dispute that the site provides off street parking for a maximum of 2 vehicles. Therefore, the car parking standard would not be met.
7. The HMO SPD confirms that where the car parking standard cannot be met in full, it must be demonstrated through a parking beat survey that there is sufficient capacity for on-street parking in the area within a minimum of 200m from the application site. The Highway Authority has identified that the local area is known to be heavily parked, with little to no residual parking capacity on street. This is consistent with my own observations on site and I consider it unlikely that a parking beat survey would suggest that there is capacity for additional on-street parking within 200m of the site. Therefore, I do not find that the absence of a parking beat survey is critical to my assessment in this particular instance.
8. The HMO SPD goes on to suggest that if the beat survey reveals that there is insufficient on-street parking capacity, the application will need to be located within 400m of a bus stop and within 400m of facilities and services contained in the town centre, a district centre, local centre or neighbourhood parade. In all circumstances secure cycle parking should be provided in accordance with the NPS. The Council does not dispute that the appeal site is sustainably located within 400m of a regular bus service and the designated Local Centre on St Leonards Road. Cycle parking could be secured through a condition of planning permission and this would further promote use of sustainable travel modes and a reduced reliance on the private motor vehicle.
9. I accept that the change of use to a HMO would increase the number of independent occupiers residing at No 19 Johnson Court. There is the possibility that individuals within the HMO would each have their own vehicle. However,

the HMO would also be attractive to those without a private vehicle due to its close proximity to the University, regular bus services and local services and facilities. In these respects, the proposal accords with the considerations relating to the provision of parking in the Council's HMO SPD. Should some occupiers of the HMO own a vehicle and this lead to overspill parking, the Highway Authority has confirmed that the area is heavily restricted with parking restrictions and is regularly patrolled by enforcement officers such that any increase in demand is unlikely to compromise highway safety.

10. I conclude that there is no objective evidence to suggest that the proposal would give rise to highway safety issues and/or any material increase in inconvenience for road users and pedestrians in the area beyond the existing situation. In this regard, the proposal complies with Policy MO2 of the West Northamptonshire Council – Northampton Local Plan Part 2 (2023) as it confirms that development proposals will be permitted provided there would be no unacceptable impacts on highway safety and that the residual cumulative impacts on the road network are not severe. This also reflects the requirements of Paragraph 115 of the Framework.

Other Matters

11. In terms of concerns raised by third-parties which are not covered under the main issue, the host building is set back from the public footway and as confirmed by the Environment Agency the land is raised above the flood hazard level. Therefore, I find no reason why the proposed ground floor bedroom would be unacceptable in terms of the living conditions that would be provided for future occupiers of the development and in terms of flood risk.

Conditions

12. 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 7 and requiring details of cycle and bin storage to be approved and implemented. I have reworded and condensed these conditions in the interests of conciseness and 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

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

M Russell

INSPECTOR