



Appeal Decision

Site visit made on 7 May 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/W2845/W/23/3333183

73 Billing Road, Northampton, West Northamptonshire NN1 5DE

- 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 Nik Kumar against the decision of West Northamptonshire Council.
 - The application Ref is WNN/2023/0476.
 - The development proposed is Conversion of dwelling house (Class C3) to 5 Person house in multiple occupation (Class C4) and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for Conversion of dwelling house (Class C3) to 5 Person house in multiple occupation (Class C4) and single storey rear extension at 73 Billing Road, Northampton, West Northamptonshire NN1 5DE in accordance with the terms of the application, Ref WNN/2023/0476, 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: AD-01-10 Rev C, AD-01-20 Rev A.
 - 3) The development hereby permitted shall not be occupied until 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 covered bicycle parking facilities shall thereafter be permanently retained in accordance with the approved details.
 - 4) The development hereby permitted shall not be occupied until covered refuse storage facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The covered refuse storage facilities shall thereafter be permanently retained in accordance with the approved details.
 - 5) The development hereby permitted shall not be occupied by more than five residents at any one time.
 - 6) The cellar shown on approved plan no. AD-01-10 Rev C shall not be used as a bedroom or living room at any time.
 - 7) The rear extension shown on approved plans AD-01-10 Rev C and AD-01-20 Rev A shall be constructed with external materials of the same type, colour and texture as the existing building.

Preliminary Matter

2. The proposed development changed during the lifetime of the application, from an 8 person House in Multiple Occupation (HMO) to a 5 person HMO. Amended plans were submitted to the Council to reflect this change. The Council considered the appeal on the basis of the amended proposal, and I have therefore taken the same approach. The description of the development in the banner heading is therefore taken from the decision notice and appeal form, to reflect the development proposed.

Main Issues

3. The main issues are:
 - the effect of the proposal on highway safety, with particular regard to on-street car parking;
 - whether the proposed development would preserve or enhance the character or appearance of the Billing Road Conservation Area (CA); and
 - the effect of the development on the living conditions of neighbouring residents, with particular regard to noise, littering, privacy, and anti-social behaviour.

Reasons

Highway safety

4. The area around the appeal site is predominantly residential in nature, with most dwellings laid out in terraced rows. Whilst some dwellings have access to garages and off-road car parking provision, the majority of parking is on-street. There is pressure for on-street parking space in the local area, including on Billing Road and Upper Thrift Street. Therefore, any significant increase in demand for on-street car parking provision is likely to exacerbate this pressure and lead to unsafe parking practices including double parking.
5. Taken together, the Northamptonshire Parking Standards (2016) (Parking SPG) and the Adopted Supplementary Planning Document Parking Standards (November 2019) (Parking SPD) require HMOs to provide one on-plot parking space per bedroom which, for the appeal proposal, would amount to five spaces. The appeal property includes a garage to the rear. However, I do not have sufficient evidence before me to establish its dimensions and suitability for vehicle parking. Nevertheless, even if the garage would provide two car parking spaces, the development would fall short of the parking requirements set out in the Parking SPG and the Parking SPD.
6. I have not been provided with a parking beat survey to demonstrate the availability of on-street parking spaces. However, given the severity of existing parking pressure in the area, it is reasonably likely that there is insufficient capacity to meet any significant increased demand for on-street parking spaces.
7. The Houses in Multiple Occupation Supplementary Planning Document (November 2019) (HMO SPD) provides a list of criteria that need to be satisfied by HMO proposals in the event that there is insufficient on-street parking capacity. These criteria are that the appeal site is a) located within 400m of a bus route providing at least one bus every 30 minutes between 0700 and 1900

Mondays to Saturdays and b) is located within 400m of facilities and services contained in the town centre, a district centre, local centre or neighbourhood parade.

8. There is a bus stop immediately outside the appeal site on Billing Road, which provides regular services to Northampton town centre. Therefore, the first criteria set out in the HMO SPD is met. Moreover, whilst the parties' views are not aligned regarding the exact distance to the services and facilities on Wellingborough Road, it is proximate to the appeal site and easily accessible via footpaths along Upper Thrift Street and other roads to the north. Moreover, the nearest local supermarket on Wellingborough Road is easily accessible and within an approximate 10-minute walk from the appeal property. I am also satisfied that the appeal property is within walking distance of a wide range of employment and educational opportunities, including nearby health, education and commercial establishments.
9. Consequently, future occupants of the proposed development would have very good access to a full range of services and facilities without the need to travel by private car with associated demands for parking spaces.
10. The appeal property currently provides sufficient accommodation to house a large family owning multiple vehicles. Consequently, there is no substantive evidence before me to indicate that the proposed development would generate a significant increase in parking demand beyond the existing use of the appeal property. Therefore, it is unlikely that the proposed development would exacerbate parking pressure to the degree that it would cause a risk to highway safety through unsafe parking practices. It follows that there would be no adverse effect on the accessibility of surrounding streets by emergency and refuse collection vehicles.
11. I conclude that the proposed development would not cause harm to highway safety, with particular regard to on-street car parking. Therefore, there would be no conflict with Policy MO2 of the Northampton Local Plan Part 2 2011-2029 Adopted March 2023 (LP), and the Framework, insofar as they do not preclude development proposals where there would be no unacceptable impacts on highway safety and the residual cumulative impacts on the road network are not severe.

Billing Road CA

12. The appeal property is a non-designated heritage asset (NDHA) that lies within the Billing Road CA, which comprises Billing Road Cemetery and part of Billing Road to its west. The significance of the CA is derived in part from the high architectural quality of its buildings and the contribution they make to the urban scene. Amongst other things, the Billing Road Conservation Area Appraisal and Management Plan (January 2012) (CAAMP) notes that buildings within the northern part of the CA, which includes the appeal site, are in regular order with a series of neat building lines. The CAAMP also notes that the CA has a bustling character due, in part, to busy traffic with plenty of cyclists and pedestrians.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the CA.

14. The appeal property forms part of a residential terrace that occupies a prominent plot on the Billing Road frontage. The terrace has a cohesive character due, in part, to its symmetry and the consistent use of red brick and stone dressings. As part of this distinctive terrace, the host building contributes positively towards the significance of the CA. The significance of the appeal property as a NDHA is also partly derived from its architectural value as part of the wider CA.
15. The evidence indicates that the majority of dwellings in the CA are occupied by families. Therefore, the proposed development would add variety to the composition of households in the area. However, there is no substantive evidence before me to indicate that the use of the appeal property as a 5-person HMO would be any more intensive or transient than its use as a large family home. Moreover, the proposal would not exceed the 10% threshold of HMOs in a 50m radius as set out in the HMO SPD. Therefore, the character of the residential area would remain one that is predominantly made up of family homes. Consequently, I am not persuaded that there would be any harmful change in the character of the CA as a result of the proposed development.
16. No physical alterations are proposed to the front elevation of the appeal property. Therefore, the proposed development would not detract from the architectural quality of the building or its contribution to the urban scene when observed from Billing Road. Moreover, the proposed internal alterations would not be substantial, and they would not preclude the occupation of the property by a family in the future. The proposed single-storey rear extension would be modest in size and would not be visible from the public realm due to intervening boundary treatments and buildings. Consequently, the appearance of the CA would be preserved.
17. I conclude that the proposal would preserve both the character and appearance of the Billing Road CA and would cause no harm to the significance of this designated heritage asset. There would also be no harm caused to the significance of the building as a NDHA. Therefore, there would be no conflict with Policy ENV6 of the LP, Policies S10 and BN5 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (Adopted December 2014) (JCS), and the Framework, insofar as they expect developments to protect, conserve and enhance heritage assets and their settings, and to contribute to the character of CAs.

Living conditions

18. The Council's reason for refusal cites the effects of the development on the living conditions of neighbours due to the comings and goings of future occupants of the proposed development. I also note concerns raised by interested parties regarding increased noise, including transmission between properties, littering, loss of privacy, and anti-social behaviour.
19. However, at an occupancy level of five tenants, the proposed development would have a similar population as a five-bedroom home. Therefore, in all reasonable likelihood, the level of activity generated both inside and outside of the building would be similar to its existing use and would be unlikely to result in a material increase in noise or disturbance. Moreover, there is no reasonable evidential basis to suggest the development would result in an increase in anti-social behaviour.

20. The risk of littering and uncovered external waste storage would be mitigated by the provision of on-site refuse storage facilities, which could be secured through condition.
21. Other than a new doorway on the proposed rear extension which would face the host garden, there would be no alterations to the fenestration on the existing building. Moreover, no changes are proposed to the garden arrangement. Consequently, the proposed development would not result in the loss of privacy to the occupants of nearby properties.
22. I conclude that the proposed development would not cause harm to the living conditions of neighbours, with particular regard to noise, littering, loss of privacy and anti-social behaviour. Therefore, there would be no conflict with Policies H1 and H5 of the JCS and the Framework which, taken together and amongst other things, expect development, including HMOs, to have regard to and to not adversely affect the amenities of the occupiers of neighbouring properties. There would also be no conflict with Policy Q2 of the LP insofar as it requires developments to provide adequate facilities for the storage of bins.

Other Matters

23. Concerns have been raised by third parties regarding the adequacy of the sewerage system to cope with the proposed increase in shower rooms. However, there is no substantive evidence before me to indicate that the proposed development would put undue pressure on utilities so as to render the development unacceptable in planning terms.
24. There would be some disturbance to local residents during the proposed conversion and construction works. However, such disturbance would be for a short duration and could be mitigated through appropriate construction practices. Therefore, this would not amount to a reason to refuse planning permission for the proposed development.
25. The Council did not identify any harm arising in respect of the standard of the proposed internal living accommodation or external amenity space. Based on the evidence, I have no reason to take a different view on these matters.
26. I am aware that some local residents are concerned the development would set a precedent for other, similar proposals to come forward. However, I have considered the appeal scheme with regard to the specific nature of the proposal before me and the site and surroundings. These factors are unlikely to be directly replicated elsewhere and, therefore, any future proposals would need to be considered on their own merits.
27. It has been put to me that the planning application was not appropriately publicised. However, I have been provided with a copy of the site notice that the Council erected at the site. Moreover, given the level of public response, I am satisfied appropriate local publicity and neighbourhood consultation was undertaken by the Council.
28. Matters of land law, including in respect of party walls, fall beyond the scope of this appeal. Similarly, whether or not the appellant would profit from the proposed development is not a matter that has been determinative in my consideration of the appeal.

Conditions

29. The Council provided a list of suggested conditions, which I have considered with regard to the tests set out in Paragraph 55 of the Framework and the Planning Practice Guidance. Where appropriate and necessary I have adjusted the wording of the conditions to improve precision and enforceability.
30. In addition to the standard time limit condition, I have attached a condition to define the permitted plans to provide certainty.
31. A condition is required to secure the provision of bicycle parking facilities. This condition is necessary to ensure the development enables travel by sustainable modes.
32. I have included a condition to secure the provision of refuse storage facilities to protect the character and appearance of the area from open waste storage and odour.
33. It is necessary to include a condition limiting the number of residents to five in order to ensure an adequate standard of accommodation is provided for future occupiers and to reduce pressure for on-street parking spaces.
34. I have included a condition preventing the cellar space from being used as a bedroom or living room. This condition is necessary to ensure an adequate standard of accommodation is provided for future occupiers.
35. A condition is imposed to require the rear extension to be constructed in materials to match the existing building. This condition is necessary to protect the character and appearance of the host building and the Billing Road CA.

Conclusion

36. The proposed development is in accordance with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

E Catchside

INSPECTOR