



Appeal Decision

Site visit made on 21 September 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 9TH December 2024

Appeal Ref: APP/W2845/W/24/3338953

12 Winchester Road, Northampton NN4 8AY

- 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 Amjud Khiaq against the decision of West Northamptonshire Council.
 - The application Reference is WNN/2023/0409.
 - The development proposed is described as the 'Change of use from C3 to C4 HMO for 6 occupants.'
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from C3 to C4 HMO for 6 occupants at 12 Winchester Road, Northampton NN4 8AY; in accordance with the terms of the application Ref: WNN/2023/0409, subject to the conditions as listed in the Annexe of this letter.

Preliminary Matters

2. The considerations around a House of Multiple Occupation (HMO) contain a number of assessments, such as quality and size of accommodation and HMO and family dwelling mix etc. The Council's reasons for refusal are purely related to parking and highway safety. As the Council were satisfied with these elements I have no reason to revisit considerations around the quality, housing mix and size of accommodation with this letter focussing only on those matters in dispute.
3. The development is retrospective meaning that the existing dwelling is already utilised as a HMO without planning consent. The Council made their decision on this basis, and I have made my decision on the same basis.

Main Issue

4. The main issue is the effect of the development upon highway safety, with particular regard to impacts towards on-street parking provision.

Reasons

5. Northampton Local Plan Policy MO2 seeks that development proposals have no unacceptable impacts upon highway safety and the greater road network. The Council have also adopted a HMO Supplementary Planning Document (SPD) which supports this policy and seeks that HMOs are located sustainably and have a bus stop with good frequency 400m away and are within 10 minutes walk from local services and facilities.

6. When I visited the site I noticed that the majority of dwellings had off-street parking, although there was a presence of some vehicles parked along the road. I appreciate that the parking conditions I experienced on my site visit was only a snapshot of the parking at this particular time, however I have also considered the evidence submitted by both main parties and interested parties, in the light of this, I am satisfied that what I saw represents typical conditions. It was evident to me that whilst there were some on-street spaces available, it did appear that there is pressure on parking within this road.
7. The location is relatively sustainable, it is approximately 5 minutes walk from the nearest bus stops which has good frequency and access to surrounding settlements such as Northampton and Milton Keynes. To the north within about 6 minutes walk there is a small parade of shops, a small convenience store which can provide the day to day needs of occupants, and larger supermarkets within walking distance. I appreciate that the SPD states 400m however this is not a limit, but rather guidance and suggestions in order to guide the appropriateness of development. As such the 400 metres as specified in the SPD is not policy and whilst the bus stop is a little outside 400 metres, in this particular case this is considered reasonable that the tenants have appropriate facilities within the nearby vicinity.
8. The front of the building would allow three vehicles to be parked. Additionally, 1-2 vehicles could be parked on the road in front of the vehicles to the front of the dwelling, meaning that there may be at worst case scenario one car that may require off-street parking in the case that each occupant had a vehicle, however given the nature of the use, this is unlikely. Comparing this particular proposal to a residential dwelling, I am not convinced that in this particular case, that the proposed change of use would result in a significant increase of parking demand when compared to a residential dwelling.
9. In conclusion of this matter, based in the information before me, whilst there would be some minor effects to parking provision it would not be to the extent where there is adverse detriment to highway safety. As such it would be compliant with LP Policy MO2 which is supported by the SPD.

Other Matters

10. I note comments from interested parties with regards to there being more than 6 people living in the building, anti-social behaviour; noise; smell; fly tipping; loss of family home; change in character; other HMOs are operating in the area illegally and quality of accommodation. The Council has considered and found acceptable issues around living conditions such as anti-social behaviours, noise and smells as well as the quality of accommodation proposed. I have no reason to dispute these findings. Conditions have been imposed with regards to waste storage which should alleviate concerns regarding fly tipping as well as to limit occupancy. If there are HMO's without consent operating in the area, or there is the belief that more residents are in the building this is beyond the considerations of this appeal with these matters needing to be dealt by the Council's enforcement team.

Conclusion and conditions

11. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be

allowed and planning permission granted, subject to the conditions as detailed in the Annexe attached to this letter.

12. The Council in their Appeal Form response detailed that should the appeal be allowed, that suggested conditions should be imposed. I have considered the suggested conditions in accordance with the Planning Practice Guidance (PPG). Given that the application is retrospective, there is no need for the time limit condition. Suggested Condition 2 is a standard conditions which set the approved plans are actioned which are necessary for the avoidance of doubt and in the interests of proper planning. Suggested Condition 3 seeks to limit the occupancy of the dwelling to 6 persons which is considered necessary and meets the test of conditions. Condition 3 seeks the submission of details with regards to cycle and rubbish storage. The time limits as suggested are reasonable and meet the tests of conditions.

J Somers

INSPECTOR

ANNEXE – Schedule of Conditions

- 1) The development shall be fully implemented in accordance with the following approved drawings-
 - Ground Floor Plan, Dated April 2023
 - First Floor Plan, Dated April 2023
- 2) The maximum number of occupiers shall not exceed 6 at any one time.
- 3) Within one month of the decision date full details of refuse and cycle storage within the site boundary shall be submitted to and local planning authority for approval in writing and implemented within one month of the date of agreement and retained thereafter.