



Appeal Decision

Site visit made on 10 December 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/W2845/W/24/3349297

235 Abington Avenue, Northampton NN1 4PU

- 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 V Kryshinets against the decision of West Northamptonshire Council.
 - The application Ref is 2024/1622/FULL.
 - The development proposed is Proposed Change of Use from dwelling (Use Class C3) to House in Multiple Occupation for 7 No. persons (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for proposed change of use from dwelling (Use Class C3) to House in Multiple Occupation for 7 No. persons (Sui Generis) at 235 Abington Avenue, Northampton NN1 4PU in accordance with the terms of the application, Ref 2024/1622/FULL, 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: Location and Block Plan no. ASM-24-V15-004, Existing Floor Plans no. ASM-24-V15-001a, Proposed Floor Plan no. ASM-24-V15-002a, Proposed Site Plan no. ASM-24-V15-003a.
 - 3) The development hereby permitted shall be occupied by a maximum of 7 persons at any one time.
 - 4) Prior to first occupation of the development hereby permitted, full details of the bin and cycle storage facilities within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Preliminary Matter

2. Since the determination of the application an updated and revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant design and amenity policies in the revised Framework are the same as those in the previous Framework and as such I consider there would be no prejudice to any party by considering the development against the relevant policies in the revised Framework.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties with particular regard to noise and disturbance.

Reasons

4. The appeal property consists of a two storey mid terrace house with living accommodation in the roofspace located in an area with a predominantly residential character of high density Victorian terraced properties close to Northamptonshire County Cricket Ground. The proposal would entail the change of use of the dwellinghouse to a House in Multiple Occupation (HMO) with provision of an enclosed communal amenity area and two parking spaces at the rear with access via a service road at the back of the property.
5. The adjoining two storey terraced properties at Nos 233 and 237 Abington Avenue (Nos 233 and 237), which share a party wall with the appeal property, are set back from the road, with pedestrian access to the entrance door at the front of the properties. The shared front door/hallway for the proposed HMO would be located immediately adjacent to No. 233 which is split into multiple flats. The appeal property would be separated from the shared parking area at the rear of No. 233 by the boundary wall running between the properties. The proposed HMO would be set back from the ground floor windows and first floor windows at the rear of No. 237 and would be separated from the rooms and enclosed garden at the rear of the adjacent property by the communal amenity area and the boundary wall running between the properties.
6. I observed during my site visit that the area was busy, experiencing noise and disturbance associated with traffic and pedestrian movements and the surrounding uses in the area. Whilst the rear of the properties was somewhat quieter, there was still some noise and disturbance associated with traffic and pedestrian movements along the service road, the shared car park at No. 233 and the surrounding activities in the area as well as the occupants carried out household and leisure activities in their homes and gardens nearby.
7. It is recognised that a multiple occupation use is of an essentially different character to that of a single family use, often being more transient in nature, with more comings and goings, general noise and disturbance and the need for more facilities such as refuse storage. Therefore, whilst there is likely to be some additional level of noise and disturbance from the use of the appeal property as a HMO, there is little substantive evidence before me to demonstrate that these problems would be materially greater when compared with use of the appeal property as a single dwelling house, which could be occupied by a large family with young children and students.
8. Therefore, whilst I accept that there would some impact from the development, given the overall modest scale, layout and design of the proposed development, together with the relationship with the neighbouring properties and the character of the surrounding area, I consider the proposal would not give rise to a significant adverse impact and unacceptable level of noise and disturbance to the occupants of the neighbouring properties. The Council have not provided any substantive evidence to demonstrate the proposed development would generate a more harmful level of noise or disturbance compared to those already in place in this particular location.

9. Consequently, I conclude that the development would not result in significant harm to the living conditions of the occupiers of the neighbouring properties with particular regard to noise and disturbance. The development would accord with policies H1 and BN9 of the West Northamptonshire Joint Core Strategy and Policy Q2 of the Northampton Local Plan Part 2. These policies seek, amongst other things, that new development provide a range of housing types to cater for different needs and protect a high standard of residential amenity for occupiers, including minimising the adverse impacts of noise. The proposal would also accord with the Framework that developments should seek to create places that promote health and well-being, with a high standard of amenity for the existing and future users (paragraph 135).

Other Matters

10. I have noted the other developments drawn to my attention by the appellant and the Council. However, the HMO dismissed on appeal at 141 Wycliffe Road¹ and other developments in the surrounding area have different and locational development characteristics to the appeal scheme. As a consequence, whilst I have taken these other examples into account, they do not materially alter my conclusions on the appeal proposal.
11. I have taken into the account the representations and comments of objections raised by third parties to the development on the basis of the impact on the residential amenity, privacy, community cohesion, local character and environment, noise, traffic, highway safety, parking, overconcentration of HMOs in the area, change of properties into multiple uses not classed as HMOs, loss of family home, anti-social behaviour, personal safety, litter, refuse and pressure on local infrastructure and services.
12. I have addressed the matters relating to the living conditions of the neighbouring properties in the main issue above. Given the proposed design and layout of the development, set back, together with the boundary treatment and the separation distance between the properties, I consider that the proposed development would not result in a significant loss of privacy or overlooking to the occupants of the neighbouring properties.
13. The Council acknowledges that the proposal would not exceed the HMO threshold set out in the Council's HMO Supplementary Planning Document 2019 within the immediate vicinity of the site and there were no obvious physical signs on my site visit as to which properties were existing HMOs, although it is recognised that some properties maybe let out to tenants and not registered. The overall residential environment was attractive with the dwellings in the vicinity of the appeal site along Abington Avenue and the surrounding streets being generally well maintained. Litter in the street was only very minimal.
14. Based on the information provided by the Council and the appellant, it is proposed that a maximum of 7 persons would reside in the property. I am satisfied that no external alterations would be made to the appeal property therefore preserving its appearance in the streetscene. There is little substantive evidence before me to demonstrate that the proposal would have a detrimental impact on the character of the area as a result of increased coming and going, noise, activities and that the pressure on local services such as refuse and bins would be materially greater when compared with use of the

¹ APP/V2825/W/22/3306179

appeal property as a single dwelling house. I am satisfied that the provision of a refuse area with the proposal would ensure that littering to the street would be avoided. Therefore, I am not persuaded that the addition of the proposed HMO would result in an over-concentration of HMOs and a significant material detrimental effect on the character and amenity of the area.

15. I acknowledge the properties in both Abington Avenue and the surrounding streets rely on on-street parking and there is likely to be competition for parking spaces at peak periods. However, there are no parking restrictions outside the appeal site and at the time of my site visit, there were parking spaces available along Abington Avenue and the nearby streets.
16. In any event, the appeal site is located in a sustainable location within walking distance of the local services and facilities and public transport services. With 2 no. off-site parking being provided with the proposal, I consider it is likely to be more attractive for occupation by people who do not use cars than those who do. Whilst I note the Local Highway Authority comments regarding this proposal and the cumulative impact of HMO developments on on-street parking, in view of the scale of development and the evidence before me, I consider that the extra demand for on-street parking generated by the proposed development would be relatively small in the context of the overall supply and availability of parking in the area. Therefore, I consider that the effect is likely to be only marginal and following mitigation, certainly not severe, the test set by the Framework (Paragraph 116) for preventing development on highway grounds.
17. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

18. Having regard to the Framework (Paragraph 57), in addition to the standard time limit condition, I have specified the approved plans as this provides certainty. The condition relating to the maximum occupancy of the property as an HMO is necessary in the interests of amenity and highway safety. A condition relating to the bin and cycle storage facilities is necessary in the interests of amenity and promoting sustainable transport.

Conclusion

19. For the reasons given above and having considered all other matters raised, I conclude that the development would be in accordance with the development plan when read as a whole and that the appeal should be allowed.

David Troy

INSPECTOR