



Appeal Decision

Site visit made on 7 January 2025

by **David Troy BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal Ref: APP/M2840/W/24/3352873

14 Frith Close, Corby, North Northamptonshire, NN18 8FR

- 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 Patrice Elongé against the decision of North Northamptonshire Council.
 - The application Ref is NC/24/00193/DPA.
 - The development proposed is change of use from dwelling (Use Class C3) to Sui Generis House of Multiple Occupancy (HMO) 7 persons, 7 bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dwelling (Use Class C3) to Sui Generis House of Multiple Occupancy (HMO) 7 persons, 7 bedroom at 14 Frith Close, Corby, North Northamptonshire, NN18 8FR in accordance with the terms of the application, Ref NC/24/00193/DPA, 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 plan: Drawing no. FC/01/24 Existing and Proposed Plans (received 12.06.2024)
 - 3) No occupation or use of the development shall take place until the vehicle parking spaces indicated on the approved plan (in planning condition 2 above) have been provided on the site. Thereafter the approved vehicle parking spaces shall be permanently retained and kept available for the parking of vehicles.
 - 4) No occupation or use of the development shall take place until the on-site cycle and bin storage facilities indicated on the approved plan (in planning condition 2 above) have been erected and made available for use. Thereafter the approved on-site cycle and bin storage facilities shall be permanently retained.
 - 5) The development hereby permitted shall be occupied by a maximum of 7 persons at any one time.

Preliminary Matters

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal statement also refers to the updated description.

3. 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, amenity and highway safety 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

4. The main issue is the effect of the additional car parking associated with the proposed development on residential amenity and highway safety in the area.

Reasons

5. The appeal property comprises a three-storey mid-terraced property with a parking area at the front and an enclosed garden to the rear located in a modern housing estate. The two way residential street in the vicinity of the access has footpath provision and street lighting.
6. The appeal scheme entails the change of use of a single dwellinghouse into a Sui Generis 7 Bedroomed, 7 person House in Multiple Occupation (HMO). The proposal would involve the conversion of an integral garage into a ground floor bedroom and living area and the provision of a parking area for two parking spaces at the front, with vehicular access onto Frith Close.
7. In terms of parking provision, the Local Highway Authority (LHA) require one parking space per bedroom for an HMO and where less parking is proposed require a parking beat survey in the surrounding area in line with the guidance in the Northamptonshire Parking Standards 2016. A parking survey was carried out in the immediate vicinity of the site on behalf of the appellant in May 2024 in accordance with the LHA requirements. However, whilst the LHA acknowledges the parking survey and that the number of spaces available in the area may fluctuate, they contend that the proposal would not provide an appropriate level of parking and the layout of each parking space would not meet the minimum requirements of 5.5m length by 3m wide set out in the Parking Standards.
8. I acknowledge that the parking area at the front of the appeal property would be restricted in nature and some properties in both Frith Close 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 at the front of the appeal property and the nearby streets, although this was obviously only a snapshot in time. The appellant's parking survey indicates that, whilst some streets experienced high levels of parking, there were opportunities for on-street parking and residual parking capacity available on the streets surveyed in the immediate vicinity of the site¹. The LHA has provided little substantive evidence to demonstrate there is no residual parking capacity in the surrounding area.
9. 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

¹ Transport Appeal Statement September 2024 prepared by Firlands Transport Planning Paragraphs 5.20 and 5.21

I note the LHA comments regarding the proposed parking spaces at the front of the property, in my mind, the design and layout of the proposed parking spaces would provide sufficient space and flexibility to achieve off-street parking as proposed without resulting in a significant adverse effect on highway safety.

10. The appellant's appeal submissions indicates that the property has a Certificate of Lawfulness issued by the Council in September 2024 confirming the proposed use of the property as a Class C4 HMO². Based on the evidence before me, there is a real prospect that such a development would be implemented if this appeal proposal is dismissed. I judge that the proposed fall-back development for Class C4 HMO allowing for up to six persons would have similar impact on on-street parking demand and highway safety in the area as compared to the appeal proposal. This is a material consideration to which I attach significant weight.
11. In view of the overall modest scale of the proposed development and the evidence before me, I consider that the extra demand for on-street parking generated by the development would be relatively small in the context of the overall supply and availability of parking in the area and would not be significantly materially different to the situation arising from the proposed fallback development on the site. 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.
12. In addition to the above, the Council's reason for refusal refers to the effect of the development on surrounding amenity. The Council have provided very little explanation of the concerns relating to amenity issues with the only comments being provided in relation to the effect of the development on the amenity of the area as a result of increased parking pressures. Given my conclusions above, I find no harm would result to the amenity of the area.
13. Consequently, I conclude that the proposed development would provide appropriate parking provision and would not have unacceptable impacts on highway safety in the area. The development is therefore consistent with the aims of Policy 8 of the North Northamptonshire Joint Core Strategy 2016. This policy, amongst other things, seeks to ensure safe and pleasant streets by ensuring developments do not prejudice highway safety and provide a satisfactory means of access and provision of parking.

Other Matters

14. I have taken into account the representations and comments of objections raised by third parties to the development. These objections include the impact on residential amenity, privacy, design, local character and environment, health, overdevelopment, noise, pollution, traffic, highway safety, parking, errors and omissions in parking survey and methodology used, provision of social rented housing and loss of family home, community cohesion, anti-social behaviour, personal and children safety, waste, rubbish, pressure on local infrastructure and services, building safety and fire regulations, construction works, contrary to planning policy, sets a precedent for other HMOs and property devaluation.
15. I have addressed the matters relating to the parking and highway safety in the main issue above. The neighbouring properties at Nos 12 and 16 Frith Close (Nos 12

² Certificate of Lawfulness ref. NC/24/00256/CLD

and 16), are positioned set back from the road, with an entrance door at the front and an enclosed rear garden. A garage courtyard and parking area serving the properties off Conyger Close is situated at the rear of the site. I observed during my site visit that the area was relatively busy, experiencing noise and disturbance associated with traffic and pedestrian movements and the surrounding uses and activities in the area.

16. The occupants of the neighbouring properties at Nos 12 and 16 and along this part of Frith Close would be used to certain level of noise and disturbance associated with traffic and pedestrian movements and the surrounding uses and activities in the area as well as from the occupants carrying out household and leisure activities in their homes and gardens nearby.
17. 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 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 either as a single dwelling house, which could be occupied by a large family with young children and students, nor a HMO under the proposed fallback development on the site. This is particularly important considering the use of the property as an HMO under the fallback position would allow for up to six persons.
18. Therefore, whilst I accept that there would some impact from the development, given the overall modest scale, layout and design of the proposed development, boundary treatment and the relationship with the neighbouring properties, together with the character of the surrounding area, I consider the proposal would not give rise to a significant loss of privacy or unacceptable level of noise and disturbance to the occupants of the neighbouring properties. I am mindful that no objections have been received from the Council's Environmental Health officer and 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.
19. I am satisfied that external alterations proposed involving the removal of the garage door and insertion of a window to the front of the appeal property would not adversely harm 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 in this particular case. I am satisfied that the provision of a refuse area with the HMO would ensure that street littering would be avoided. Therefore, I am not persuaded that the addition of the proposed HMO would have a significant material detrimental effect on the character and amenity of the area.
20. The other matters raised did not form part of the Council's reasons for refusal. Property devaluation is not a material planning consideration and as such is a matter to which I can attach only limited weight in making my decision. 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

21. Having regard to the Framework (Paragraph 57), in addition to the standard time limit condition, I have specified the approved plan 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. The condition relating to vehicle parking spaces is necessary in the interests of highway safety. The condition relating to the bin and cycle storage facilities is necessary in the interests of amenity and promoting sustainable transport.

Conclusion

22. 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