



Appeal Decision

Site visit made on 3 February 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th February 2025

Appeal Ref: APP/W2845/W/24/3352416

130 Clarence Avenue, Northampton NN2 6PA

- 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 Salim Lalani for Archways Real Estate Ltd against the decision of West Northamptonshire Council.
 - The application Ref is 2024/1108/FULL.
 - The development proposed is change of use from dwelling house to house in multiple occupation.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A revised version of the National Planning Policy Framework was published on 12 December 2024, with minor updates on 7 February 2025, all during the course of this appeal. Both main parties have had an opportunity to comment on these changes.

Main Issue

3. The main issue is the effect of the proposal on the general character and amenity of the local area.

Reasons

4. 130 Clarence Avenue is a mid-terrace property within a closely built up residential street of similar terraced houses. At the time of my site visit it was vacant, having recently been refurbished to provide 6 en suite bedrooms on 3 floors, plus lounge, kitchen and basement. The proposal is to change its use from a single family dwelling to a house in multiple occupation (HMO) for up to 6 residents, with a small ground floor extension at the back.
5. The supporting text to Policy HO3 of the Northampton Local Plan Part 2 – 2011-2029 (LPP2) states that HMOs continue to contribute towards housing supply and perform a vital role within the community. This is in line with the Framework's more general statement that the needs of groups with specific housing requirements should be addressed in boosting the supply of housing. Policy HO3 also, however, refers to evidence that over-concentrations of HMOs can have adverse impacts on local neighbourhood characteristics through effects such as noise levels and litter. For this reason, the Council has adopted an Article 4

Direction¹, removing the usual permitted development rights for the change of use of single family dwellings to small HMOs (up to 6 people). This means that individual planning applications are required in each case, so that proposals can be assessed through the planning process.

6. LPP2 policy HO3 and the Council's Supplementary Planning Document (SPD) *Houses in Multiple Occupation*, set a 10% threshold for HMOs in a local area, with changes of use to HMOs being supported provided that less than 10% of the dwellings within a 50m radius of the application site are HMOs. The Council states that there are 41 dwellings within a 50m radius of No 130 and that 4 of these are already HMOs, so that the creation of a fifth HMO here would go above the 10% threshold.
7. The appellant advises that one of these HMOs is no longer licensed. I have not seen any evidence, however, that the permitted planning use of that property has changed so the building could presumably be re-licensed and operated as an HMO. The appellant also submits that one of the 4 existing HMOs is on another street so that it has little effect on Clarence Avenue. Even so, there are 3 existing HMOs within the small section of Clarence Avenue near to No 130. If just a 100m long section of the street (2 times the 50m radius) was taken into account, the proportion of HMOs would again rise above the 10% threshold. In fact, the 3 existing HMOs on Clarence Avenue are clustered close to No 130 so that the more localised concentration of HMOs is already well above 10%.
8. I saw at my site visit that there were no outward differences to readily distinguish the existing HMOs from the other properties on Clarence Avenue. Although the Council produces no specific evidence of problems arising from a concentration of HMOs here, the 10% threshold is based on research and was open to scrutiny in the local plan process before being adopted into the development plan.
9. I conclude that the proposal would lead to an over-concentration of HMOs in this part of Clarence Avenue and is therefore likely to cause harm to the character and general amenity of the local area. It conflicts with LPP2 policy HO3, West Northamptonshire Joint Core Strategy Local Plan Part 1 policies H1 and H5 and the SPD, which aim to protect these characteristics, in part by restricting the proportion of HMOs in residential areas.
10. On the plus side, the proposal would make a small but not insignificant contribution towards meeting housing needs, in good quality accommodation that would meet the Council's standards for HMOs. The site is well and sustainably located near to local services including public transport.
11. Although I note that there is a strong pressure for on street parking in Clarence Avenue, this is a comparatively lightly trafficked street and the use of this large house would in any case generate significant parking demand. I agree with the Council that it is unlikely that the HMO would exacerbate parking pressure to the degree that it would cause a risk to highway safety.
12. I also note that an alternative planning permission has been granted for use of the property as a children's home. I have little information about this alternative use,

¹ Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

which the Council has judged to be acceptable. I give it only limited weight in coming to a decision.

13. I find that, although there are some factors weighing in favour of the proposal, it conflicts with the development plan, taken as a whole. In line with the requirements of Section 38(6) of the Planning and Compensation Act 2004, determinations like this must be made in accordance with the development plan unless material considerations indicate otherwise. I find no such overriding considerations. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR