



Appeal Decision

Site visit made on 23 May 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/M2840/W/24/3355728

47 Park Road, Rushden, North Northamptonshire NN10 0RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Maxim Bogush against North Northamptonshire Council.
 - The application Ref is NE/24/00301/FUL.
 - The development proposed is the change of use from C3 (dwellinghouse) to a Sui Generis HMO for up to 10 people including provision of bin storage and bicycle parking area, replacement of some doors and windows on the side elevation of the existing rear outrigger; extension of the lean-to extension on the rear part of the existing outrigger.
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Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. An application for costs was made by Mr Maxim Bogush against North Northamptonshire Council. This application is subject of a separate decision.

Preliminary Matters

3. The Council failed to determine the application within the prescribed period. The Council have since provided an appeal statement detailing the grounds on which they would have refused the planning application, had they retained jurisdiction to do so, which relate to living conditions of future occupiers and the effect of the proposed development on the Upper Nene Valley Gravel Pits Special Protection Area. The appellant has had the opportunity to respond to this in their submissions, and therefore would not be prejudiced by my taking this into account. Given my findings in relation to the main issue, I will deal with the effect of the proposed development on the Upper Nene Valley Gravel Pits Special Protection Area in the 'Other Matters' section of the decision.
4. During the application process the appellant submitted revised plans to the Council. This was late in the process, however interested parties have been able to comment on the proposal including the amended plans during the appeal process. Moreover, the amendments are minor and do not substantially change the appeal scheme. Although the appeals process should not generally be used to evolve a scheme, I am satisfied that in this case, accepting the amended plans would not prejudice other interested parties. I have therefore determined this appeal on the amended plans before me, as did the Council in its statement of case. I have had regard to any comments made by interested parties.
5. The appellant's statement refers to the proposal being for 12 persons in a section relating to legislation. However, elsewhere in the appellant's evidence and the

application forms and statement from the Council, the proposal is stated as being for 10 persons and therefore I have assessed the proposal on this basis.

6. I have consulted the main parties on the revised National Planning Policy Framework 2024 (The Framework). The Council have expressed that it did not wish to comment further, and I have not received comments from the appellant in this regard and have proceeded accordingly.

Main Issue

7. The main issue is whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to indoor and outdoor accommodation.

Reasons

8. The appeal site is an end of terrace property, on the corner of Park Road and York Road. The side of the property has the Park Road Baptist Church and Hall located directly opposite on York Road in an area generally residential in character.
9. The proposal includes a modest two storey rear extension to the rear of the property to create a house of multiple occupation for up to 10 people. The proposal includes a cycle storage area to the rear. With bin storage to the front and side of the property.
10. Based on the information before me, I am satisfied that the bedroom accommodation is of a reasonable size to accommodate the double beds and some storage, however, based on the information provided could double up as a workspace, for those working from home or studying. In these instances, circulation space in some bedrooms would be more limited. Notwithstanding this, the size of the bedrooms is acceptable, in addition, in my view the bedrooms would have sufficient light, outlook and ventilation therefore having regard to bedrooms only, the proposal would accord with policy EN11 of the East Northamptonshire Local Plan Part 2 (2023) (LP).
11. The provision of en-suite bathrooms for each bedroom provides a suitable level of privacy in that respect and I am satisfied that mechanical ventilation in some bathrooms is acceptable.
12. In terms of the communal facilities, in my view, these are extremely limited, including a small kitchen and small laundry room that would serve the whole property with some space for two dining tables. I note that there would be no separate indoor living area, where residents could relax comfortably outside of their bedrooms.
13. In addition, due to the small amount of circulation space, there would be little opportunity for drying laundry indoors when needed, except for in bedrooms and the kitchen/dining area, which, in my view, would most likely be exposed to some cooking smells and grease, even with mechanical extraction. I do note the proposed laundry room with tumble dryer, however, given the size of the proposed property and amount of accommodation, it is unlikely that the demand for drying all laundry could be met by these means.
14. Turning to the external space around the property, the proposed garden area at around 88sq.m, with additional landscaped areas would, be acceptable to serve

the proposed use and would allow for garden seating and domestic paraphernalia. Furthermore, due to the enclosure of the garden given the shape of the host property and position on a corner plot, the space would provide privacy for future occupiers. In these respects, the proposal would accord with Policy EN1 of the Rushden Neighbourhood Plan (NP) only insofar as it requires developments to make provision for an appropriate amount of outdoor amenity space.

15. The bicycle storage area would provide for 10 bicycles, I consider this to be an adequate storage size for the property. Furthermore, the proposed design would allow for bikes to be secured individually and be sheltered from inclement weather. In addition, the bicycle storage would be within the private rear garden providing an extra layer of security.
16. The proposed position of the bins is shown to the front and side of the dwelling. One of the proposed bin storage areas would be located close to the window of one of the bedrooms. However, the storage area is not directly under the window but to the side. I consider that there would be sufficient separation such that this refuse area would not cause odours and noise or disturbance to a degree that would cause undue harm to the future occupiers of the nearby bedroom.
17. The appellant's evidence indicates that the premises is suitable for a HMO use in accordance with HMO licensing. The licensing requirement for a HMO seeks to ensure that the residential development is safe, well managed and of a good quality, including the size of rooms and garden area, and is a means of securing minimum standards. However, this does not necessarily mean that the accommodation is acceptable in planning terms, the planning system has wider responsibilities for ensuring that the quality of accommodation provides a good living environment for residents. In particular, the Framework requires that development creates places with a high standard of amenity for future users.
18. Notwithstanding comments from the Environmental Health Officer regarding the scheme in general being acceptable in terms of noise, I am not satisfied that the internal communal amenity spaces would be adequate to meet the needs of residents of ten bedrooms. It follows that the accommodation would be cramped and would not provide those future residents with a high standard of amenity.
19. While some aspects of the scheme would be satisfactory, the inadequate internal communal space would result in cramped and therefore unacceptable accommodation for future users. Consequently, the proposal would not comply with Policy 8 of the North Northamptonshire Joint Core Strategy (2016) (JCS) insofar as it seeks to ensure quality of life and safer and healthier communities by not resulting in an unacceptable impact on the amenities of future occupiers. There would also be conflict with, Policy EN10 of LP which seeks to ensure that effective application of design will contribute positively to health and wellbeing and minimising any negative health and wellbeing impacts.

Other Matters

20. Policy 4 of the JCS seeks to protect and enhance biodiversity and geodiversity assets. The Council is satisfied that the development falls within an exemption and would not need to provide 10% biodiversity net gain, I have found no reason to disagree with this conclusion.

21. However, the site is located within the 3km Zone of Influence of the Upper Nene Valley Gravel Pits Special Protection Area. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my overall conclusion on the main issue, it is not necessary for me to consider this matter in any further detail.
22. The site is located close to, however outside of, the Rushden Conservation Area (CA). The Conservation Area Character Appraisal describes its significance as being derived from the historic character of the town established between 1870 and 1920, a focal point of Northamptonshire's boot and shoe industry, and Victorian street patterns laid around a medieval core, together with the architectural and historic quality of the area's historic buildings.
23. Given that the proposed extension is to the rear of the property and is very modest in size, together with mainly internal modifications, behind the main façade, the proposal would not dominate the host dwelling or the wider area. Therefore, I consider that the proposal would preserve the significance of the CA and would not be development affecting its setting. I am also satisfied that the proposal would not have a harmful impact on the character and appearance of the area and would, therefore, not conflict with Policy EN11 of the LP only insofar as it relates to character and appearance.
24. The appellant has brought to my attention that the site benefits from permitted development rights and this is a fallback position. The fallback position cited would allow the property to be a HMO for the occupancy of up to 6 unrelated persons. Limited details of such a scheme are before me and without such information a full and detailed comparison with the case before me cannot be made. In any case, the scheme subject of the appeal is occupation by 10 residents and would be a more intensive use of the site. I do not consider that this more intensive use with the resulting harm to living conditions of future residents is directly comparable to a scheme for 6 occupants. As a consequence, I find the suggested fallback position to have limited weight in the determination of the appeal.
25. The Council's highway's advisor has commented on the scheme with regards to parking provision. The conclusion is that the evidence from a parking beat survey that satisfactory on street parking is available to serve the property. In addition to this, I note that the Council considered that the proposal would be acceptable with regard to the living conditions of neighbouring occupiers and with regard to flood risk. Based on the information before me and my observations I concur that the proposal would be acceptable in these regards. However, these matters are not benefits of the scheme and therefore do not weigh in favour of approval.
26. In principle, in this residential area with access to amenities, employment opportunities and transport, I find that the proposal would be an acceptable location for a HMO development. The development would be located within a Growth Town area under Policies 11 and 29 of the JCS and Policy EN1 of the LP, where new housing is to be focussed. However, this does not amount the proposal being sustainable in the context of Policy 1 of the JCS as I have identified conflicts elsewhere in the development plan. Therefore, this matter attracts only limited weight in support of the scheme.

27. The appeal scheme would contribute a type of size and tenure of accommodation that would provide an additional mix to the area, and in my view, would likely provide a reasonably priced form of accommodation. Therefore, in this regard, the proposal would not conflict with Policy 30 of the JCS or Policy H4 of the NP only insofar as they require housing developments to provide a mix of dwelling sizes and tenures. However, due to the relatively modest scale of the development providing one HMO, I attach limited weight to this issue.
28. Policy 22 of the JCS relates to the delivery and safeguarding of employment land. Whilst this proposal would provide living accommodation for those employed locally the policy does not directly link to the type of development subject of this proposal, therefore I find no specific conflict with Policy 22 of the JCS when reaching my conclusion on this case.
29. I have been provided with a list of supplementary planning documents (SPDs) in the appellant's statement of case. The statement of case does not draw my attention to the relevant sections of the SPDs, however, I have already determined that the proposal would be contrary to the development plan for the reasons mentioned in the main issue, therefore the SPDs are not determinative to my decision.

Conclusion

30. The development would add accommodation to the area and there are a number of benefits accruing from the scheme. However, the inadequate internal communal space would provide cramped and unsatisfactory accommodation. This adverse element of the scheme would be such that the harm and related policy conflicts should weigh to a substantial extent against the proposal and would not be outweighed by the benefits. As a consequence, the scheme would conflict with the development plan when considered as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

N Duff

INSPECTOR