



Appeal Decision

Site visit made on 12 November 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 28th November 2025

Appeal Ref: APP/W2845/W/25/3371766

45 Greenfield Avenue, Northampton, West Northamptonshire NN3 2AF

- 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 Amjud Khiaq against the decision of West Northamptonshire Council.
 - The application Ref is 2025/1687/FULL.
 - The proposed development is change of use from C3 to C4 HMO for 6 occupants.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 to C4 HMO for 6 occupants at 45 Greenfield Avenue, Northampton, West Northamptonshire NN3 2AF in accordance with the terms of the application, Ref 2025/1687/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing Refs. Location Plan produced 3 April 2025; Ground Floor dated July 2025; First Floor dated July 2025; and cycle storage plan dated April 2025.
 - 2) The development hereby permitted shall be occupied by a maximum of six people at any one time.
 - 3) The secure cycle storage shown on the cycle storage plan dated April 2025 and the details entitled "Proposed Cycle Storage – Rear Garden of HMO Property", shall be installed within three months of the date of this decision and retained thereafter.
 - 4) Within three months of the date of this decision, details of refuse storage shall be submitted to the local planning authority for approval in writing. The approved details shall be implemented within two months of that approval and retained thereafter.

Preliminary Matters

2. On the Application Form, the appellant has indicated that the change of use occurred in April 2025. The Council has treated the application as if it were for retrospective development and interested parties have indicated that the property is being use as a House in Multiple Occupation (HMO). However, it has not been confirmed whether the proposed cycle storage has been constructed. Therefore, I will refer to the proposal as the proposed development, albeit the change of use may have occurred.

Main Issue

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

Reasons

4. 45 Greenfield Avenue (the appeal property) is a large, detached property. There is a mixture of houses in the area. To the west of the entrance to Eastfield Park, properties tend to be large semi-detached or detached properties and, to the east of the entrance of the park, there is a denser pattern of development including several terraced properties. The area is suburban in character and during my site visit I observed that background noise is largely generated by residential activity.
5. The proposal comprises of the change of use of the appeal property from a dwellinghouse to a HMO. No external alterations or extensions are proposed to the appeal property, but cycle storage is proposed in the rear garden.
6. When compared to occupiers of a dwellinghouse, individuals living within a HMO would be more likely to live separate lives. Furthermore, given the appeal property's size it is unlikely to be occupied by 6 people when used as a dwellinghouse. Therefore, the proposed development may increase the occupancy of the appeal property. Taking these factors into account, the proposal would lead to an increase in both pedestrian and vehicle movements. However, the change of use would be from one residential use to another and the increase in movements would be modest, when compared with overall pedestrian and vehicle movements associated with the wider residential area.
7. When assessed at a more intimate scale, the appeal property is detached and there is sufficient separation between it and neighbouring properties to ensure that the modest increase in movements would not have a materially harmful effect on the living conditions of occupiers of neighbouring properties. The proposed HMO would also include a kitchen/diner so occupiers would have an internal communal space where they could congregate.
8. The Council has indicated that there are no other HMOs within 50m of the appeal property. As such, the cumulative effect of the proposed HMO in combination with others in the area, with regard to noise and disturbance, would be negligible.
9. There would be 2 ensuite bathrooms and one bathroom shared amongst occupiers of up to 4 rooms. This would be an acceptable provision of bathrooms. Based on the plans, the proposed layout and room sizes would be acceptable for up to 6 individual occupants. Moreover, any internal adaptations to ensure that the accommodation is either suitable or adaptable for people with disabilities would be secured under non-planning legislation, such as building regulations.
10. I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. The proposal would comply with Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), December 2014, and policies Q1 and Q2 of the Northampton Local Plan Part 2 2011-2029, March 2023. These policies indicate that development will be required to protect a high standard of amenity for occupiers, amongst other matters. The proposal would also be in accordance with paragraph 135 of the National Planning Policy Framework (the Framework) where it advises that planning decisions should ensure that developments create places with a high standard of amenity. Finally, it would also be in accordance with the HMO SPD¹ where it indicates that all

¹ House in Multiple Occupation Supplementary Planning Document, Northampton Borough Council, November 2019

proposals shall protect the provision of a good standard of living environment for neighbouring occupiers.

Other Matters

11. The proposal would increase the demand for on-street parking. The appeal property is in proximity to 2 junctions. There is also anecdotal evidence of unsafe parking in proximity to the appeal property. Specific concerns were also raised in relation to people using wheelchairs and children on bicycles struggling to manoeuvre past parked vehicles. Nonetheless, there is no substantive evidence of parking stress in the area and there is no reason why vehicles could not safely park on the street. Moreover, the Local Highway Authority has not objected to the proposal. On balance, the proposal would not result in an unacceptable increase in on-street parking. Furthermore, vehicles could be safely parked on the road and not impede the movement of vehicles and people using wheelchairs or children on bicycles.
12. The proposed increase in vehicle movements would be modest. There is no compelling evidence that the local highway network would not be able to accommodate these additional movements; this includes during school drop off and pick up times. Similarly, there is no evidence that the modest increase in people living in the property would lead to local facilities and services becoming oversubscribed.
13. There is a mix of houses within the area, but the Council has indicated that there are no other HMOs within 50m of the appeal property. As such, the proposed development would not lead to an overconcentration of HMOs. Whilst the proposal may introduce a transient population to an area which largely comprises of family housing, the residential use of the property would not be out of keeping with the suburban character of the area. Interested parties have raised concerns with a precedence being set. The proposed development would not be harmful; as such, a harmful precedence would not be set.
14. I acknowledge the anecdotal evidence of anti-social behaviour and crime in the area. However, there is no cogent evidence that the proposed development would lead to increase occurrences of anti-social behaviour or crime. Likewise, the provision of refuse storage could be secured by condition. This would ensure that there is acceptable storage for waste and reduce the potential risk of problems with pests.
15. Concerns have been raised with regard to the quality of the completed building works and whether children would live with adults within the HMO. These matters are covered by legislation outside of the planning system, so would not be reasons to withhold planning permission. Furthermore, the Town and Country Planning Act 1990 allows applications for retrospective development. Therefore, the planning application was not contrary to planning legislation.
16. The planning system is concerned with the public interest. The effect of the proposal on neighbouring house values and the saleability of those properties is a matter of private interest. As such, this does not alter my assessment on the acceptability of the appeal proposal.

Conditions

17. The Council has indicated the conditions that it considers would be appropriate if I were to allow the appeal. I have considered the suggested conditions in light of the guidance within the Framework and Planning Practice Guidance.
18. A condition specifying the approved plans is necessary in the interest of certainty. Conditions requiring the agreement of refuse storage with the local planning authority and a restriction on the number of occupants are necessary to preserve the living conditions of occupiers of neighbouring properties. A condition requiring cycle storage to be constructed is necessary to promote the use of sustainable transport modes.
19. A condition specifying a time limit to implement the planning permission is not necessary or reasonable, as it is common ground between the parties that the change of use has occurred.

Conclusion

20. In reaching my decision I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. Interested parties contend that the proposal would have a harmful effect on elderly neighbours, children using bicycles and people using wheelchairs. Interested parties have also raised concerns that the HMO accommodation would not be suitable for people with disabilities.
21. Accordingly, the protected characteristics of age and disability would be relevant to some of the people affected by the proposed development. The proposal would not cause harm to their living conditions or to highway safety. Internal adaptations could be made to ensure that the HMO would be suitable for people with disabilities and these could be secured by non-planning legislation. As such, granting planning permission would not be contrary to the need to eliminate discrimination of people with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons, and fostering good relations between them and others.
22. I have also had regard to the rights of the neighbouring occupiers under Article 8 of the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home. Allowing the appeal would not interfere with the neighbouring occupiers' rights under Article 8, as they could continue to live in their home without being subjected to unacceptable living conditions.
23. For the reasons given above, the appeal should be allowed and planning permission should be granted.

J Hobbs

INSPECTOR