



# Planning Committee Report

**Application Number:** WNN/2023/0649

**Location:** 141 Wycliffe Road, Northampton, NN1 5JJ

**Development:** Change of use of existing dwelling house to 5 person house in multiple occupation ( class C4) including rear two storey flat roof extension to form new dwelling and private amenity space

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**Applicant:** Mr Pickering

**Agent:** Archi-tec Architectural Design

**Case Officer:** Jonathan Moore

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**Ward:** Abington and Phippsville Unitary Ward

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**Reason for Referral:** Called in by Councillor Zoe Smith on impact on parking, residential amenity and over-development

**Committee Date:** 10 July 2024

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION FOR THE DEVELOPMENT SUBJECT TO CONDITIONS

### **Proposal**

Change of use of existing dwelling house to 5- person house in multiple occupation ( Class C4) including rear two- storey flat roof extension to form separate new dwelling and private amenity space

### **Consultations**

The following consultees have raised **no objections** to the application:

- Highways
- Environmental Health
- Private Sector Housing

The following consultee raise objections:

- Northampton Town Council

25 neighbour letters of objection have been received.

## Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Area concentration
- Size of property/ facilities for future occupiers
- Flood Risk
- Highways/ parking
- Refuse storage
- Amenity of future residents
- Neighbour impacts

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is a two-storey terraced dwelling located along an established residential street of similar properties. Parking is provided along the length of the street, the site is close to the Wellingborough Road, a local centre in the development plan. The site is not in a conservation area and is in a low- risk flood zone.

### 2 DESCRIPTION OF PROPOSED DEVELOPMENT

Change of use of existing dwelling house to 5 person house in multiple occupation ( Class C4) and a rear two- storey flat roof extension to form a separate new dwelling with private amenity space alongside.

### 3 RELEVANT PLANNING HISTORY

#### **WNN/2022/0181 Conversion of dwelling to 7 person HMO and ground floor extension to create flat**

- 3.1 The application was refused full planning permission for the following reason at committee under Local Planning Reference WNN/2022/0181:

*It is considered that the proposed development of the site as a flat and house in multiple occupation due to the proposed number of occupants, room sizes and lack of appropriate level of facilities within would result in a poor level of amenity for proposed occupiers and overdevelopment of the site. This would create a detriment to the amenity of proposed occupiers and the amenity of the surrounding area*

*contrary to Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.*

- 3.2 The application was dismissed on appeal for the reasons cited in paragraph 7.20 below

**Planning Permission was approved after this under WNN/2022/0706 for rear extension to create ground floor flat, this has not been implemented yet.**

#### 4 RELEVANT PLANNING POLICY AND GUIDANCE

##### **Statutory Duty**

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

##### 4.3 Development Plan

##### **West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies**

S10 Sustainable Development Principles  
BN7 Flood Risk  
H1 Housing design, density and mix  
H5 Managing housing stock  
BN7 Flood Risk  
BN9 Planning and Pollution Control

##### **Northampton Local Plan Part 2 (2023)**

SD1 Sustainable Development  
Q1 Place making  
Q2 Design and Amenity  
H03 Houses in Multiple occupation

##### 4.4 Material Considerations

A Regulation 18 version of a local plan for the whole of West Northamptonshire was published for consultation between 8th April and 2nd June 2024. Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans subject to the following three considerations:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

As the local plan is still in the early stages of preparation, policies in it can be a material consideration, but its policies can only be afforded limited weight at this stage.

The policies of particular relevance to this application are:

PL5 Flood Risk  
 PL6 Place making and design  
 PL7 Amenity and layout  
 H09 Houses in multiple occupation

Residential Extensions and Alterations Design Guide SPD  
 Northampton Parking Standards Supplementary Planning Document  
 Northamptonshire Parking Standards  
 National Planning Policy Framework

## 5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Highways	Although according to the plans submitted the number of bedrooms will not increase, the change to a HiMO would almost certainly result in 5 independent adults living at the property. Therefore, it is likely that the proposed development would result in an increase in parking demand. The area local area is known to be heavily parked, with little to no residual parking capacity available on street. The proposed development is likely to increase the parking demand when compared to the existing use in the evening, when parking demand is at its highest. This can lead to increases in double parking, parking on double yellow lines and other unsafe parking practices. The LPA should consider the above in respect of safety and safe practice along with the residential amenity of the local residents, which will inevitably suffer if further vehicles are brought into the area.
Environmental Health	No objection, need to consider refuse and condition number of occupiers and cycle parking
Northampton Town Council	Impact on parking and concentration of HMOs
Cllr Zoe Smith	Object on Over-development, parking and residential amenity
Private Sector Housing	Needs a license, is suitable as 5 person HMO Consideration to be given to fire protection, room sizes and ventilation

## 6 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

Objections received on following grounds:

- Parking
- Over-development
- Noise
- Litter
- Refuse and waste issues
- Loss of family home
- Impact on character of area
- Impact on residential amenity
- Anti-social activity
- Increase in traffic
- Too many hmos in area
- Privacy
- Impact on demographics of area
- Safety
- Impact on living conditions
- Transient nature
- Very similar to previously refused scheme

## **7 APPRAISAL**

### **Principle of Development**

- 7.1 The conversion of the existing dwelling to a HMO and creation of a separate dwelling is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. In addition, Policy H5 of the Joint Core Strategy (JCS) allows for HMOs where the proposal would not adversely impact on the character of the area and the amenity of residential areas. This report considers the HMO first and then the creation of the separate dwelling.

### **House in multiple-occupation**

#### **Area Concentration**

- 7.2 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HMOs. Principle 1 of the SPD seeks to create, support and maintain a balanced, mixed and inclusive community and protect the neighbourhood and streetscene character. To help achieve this objective, it aims to avoid an over concentration of similar uses in one locality and sets a maximum threshold of 10% of HMOs within a 50m radius of any other HMO (regardless of whether licensed or not). The SPD is up to date, having been adopted in November 2019, and it can therefore be afforded substantial weight in decision making.
- 7.3 It states that all planning applications for change of use from dwellinghouses to HMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation.
- 7.4 Council records evidence that there are 3 other HIMO's within a 50m radius of the application site. The use of this property as a HIMO would therefore equate to only 3.9 per cent concentration. It is considered therefore that there would still be a reasonable mixture of house types and uses within the area and a balance of community.

- 7.5 Based on the above, the application is considered to accord with the aims of the National Planning Policy Framework, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, the HMO SPD.

### **Size of the property and facilities for future occupiers**

- 7.6 The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HIMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur. The proposal would meet the requirements for a 5 occupant HIMO. All habitable rooms would be served by adequate outlook and light for the dwelling and HIMO proposed.

### **Development and Flood Risk**

- 7.7 The site lies in Flood Zone 1 and is therefore classified as being at the lowest risk of flooding. The proposal would therefore comply with Policy BN7 of the JCS.

### **Highways/Parking**

- 7.8 The property does not have any dedicated off-street parking space. The HMO SPD sets out a starting point of one on-plot car parking space per bedroom.
- 7.9 This is consistent with the standard specified in the Northamptonshire Parking Standards (September 2016) and the Parking Standards Supplementary Planning Document (November 2019). The Houses in Multiple Occupation SPD sets out that where limited or no parking provision is proposed, the developer must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 7.10 The Local Highway Authority note that the area has a lack of parking. No parking beat survey has been submitted with the application, however, it is considered that the application site is in a sustainable location within approximately 220 metres of the nearest bus stop on Wellingborough Road with a regular service and is within walking distance of the Local Centre. In this regard, the proposal is considered to be in accordance with the requirements of the SPD in respect of parking considerations. It also complies with Principle 5 of the Northampton Parking Standards SPD (2019).
- 7.11 Within such areas, the HIMO SPD recommends that storage space should be provided which is accessible to cycle users. No details have been submitted with the application but there is enough space in the rear garden to accommodate a cycle store. Therefore, a condition is recommended to provide further details.
- 7.12 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that an HIMO should provide on plot parking at the ratio of one parking space per bedroom.
- 7.13 However, there is no evidence to support that all the residents would own cars. Furthermore, regard must be paid to recent appeal decisions where Planning Inspectors have consistently taken the view that where a site is close to local

amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars. Overall, in view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations and having regard to the sustainable location of the application site, the number of occupants proposed, the existing authorised use and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the HIMO SPD and the Parking SPD, it is not considered that a refusal on highway grounds could be upheld at appeal.

### **Refuse Storage**

- 7.14 Provision for refuse storage would be secured by condition. This would accord with Policy H1 of the Joint Core Strategy in respect of appropriate amenity provision.

### **7.15 Residential amenity of future residents**

- 7.16 The NPPF advises that good design is a key aspect of sustainable development. Paragraph 130 advises on the need to ensure that new development provides a high standard of amenity for existing and future users. These aims are reiterated in Policy H1, criterion f) of the West Northamptonshire Joint Core Strategy which states that, amongst other considerations, housing development will be expected to have regard to the living conditions provided for future residents.
- 7.17 In this case, all habitable rooms would have sufficient light and outlook from windows. The provision of sufficient bin and cycle storage would also be secured by condition to accord with Policy H1 of the JCS and there is sufficient space on site to secure this.

### **Neighbour impacts**

- 7.19 It is worth noting that a planning application was refused under reference WNN/2022/0181 for 7 person HMO at committee and later dismissed on appeal at the same site.
- 7.20 Details are provided above. In terms of the actual appeal the Inspector cited;

*Taking account of the size of the appeal property, the activity generated by at least 6 persons living independent lives, with separate routines, their attendant comings and goings along with those of their visitors, it is reasonable to assume would lead to a level of activity that would be more intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family.*

*This increase would cause unacceptably disturbance to neighbouring occupiers. Consequently, the comings and goings of future occupiers of the HMO using a shared entrance and corridor would be detrimental to neighbouring occupiers' living conditions. I conclude that the noise and disturbance of the HMO would have a significant detrimental impact on the living conditions of occupiers of the neighbouring house. It is therefore contrary to policies H1 and H5 of the West Northamptonshire Joint Core Strategy (Part1) (WNJCS). These policies seek, amongst other things, that new development has regard to the impact on amenities of occupiers of neighbouring properties. The development is also contrary to policies Q1 and Q2 of the NLPP2*

*which seek, amongst other things that new development creates and protects a high standard of amenity for occupiers.*

7.21.1 The proposal has been reduced from a 7 to a 5 person HMO which appears to address the Inspectors concerns on neighbour impact. It was noted that concerns were had mainly been over at least 6 residents living together independently, this application is now for only 5. This reduction would have a positive impact on amenity on adjoining occupiers.

### **Creation of new dwelling**

7.21.2 The second element of the proposal relates to partial sub-division of the existing property to allow creation of new dwelling on two storeys with rear extension. Again the principle of development is considered to be acceptable and in amenity terms would meet National Space Standards for new residential units in terms of unit size

7.21.3 In addition, the proposed extension would be of an acceptable design creating a similar appearance to that projection on the other side of the host building and would be subject to a matching materials condition to ensure satisfactory appearance. Bin and cycle storage would be conditioned as per the HMO in the interests of residential amenity. Due to relationships and separations neighbour effects of the rear extension would be reasonably limited in terms of light, outlook and overlooking.

## **8 FINANCIAL CONSIDERATIONS**

8.21 CIL is payable on the application.

## **9 PLANNING BALANCE AND CONCLUSION**

The principle of conversion is considered to be acceptable in this location and would contribute albeit in a smaller manner to the 5 Year Land Supply. Even though the site is located in a densely built up area where on street parking is at a premium it is considered on balance that the proposal is acceptable and cannot be refused on highway grounds or on residential amenity grounds. The previous appeal refusal grounds have been addressed. The new dwelling is also acceptable.

### **Time limit**

1)The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved plans**

2)The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are: P67/20A

Reason : To clarify the permission and for the avoidance of doubt.



### **HMO numbers**

3)The maximum number of occupiers in the HMO shall not exceed 5 at any one time

Reason; In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.

### **Cycles**

4)Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason : In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

### **Bins**

5)Prior to the first use or occupation of the development hereby permitted, covered refuse facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered facilities so provided shall thereafter be permanently retained and maintained for the storage of bins in connection with the development

Reason; In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.

### **Materials**

6) The materials to be used on the external walls of the rear extension shall match those to be used on the walls of the existing building

Reason: In the interests of visual amenity to comply with Policy S10 of the West Northamptonshire Joint Core Strategy.

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