



Planning Committee Report

Application Number: 2024/2026/FULL
Location: 78 Derby Road Northampton NN1 4JS
Development: Single storey rear extension to HMO 5 Bedroom 5 person HMO to form a 6 Bedroom 6 person HMO.

Applicant: Mr Volodymyr Olshansky
Agent: Samrai Associates
Case Officer: Andrew Holden

Ward: Abington and Phippsville Unitary Ward

Reason for Referral: Call in by Councillor Zoe Smith - The houses in Derby Road are not appropriate for such a large HMO, not enough facilities, overdevelopment, negative impact on neighbour amenity, insufficient living conditions for residents, would add to parking pressure.

Committee Date: 10th July 2024

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

Single storey rear extension to HMO 5 Bedroom 5 person HMO to form a 6 Bedroom 6 person HMO.

Consultations

The following consultees have raised **objections** to the application:

- Councillor Zoe Smith

The following consultees have made **comments** on the application:

- Local Highway Authority
- Private Sector Housing
- Natural England

No letters of objection have been received and no letters of support 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
- Compliance With The Four Principles Of The Houses In Multiple Occupation SPD
- Impact on the Character and Appearance of the Area
- Impact on Neighbour Amenity
- Nature Conservation Impact

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 comprises a two storey Victorian style terraced house in a street of similar properties.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposed development is for a single storey rear extension which would result in a change from a five to six person House in Multiple Occupation (HIMO)

3 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:
- 3.2 N/2019/1519 – Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants – Approval – 28/01/2020
- 3.3 WNN/2022/0225 – Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants – Approval – 08/06/2022

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.
- 4.2 Development Plan

West Northamptonshire Joint Core Strategy Local Plan Part 1 (LPP1)

Policy SA - Presumption in Favour of Sustainable Development
Policy S10 - Sustainable Development Principles
Policy H1 - Housing Density & Mix & Type of Dwellings.
Policy H5 – Managing the Existing Housing Stock

Northampton Local Plan Part 2

Policy SD1 – Presumption in favour of sustainable development
Policy Q1- Placemaking and design
Policy Q2 – Amenity and layout
Policy Q3 – Carbon reduction, community energy networks, sustainable design and construction, and water use
Policy Q4 – Health and wellbeing
Policy Q5 – Flood risk and water management
Policy HO1 – Residential and other residential led allocation
Policy HO2 – Type and mix of housing
Policy HO3 – Delivering houses in multiple occupation

Emerging Local Plan

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:

- 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:

S1 – Spatial Strategy
PL1 – Sustainable Design and Construction
PL7 – Design and Amenity
HO9 PSID – Houses in Multiple Occupation

4.3 Material Considerations

National Planning Policy Framework (NPPF)
Houses in Multiple Occupation Supplementary Planning Document (SPD)
Local Highway Authority (LHA) Standing Advice
Local Highway Authority (LHA) Parking Standards
Upper Nene Valley Gravel Pits Special Protection Area SPD November 2021.
Upper Nene Valley Gravel Pits Special Protection Area SPD Addendum: Mitigation Strategy March 2022.

The West Northamptonshire Local Plan to 2041 is a newly emerging document and as such, carries very limited weight.

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	Position	Comment
Local Highway Authority	Comment	<p>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.</p> <p>A cycle store has still not been provided. The cycle store must be secure, lockable and shielded from the elements.</p>
Private Sector Housing	Comment	<p>The room sizes, amenities and facilities indicated on the submitted plans indicate that the proposed HMO would meet the requirements for a six (6) occupant HMO.</p> <p>The proposed ground floor rear extension containing the new letting room would require its occupant to pass through the kitchen ('risk room') to exit the property via the front door in an emergency. Should this 'means of escape' be compromised e.g. due to a fire in the kitchen, an alternative means of escape to a place of safety must be identified</p>
Natural England	Comment	<p>Confirm that a Habitats Regulations Assessment is not necessary.</p>
Councillor Zoe Smith	Objection	<p>Please could I call this application into the Planning Committee. The houses in Derby Road are standard, relatively</p>

		<p>small three bedroomed houses and are not appropriate for such a large HMO. In the proposal, there would only be one shower and two toilets to be shared by five residents (with one resident having an en-suite). This is not enough facilities for a large HMO. This application represents overdevelopment of a residential site and would have significant negative impact on the residential amenity of the area for neighbours, as well as providing insufficient living conditions for residents. Adding yet another occupant to this property would also add to the parking pressure in the area, which is already beyond capacity.</p>
<p>Councillor Zoe Smith (Comments on revised plans)</p>	<p>Objection</p>	<p>The houses in Derby Road are standard, relatively small three bedroomed houses and are not appropriate for such a large HMO. This application represents overdevelopment of a residential site and would have significant negative impact on the residential amenity of the area for neighbours, as well as providing insufficient living conditions for residents. The addition of the extension to the property is purely in order to create extra rooms for an already large HMO, which would impact not only on the current nature of this property but is likely to mean that conversion back to a family home is unlikely in the future. Therefore this is likely to represent a permanent change of use for this property, the permanent loss of a family home (which we badly need in terms of housing stock) and a permanent impact upon residential amenity for neighbours. This number of tenants would have a significant impact on the comings and goings at the property and the potential for the disruption of neighbours' lives. Adding yet another occupant to this property would also add to the parking pressure in the area, which is already beyond capacity. This has been confirmed in the consultation document from Highways, which also highlights the results of this and the dangerous</p>

		<p>impact this has on the area. This confirms that parking is a material consideration in this case and that the area is not, in fact, operating as a 'highly sustainable location'. There would also be an increase in the refuse generated by this property.</p>
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6 RESPONSE TO PUBLICITY

- 6.1 No third party or neighbour responses received at the time of writing this report

7 APPRAISAL

The Principle of Development

- 7.1 The property is currently in use as a House in Multiple Occupation (HMO), therefore the principle of the use has been established and the considerations relate to the additional impact of one additional tenants, the impact of the proposed extension, and the amenities of the tenants. Policy HO3 of the Northampton Local Plan Part 2 sets out the criteria against which applications for Houses in Multiple Occupation will be assessed. Whilst it can be given little weight at this stage, emerging Policy HO9 PSID in the draft West Northamptonshire Local Plan sets out similar criteria to the current policy. The Houses in Multiple Occupation Supplementary Planning Document (Himo SPD) expands on Policy HO3 and sets out the four principles against which Himo applications are assessed, as considered below.

Principle 1: To Create, Support And Maintain A Balanced, Mixed And Inclusive Community And To Protect The Neighbourhood And Streetscene Character

- 7.2 This principle sets out that a proposed Himo should not result in more than 10% of the total number of HMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, being Himos.
- 7.3 In the case of the current application, this is an existing HMO and therefore the concentration would not be increased. As referenced above, the change of use of the former dwellinghouse to a HMO was first approved in 2020, at which time a 5.7% concentration was reported. Current records have been investigated (included enforcement complaints) and the evidence indicates that there are now only two other HMOs within a 50m radius of the application site. The continued use of the application property as a HIMO would therefore equate to a 3.7% concentration and would therefore fall well within the 10% maximum threshold recommended by the Council's adopted SPD in relation to Himos and would comply with Policy HO3 in the Northampton Local Plan Part 2.

Principle 2: To Secure The Provision Of Adequate Facilities And Amenities

- 7.4 The proposed additional bedroom is of sufficient size, in accordance with the Council's HIMO SPD. The property overall accords with the SPD in that it has an appropriately sized kitchen for a six person HMO. In respect of sanitary facilities, as three of the rooms are en suite, only one bathroom, including a toilet, is required. The property exceeds this standard, as a second toilet is provided.

- 7.5 Comments from Private Sector Housing indicate that the property meets their standards. They also raise concerns about the means of escape from the additional room, in the event of a fire. In response to this it has been clarified that the occupant of that room could exit via the window and take refuge in the garden.
- 7.6 A condition restricting the use of the property to a maximum of 6 people will ensure over-development does not occur.
- 7.7 Refuse Storage is shown as being provided in the cellar. This is not an acceptable location, and a condition was attached to the previous permission, requiring alternative details. This has not been discharged and consequently it is recommended that this is repeated with this permission, with compliance required before the extension is brought into use.

Principle 3: To Minimise Flood Risk

- 7.8 The site is located outside the areas at risk of flooding.

Principle 4: To Secure The Provision Of Adequate Parking

- 7.9 No on-site parking spaces are proposed nor available. Given the lack of dedicated parking, reference must be made to Principle 4 of the HIMO SPD.
- 7.10 This states firstly that a parking beat survey should be produced. No survey was produced for the current application, however one was produced for the previous application in 2019. This showed that there was no residual capacity for parking in the area. It is not considered that the situation is likely to have changed since then, and it can reasonably be assumed that a parking beat survey today would still show inadequate levels of available parking. Reference should therefore again be made to Principle 4, which goes on to state If the beat survey reveals that there is insufficient on-street car parking capacity, the application will need to satisfy the following criteria:
- a. Be located within 400m of a bus stop served by bus route(s) providing a service of at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays;
 - b. Be located within 400m of facilities and services contained in the town centre, a district centre, local centre or neighbourhood parade.
- 7.11 In this case, the site is within 260m of the nearest bus stop on Kettering Road, where the service provided is at least every 30 minutes. Kettering Road is also the location of a large district / local shopping centre. It is considered, therefore, that the proposal complies with this principle and can be accepted as being in a sustainable location.
- 7.12 Reference must also be made to the Northamptonshire Parking Standards which state that HMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 6 parking spaces, (One per bedroom) which is an increase of one compared to the current use. Whilst it is acknowledged that this is the second application to increase occupancy at this site by one, it is not considered that this further resident would result in a significant impact. It can further be noted that had the property been large enough and the first application in 2019 had been for six occupants, the same argument for a sustainable location would have applied.

- 7.13 Furthermore, it can be noted that in previous appeal decisions, inspectors have consistently taken the view that where a site is close to local amenities and no parking is provided, occupiers would choose the location for this reason and would be unlikely to wish to have cars. It would, therefore, be very difficult to sustain a refusal on the grounds of lack of parking provision or impact on parking availability in streets in the area. Furthermore, there is no evidence to support that all proposed residents would own cars.
- 7.14 Cycle storage is not shown as being provided however there is sufficient space for this in the rear garden area. A condition requiring full details of such provision was attached to the previous approval but has not been discharged. It is recommended, therefore, that this condition should be attached again, with compliance required before the extension is brought into use.

Impact on the Character and Appearance of the Area

- 7.15 The proposed single storey extension would not be visible from any public viewpoint, therefore not affecting the character of the area. The use of this extension as a Himo room would additionally not have an adverse effect on the character of the area.

Impact on Neighbour Amenity

- 7.16 The proposed single storey extension was originally proposed to project 5.12m from the existing rear projecting wing and was to have a height of 2.8m. It was considered that this would have had an unacceptable impact on both neighbouring properties, due to loss of light and visual dominance. The plans have therefore been amended to show the same projection but a dual ridged roof, giving an eaves height of only 2.1m at the boundary. Given that a boundary fence of 2m could be erected without the need for permission, it is considered that the impact on the neighbours has been addressed by this revision. It can further be noted that these houses have long rear gardens, meaning that only around a third of the garden would be affected by the extension.
- 7.17 The proposal is for a residential use and there is no evidence to suggest that the occupiers of a Himo would create any more impact than other residential occupiers.

Nature Conservation Impact.

- 7.18 The site is within the buffer zone of the Upper Nene Valley Gravel Pits SPA and therefore there will be a future impact on this, from recreational visits to this site by future residents.
- 7.19 However, it is considered that a full Habitats Regulations Assessment (HRA) is not necessary, as Policy ENV5 of the adopted Northampton Local Plan Part 2 states that an HRA will only be required where there is a "significant" effect on the Upper Nene Valley Gravel Pits SPA. In this case the effect of possible recreational visits to the site from one additional occupant in an existing Himo, at a distance from the SPA of over 2km would be minimal in comparison to that of the existing 5 person Himo. A financial contribution towards Strategic Access Management and Monitoring (SAMM) is furthermore not considered to be justified in this case. Natural England have confirmed that and HRA is not required.

8 FINANCIAL CONSIDERATIONS

- 8.1 CIL is not payable.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The proposed development is considered acceptable without having an undue adverse impact on highway safety, residential amenity or flood risk and would not result in an overconcentration of similar uses to comply with Policies Q1, Q5 and HO3 of the Northampton Local Plan, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, the Council's Houses in Multiple Occupation Supplementary Planning Document and the National Planning Policy Framework.

10 RECOMMENDATION

- 10.1 GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director for Planning and Development to approve any amendments to conditions as deemed necessary:

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 Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 101 Site Plans Rev 4, 103 Proposed Floor Plans Rev 4, 201 Elevations Rev 4.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

Maximum Occupancy

3. The development hereby permitted shall be occupied by a maximum of 6 residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

Cycle Storage

4. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

Refuse Storage

5. Notwithstanding the submitted plans, full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building for the use hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies Q2 and HO3 of the Northampton Local Plan Part 2

Materials

6. The materials to be used for the external walls and roof of the extension hereby permitted shall match in terms of colour, type and texture the bricks used on the existing building.

Reason : To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policies Q1 of the Northampton Local Plan and Government guidance contained within the National Planning Policy Framework.
