



# Planning Committee Report

**Committee Date:** 7<sup>th</sup> March 2022

**Application Number:** WNN/2021/1155

**Location:** 105 Abington Avenue, Northampton

**Development:** Change of Use from Flexible Use Dwellinghouse (Use Class C3) / House in Multiple Occupation (Use Class C4) to 7-bed House in Multiple Occupation (Sui Generis) including Dormer loft conversion and rear extensions with associated internal alterations (approved under N/2021/0071).

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**Applicant:** H R Homes Ltd

**Agent:** APC Architects

**Case Officer:** Kanchan Sharma

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**Ward:** Abington and Phippsville Unitary Ward

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**Referred By:** Councillor Z Smith

**Reason for Referral:** Overdevelopment, impact on parking and amenity

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

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

Permission is sought for a Change of Use from Flexible Use Dwellinghouse (Use Class C3) / House in Multiple Occupation (Use Class C4) to 7-bed House in Multiple Occupation (Sui Generis) including a dormer loft conversion and rear extensions with associated internal alterations (approved under N/2021/0071). All proposed bedrooms would have ensuite bathrooms.

#### **Consultations**

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

- Councillor Z Smith
- Highways
- Crime Prevention Design Advisor

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

- Private Sector Housing
- Environmental Health
- Northampton Town Council

No letters of objection have been received.

The key issues arising from the application details are:

- Principle of Development
- Amenity
- Highway Safety

## **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 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 property comprises a mid- terraced two storey property with a basement. The site has a Flexible Planning Permission to use the property as either a House in Multiple Occupation (HiMO) falling within Use Class C4 or as a dwelling (Use Class C3) with no condition restricting occupancy following an appeal to remove the relevant condition.
- 1.2 The local area is predominantly residential and has terraced properties on either side of the street.
- 1.3 The application site lies in Flood Zone 1, which means very low risk of flooding.

### **2. CONSTRAINTS**

- 2.1. The application site is subject to an Article 4 Direction which removes permitted development rights in relation to a change of use to a House in Multiple Occupation (HIMOs).

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Permission is sought for a Change of Use from Flexible Use Dwellinghouse (Use Class C3) / House in Multiple Occupation (Use Class C4) to 7-bed House in Multiple Occupation (Sui Generis).
- 3.2. The application site has a flexible permission to operate as a dwelling house and as an HIMO approved under application N/2017/0769. An appeal on Condition 1 of this

planning consent which restricted the occupation of the premises to 4 occupants was dismissed at appeal. The appeal decision removed the condition seeking to control the number of occupants of the HIMO and therefore, the fallback position is that the property can have up to 6 occupants as permitted under Use Class C4 (Houses in Multiple Occupation) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

- 3.3. The application includes a dormer conversion and rear extensions, which have been previously been approved under delegated powers under application N/2021/0071 which remains an extant consent.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. N/2017/0769 - Change of Use from House in Multiple Occupation (Use Class C4) to a Flexible Planning Permission of House in Multiple Occupation (Use Class C4) for a maximum of 4 occupants and Dwellinghouse (Use Class C3).  
Approved 14/08/17. Condition 1 restricted HIMO to maximum of 4 occupants.

An appeal was submitted seeking the removal of Condition 1 and allowed at appeal. The Inspector considered the 4-bedroom property was suitable for occupation by 5 people due to the larger size of the first floor front bedroom. He considered it unnecessary to impose a planning condition restricting the number of occupants as this would be controlled by the license.

- 4.2. N/2021/0071 - Dormer loft conversion and rear extensions with associated internal alterations. Approved 18/03/21. (Extant permission)

#### **5. RELEVANT PLANNING POLICY AND GUIDANCE**

##### **Statutory Duty**

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

##### **Development Plan**

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

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

- 5.3. The relevant polices of the LPP1 are:

- H1 - Housing Density & Mix & Type of Dwellings
- H5 - Managing the Existing Housing Stock
- S10 - Sustainable Development Principles
- BN7 - Flood Risk

##### **Northampton Local Plan 1997 (Saved Policies)**

5.4. The relevant policies of the NLP 1 are:

- Policy E20 – Design for new development
- Policy H18 – Household extensions
- Policy H30 – Multi-occupation with a single dwelling

### **Material Considerations**

5.5. Below is a list of the relevant Material Planning Considerations

- **National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:
  - Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.
  - Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.
- Northampton Local Plan Part 2 (2011-2029) (Emerging)

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- 1 – Presumption in favour of sustainable development (Significant weight)
- 2 – Placemaking (Moderate weight)
- 3 – Design (Moderate weight)
- 4 – Amenity and layout (Moderate weight)
- 5 – Carbon reduction, sustainable design etc (Moderate weight)
- 6 – Health and wellbeing (Significant weight)
- 15 – Delivering houses in multiple occupation (Significant weight)
- 33 – Highway network and safety (Significant weight)
- 35 – Parking standards (Significant weight)

- Residential Extensions and Alterations Design Guide 2011
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Houses in Multiple Occupation Supplementary Planning Document (November 2019). The HIMO SPD details that proposals for HIMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 10% of HMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs.

## 6. RESPONSE TO CONSULTATION

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
Private Sector Housing	The property is suitable for 7 households as requested. The kitchen/diner is of adequate size subject to the provision of adequate kitchen facilities. Sanitary facilities are adequate. The premises will require licensing under the mandatory licensing scheme.
Environmental Health	No comments to make.
Northampton Town Council	<p>The Northampton Town Council object on the grounds that this is overdevelopment, inappropriate for the type of space and the area and is likely to exacerbate existing parking and refuse issues.</p> <p>On the amended scheme, the Town Council has advised that they welcome the ensuite facilities and living space that is proposed as part of this HMO application. NTC is of the opinion that this should be a minimum standard for HMOs in Northampton. The committee did raise a concern over the impact on parking within the locality that this application may have and would ask that the Planning officer looks at this when considering it.</p>
Cllr. Z Smith	Calls in the application on the grounds of excessive occupants, overdevelopment, living room in basement, one bedroom right off kitchen diner and exacerbation of existing parking and refuse issues in area.
Highways	Due to the known pressure in the area for on-street parking and the expectation that the change of use could result in an increased level of parking demand on-street immediate to the site, especially after 6pm in an already congested area, I would advise that the applicant undertakes an on-street car parking beat survey.

<p>Crime Prevention Design officer</p>	<p>The issue with converting a dwelling house into a 7 bed HMO is that 7 adults may all require a space in which to park a car and these additional parking requirements may well lead to inconsiderate parking and neighbour nuisance issues which then fall on local neighbourhood officers to resolve. The applicant should be able to demonstrate that there is sufficient parking available in the immediate vicinity so as not to create additional problems.</p>
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## 7. RESPONSE TO PUBLICITY

7.1 No third party response received at the time of writing this report.

## 8. APPRAISAL

### Principle of Development

8.1 The conversion of the existing dwelling/HIMO to a seven bed HIMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas. These matters are discussed below.

### Concentration of HIMO uses in the area

8.2 As the property has an existing flexible permission for dwelling house / HIMO, the area concentration is not a material consideration.

### Design and appearance of the proposed extensions

8.3 The proposed extensions and dormer are subject to an extant consent under application N/2021/0071.

8.4 The proposed rear dining room extension would be attached to the existing outrigger and would have a dual pitched roof and would be sympathetic in scale to the existing house and, whilst it would be relatively deep and would protrude slightly past the side elevation, it would not be visually prominent being located to the rear property. Furthermore, the extension to the ground floor rear bedroom would be very small in size with a simple lean-to roof. In terms of the proposed first floor rear extension, owing to the design and scale, the proposed extension would integrate with the existing outrigger and would be acceptable. A materials condition would ensure materials used are sympathetic to the appearance of the existing property.

8.5 The proposed flat roof dormer on the rear elevation would be screened behind the main dwelling and would not be widely visible from the street scene. A condition has been recommended to construct the proposed dormer in matching external materials. It is not considered that this dormer would lead to any unacceptable impact on the character of the local area. Furthermore, and in any event, it is noted that the proposed dormer could be erected as permitted development under the provision of Class B of "The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for planning permission.

8.6 Overall, it is considered that the proposed development would not have any undue adverse impact on the character of the existing dwelling, local area and streetscene and

would thus accord with Saved Policies H18 and E20 in the Northampton Local Plan and advice given within the National Planning Policy Framework.

#### Residential amenity

- 8.7 The neighbouring property No.103 to the southwest benefits from a rear outrigger set in from the common boundary including a rear extension and has habitable windows on the side elevation of No. 103 facing towards the application site. However, the proposed two storey rear extension and single storey extension to the ground floor bedroom are only very limited in depth. In addition, whilst the main rear dining room extension is a deeper projection, it would be set in from the boundary with a pitched roof form such that it would not appear overbearing or result in an acceptable loss of light to this neighbouring property. Furthermore, it must be acknowledged that a 2 metre boundary wall/fence could be erected along the common boundary with No. 103 without the need from planning permission. Therefore, it is considered that the proposed extensions would not have a detrimental impact on the amenity of No. 103.
- 8.8 The neighbouring property No.107 to the other side does not have any habitable window on the rear elevation adjoining to the proposed single storey extension. Furthermore, it is noted that a 6m deep single storey rear extension could be erected under permitted development provisions subject to no objections being received from neighbouring properties. In this instance, no objections have been received from any neighbours. As such, and given the single storey scale and pitched roof design of the single storey rear extension, it is not considered that it would result in an unacceptable impact on the amenities of No. 107.
- 8.9 There is a first floor rear facing window on the rear outrigger of No.107, but the proposed two storey extension is only very limited in depth such that it would not result in an adverse impact on the amenity of this neighbouring property.
- 8.10 In respect of the rear dormer, it is considered that this would not unacceptably increase overlooking to neighbouring properties and it is noted that the dormer could be added to the property under permitted development rights. As such, it is considered the proposed rear dormer would not have any undue detrimental impact on the amenity of neighbouring properties.

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

- 8.11 Policy H30 of the Local Plan, although dated, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HIMOs to be of sufficient size to accommodate the proposed use. 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 7 people would ensure over-development does not occur.
- 8.12 Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans indicate that the proposals would meet the requirements for a 7 occupant HIMO. All bedrooms would be served by adequate outlook and light. The application property has a basement, which has been proposed to be used as a living room in addition to a communal kitchen/diner on the ground floor. A new window is proposed to be inserted to the basement at street level which would provide some light into the basement living room. Whilst it is acknowledged that outlook would be restricted from this window, in view that the bedroom sizes are in excess of minimum requirements and that a reasonable size communal kitchen/ diner

would be provided it is considered overall that an acceptable level of amenity would be provided for proposed occupiers

- 8.13 Moreover the proposed extensions would provide additional space and a condition has been recommended to build the extension prior to the occupation of the property as a HIMO with 7 occupants to ensure adequate facilities are provided.

#### Flood Risk

- 8.14 The site lies in a low risk Flood Zone (Zone 1) where there is limited risk from flooding.

#### Highways/Parking

- 8.15 The application proposes no onsite parking to serve the property. The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site 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.
- 8.16 The Highway Authority has advised the applicant undertake a Parking Survey; no parking beat survey was submitted. Nevertheless, it is considered that the application site is in a sustainable location within 100 metres of the nearest bus stops on Abington Avenue, with buses stopping at least every 30 minutes on Mondays to Fridays, with a less frequent service at weekends. 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).
- 8.17 Within such areas, the HIMO SPD recommends that storage space should be provided which is accessible to cycle users. No details of cycle storage 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.
- 8.18 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. The proposed development would produce a demand for one additional parking space in comparison to the existing permitted use.
- 8.19 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.
- 8.20 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

- 8.21 No details have been submitted for recycling and refuse storage; a condition is therefore recommended requiring full details to be submitted.

### Amenity

- 8.22 The proposed use is for a residential use of the property. There is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

## **9 FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL liable.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The application site has an extant planning permission to operate as a HIMO. The current application includes the provision of an additional bedroom through the erection of extensions and the loft conversion, which is an extant permission.
- 10.2 The proposed development would not lead to adversely affect upon the character of the local area, street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property as extended would be of sufficient size to accommodate the level of accommodation as proposed.
- 10.3 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan and the Council's Houses in Multiple Occupation SPD.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 The proposed development is recommended for approval subject to the following conditions.

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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: N412-001 and N412-101 Rev A.

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

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

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

4. 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 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 H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. Full details for the provision of secure cycle storage shall be first submitted to and approved in writing by the Local Planning Authority fully implemented prior to the development being first brought into use and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be installed in the side elevation of the proposed extensions.

Reason: To safeguard the privacy of adjoining properties in accordance with Policy H18 of the Northampton Local Plan.

7. The external walls and roof of the extensions shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

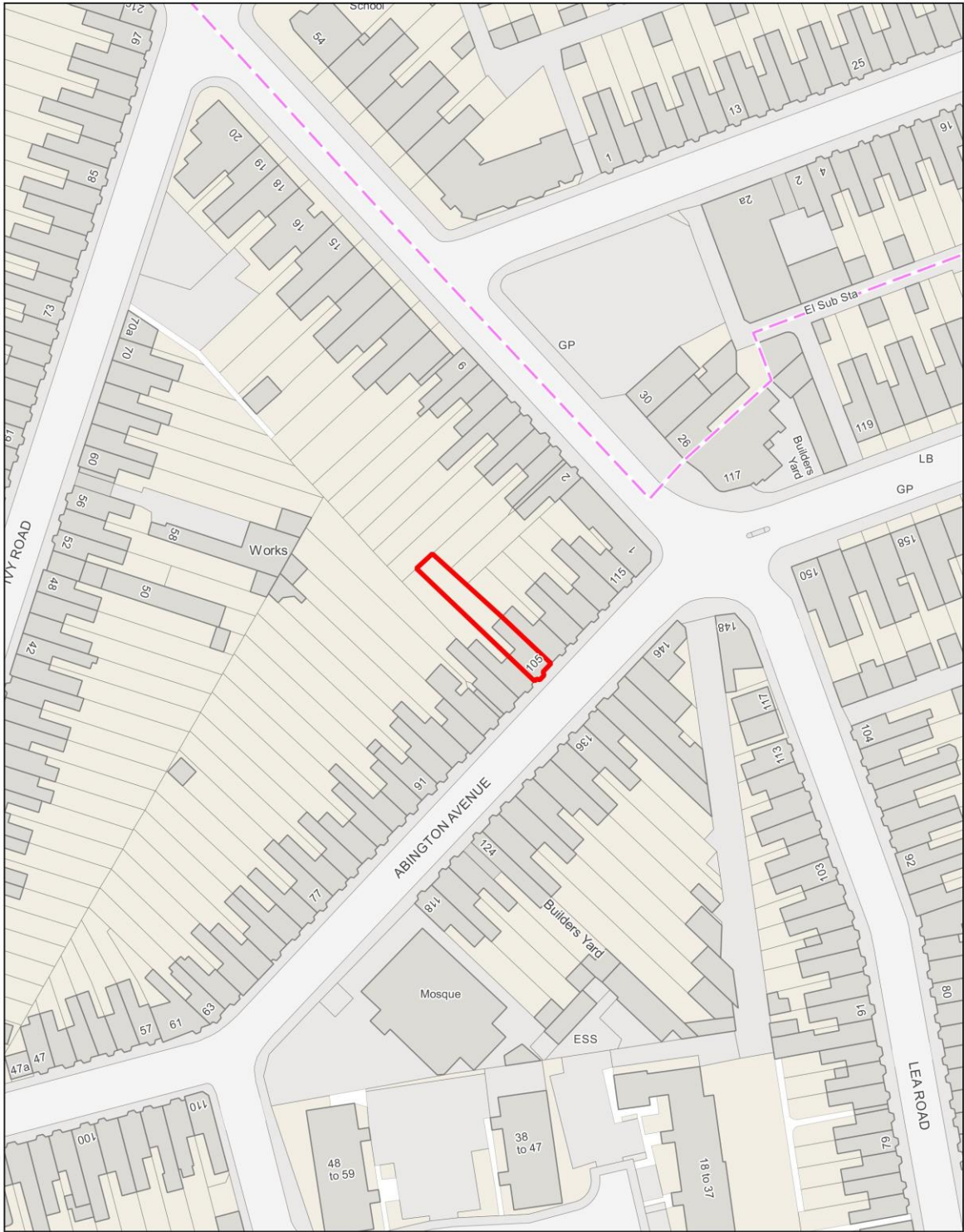
8. The external walls/cheeks of the dormer hereby approved shall be constructed with materials of the same type, texture and colour as the external roof of the existing building.

Reason: In the interests of visual amenity to ensure that the dormer harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

9. The proposed extensions, rear dormer and alterations hereby permitted shall be built in accordance with the approved plans before the premises is first occupied as a 7 person house in multiple occupation and should be retained thereafter.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

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**West  
Northamptonshire  
Council**

Title: **105 Abington Avenue**

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