

**PLANNING COMMITTEE:** 3 September 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0736

**LOCATION:** 52 Lutterworth Road

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6 occupants including single storey rear extension

**WARD:** Abington Ward

**APPLICANT:** Mr I Bhatti  
**AGENT:** Design Board-Architectural Services

**REFERRED BY:** Councillor Z Smith  
**REASON:** Parking concerns

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

#### **1 RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

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 E20 and H30 of the Northampton Local Plan, Policies S10, H1 and H5 of the West Northamptonshire Joint Core Strategy, the Council's Houses in Multiple Occupation Interim Planning Policy Statement and the National Planning Policy Framework.

#### **2 THE PROPOSAL**

2.1 The proposal is for a change of use of an existing 3 bedroom dwelling to a 6 person House in Multiple Occupation (HIMO) and includes the erection of a single storey rear extension.

#### **3 SITE DESCRIPTION**

3.1 The site comprises a terraced house within a street of similar properties. The property has a reasonably short rear garden. Parking is on-street.

#### **4 PLANNING HISTORY**

4.1 None.

## **5 PLANNING POLICY**

### **5.1 Statutory Duty**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

### **5.2 National Policies**

The 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:

Paragraph 17 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraphs 49 has a presumption in favour of sustainable housing development.

Paragraph 50 seeks to deliver a wide choice of high quality homes to meet a wide range of differing housing needs.

### **5.3 West Northamptonshire Joint Core Strategy (2014)**

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

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

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

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

Policy E20 – Design  
Policy H30 – Multi-occupation with a single dwelling

### **5.5 Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

### **5.6 Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS) (November 2014)

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 15% of HIMO within a 50m radius;
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- To secure provision of adequate parking whilst promoting sustainable travel movements;
- Ensure provision of adequate storage for refuse and materials for recycling.

## 6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Private Sector Housing** – The property would meet the requirements for HIMO licensing. Additional kitchen facilities will be required, this could entail a microwave and dishwasher. Comments on the revised plans are awaited at the time of writing this report.
- 6.2 **Local Highway Authority** – Advise that the applicant undertakes a parking beat survey. In response to the applicant declining to conduct such a survey on the grounds of a sustainable location, the LHA have stated that the applicants must demonstrate the availability of parking.
- 6.3 **Councillor Z Smith** – refer this application to the Planning Committee as it is likely to exacerbate existing parking problems in this area.
- 6.4 Representations received from the occupants of 15 neighbouring, nearby and other properties, in response to original and revised plans, making the following points in summary:
- Street has too many multi-occupancy dwellings.
  - Causes social unrest, litter, rats, noise, and parking problems.
  - Already significant overcrowding of houses.
  - Should take into account families in the street.
  - There are other HIMOs in the street which should be investigated.
  - When previous application was approved at no. 29, was stated that limits had been reached.
  - Fly tipping will increase.
  - Occupancy will increase from 6 to 12.

## 7 APPRAISAL

### Principle of the development

- 7.1 The conversion of the existing dwelling to a 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.

### Concentration of HIMO uses

- 7.2 Records indicate that there are 6 existing HIMOs within a 50m radius of the application site. Taking into account the current application premises, this would result in a concentration of 9.5%. Members will be aware of another application at 49 Lutterworth Road which is also on this agenda. However, it is considered that the current application must be considered on its own impact alone.

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

- 7.3 All bedrooms, the living room, kitchen and bathroom are of sufficient size, when judged against the standards in the HIMO interim policy.

- 7.4 Comments from Private Sector Housing indicate that the proposals meet their requirements subject to the provision of additional cooking and dishwashing facilities, which could entail a microwave and a dishwasher. The submitted plan does not show the details of cooking facilities or internal kitchen layout. However, this is a licensing requirement and the size of the kitchen meets the requirements of the IPPS.
- 7.5 It is considered, therefore, that the standard of accommodation is appropriate to meet the needs of future occupants.

### **Flood Risk**

- 7.6 In respect of flood risk, the site is located outside the areas at risk of flooding.

### **Highways / Parking**

- 7.7 The IPPS sets out clearly that where limited or no parking provision is proposed, the site must be either within 400m of a bus stop, or within walking distance of a district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 7.8 In this case the site is within 400m of the nearest bus stops on Wellingborough Road and Billing Road, and is also within a reasonable walking distance of the local shopping centre on Wellingborough Road. This criterion of the IPPS is therefore met and parking would not be required.
- 7.9 A further relevant consideration is the Northamptonshire Parking Standards which state that HIMOs 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, which is an increase of 4 as compared to the requirements of 2 spaces for the current 3 bedroom dwellinghouse use.
- 7.10 However, in practical terms it can be noted that the current use as a 3 bedroom dwelling could potentially result in 4 car driving adults being resident, meaning there would be no increase in demand for parking from the proposed use. Furthermore, there is no evidence to support that all 5 proposed residents would own cars.
- 7.11 Additionally, 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. Therefore, notwithstanding the comments from the Local Highway Authority, it would 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.
- 7.12 In accordance with the IPPS, the provision of secure cycle storage is required. Details of this have been included with the application and a condition requiring that this is provided as shown is proposed.

### **Refuse Storage**

- 7.13 The submitted plans indicate a suitable refuse storage container within the rear garden area and a condition requiring that this is provided as shown and thereafter retained is proposed.

### **Impact on adjoining occupiers as a result of the single storey extension**

- 7.14 The proposal also includes a single storey rear extension. This would project 4m from the main rear wall of the dwelling but in respect of no. 54 Lutterworth Road would project only 2.135m beyond the rear of the attached outbuilding at that neighbouring property. The extension would be of a flat roof design with a height of 2.7m.

- 7.15 As originally proposed, the extension was to be adjacent to the boundary with the neighbour at no. 50 Lutterworth Road. It was considered that this was not acceptable and would have resulted in a significant impact on that neighbour due to visual dominance and overshadowing of windows and the small garden area. Amendments have therefore been sought and the extension would now be 1.2m from the boundary. It is considered that this change would be sufficient to overcome the adverse impact on this neighbour, as the extension would be almost in line with the rear wing. It can be noted also that a 2m high fence or wall could be constructed under permitted development rights along the boundary and it is considered that this would result in a similar impact, in terms of loss of light. On this basis the impact of the extension is also considered acceptable.
- 7.16 The extension would be adjacent to the boundary with the neighbour at no. 54 Lutterworth Road. This neighbour has a small lean-to, to the rear elevation and this is screened from the garden of the application premises by a fence over 2m in height, on the neighbour's side of the historic stone boundary wall. Given this and the very limited projection beyond the rear of this neighbouring property, it is considered that the impact would be limited and acceptable. The bin store adjacent to this boundary would be low level and therefore below the height of this existing fence and would have no impact.

### **Amenity**

- 7.17 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. 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.

## **8 CONCLUSION**

- 8.1 The proposed change of use to a 6 person HIMO together with the construction of a single storey extension would not have any undue impact on the amenities of adjoining occupiers, would comply with the requirements of the Interim Planning Policy Statement on HIMOs, would not result in an over concentration of HIMOs within the locality and would provide suitable accommodation for the number of occupants proposed. The proposal complies with the IPPS in relation to parking considerations and, in view of recent appeal decisions and the potential number of people that could occupy the property under the existing use, it would be difficult to uphold a refusal at appeal. The proposal is therefore recommended for approval.

## **9 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: A810-1a, A810-2a.

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 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.

4. Provision for the storage of refuse and materials for recycling shall be made as shown on the approved plans prior to the first occupation of the premises as a house in multiple occupation 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.

5. 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 premises being first brought into use as a house in multiple occupation 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.

6. The external walls of the extension shall be constructed with materials of the same type, texture and colour as the external walls 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.

7. 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 windows shall be installed in the flank elevations of the proposed extension.

Reason: To safeguard the privacy of adjoining properties in accordance with Policies E20 and H18 of the Northampton Local Plan.

8. The use as a House in Multiple Occupation for six persons shall not be commenced until the extension hereby approved, together with associated internal alterations, has been completed in accordance with the approved plans.

Reason: To ensure a satisfactory standard of accommodation for future residents, in accordance with Policy H30 of the Northampton Local Plan.

## **10 BACKGROUND PAPERS**

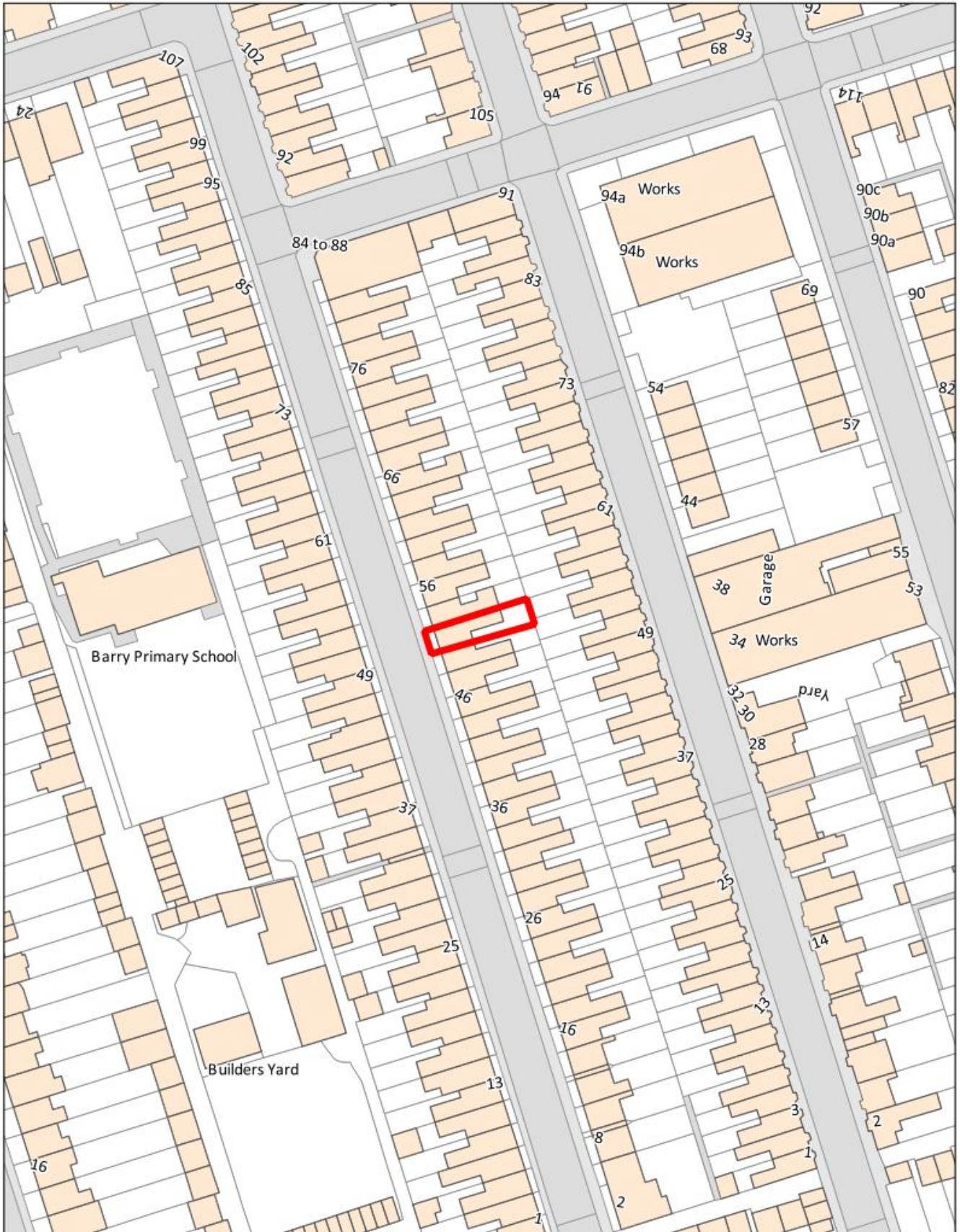
- 10.1 Application File N/2019/0736.

## **11 LEGAL IMPLICATIONS**

- 11.1 The development is not CIL liable.

## **12 SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **52 Lutterworth Road**

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Date: 14-08-2019

Scale: 1:1,000

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