

**PLANNING COMMITTEE:** 21<sup>st</sup> January 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/1123

**LOCATION:** 102 Lea Road

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

**WARD:** Abington Ward

**APPLICANT:** Century Assets Ltd  
**AGENT:** Pat Dooley

**REFERRED BY:** Councillors D Stone and Z Smith  
**REASON:** Concerns over parking and refuse

**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 principle of the proposed use is considered acceptable as planning permission has recently been granted for the change of use of the property to a house in multiple occupation for 5 occupants. The proposed extension and to increase the number of occupants to 6 is considered acceptable as the premises would provide adequate facilities for future occupants and have no undue impact on residential amenity. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to a local shopping centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage and have an acceptable impact on flood risk. The proposal thereby complies with Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, H18 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation SPD 2019 and the aims and objectives of the National Planning Policy Framework.

### **2 THE PROPOSAL**

#### **2.1** Permission is sought to convert a dwelling house into a House in Multiple Occupation for 6 persons (Use Class C4) including single storey rear extension 3.3m deep. This is a revised planning application following approval for a change of use to a 5-person HIMO under planning permission

N/2019/0866, granted in September 2019. The previous proposal did not include a single storey rear extension. Parking would be on street on an unrestricted basis.

### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a mid-terraced, 4 bedroom property on Lea Road located in a residential area with similar terraced properties on the street. The property has a kitchen, lounge, dining room on the ground floor, 3 bedrooms and a bathroom on the first floor, second floor bedroom and a basement storage room.
- 3.2 The site is in near to Wellingborough Road which includes retail and commercial units in a Local Shopping Centre. The site is also within close proximity to bus routes on Abington Avenue, Allen Road, Stimpson Avenue and Wellingborough Road. The site is not in a conservation area and is in a low risk flood zone (flood zone 1).

### **4 PLANNING HISTORY**

- 4.1 **N/2019/0866** Permission for conversion of dwelling into 5 person HIMO - APPROVED, this has not been implemented.

### **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), Northampton Local Plan (1997) saved policies.

#### **5.2 National Policies**

- 5.3 **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:

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

Section 12 – seeks to achieve well designed places

#### **5.4 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 and Type of Dwellings  
Policy H5 - Managing the existing Housing Stock  
Policy S10 - Sustainable Development Principles  
Policy BN7 - Flood Risk

#### **5.5 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 – new development

Policy H18 – extensions

Policy H30 – Multi occupation within a single dwelling

## 5.6 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

Residential Extensions and Alterations Design Guide SPD 2011

Northampton Parking Standards SPD 2019

Houses in Multiple Occupation SPD (November 2019)

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 HIMOs 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 CONSULTATIONS/ REPRESENTATIONS

Comments summarised as follows:

- 6.1 **Councillor Z Smith** - object and called in to committee due to parking concerns, refuse and too many occupants.
- 6.2 **Councillor D Stone** – called in; concerns over parking, over-development and impact on balanced community.
- 6.3 **Highway Authority (NCC)** - The LHA was consulted and objected to the proposal on the grounds of highway safety due to the inadequate number of on-street parking spaces available in the area.
- 6.4 **Private Sector Housing (NBC)** - no objection to amended plan as kitchen/dining room combined exceed 16 square metres and an alternative means of escape has been shown through the garden and rear alleyway.

## 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 Joint Core Strategy allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

### Area concentration

- 7.2 The property has received planning approval for a change of use to a HIMO for 5 occupants in July 2019 under reference N/2019/0866 and as such, the area concentration is no longer a material consideration as the principle of the use as a HIMO has already been considered acceptable and approved.

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

- 7.3 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. A condition restricting the use of the property to a maximum of 6 people would ensure over-development does not occur. Private Sector Housing have confirmed that the room sizes, amenities and facilities are acceptable. The kitchen together with the dining room as combined would meet room space standards. All bedrooms would be served by adequate outlook and light. Although bedroom 4 is 38 cm<sup>2</sup> below the required 10 square metres, this is considered to be insignificant. The size of communal rooms are well in excess of the minimum standard required. The application property has a basement and a condition has been recommended to ensure that it would be used as a storage area only.

### **Flood Risk**

- 7.4 The site lies in a low risk Flood Zone (Zone 1) where there is limited risk from flooding to the proposed use.

### **Highways / Parking**

- 7.5 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.
- 7.6 No parking beat survey was submitted with the application. It is considered that the application site is in a sustainable location within 400 metres of bus stop with buses stopping, on average, every 20 minutes on Stimpson Avenue and Wellingborough Road. The site is also located within 400m of local facilities on Abington Avenue. 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 Parking Standards SPD.
- 7.7 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Details have been submitted for the cycle storage located to the rear of the property. The proposal is, therefore, in compliance with this principle of the SPD.
- 7.8 In this case, the Highway Authority have raised objections to the application stating that the development would increase the demand for parking due to the inadequate number of on street parking spaces available in the area. The Northamptonshire Parking Standards state that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 3 additional spaces than the previous use, as a 4 bedroom dwelling would normally require 3 parking spaces.
- 7.9 There is no evidence to support that all the residents would own cars. Furthermore, regard must be paid to recent appeal decisions over the past few weeks 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.

- 7.10 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, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that a refusal on highway grounds could be upheld at appeal.

### **Refuse storage**

- 7.11 Details have been submitted for refuse storage which are deemed acceptable. A condition has been recommended to secure the arrangement.

### **Design and appearance and impact on the character of the host building and area**

- 7.12 Given that the proposed extension would be screened from Lea Road behind the existing house, there would have no effect on the street scene. Even though the roof form proposed is asymmetrical, it is considered that the proposed extension would be acceptable in terms of materials, size and appearance, any approval would be subject to matching materials to ensure a satisfactory appearance of development.

### **Impact on adjoining occupiers are a result of single storey rear extension**

- 7.13 In terms of neighbour impact, the main impact would be on the adjacent occupiers at nos. 100 and 104 Lea Road. The extension would project 3.3 metres off the existing outrigger and come within 1.25 metres of the boundary with no. 100 Lea Road which has its own rear conservatory off their existing outrigger.
- 7.14 Given the projection and sense of enclosure on the rear ground floor window and side windows, the proposal would result in some loss of outlook and light on no.100. However, the extension is of similar size to what can be erected under permitted development and some weight must be attached to the applicant's "fall back" position. It is not considered that the impact is significant enough to warrant a refusal of the application.
- 7.15 In terms of no. 104 Lea Road, the effect is less apparent as the impact would be on a rear non-habitable window. Due to rear to rear separation, there would be minimal effect on the properties to the immediate rear of the site.

### **Amenity**

- 7.16 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 development would not lead to significant adverse impacts on neighbouring amenity and the property is of sufficient size to accommodate the level of accommodation as proposed. The proposed extension would not lead to unacceptable adverse impact on surrounding properties. The proposed development would be in accordance with the requirements of Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Supplementary Planning Document 2019 and the aims and objectives of the National Planning Policy Framework. The proposed development is recommended for approval subject to the following conditions.

## **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: 19/ K98/1, 2a and 3a received on 3 January 2020.

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

3 The maximum number of occupiers shall not exceed six at any one time.

Reason: To prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy and H30 of the Northampton Local Plan.

4 The bin and cycle storage shall be implemented as per the approved plans prior to the first occupation of the property as a 6 person house in multiple occupation and retained in that form throughout the duration of the development.

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

5 The basement shall not be used as a bedroom or habitable room throughout the lifetime of the use of the building as a house in multiple occupation.

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

6 The external walls and roof 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 S10 of the West N Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

7 The property shall not be occupied as a six person house in multiple occupation until the rear extension hereby approved is complete in accordance with the approved plans.

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

## **10 BACKGROUND PAPERS**

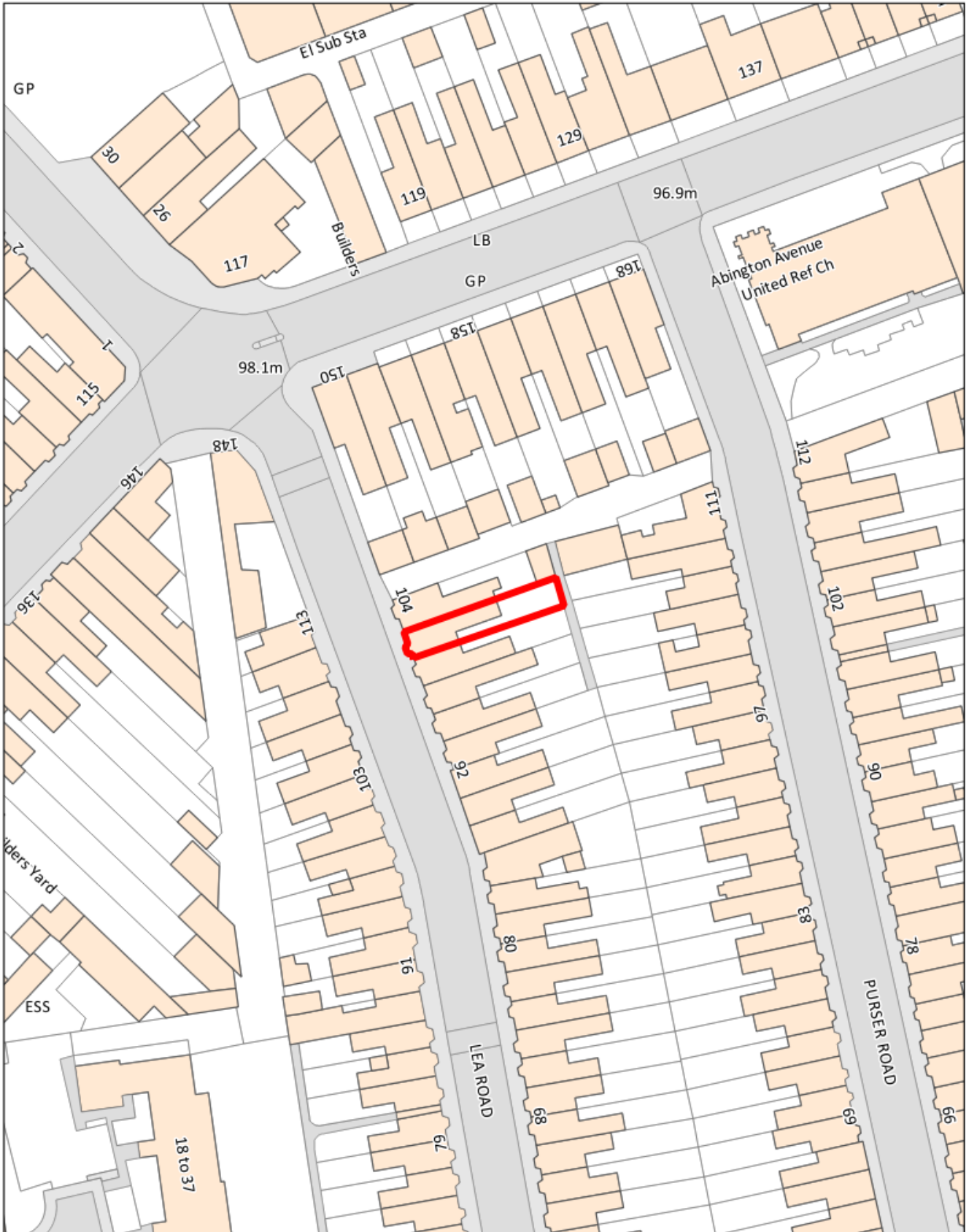
10. N/2019/0866 and N/2019/1123

## **11 LEGAL IMPLICATIONS**

11.1 None.

## **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.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **102 Lea Road**

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