

PLANNING COMMITTEE: 19th November 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1095

LOCATION: 73 Derby 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 and loft conversion with rear dormer

WARD: Abington Ward

APPLICANT: Mr O Lenko
AGENT: Design Board-Architectural Services

REFERRED BY: Councillor Z Smith
REASON: Concern about refuse and number of residents

DEPARTURE: No

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 as it would not result in an over concentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. Notwithstanding the existing lack of off road parking, the site is in a sustainable location close to Kettering Road and is closed to bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposed rear extension and rear dormer would be considered acceptable for its impact on the character of the area and neighbouring amenity. The proposal thereby complies with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, BN7 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 Interim Planning Policy Statement.

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 a rear extension and a rear dormer. This is a revised planning application following approval for a 5 person HIMO under planning permission N/2019/0677, granted in July 2019 under delegated powers.

- 2.2 The current application seeks permission for a rear dormer, which would result in an additional bedroom in the attic space and erection of a single storey rear extension to create an additional bathroom on the ground floor. The proposed rear extension and dormer have been proposed in matching materials.
- 2.3 All proposed bedrooms are in excess of 9 sqm internal floor area and 3 bedrooms would have en-suite bathrooms, with the 3 other bedrooms sharing 2 bathrooms.

3 SITE DESCRIPTION

- 3.1 The application site consists of a 3 bedroom, mid-terraced house located in a predominantly residential area, with the majority of properties being used as domestic dwellings. There is a general reliance upon on-street provision of car parking spaces.
- 3.2 Derby Road is in close proximity to Kettering Road, which contains a number of commercial and leisure facilities and also a public transport route.
- 3.3 The application site lies in Flood Zone 1 and has no risk from flooding.

4 PLANNING HISTORY

- 4.1 N/2019/0677 - Proposed change of use from a dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) for 5 occupants. Approved under delegated powers.

5 PLANNING POLICY

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.

National Policies

- 5.1 **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.

- 5.2 **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

5.3 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:

- E20 New development (design)
- H30 Houses in multiple occupation

5.4 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD 2011

5.5 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 HIMOs within a 50metre radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- Promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 Councillor Zoe Smith: called in and object as number of occupants is excessive and consider that there are refuse problems in the area.

6.2 Highway Authority (NCC) – The LHA advised that due to terraced nature of the street no on street parking could be provided. The current parking provision is by permits but is an already saturated area. Also, raised concerns about the bikes being carried through the kitchen.

6.3 Private Sector Housing (NBC) – The proposed facilities and room sizes would meet the requirements. However, the proposed size of the kitchen diner is less than the licensed requirements.

6.4 2 objections have been received from local residents, the comments have been summarised as follow:

- Parking issues in the local area.
- Impact on community cohesion.
- Over concentration of the HIMO properties in the street.
- Fly-tipping.

7 APPRAISAL

Principle of the development

- 7.1 The application site has a planning permission for change of use to a house in multiple occupation for 5 occupants, so the principle of development has been established. 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.

Area concentration

- 7.2 Since the application site already has a planning permission to be used as a HIMO, in this instance, the concentration is not material. However, the level of concentration remains unchanged from the previous planning permission. Council records evidence that there are 7 existing HIMOs within 50m radius of the application site. The use of this property as a HIMO would equate to 10.26% concentration in the area. This would fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

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 generally in accordance with the Council's IPPS. All bedrooms would be served by adequate outlook and light. A condition restricting the use of the property to a maximum of 6 people would ensure over-development does not occur.
- 7.4 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 6 occupants HIMO. However, they have raised some concerns about the size of 14 sqm kitchen/diner room, which does not comply with licensing size of 18 sqm kitchen/diner for 6 occupants. However, this room meets the size outlined in IPPS for kitchen with 6 occupants of 10 sqm. It is considered that the room sizes would comply with the requirements of IPPS. However, an advisory note is to be attached advising that the property may not meet licensing requirements and advice should be sought in this regard. All bedrooms would be served by adequate outlook and light. The application property has a basement, so a condition has been recommended to use it only as a storage area.
- 7.3 Details have been submitted for cycle storage to the rear of the property that can be used for the storage of bins and cycles, the details are deemed acceptable and have been conditioned to be implemented prior to first occupation of the approved use and be retained thereafter
- 7.4 The proposed single storey extension would provide a shower room and a condition has been recommended to build the extension prior to the occupation of the property as a HIMO with 6 occupants to ensure adequate facility is provided.
- 7.5 Similarly, the proposed loft conversion including the rear dormer would provide the 6th Bedroom. A condition has been recommended to build the extension prior to the occupation of the property as a HIMO with 6 occupants to ensure overdevelopment does not occur.

Flood Risk

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

Highways/Parking

- 7.6 The Interim Planning Policy Statement for HIMOs (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.

- 7.7 It is considered that the application site is in a sustainable location within 250m of bus stops on Kettering Road and within walking distance of local facilities on Kettering Road. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations. Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house, and a condition is recommended requiring details to be implemented prior to occupation of the property as HIMO.
- 7.8 The proposal is, therefore, in compliance with this principle of the IPPS. However, a further consideration in respect of parking is the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS. The Northamptonshire Parking Standards state that Houses in Multiple Occupation 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 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.
- 7.9 In this case, the Highway Authority have objected about the proposal will add to the existing capacity of the street.
- 7.10 Notwithstanding this, 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.
- 7.11 It should also be noted that in the most recent appeal decision the Inspector, in taking the view that the IPPS is consistent with one of the core principles of the NPPF, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, attached significantly more weight to the IPPS than to the Northamptonshire Parking Standards in determining the appeal.
- 7.12 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, in accordance with the requirements of the IPPS, it is not considered that a refusal on highway grounds could be upheld at appeal.

Refuse storage

- 7.13 Details have been submitted for refuse storage, which are deemed acceptable. A condition has been recommended to retain the arrangement and provision.

Amenity

- 7.14 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.

Design and appearance and impact on the character

- 7.15 Given that the proposed extension and the rear dormer would be screened from main road behind the existing house, there would have no effect on the street scene. While the flat roof design is not ideal, it would nonetheless reduce the bulk. It is considered that the proposed extension and dormer would be acceptable in terms of materials, size and appearance, any approval would be subject to matching materials to ensure a satisfactory appearance.

Residential amenity

- 7.16** Neighbouring property, No.71 has similar single storey rear extension. It is considered that owing to the siting and scale the proposed single storey rear extension would be minimal impact on this property. Neighbouring property, No.75 have habitable windows on the side elevation overlooking the application site. Owing to the siting of the proposed extension towards the rear end of the building, it would have minimal impact on the residential amenity of this property in terms of overbearing or loss of light.
- 7.17** The proposed dormer could be erected under the provisions of the permitted development rights and would not require planning permission. It is therefore considered that whilst there would be some overlooking resulting from the proposed windows on the dormer, owing to the fact it can be erected without requiring planning permission, the proposal is not considered detrimental to warrant the refusal of the current application.
- 7.6 It is considered that the proposed single storey rear extension and the rear dormer would not result in undue impact on the residential amenity of the neighbouring properties and would comply with the advice contained in NPPF, Policy S10 of the JCS and saved policy E20 of the Northampton Local Plan.

8. CONCLUSION

- 8.1 The applications site already has extant planning permission for a change of use for 5 occupants HIMO. The current application has been revised with additional bedroom in loft space including a new rear dormer and an additional bathroom on the ground floor.
- 8.2 It is considered that the proposed development would not lead to significant adverse impacts on neighbouring amenity or parking provision and the property is of sufficient size to accommodate the level of accommodation as proposed.
- 8.3 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement.
- 8.4 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 plan: A786-H2a.
- 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 six residents at any one time.
- Reason: In order to prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy and H30 of the Northampton Local Plan.
- 4 Facilities for the refuse and recycling storage as shown on drawing no. A786-H2a shall be implemented prior to the use hereby permitted commencing 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.

- 5 Notwithstanding the details submitted for the storage of bicycles, further details 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 and the National Planning Policy Framework

- 6 The basement shall only be used as storage and not be converted to a bedroom or habitable room at any time throughout the life time of development

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

- 7 The proposed single storey extension to provide the bathroom and rear dormer to provide to provide 6th Bedroom hereby permitted shall be built before the premises are first occupied as a 6 people 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.

- 8 The external walls of the extension and the rear dormer 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 S10 of the West N Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

9 BACKGROUND PAPERS

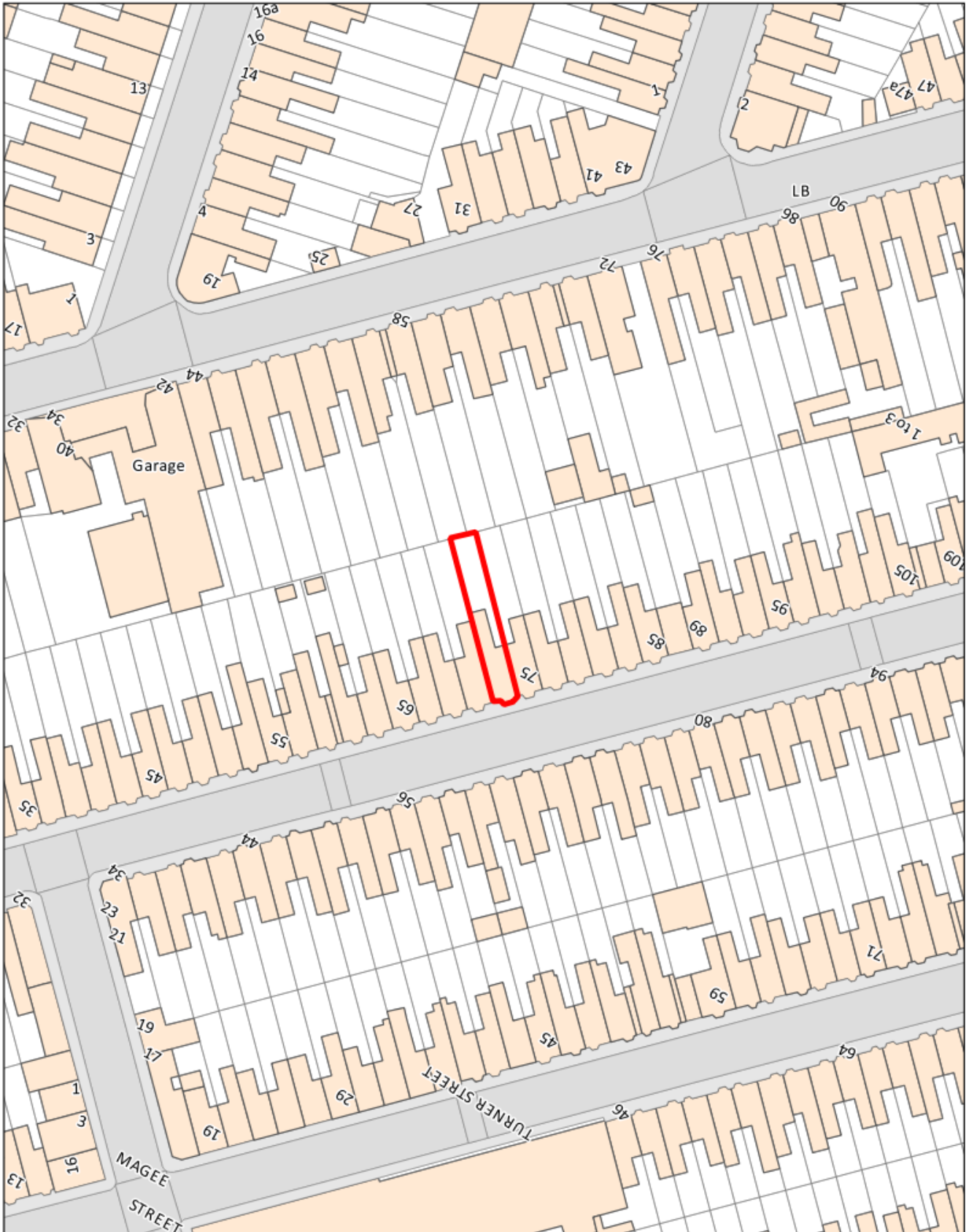
- 9.1 N/2019/1095 and N/2019/0677.

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 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: **73 Derby Road**

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Date: 11-11-2019

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