

PLANNING COMMITTEE: 17th December 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1195

LOCATION: 75 Ivy Road

DESCRIPTION: Change of Use from House in Multiple Occupation (Use Class C4) for 5 occupants to House in Multiple Occupation (Use Class C4) for 6 occupants, including single storey rear extension

WARD: Abington Ward

APPLICANT: Mr I Bhatti
AGENT: Mr Mizanur Rahman

REFERRED BY: Councillor Z Smith
REASON: Parking concerns

DEPARTURE: No

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. 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. The proposed extension would not have undue adverse impact on residential amenity. The proposal thereby complies with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, H18 and H30 of the Northampton Local Plan, the Council's House in Multiple Occupation SPD 2019 and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for a change of use from a 3 bedroom dwelling house (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 6 people in 6 bedrooms to include a single storey rear extension. Parking would be on-street.

- 2.2 The proposal as originally submitted included a single storey flat roof rear extension in order to provide a sixth bedroom. After the officer expressed concerns about the impact on adjoining neighbours, the extension was reduced in width whilst maintaining the minimum internal floor area requirement for an additional bedroom thus increasing the occupancy from 5 residents (granted planning permission on 31st July 2019 under planning reference N/2019/0633) to 6 residents.

3. SITE DESCRIPTION

- 3.1 The application site comprises a two storey, mid-terraced, 3 bedroom property on Ivy Road located in a residential area with similar terraced properties on the street. The property has a kitchen, lounge, bedroom and a WC on the ground floor, 3 bedrooms and a bathroom on the first floor and a basement room.
- 3.2 The site is in near to Kettering Road, which includes retails and commercial units. The site is within close proximity to bus routes on Abington Grove and Kettering Road.
- 3.3 The site is within a low flood risk area.

4 PLANNING HISTORY

- 4.1 **N/2019/0633** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants **APPROVED**.

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 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

5.3 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

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 policy is material to this application:

E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

H18 – allows for house extension provided design acceptably in keeping with character and appearance of the host dwelling; and effect upon adjoining properties.

H30 – Multi occupation with a single dwelling

5.5 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD 2011
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

Houses in Multiple Occupation Supplementary Planning Document 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 received are summarised as follows:

- 6.1 **Councillor Z Smith** - raises objection on the basis that application property will exacerbate parking issues. Calls in the application for consideration by the Planning Committee.
- 6.2 **Highway Authority (NCC)** – Objection received. This development will increase the demand further and will increase dangerous parking practices. This is exacerbated by the increase in residents from 5 to 6 following approval of planning permission N/2019/0633. There is no obvious route for bicycles or bins from the rear of the property without going through the dwelling. The LHA is concerned that this may lead to bins being left on the highway causing obstruction for pedestrians. The LHA considers any impact that will compromise the safety of motorists and pedestrians to be a severe developmental impact.
- 6.3 **Private Sector Housing (NBC)** – The proposed facilities and room sizes would meet the requirements for a 6 occupant HIMO. The applicant should be advised that the property falls within the additional licensing area and would need and mandatory license. No fire precautions

are indicated, and a fire risk assessment must be undertaken to determine the type and extent of such precautions.

6.4 **Objections raised from neighbouring and surrounding properties** and are summarised below:

- Increase in residents means increased noise from the property
- Inadequate parking in an already overcrowded street
- Disruption caused by construction work at the property
- Anti-social behaviour from residents and builders

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 House in Multiple Occupation in July 2019 under reference N/2019/0633 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 and appropriate kitchen/dining, WC and wash facilities. 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. All bedrooms would be served by adequate outlook and light. The application property has a basement and a condition has been recommended to ensure that it would be used as a storage area only.

Highways/Parking

7.4 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.

7.5 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 busses stopping, on average, every 10 minutes. The site is also located within 400m of local facilities on Kettering Road. 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.

- 7.6 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.
- 7.7 In this case, the Highway Authority have raised objections to the application stating that the development would increase the demand for parking and would increase dangerous parking practices and the impact would be severe.
- 7.8 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 4 additional spaces than the current approved use, as a 3 bedroom dwelling would normally require 2 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 retain the arrangement and provision. Whilst comments have been received from Local Highways Authority regarding waste being brought through the house, this situation is a common occurrence on the street as no rear access to gardens is available for properties in the area.

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

- 7.12 The application also includes a single storey rear extension projection 5m from the rear elevation of the dwelling and measuring 2.8m in width with a flat roof design with a maximum height of 3m.
- 7.13 As originally proposed, the extension would have been only 1m from the boundary with the neighbour at no. 77 Ivy 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 a small garden area. Amendments have therefore been sought and the extension would now be 1.7m from the boundary. It is considered that this change would be sufficient to overcome the adverse impact on this neighbour and the extension would be in line with the rear wing.
- 7.14 The extension would be adjacent to the boundary with the neighbour at no. 73 Ivy Road. The property has a small lean-to structure to the rear elevation with a door leading to an inner lobby and a small window that does not serve a habitable room, meaning there would be no direct loss of light to such rooms. The extension would project 4m beyond the rear elevation of the lean-to and it is considered that this would not result in an unduly dominant feature in respect of this neighbouring garden.

Amenity

- 7.15 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 not lead to significant adverse impacts on neighbouring amenity and the property is of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed extension would not lead to unacceptable adverse impact on surrounding properties.
- 8.3 The proposed development would be in accordance with the requirements of Policies H1, H5, 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.
- 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: A793-SLPb and A793-2a.

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

- 3) 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 and Policy S10 of the West Northamptonshire Joint Core Strategy.

- 4) The development hereby permitted shall be occupied by a maximum of six 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

- 5) Facilities for the refuse and recycling storage as shown on drawing no.A793-1 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.

- 6) Facilities for the cycle storage as shown on drawing no.A793-1 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.

- 7) The basement room shall be used as storage room only and shall not be used as a bedroom at any time.

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 proposed single storey extension to provide the 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 provide, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. BACKGROUND PAPERS

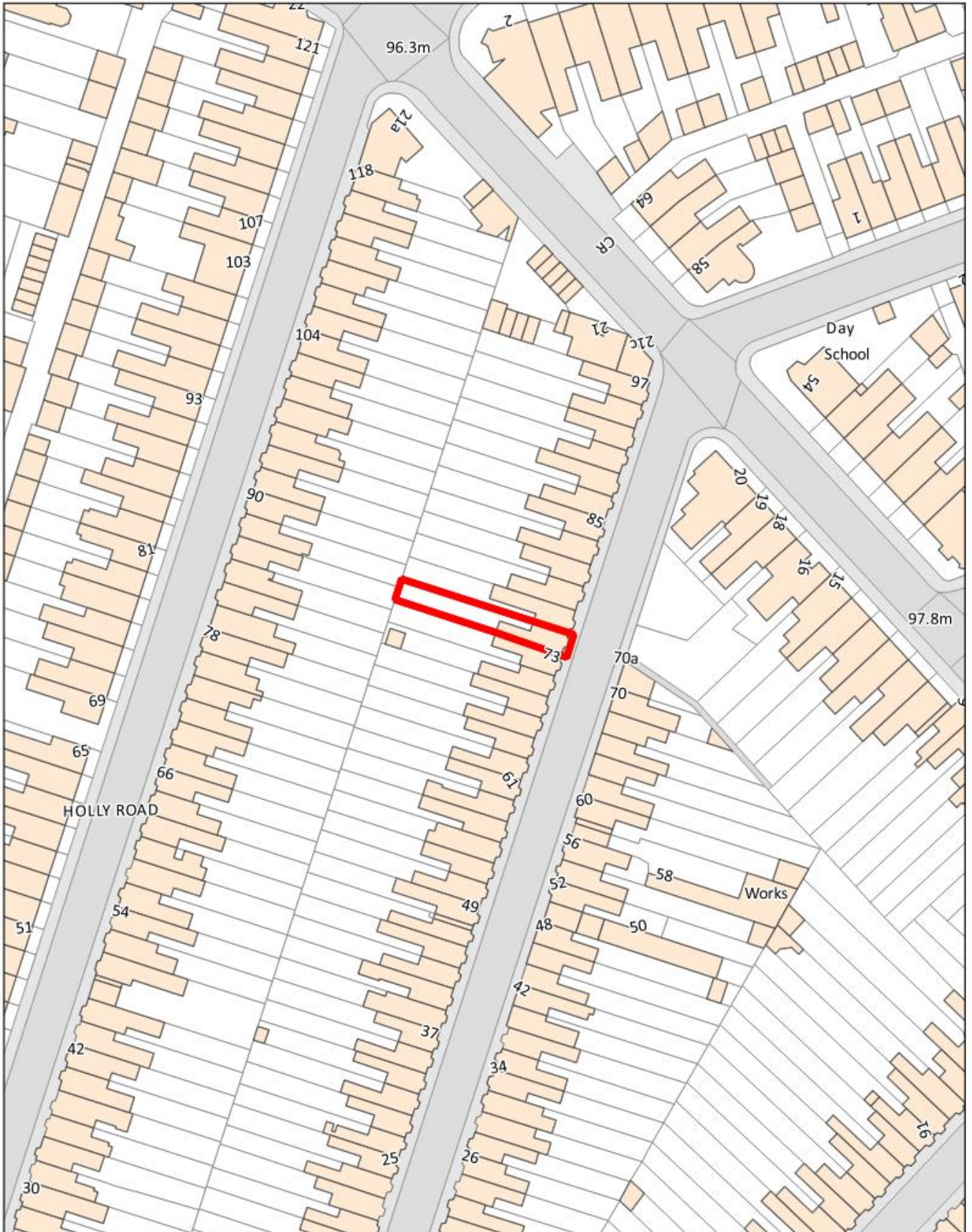
- 10.1 N/2019/0633 and N/2019/1195.

11. LEGAL IMPLICATIONS

- 11.1 The development is not CIL chargeable.

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: **75 Ivy Road**

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Date: 16-07-2019

Scale: 1:1,000

Drawn by: -----