

PLANNING COMMITTEE: 20th November 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1333

LOCATION: 59 - 61 Abington Avenue

DESCRIPTION: Conversion of 59 Abington Avenue to a single dwelling (Class C3) and conversion of 61 Abington Avenue to house in multiple occupation (Class C4) for 5 occupants

WARD: Abington Ward

APPLICANT: Mr M Strube
AGENT: Architectural Solutions

REFERRED BY: Councillor Zoe Smith
REASON: Parking impacts

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 in principle as it would not result in an overconcentration 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 existing parking conditions in the local area, the site is in a sustainable location close to bus stops and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement (IPPS) and the aims and objectives of the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The proposal is for the change of use of an existing dwelling to a house in multiple occupation for five residents, as well as a separate one bedroom dwelling, and includes minor alterations to the front elevation.

3 SITE DESCRIPTION

- 3.1 The application premises consists of an existing three bedroom terraced house. This has been converted in the past from two separate dwellings, and the ground floor of one former dwelling has been converted into a garage area, with a room above this which is accessed only via another room.

4 PLANNING HISTORY

- 4.1 N/2006/0516 – Conversion of property into 2 dwellings & ground floor rear extension with balcony above and rear boundary wall. Refused 25/07/06.
- 4.2 N/2007/0962 – Conversion of dwelling into two separate dwellings with a single storey rear extension, Juliet balcony and front velux window. Approved 02/01/08.
- 4.3 N/2010/1085 – Extension of time limit to implement planning permission N/2007/0962. Approved 08/02/11.
- 4.4 N/2014/0110 - Conversion of existing dwelling to form 3no residential units including alterations to ground floor front elevation and installation of rooflights. Approved 31/03/2014.
- 4.5 N/2016/1476 Change of use from dwelling (Use Class C3) to a house in multiple occupation (Use Class C4) for 6 residents. Refused 15/03/17. Appeal Allowed 14/09/17.
- 4.6 N/2018/1113 - Conversion of 59 Abington Avenue to a single dwelling (Class C3) and conversion of 61 Abington Avenue to house in multiple occupation (Class C4) for 5 occupants. Refused 17/08/2018.

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 11 set out that the presumption in favour of sustainable development.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places to work and live.

Paragraph 127 also addresses the importance of design and its impact on the quality and character of an area, as well as detailing that developments should create places that promote health and well-being, including a high standard of amenity for existing and future users.

Paragraph 109 details developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

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 – New development (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**

The Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS) (November 2014) sets out four principle which proposals for HIMOs should comply with:

- 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 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- To promote the use of public transport, cycling and walking and to secure provision of adequate parking.
- To ensure provision of adequate storage for refuse and materials for recycling.

6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Environmental Health** – No objections, acoustic separation should be provided.

6.2 **Private Sector Housing** – The room sizes, amenities and facilities indicated on the submitted plans indicate that the proposed HMO would meet the requirements for a five occupant HMO.

6.3 **Local Highway Authority** – The proposed development does not increase the number of bedrooms above that which has already been consented. For this reason, the LHA will not be objecting to this application.

6.4 **Councillor Zoe Smith** – objects as the proposal would exacerbate parking problems and a 5 person HIMO is excessive. Calls the application in.

6.5 Representations received from the occupiers of two neighbouring occupiers making the following points in summary:

- Will make the parking situation more difficult.
- HMOs put pressure on local services and take away community feeling
- Numbers have been juggled but could end up in double figures
- The garage at 59 is useable
- No. 59 was probably never an independent house so should be treated as a new build
- Parking problems should be given due weight – numbers will increase and will make current and increasing parking problems worse.
- Adequate soundproofing should be provided.
- Building works should be supervised to prevent damage to neighbouring properties.

7 APPRAISAL

7.1 The issues to consider are the impact on the street scene and the amenity of proposed and adjoining occupiers, in particular with reference to previous permissions and refusals for the site.

Comparison with previous applications.

7.2 The HMO element of the proposal within the right hand building (No. 61) is identical to that allowed at appeal under reference N/2016/1476 but omitting the elements within no. 59, these being a single bedroom, a shower room and a storage area.

7.3 The left hand property, no. 59, would now be in use as a one bedroom dwelling rather than a single HIMO bedroom and store. This contrasts with the previous refused application (reference N/2018/1113), which proposed no. 59 as a two bedroom dwelling.

7.4 It can be noted also that consent has previously been given for conversion of the building as a whole to three units, two of which would be one bed roomed and one would be two bed roomed (reference N/2014/0110). This would have allowed for occupancy by seven people but this permission has now lapsed.

7.5 The consideration therefore now needs to focus on the change from these previous permissions and refusals and specifically the use of no. 59 as a separate one bedroom dwelling, rather than a single Himo bedroom and storage area as previously approved, or as a two bedroom dwelling as previously refused.

HIMO Use

7.6 As referred to above the reduced HIMO use now proposed would be identical to part of the previous approval as allowed on appeal, but reduced in scale from six to five persons.

7.7 When the HIMO was previously approved, this brought the concentration within a 50m radius to exactly 15% (9 out of 60 dwellings). Since that approval, a further HIMO has been allowed on appeal at 75 Abington Avenue (N/2016/1553, 30th January 2018) which falls within the 50m radius of the current application site. This means that the concentration would rise to 16.3%, if the current application was approved (10 out of 61 dwellings, as there would be one more dwelling in the area (the dwelling proposed under this application)). However, if the previous permission for a HIMO on the application site, as allowed at appeal, was implemented, the percentage would in fact be slightly higher at 16.6% (10 out of 60 dwellings), as the additional dwelling proposed under this scheme would not be taken into account.

7.8 Whilst it is acknowledged that this application for a HIMO would exceed the 15% concentration, regard must be given to the fall-back position, in that the HIMO for 6 people allowed at appeal could still be implemented. Given this fall-back position it is not considered that a refusal of the current application on the grounds of concentration could be reasonably defended.

Impact on the street scene

- 7.9 In respect of the street scene impact, the proposal includes the removal of the garage door and the insertion of a door and window, with timber cladding below. It is considered that this approach would not appear out of character with the area, despite not being of traditional appearance. Two rooflights are also proposed, these would not be particularly noticeable within the street scene and it is considered that no adverse impact would result from these.

Impact on adjoining occupiers

- 7.10 The property is located within a residential area and as such it is considered that a residential use would not in itself have any adverse impact on neighbouring residential occupiers. Comments from Environmental Health refer only to the need for soundproofing, which is a matter for Building Control rather than Planning. Overlooking of neighbouring gardens would be no greater than existing.

Standard of accommodation provided.

- 7.11 The layout of the HIMO element of the proposal is similar to that previously approved but with one less bedroom and one less shower room, and with the storage element removed. Comments from Private Sector Housing indicate that this layout is acceptable for occupation by five people.
- 7.12 The other significant change from the previous approval for the HIMO is in the reduced level of outdoor amenity space, not in itself significant, and the fact that the outlook from the breakfast room would now be constrained by the introduction of a boundary fence to enclose the rear yard for the proposed dwelling, in close proximity to the window of the breakfast room. However, this would still allow for a good level of light to this room and whilst outlook would be constrained it is considered that a reasonable living environment would remain.

Dwelling House Use

- 7.13 The use of no. 59 as a single dwelling was part of the previous refused application. The previous proposal was as a two bedroom dwelling, whereas a one bedroom dwelling is now proposed.
- 7.14 The previous application was refused solely on the grounds of the absence of any off road parking and the intensification of the use which would result in increased demand for parking in the area, as discussed further below, and it was considered that the proposed use as a house was in itself acceptable.
- 7.15 In this regard, it is considered that internally an acceptable layout would be provided. Externally only a very small rear garden / yard area would be available. However, this is not unusual in the locality and it is considered that it would be for future potential occupiers to consider whether this would be adequate for their needs.
- 7.16 There is adequate space for bin and cycle storage and conditions requiring further details of this are recommended.

Highway / parking impact

- 7.17 As referred to above, the HIMO element is a slightly reduced version of the previous approval, going from six to five bedrooms, whereas the proposed dwelling would have a single bedroom.
- 7.18 The previous refused application was for a five person HIMO as well as a two bedroom dwelling. This was refused on the basis that a "tipping point" had been reached, with regard to the generation of demand for parking. The current application takes the proposal back from this point by proposing only a single bedroomed dwelling, in a layout which could not be readily adjusted to create a further bedroom.

- 7.19 Under the adopted parking standards the previously approved HIMO would have required six parking spaces, which is the same requirement as the current proposal for a five person HIMO and a single one bedroom dwelling. No parking is proposed nor is there scope to provide this within the current proposal.
- 7.20 Therefore, given that the previous proposal for a six person HIMO was allowed on appeal with no parking, it is considered that a refusal of the current application for this reason would be difficult to defend, and any appeal would be likely to succeed, given that parking requirements are the same and particularly as the Local Highway Authority have raised no objection. It can also be noted that the site is in a sustainable location where residents need not have cars, as noted by the inspector in the appeal decision relating to this property.

8 CONCLUSION

- 8.1 In conclusion, the proposed HIMO use is considered acceptable given that it is similar to that which was previously allowed on appeal, whilst being slightly reduced in scale. The proposed additional dwelling is also considered to be acceptable and would have no greater impact in respect of parking requirements to that previously approved.

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: 18/S307/3a and 18/S307/10.

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

3. Prior to the bringing into use of the building for the approved use, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building 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.

4. Prior to the bringing into use of the building for the approved use, 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 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.

5. The HIMO element of the development hereby permitted shall be occupied by a maximum of five 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.

10 BACKGROUND PAPERS

- 10.1 Application file N/2018/1333.

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: **59 - 61 Abington Avenue**

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Date: 06-11-2018

Scale: 1:850

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