



Appeal Decision

Site visit made on 18 March 2014

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 April 2014

Appeal Ref: APP/V2825/A/14/2212087
88 Churchill Avenue, Northampton, NN3 6PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ahmed Fouda against the decision of Northampton Borough Council.
 - The application Ref N/2013/925, dated 29 August 2013, was refused by notice dated 27 November 2013.
 - The development proposed is change of use from residential care home (class use C2) to 28 No residential flats (class use C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning Practice Guidance (PPG) was published after the appeal was submitted. The content of the guidance has been considered, but in light of the facts in this case the Planning Practice Guidance does not alter my conclusions.
3. The appeal was accompanied by a unilateral undertaking, signed by the appellant and relating to the provision of affordable housing. I have taken this into account in my decision.
4. The appellant submitted additional plans with the appeal submission. These have been taken into account in the determination of the appeal.
5. During the site visit I noted that works to the inside of the property were taking place and that a number of the residential units had already been completed but were not occupied. I am therefore satisfied that at the time of my visit a material change in the use of the land had not occurred and the application was not being made retrospectively.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. Churchill Avenue lies within a residential estate in the suburbs of Northampton. Properties are typically modest in size, with a mix of terraced two storey dwellings, modest bungalows and small groups of purpose built two storey flats evident in the surrounding area. The open layout and generous verges provide a spacious character to the area. The appeal property is a purpose built, 2 storey

nursing home which previously provided accommodation for up to 55 residents. Although institutional in its form, the walled complex is surrounded by a partly landscaped grass verge, similar to those which adjoin roadsides throughout the estate. The building does not have any designated parking, and is accessed via a pedestrian gate located adjacent to a small parade of shops and associated car park. I am advised that it has been vacant for some time. The appeal relates to a change of use of the property to 28 residential flats, with associated off street parking for 27 vehicles. The mix of units would be made up of 6 studio flats, 20 x1 bed flats, and 2 x2 bed flats.

8. The Council do not have an objection to the residential use of the building in principle, and I see no reason to disagree with this view. However, they consider that the concentration of accommodation would be out of character with the suburban pattern of development in the area. The existing building is a sizable structure, and its conversion would be capable of providing a significant amount of accommodation. The proposal comprises 28 flats, including 26 studio or one bed units. 28 individual households would generate considerable general activity, including vehicular and pedestrian trips to and from the building. Nonetheless, as the building is located immediately adjacent to a local shopping parade, where more general activity is expected than within the wider residential area, increased activity at the site would not in itself be unduly intrusive.
9. However, the number of flats proposed would be likely to generate considerable demand for parking. The proposed scheme provides 27 spaces, Some are located within the front courtyard, and some on designated spaces around the perimeter of the building. This would lead to a significant loss of open space in and around the building. I note that the two protected trees would be retained and that small parking courts are already present on the estate. But these areas are generally smaller and set within wider areas of open space than those proposed. The spaces around the perimeter would require the use of the majority of the existing grass verge, which would detract from the setting of the building and urbanise its impact in the streetscene in contrast to the prevailing character of the area.
10. The amount of the site given over to parking would leave insufficient space for landscaping which might mitigate its visual impact upon the setting of the building and the wider streetscene. In addition, within the existing walled garden a significant proportion of the existing amenity space would also be given over to parking, with only limited outdoor space remaining to serve residents of the proposed development. Taking into account the proximity of open space in the locality, including Eastfield Park, I do not consider that this would be harmful to living conditions, but it is nonetheless indicative of the constraints of the site in providing the amount of parking proposed.
11. I therefore conclude that the proposal would be detrimental to the character of the area and would conflict with the provisions of saved policy H6 (A) and (D) of the *Northampton Local Plan* which seeks to resist over-intensive development which would detract from established residential character. This is consistent with guidance contained within the *National Planning Policy Framework* which seeks to secure a high quality of design for all new development.

Other Matters

12. I note that neighbouring residents have raised concerns about the impact of the proposal on existing parking. Although the proposal is served by a bus route,

the development is some distance from town centre shops and services, and it is likely that a high proportion of those who choose to live there would have their own vehicle, with a consequential requirement for parking. I note that the previous use had no dedicated parking at all and that the Highways Officer considers the level now proposed to be adequate to serve the development. However, the extent of vehicular crossovers required would lead to a loss of some on street parking, along Shap Green, and particularly to the rear of Appleby Walk, where the existing informal arrangement to the rear of dwellings would be disrupted. This adds to my concerns in respect of the over-intensive nature of the development.

13. I am also mindful that the *Northampton Local Plan* was adopted in 1997 and predates the *National Planning Policy Framework*. Paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up to date in such circumstances. The Borough does not have a deliverable five year housing land supply. Planning permission should therefore be granted unless the proposal's adverse impacts would outweigh its benefits.
14. The building is currently vacant and the dwellings proposed would contribute to the supply and range of housing in the Borough, a matter to which I attribute substantial weight. However, at the heart of the Framework is the presumption in favour of sustainable development, of which the social, economic and environmental dimensions are mutually dependant, and should be jointly sought. It recognises the need for new development to secure a high quality built environment and to improve the character and quality of the area and the way it functions. Reuse of the site in the form proposed would fail to do this. Therefore notwithstanding the encouragement in the Framework to respond to opportunities for growth, the proposal would not comprise sustainable development when assessed against the Framework as a whole.

Conclusion

15. Although the proposal would contribute towards meeting housing need in the Borough, its benefits in this respect would be outweighed by the significant harm to character and appearance that would arise as a consequence of the over-intensive nature of the development proposed.
16. The appellant has provided a unilateral undertaking making provision for affordable housing in line with policy H32 of the Local Plan. The Council has not indicated if it is considered sufficient to meet the requirements of the policy. The tests of paragraph 204 of the Framework apply to planning obligations. However, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess the agreement against the requirements of paragraph 204.
17. I note the concerns of local residents and others, including Michael Ellis MP in relation to the proposal. I have taken into account these and all other material issues raised but none alters my conclusions expressed above. Therefore, for the reasons set out above, and having regard to all other matters raised, the appeal must be dismissed.

Anne Jordan

INSPECTOR