
Appeal Decision

Site visit made on 15 November 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 08 December 2016

Appeal Ref: APP/G3110/W/16/3153616
16 Chester Street, Oxford OX4 1SN

- 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 RHHS Repository Ltd against the decision of Oxford City Council.
 - The application Ref 16/00704/FUL, dated 8 April 2016, was refused by notice dated 2 June 2016.
 - The development proposed is erection of infill front extension and change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4).
-

Decision

1. The appeal is dismissed insofar as it relates to the change of use from dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4). The appeal is allowed insofar as it relates to the erection of an infill front extension and planning permission is granted for the erection of an infill front extension at 16 Chester Street, Oxford OX4 1SN in accordance with the terms of the application, Ref 16/00704/FUL, dated 8 April 2016, and the plans numbered P-02 and P-11, so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. The description of development given above is taken from the Council's decision notice because the description on the application form did not make explicit reference to the infill front extension. On the appeal form, the appellant has indicated that they are content to use the Council's description.
3. It was apparent from my site visit that the infill front extension has already been implemented, and so I have treated this appeal as a retrospective application for this element. I did not view the inside of the property.
4. For the reasons that follow, I find the infill front extension to be acceptable and it is clearly severable both physically and functionally from the proposed change of use. Therefore, I intend to issue a split decision in this case and grant planning permission for the infill front extension.

Main Issues

5. The main issues are (a) the effect of the proposed change of use on parking provision and (b) the effect of the infill front extension on the character and appearance of the area.
-

Reasons

Parking provision

6. Chester Street forms part of a network of side streets to the west of the A4158 Iffley Road. These streets consist of terraced properties with little front garden space or off-street parking options. As a consequence, most car parking is on-street. Chester Street just beyond a controlled parking zone (CPZ), although there are double yellow lines at the junction of Chester Street with Warwick Street and Stratford Street. At the time of my mid-afternoon site visit, there were a lot of vehicles parked on these streets.
7. The Council's approach to parking provision is set out in detail in Policy HP16 and Appendix 8 of the Sites and Housing Plan (SHP) 2011-2026. The appellant's statement of case and the Council's officer report interpret the policy and appendix differently. From my reading of the policy and appendix, for a house in multiple occupation (HMO) that falls with Use Class C4 in this location, parking provision is expected to follow the standards for houses and flats. Applications will be decided on their merits, to reflect local context and existing parking capacity and safety issues. The proposed development would not provide any allocated car parking spaces. In such cases, the policy and appendix requires the appellant to demonstrate sufficient parking capacity on the existing street to accommodate the additional demand for parking and to robustly demonstrate that the proposal would not worsen or create parking congestion.
8. The appellant highlights that there is little difference in parking demand between a three-bedroom dwellinghouse and a three-bedroom HMO where the intention is for single occupancy of each bedroom. However, I have no certainty that the HMO would not have more than one occupant per bedroom up to the maximum six residents within the property permitted under Use Class C4. The HMO licence regime is a separate process to the planning system.
9. The proposed floor plans show each bedroom with enough space to accommodate a double bed, meaning up to six adults could live at the property. This could result in a demand for six on-street car parking spaces, which is likely to be greater than the demand for car parking spaces for a three bedroom Class C3 dwellinghouse. In an area where demand for parking is high and there is already a lot of on-street parking, this would have a detrimental effect on parking provision.
10. I appreciate that the levels of on-street parking are beyond the appellant's control and that off-street provision is limited. I note that 16 Chester Street is a short distance from Iffley Road where there is a bike lane and bus route to the city centre, thereby providing alternative modes of transport to the private car. Local services are evidently within walking distance. However, I do not have sufficient demonstration or certainty that there is adequate parking capacity on the street to accommodate any additional demand for parking or that the proposal would not worsen parking congestion.
11. The appellant argues that the existing CPZ could be extended to cover Chester Street, but it is not clear how this would address the issue, particularly as the local highway authority has indicated that the existing CPZ has high demand.

12. Concluding on this main issue, the effect of the proposed development on parking provision would not be acceptable. Therefore, the proposal would not comply with Policy CP1 of the Oxford Local Plan 2001-2016 ('the Local Plan') that only permits development which, amongst other things, is acceptable in respect of parking. Moreover, it would not comply with the car parking standards specified in Policy HP16 and Appendix 8 of the SHP.

Character and appearance

13. The terraced properties that surround the appeal site are characterised by tight-knit buildings and uniformity of scale and layout. At the same time, there is variety between buildings in terms of minor details, with the incremental alteration of original features.
14. It is clear from the Council's report and decision notice that it considered the infill front extension to be acceptable. However, third parties have raised concerns about the loss of the original angled front door which mirrored the building opposite on the corner of Warwick Street and Chester Street.
15. The loss of an original feature and symmetry with the property on the opposite corner is unfortunate, but the infill front extension is well-designed and constructed in terms of detailing and materials. In a location where incremental changes are commonplace, it represents an acceptable alteration that does not harm the overall character and appearance of the area.
16. Concluding on this main issue, the infill front extension has an acceptable effect on the character and appearance of the area. Therefore, it accords with Policy CP1 of the Local Plan that only permits development which, amongst other things, shows a high standard of design that respects the character and appearance of the area.

Other Matters

17. I am aware of a number of other matters raised by third parties relating to this appeal. However, they have not led me to any different overall conclusion.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the infill front extension and dismissed insofar as it relates to the proposed change of use. As the infill front extension has already been built, it is not necessary to impose any planning conditions.

Tom Gilbert-Wooldridge

INSPECTOR