
Appeal Decision

Site visit made on 29 November 2016

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 6th January 2017

Appeal Ref: APP/G3110/W/16/3155022

3 Oxford Road, Oxford, Oxfordshire OX4 2EN

- 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 Ms Rashda Manzoor against the decision of Oxford City Council.
 - The application Ref 16/00942/FUL, dated 31 January 2016, was refused by notice dated 22 June 2016.
 - The development proposed is described as change of use from C3 to C4.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Erection of single storey rear extension at 3 Oxford Road, Oxford, Oxfordshire OX4 2EN in accordance with the terms of the application, Ref 16/00942/FUL, dated 31 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ground Floor Plan, First floor Plan, 3, 4, 5, 6, 7, 8, 9, 10 and Location Plan 1/1.
 - 3) The external materials to be used in the development hereby permitted shall match in colour, form and texture those of the existing building.
 - 4) Before the occupation of the proposed development, details of secure cycle facilities, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the secure cycling facilities have been provided within the site in accordance with the approved details and thereafter the area shall be retained solely for the purpose of the parking of cycles.
 - 5) The House in Multiple Occupation (Use Class C4) hereby approved shall be limited to a maximum of 5 bedrooms.

Procedural Matter

2. The appellant has described the development as "change of use from C3 to C4". The Council's description more accurately describes the proposal as "Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Erection of single storey rear extension". I have considered the appeal upon this basis.
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Main issues

3. The main issues in the appeal are:

- the effect of the proposal on highway safety, with particular regard to parking; and
- the effect of the proposal on the living conditions of the occupiers of No 3 Oxford Road, with particular regard to waste and recycling provision.

Reasons

4. The appeal property is a two-storey end of terrace house located on a busy public transport route and within walking distance of facilities and services in Cowley Road. The property is situated close to the junction of Oxford Road and Marsh Road. There are bus stops on Oxford Road and Cowley Road and a pedestrian controlled signalised crossing close to the appeal site allowing for safe pedestrian access to the bus stops on the opposite side of the road. There are parking restrictions on the Oxford Road.

Highway safety

5. The appeal property as an existing 3-bedroom dwelling does not have any off-street parking provision. The Council have argued that there is inadequate parking provision for the proposed 5-bedroom House in Multiple Occupation (HMO) and that this would lead to parking stress in the area. However, the Council's adopted parking standards for the proposed HMO would be a maximum of 2 parking spaces; this is the same as their requirement for a 3-bedroom dwelling. It is therefore evident that the change of use from a 3-bedroom dwelling (Use Class C3) to a 5-bedroom HMO (Use Class C4) would be likely to have a neutral effect on parking demand rather than increase it, when assessed against the Council's adopted car parking standards.
6. Furthermore, based on the evidence before me there is no substantive reason why secure cycle parking could not be provided in the rear garden of the property and secured by condition. In reaching these conclusions I have taken into account the high level of accessibility and proximity to high frequency public transport, Oxford's cycling network and local facilities and services in Cowley Road.
7. I therefore conclude that the proposal would not result in severe harm to highway safety or result in material harm by way of parking stress. Having come to the conclusions above, it follows that the proposal would therefore be consistent with Policy CP1 of the Oxford Local Plan 2001 – 2016 (OLP) and Policies HP7, HP15 and HP16 of the Oxford City Council Sites and Housing Plan 2011 – 2026 (OSHP).

Living conditions

8. The Council have argued that there is inadequate provision for waste and recycling facilities. However, Policy HP7 requires a bin capacity of 2 wheeled bins for a 5-bedroom HMO. Furthermore, the Council in their officer's report confirms that the existing dwellinghouse use already has 2 wheeled bins stored at the front of the property, that are serviced from the Oxford Road. The Council further state that this is consistent with other properties on Oxford Road. Consequently, based on the evidence before me, there would be no material change to the requirement or siting of the waste and recycling

facilities for the property. Therefore the proposal would not result in material harm to the living conditions of existing and future occupiers of No 3 Oxford Road.

9. Having come to the conclusions above, it follows that the proposal would therefore not conflict with Policy CP1 of the OLP and Policy HP7 of the OSHP.

Conclusion and Conditions

10. The conditions suggested by the Council have been considered in light of the advice contained within the National Planning Practice Guidance. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. However, I have not applied a condition requiring the submission and implementation of a tree protection plan as there is no evidence before me that demonstrates why it is necessary. Furthermore, given that there would be no alteration to the access to the property it is not necessary to apply a condition securing vision splays.
11. The Council have not suggested conditions relating to securing the provision of cycle parking facilities and the control of materials for the proposed extension. However, these matters are addressed in the appellants appeal submissions and therefore given the nature of the conditions I intend to impose I am satisfied that there would not be any injustice to the appellant. Consequently, to ensure the satisfactory appearance of the scheme it is necessary for materials to be used in the construction of the extension to match those of the existing building. In the interests of sustainable travel it is necessary to apply a condition requiring the provision and retention of secure cycle storage facilities. I have for the avoidance of doubt applied a condition to limit the HMO to a maximum of 5 bedrooms in accordance with the appellants transport study.
12. For the above reasons and having regard to all other matters I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR