
Appeal Decision

Site visit made on 6 February 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 20 February 2017

Appeal Ref: APP/G3110/W/16/3161429
49 The Grates, Oxford OX4 3LJ

- 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 Arshad Hussain against the decision of Oxford City Council.
 - The application Ref 16/01770/FUL, dated 23 June 2016, was refused by notice dated 13 September 2016.
 - The development proposed is 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 C3 to C4 at 49 The Grates, Oxford OX4 3LJ in accordance with the terms of the application, Ref 16/01770/FUL, dated 23 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing No: 2435/Exist
 - 3) Prior to the change of use hereby permitted taking place, details of a screened refuse and recycling store shall be submitted to and approved in writing by the local planning authority. The approved use shall not commence until the facilities have been provided as approved and shall thereafter be retained.
 - 4) Prior to the change of use hereby permitted taking place, details of secure and undercover cycle storage facilities with the capacity for at least one pedal cycle per occupant, shall be submitted to and approved in writing by the local planning authority. The approved use shall not commence until the facilities have been provided as approved and shall thereafter be retained.

Preliminary Matter

2. The Council has referred in its written evidence to Policy TR3 as well as Oxfordshire County Council's Local Transport Plan and the Oxford Transport Strategy. However, I note that none of these were referred to in the reasons for refusal set out in the decision notice. Furthermore, I have not been provided with any of these documents or any information as to their status. As such, I have not considered them in my determination of this appeal.
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Main Issue

3. The main issue is the effect of the proposed development on highway safety with particular regard to parking.

Reasons

4. The appeal site is located on The Grates, a residential cul-de-sac located to the south of the Templars Square Shopping Centre. It is not within a Controlled Parking Zone but is considered by the Council to be under pressure due to high demand for on-street parking in an area close to a busy retail centre.
5. Policy CP10 of the Oxford Local Plan 2001-2016¹ (LP) seeks to, amongst other things, ensure that new development properly accommodates parking needs. Furthermore, Policy HP16 of the Sites and Housing Plan 2011-2026² (SHP) requires residential development (including C4 Houses in Multiple Occupation (HMO's) to comply with the Council's maximum parking standards. However, the SHP also recognises that in the case of HMO's, the Council may refuse planning permission when proposed in an area where additional parking pressures would compromise highway safety.
6. The proposal would involve the change of use of the existing 3 bedroom dwelling to a 5 bedroom HMO. The application form indicates that there would be no change in parking provision from that of the existing dwelling and the Council accepts that the levels proposed would not exceed the maximum levels permitted. However, it is concerned that there would be an increase in parking demand which would need to be accommodated by the existing on-street provision, increasing parking congestion to levels which would be detrimental to highway safety. The central question is therefore whether the proposal would result in an increase in parking demand and, if so, whether such an increase would be detrimental to highway safety.
7. I accept that the number of people occupying a HMO will often be higher than for a single household and, as such, its parking need is likely to be greater. Furthermore, I also accept that this increase in parking need would, in view of the lack of any off-street provision, rely on nearby on-street parking. While I note the appellant's indication that attempts will be made to restrict this through individual tenancy agreements, no such agreements have been provided and I cannot be satisfied that any such attempts would be secured or enforceable. I therefore find that the proposal would result in further demand being placed on the nearby on-street parking provision.
8. However, in terms of its actual impact, neither party has provided any detailed information to indicate the existing level of parking demand or how it would be affected by the proposed change of use. Nevertheless, it was clear from my own observations that while there were high levels of on-street parking, there was some capacity further along the street indicating that parking demand within the area is not at full capacity. Furthermore, there was nothing to indicate that parking was in such high demand that highway safety had been compromised. Consequently, I am not persuaded that the level of increased demand which would result from the proposed change of use could not be accommodated within the existing provision or that highway safety would be materially compromised as a result.

¹ Adopted November 2005

² Adopted February 2013

9. Moreover, while I acknowledge the concerns of both the Council and local residents that further demand being placed on nearby parking could exacerbate an already congested area, in areas where parking demand has reached levels which would jeopardise highway safety, the Local Highway Authority (LHA) have other means of regulating parking. As such, I do not accept that a lack of parking controls or suitable management provides sufficient reason for withholding permission for what is otherwise considered to be an acceptable proposal.
10. Accordingly, while I have found that there would be an increased need for parking resulting from the proposal, I am satisfied that any shortfall can be suitably accommodated within the nearby on-street provision without resulting in any severe or significant detriment to highway safety. Accordingly, I am satisfied that the proposal would not be contrary to LP Policy CP10 or SHP Policy HP16.

Conditions

11. I have had regard to the conditions suggested by the Council. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
12. Furthermore, I consider conditions requiring further details regarding refuse and recycling facilities appropriate in the interests of the amenity of future occupiers. These conditions need to be discharged before the proposed change takes place as these relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR