
Appeal Decision

Site visit made on 4 May 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 09 June 2017

Appeal Ref: APP/G3110/W/17/3166963
202 Cowley Road, Oxford OX4 1UE

- 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 Mori Neshat against the decision of Oxford City Council.
 - The application Ref 16/02893/FUL, dated 22 October 2016, was refused by notice dated 9 January 2017.
 - The development proposed is existing 6 bedroom house converting into 3 flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council, in its decision notice, refers to its Balance of Dwellings Supplementary Planning Document (the SPD) to which I have applied some weight due to its role in supporting the relevant development plan policy.

Main Issues

3. The main issues are:
 - i) whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of amenity space;
 - ii) the effect of the proposed development on the supply of family housing.

Reasons

Living conditions with regard to provision of amenity space

4. Policy HP13 of the Oxford City Council Sites and Housing Plan (the Sites and Housing Plan) requires new dwellings to have direct and convenient access to an area of private open space. In respect of 1 or 2 bedroom flats it sets out that this should be in the form of either a private balcony or terrace of useable level space, or direct access to a private or shared garden. It also stipulates the need to take account the adequacy of that space including in respect of the degree of enclosure, orientation in relation to the sun, and the overall shape, access to and usability of the whole space to be provided.
 5. The proposal as shown on the submitted plans, shows that flat B would have direct access to the rear amenity space via its kitchen door. Flat C's access to that space would be via an external staircase and side passageway. The
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appellant refers in his submissions to that amenity space being shared.

However, the plans indicate that this would only be for those two flats and not flat A, as the side passageway is labelled on the plans as being for access to the rear garden for flat C with no mention of flat A. The full extent of the proposed rear garden area is also not shown on the plans to clarify the extent of useable space and whether it would be sufficient to cater for all three flats.

6. In respect of the amenity space for flat A, I have had regard to the provision shown on the submitted plans labelled as 'open courtyard flat A private amenity area', located immediately adjacent to the flat's entrance. That space would be very small and at basement level. As such it would be closely confined within substantial building elevations, existing and proposed, on three sides and the retaining wall for the side passageway on the other. The external staircase for flat C, which would rise above two sides of that space, would cause further confinement. Those factors would combine to cause an unacceptable sense of enclosure and a likely poor level of natural daylight, as well as sunlight, afforded to that space.
7. The plans also show a small private amenity area for flat A in front of its kitchen/lounge. However, it is likely that it would be significantly overlooked from passers-by, and so not private, and also remote from the flat's entrance. It is therefore unlikely that it would be an attractive area for use as amenity space.
8. Unlike flat B, access to the rear shared garden area for flat C's occupiers would not have the same convenience of access straight out to that space. Instead, access would be via an external stairway and past the proposed cycle store. However, the distance would not be large and the route would all be to the rear of the property and so fairly secure. Provision of amenity space for flats B and C would therefore be acceptable. However, that does not deflect from the inadequate provision that I have found would be provided for flat A.
9. For the above reasons, I conclude on this issue that the proposed development would not provide acceptable living conditions for future occupiers of flat A, with regard to the provision of amenity space. As such, it would be contrary to policy HP13 of the Sites and Housing Plan.
10. The Council, in its decision notice, also refers to policy CP1 of the Oxford Local Plan in respect of this issue. However, that policy does not specifically refer to living conditions of residents and so is not directly relevant to this issue.

Supply of family housing

11. The SPD identifies the area relating to the appeal site as being one of high housing pressure. It also states that there should be no net loss of family dwellings. The appellant claims that it has not been a family dwelling for 10 years and I saw that it currently has several lockable bedrooms with shared kitchen and bathroom facilities. Nevertheless the submitted evidence is inconclusive as to its lawful planning use. Notwithstanding this, I have had regard to whether the proposed top flat could be useable as family accommodation, given that it would only have two bedrooms.
12. The Council acknowledges that in terms of overall internal floor space it would have more than the required amount. On two floor levels it would have a good sized lounge and kitchen, a bathroom and the bedrooms. The larger of the two

bedrooms is restricted to some extent by the slope of the roof. However, notwithstanding the plans only showing a single bed, there would be clear scope for a double bed to be positioned in the room and still have sufficient space for circulation and other bedroom furniture, including cupboards and draws. The other bedroom is significantly smaller but would comfortably accommodate a single bed or bunk beds, together with circulation space and storage furniture.

13. The plans only show a small built in store room for that flat. However, the amount of floor space, in the lounge and kitchen in particular, would enable scope for additional storage space to be provided. I have also previously found that provision for, and access to, outdoor amenity space would be acceptable for that flat, albeit not directly accessed from the ground floor.
14. These factors combine to demonstrate that flat C would be suitable for a small family in terms of the level and nature of accommodation and amenity space. Therefore, for the above reasons, I conclude on this issue that the proposal would not undermine the supply of family housing in the area. As such it would accord with Policy CS23 of the Oxford Core Strategy (the Core Strategy) and would not be at odds with the principles set out in the SPD, which together require residential development to deliver a balanced mix of housing to meet the projected future household need across Oxford.

Conclusion

15. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
16. I have found that the proposed development would not undermine the supply of family housing in the area. However, this does not detract from my finding that it would not provide acceptable living conditions for future occupiers of flat A, with regard to the provision of amenity space. It would therefore not be a sustainable form of development.
17. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR