



Appeal Decision

Site visit made on 18 September 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2018

Appeal Ref: APP/G3110/W/18/3204302

1 Benson Road, Oxford OX3 7EJ

- 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 Shahzad Alaf against the decision of Oxford City Council.
 - The application Ref 17/02713/FUL, dated 11 October 2017, was refused by notice dated 8 December 2017.
 - The development proposed is a change of use from C3 to C4.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would result in an over concentration of houses in multiple occupation (HMO), creating an unbalanced community.

Reasons

3. The appeal relates to a two storey semi-detached dwelling located within an established residential area.
4. The Council advise that as of 24 February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a HMO (Use Class C4) due to the removal of permitted development rights under an Article 4 Direction.
5. Policy HP7 of the Sites and Housing Plan (SHP) stipulates that a change of use to a HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%, unless the City Council agrees to make an exception based on other site specific considerations. The Council identify 54 properties within the relevant area, including the appeal site. This is the figure given in the Council's officer report, even though No 1 Coverley Road was not specifically identified. In my view, based on the policy parameters, it should be.
6. The officer report states that the proposal would result in 16 of these properties being HMO's. This represents a 29.63% proportion, well above 20%. The Council has subsequently reviewed the figures for the purposes of the appeal and state that the proposal would result in 13 of the 54 properties being HMO's (24%). This again would be materially above the threshold level.

7. The appellant states that the online public access shows 11 HMO's within valid licence dates. It is also stated that that No 26 Benson Road has a licence expiry date of 28 June 2018 and by the time of my decision, it would have expired. However, the Council explain that licences in the processes of being renewed do not always appear online. Indeed the list now provided by the Council indicates that the licence for No 26 expires 28 June 2020. In any case, whether the total number, including the appeal site, would be 11 or 12, the 20% threshold would still be breached, albeit marginally. Moreover, a scenario where the 20% threshold is already being breached, does not justify increasing this breach further.
8. I appreciate that the Council's figures have altered between application and appeal stages but the position is fluid with licences expiring or being renewed. In this regard, the appellant has not provided any updated evidence to dispute the most recent position provided by the Council, which is that the proposal would result in 13 HMO's within the relevant area.
9. I therefore conclude that the proposal would result in an over concentration of HMO's and a detrimental impact upon the balance and mix of dwelling types within the surrounding area, contrary to SHP Policy HP7. I note the appellant's assertion that the property meets all the other terms required for a HMO but this could, and should, be repeated for all other HMO applications and in my view does not justify an exception as envisaged by Policy HP7.

Other considerations

10. I appreciate that the appellant has a mortgage on the appeal site and would derive higher rents from a HMO than a single family dwelling. However, such personal considerations do not outweigh the above stated policy conflict. Should the property subsequently be used as a HMO, despite my decision, then this will be a matter for the Council.

Conclusion

11. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR