



Appeal Decision

Site visit made on 22 October 2018

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/G3110/W/18/3204066

304 London Road, Headington, Oxford OX3 8DJ

- 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 M Dogar against the decision of Oxford City Council.
 - The application Ref 18/00266/FUL, dated 1 February 2018, was refused by notice dated 29 March 2018.
 - The development proposed is alterations of 3 bedroom class C3 (single dwelling house) to 4 bedroom class C4 (HMO).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since determination of the planning application the revised National Planning Policy Framework (NPPF) was published on 24 July 2018, replacing the version published in March 2012. The revised NPPF is applicable to planning decisions from the date of publication and is a material consideration in the determination of this appeal. The main parties have been provided with an opportunity to comment on the revised NPPF and its relevance to the determination of the appeal.

Main Issue

3. The main issue is whether the development would result in an overconcentration of Houses in Multiple Occupation (HMO) within the locality.

Reasons

4. The appeal site is a 2 storey semi-detached property fronting onto the A40 London Road, close to a roundabout. The site is accessed off a slip road in a mixed use area comprising residential and commercial uses.
5. Policy HP7 of the Oxford City Council Sites and Housing Plan (SHP) seeks to ensure the proportion of buildings used as HMOs does not exceed 20% within 100 metres of street length either side of an application site. The purpose of this, alongside Policy CS23 of the Oxford Core Strategy (Core Strategy) is to secure a balanced mix of housing.
6. The Council identifies using a map and list of addresses that 3 of the 11 properties including the appeal site would along the length of the qualifying distance be designated a HMO. This equates to 27.27%.

7. The appellant has stated that the proposal should not be included in the calculation and consequently that the proportion of HMOs would be 18%, below the threshold. I disagree. The Council is clear that they consider that more than 20% of buildings in HMO use within a 200 metre length of street is likely result in over concentration. This is clarified and exemplified in appendix 5 of the SHP, which accompanies the policy. As such I am of the view that the appeal site should be included in the calculation.
8. There are a number of ways in which the identification of buildings falling within the 200 metres could be calculated, as demonstrated by the appellant in the different scenarios identified. However, appendix 5 of the SHP sets out the approach that should be taken in the application of the policy. I acknowledge that the example used is a more simplified road layout than the appeal site but the location of the scheme in a mixed use area and adjacent the A40 London Road does not in isolation provide justification for taking a different approach. I have been provided with little evidence to substantiate taking an alternative approach. The approach taken by the Council encompasses the buildings closest to the appeal and those whose uses would influence the character of the area in the context of the appeal site.
9. The proposal would lead to an over concentration of HMOs and as such would conflict with Policy HP7 of the SHP, the provisions of which are identified above.

Conclusion

10. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR