



Appeal Decision

Site visit made on 12 March 2019

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/G3110/W/18/3219329

90 Bullingdon Road, Oxford, OX4 1QL

- 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 Eva Wooding against the decision of Oxford City Council.
 - The application Ref 18/01821, dated 09 July 2018, was refused by notice dated 08 October 2018.
 - The development proposed is change of use from C3 dwelling to C4, house of multiple occupancy, dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Parties have referred to the emerging Local Plan 2016-2036. This plan is at an early stage of preparation and has been subject only to initial pre-submission public consultation. The policies of this plan are therefore accorded very limited weight.

Main Issues

3. The main issues in respect of this appeal are:
 - (i) Whether the proposal would support a balanced mix of housing, and;
 - (ii) The effect of the proposal on highway safety.

Reasons

Housing Mix

4. The appeal site is an end of terrace dwelling within Bullingdon Road, a residential street within the Cowley area of Oxford. Bullingdon Road meets with the Iffley Road and Cowley Road at its respective ends; these are main routes into and out of the City Centre, featuring a mix of uses.
5. The appeal scheme is to change the use of the existing dwelling into a house in multiple occupation (HMO). In 2012 the Council served a city-wide Article 4 Direction removing permitted development rights to change the use of dwellinghouses (Use Class C3) to HMOs (Use Class C4).
6. The Appellant refers to an appeal decision (APP/G1250/W/17/3190653) which establishes that a city-wide Article 4 Direction does not establish the suitability,

or otherwise, of a specific site for change of use to an HMO. Whilst the Article 4 Direction creates a Oxford city-wide restriction on permitted development rights for HMOs, the assessment as to the suitability of a site for an HMO use is based on site specific considerations and concentration rates set out within Policy HP7 of the Sites and Housing Plan 2011-2026 (SaHP).

7. Policy HP7 explains that HMOs have an important role in meeting housing needs in Oxford, especially for young workers and students. However, in some areas of the city, high concentrations of HMOs are resulting to changes to character of the local area, parking problems, large numbers of transient households, and affordability issues. The policy aims to prevent overconcentration of HMOs in areas where there are already significant numbers to prevent these effects.
8. Policy HP7 states planning permission will only be granted where the proportion of buildings used as an HMO within 100 metres of street length either side of the site does not exceed 20% unless there is an exception based on site-specific criteria. The Council's updated calculation of the proportion of HMOs within the parameter area of the policy is 39% and therefore that the appeal scheme does not accord with this requirement of policy HP7.
9. The Appellant contends that the scheme meets with the underlying aim of Policy HP7 to establish sustainable communities, as in Appellant's view, the scheme is sustainable development.
10. The appeal scheme would contribute towards the housing needs of specific groups, contributing towards the social role of sustainable development set out in the National Planning Policy Framework (the Framework). However, this must be balanced with the social impact of HMOs attracting short-term tenants with less established community ties. Local residents have stated that the concentration of HMOs in the area are having a negative impact on the formation of community ties, established by the representations of local residents. Policy HP7 provides for HMO accommodation to be provided elsewhere, where there is no such overconcentration of HMOs. The provision of HMO accommodation is therefore not justified in this location and does not outweigh the significant harm to the provision of a balanced mix of housing to support sustainable communities.
11. Similarly, other benefits to the scheme are limited and would not outweigh the harm identified above. The increased population as a result of the denser form of residential development would support the economic vitality and viability of the area; though the population increase is proportionately small and thus so is the benefit. The more efficient use of land and the location of the site close to facilities and services would result in environmental benefits, however, such benefits could be achieved elsewhere without the harm identified above.
12. For these reasons, the appeal scheme conflicts with policy HP7 and the National Planning Policy Framework (the Framework) in respect of establishing mixed and sustainable communities.

Highway Safety

13. The Council have indicated that the Highway Authority has removed their objections to the scheme in all respects, other than car parking.

14. Policy HP16 sets out maximum parking standards for HMOs within the Transport Central Area as 1 space per HMO dwelling. The policy sets out a maximum, not minimum standard for parking given the accessibility of the Transport Central Area to services and sustainable methods of transport.
15. There is no evidence to suggest the cumulative impacts of on-street parking on highway safety would be severe in this location. Bullingdon Road and the surrounding roads are subject to resident permit-controlled parking in any case.
16. The appeal scheme therefore complies with policy HP16 and the Framework.
17. Policy HP15 sets out minimum standards for residential cycle parking and for HMOs requires 1 space per occupant. The policy requires that all residential cycle storage must be secure, undercover and preferable enclosed, providing level, unobstructed external access to the street. The appeal scheme does not propose cycle parking provision, though such details could be subject to a planning condition.
18. The appeal site has a small front garden which would be unlikely able to accommodate bin storage and 1 secure cycle parking space per occupant. Indeed, during my visit I observed that both bin storage and cycle parking has spilled onto the pavement outside other dwellings along the road. Whilst the appeal site is an end-of-terrace property, there does not appear to be clear unobstructed access to the street from the rear garden. However, policy HP15 sets out that the minimum standards may be relaxed in exceptional circumstances, including where it is impossible to accommodate the full provision due to physical constraints. For these reasons, the minimum provision could have been set aside as the proposal has been reasonable in all respects and had I decided to allow the appeal.

Conclusion

19. For the reasons stated above, I find that the appeal proposal would cause harm to the establishment and maintenance of balanced and sustainable communities and would conflict with the aims of policy HP7 of the SaHP as well as the guidance in the Framework. I conclude that the appeal should be dismissed.

Kim Langford Tejrar

INSPECTOR