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## Appeal Decision

Site visit made on 21 May 2019

**by G Jenkinson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> August 2019**

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**Appeal Ref: APP/G3110/W/19/3223477**

**111 Fern Hill Road, Oxford, OX4 2JR**

- 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 Ashraf against the decision of Oxford City Council.
  - The application Ref 18/02722/FUL, dated 12 September 2018, was refused by notice dated 6 December 2018.
  - The development proposed is a change of use from HMO Class C4 to sui generis HMO.
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use from HMO Class C4 to Sui Generis HMO at 11 Fern Hill Road, Oxford, OX4 2JR in accordance with the terms of the application, Ref 18/02722/FUL, dated 12 September 2018, and subject to the following conditions:
  - 1) The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.
  - 2) The development permitted shall be constructed in complete accordance with the following approved plans: 3606Fern 1A Rev A, 3606Fern 2A Rev A, 3606Fern 4A Rev A.
  - 3) Prior to the first occupation of the property as a Large HMO, a parking plan showing two accessible car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The parking shall then be laid out on site in accordance with the approved parking plan and retained thereafter for the parking of private motor vehicles.
  - 4) Prior to the first occupation of the property as a Large HMO, details of secure, covered bicycle storage with level and unobstructed external access to the street to provide at least 1 space per occupant shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in complete accordance with the approved details prior to the occupation of the dwelling and shall be retained on site thereafter for the purposes of cycle storage only.

### Main Issues

2. The main issues are, firstly, the effect of the development upon parking stress and highway safety and, secondly, whether adequate cycle parking and refuse storage would be capable of being provided.

## Reasons

### *Highway Safety*

3. The appeal site consists of a two storey semi detached dwelling. The property has been substantially extended to the side at the ground floor, to the rear at ground and first floor and a loft conversion has been completed. I understand that retrospective planning permission was granted for the change of use from dwelling house (use Class C3) to House in Multiple Occupation (Use Class C4) in May 2015 (Ref 15/00824/FUL).
4. The proposal seeks the change of use from a House in Multiple Occupation (HMO) to a large house in multiple occupation (Use Class Sui Generis). The proposal would provide 2 off street parking spaces, cycle storage for 4 bikes and bin storage for 2 wheelie-bins to the front of the property.
5. The appeal site is not within an area covered by a Controlled Parking Zone (CPZ). There are a range of limited parking control measures within close proximity and double yellow lines immediately outside of the site. However, at the far end of Fern Hill Road is a substantial area of no through road where no parking restrictions apply and which is used for informal parking. During my site visit it was apparent that there were a number of available spaces and the street did not appear overly congested with on street parking.
6. I acknowledge that an objection has been received from the Highways Authority to the proposal given that the required 3 to 4 off street parking spaces would not be accommodated on site and that they have requested a parking survey be provided. However, it was apparent from my site visit that there is available on street parking at the end of Fern Hill Road, which would be able to accommodate the needs of the HMO.
7. The appellant claims that the proposal would have up six bedrooms, whereas the Council claim that it could have up to 7. Appendix 8 of the Sites and Housing Plan (2013) states that large HMO's outside the Transport Central Area should provide 1 parking space per 2 habitable rooms. It is apparent from the plans that there are only 6 bedrooms and therefore I find that that a maximum of 3 car parking spaces should suffice for the proposal. As the proposal aims to provide 2 off street car parking spaces I find that there is sufficient space on street for the additional space required.
8. I therefore conclude that the proposal would not give rise to unacceptable on-street parking stress, and resulting impacts on highway safety. The proposal therefore accords with Policy HP16 of the Oxford Sites and Housing Plan (2011 – 2026), which amongst other things seeks to ensure adequate residential car parking within new development.

### *Provision of cycle parking and refuse storage*

9. The proposal incorporates cycle storage for 4 bicycles and two wheelie bins. Whilst this number would need to be doubled to ensure adequate provision it was apparent from my site visit that there is adequate space on the frontage to accommodate 8 cycle spaces and 4 wheelie bins.
10. I noted numerous properties along the road with refuse storage that was not covered and therefore do not consider this essential for the HMO. I have

attached a condition to ensure that a minimum of 8 cycle spaces are provided for the occupants of the property.

11. I therefore conclude that the proposal is not contrary to Policy HP15 of the Oxford Sites and Housing Plan (2011 – 2026), which amongst other things aim to ensure adequate residential cycle parking.

### **Conditions**

12. I have had regard to the advice in the Planning Practice Guidance when considered the conditions suggested by the Council. I have included the standard time limit condition and a condition that requires the development to accord with the approved plans in the interest of clarity and proper planning.
13. The condition relating to the parking spaces is necessary to ensure both parking spaces are easily accessible and in the interest of provision of off road parking and highway safety. The condition relating to cycle storage provision is necessary to provide cycle parking spaces for people using the development and in accordance with sustainable transport.

### **Conclusion**

14. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed.

*Gemma Jenkinson*

INSPECTOR