



Appeal Decision

Site visit made on 2 October 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/G3110/W/19/3233066 130 Sandy Lane, Oxford OX4 6LQ

- 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 Milton Berger against the decision of Oxford City Council.
 - The application Ref 19/01220/FUL, dated 10 May 2019, was refused by notice dated 2 July 2019.
 - The development proposed is change of use from single dwelling house Class C3 to HMO (4 bed) Class C4.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from single dwelling house Class C3 to HMO (4 bed) Class C4 at 130 Sandy Lane, Oxford, OX4 6LQ in accordance with the terms of the application Ref 19/01220/FUL, dated 10 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan 1:200 & Existing & Proposed Floor Plans Drawing No SANDY/01.
 - 3) Prior to the first occupation of the house in multiple occupation (Use Class C4), details of secure covered cycle storage facilities providing for at least 1 space per occupant shall be submitted to and approved in writing by the Local Planning Authority. Such facilities will be provided in accordance with approved details prior to the first occupation of the house as a House in Multiple Occupation (HMO) and will thereafter be retained solely for the purpose of parking of cycles.
 - 4) Prior to the first occupation of the house in multiple occupation (Use Class C4), details of storage of bins for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. Such facilities will be provided in accordance with approved details prior to the first occupation of the house as a HMO and will thereafter be retained solely for the purpose of bin storage.

Main Issue

2. The main issue is the effect of the proposal on highway safety, having particular regard to off street parking provision.

Reasons

3. The appeal site is a mid-terrace property on the south side of Sandy Lane. It is located in a predominately residential area, although on the opposite side of the road there is an access serving a Go Carting track with further residential and commercial development. To the front of the property there is a blocked paved parking area and grass verge which separate it from the road. There are 3 unallocated parking bays directly opposite the property with a further 5 unallocated bays to the east separated by a grass verge. In addition, the grass verge to the front of the adjacent property has been converted to informal parking through installation of grasscrete matting.
4. It has been identified that there is limited car parking to serve the residents of Sandy Lane. I noted during my site visit the presence of single yellow lines on Sandy lane and double yellow lines along parts of the southern side of the street including in front of the parking bays. There is limited on street parking but a large number of properties along Sandy Lane benefit from off street parking through converted front gardens to provide additional parking areas. Further it was apparent that the green verges along Sandy lane are being used informally for further off-street parking areas. At the time of my early afternoon visit there were parking bays available outside the appeal property and similarly further on street parking space along Tucker Road. However, I acknowledge, that at the time of my visit people may have been in work and there would be likely increased demand in the evening when people return from work.
5. The proposed change of use of this dwellinghouse (C3) to a HMO (C4) requires planning permission due to the removal of permitted development rights under an Article 4 Direction. Whilst the main aim of this Direction was to protect the character of areas and maintain a supply of family housing, given such schemes now require planning permission, the application will be determined against the development plan as a whole in assessing the implications of the proposal. In summary, consideration of the impact on parking provision resulting from the proposal is justified given the issues raised.
6. The proposed HMO would be 4 bedrooms, two being of double sized rooms. Based on the layout and facilities the property would be restricted through HMO Licensing up to a maximum of 5 persons. On this basis the proposal could result in around 5 unrelated individuals living together compared to the current use as a single household which would be likely to increase demand for parking along Sandy Lane. Given the presence of unallocated parking bays to the front of the property there is no opportunity to create off street parking. However, the neighbouring property 132 Sandy Lane has converted their front garden for off street parking together with the informal parking on the green verge. There is therefore available parking directly in front of the property.
7. Policy HP16 of the Oxford City Council Sites and Housing Plan (2013) (SHP) sets out that in the case of HMO's planning permission will only be granted where the maximum parking standard is complied with. Consequently 2 parking spaces would be required for this proposal, but no allocated parking is

proposed. However, the parking standard within Policy HP16 is the same for a 3 bedroom C3 dwelling which currently exists as would be for the proposed C4 dwelling. No allocated parking is currently provided for, but I acknowledge this property would have been granted consent before the imposition of the parking standards. I note, however, neighbouring comments that refer to one of these spaces being informally attributed to No 130.

8. Policy HP16 of the SHP supports car free or low parking houses in certain locations. Whilst the site is not within a Controlled Parking Zone the site lies within approximately 500m of a supermarket and within approximately 250-300m of a bus stop serviced by a number of routes to the City Centre. From the evidence before me whilst I note the journey times to the City Centre, the services are very frequent at approximately 8-minute intervals. I would consider that the site has excellent access to public transport and within a reasonable distance of local facilities.
9. Paragraph 106 of the National Planning Policy Framework outlines that 'maximum parking standards for residential...development should only be set where there is clear and compelling justification that they are necessary for managing the local road network. Similarly, paragraph 109 of the Framework identifies that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety'.
10. Policy M3 of the emerging Oxford Local Plan Proposed Submission Plan is proposing a lower standard for parking provision. For sites outside a Controlled Parking Zone for HMO's of any size emerging Policy M3 requires 1 space per household either allocated or unallocated. This plan is at an advanced stage having been submitted to the Secretary of State in March 2019 for examination. From my reading of the emerging Policies M2 and M3 and supporting justification there is a clear focus in the emerging Local Plan strategy to minimise car parking to reduce air pollution and encourage a shift to more sustainable forms of transport. The proposal will provide 5 bicycle spaces to be secured by condition which is line with the requirements of the emerging policy.
11. The evidence refers to a number of recent planning decisions¹ by the Council whereby the officer reports have acknowledged that the level of parking between a C3 use and C4 does not change and does not result in an increase in demand for further parking. I acknowledge the Council's position that these applications were located on a cul de sac and the implications for the wider network were different to the proposed scheme. In any event each application should be decided on its own merits based on the characteristics of the site.
12. Taking the above matters into consideration, the existing dwelling does not have any allocated parking but the parking requirement for a 4-bedroom HMO (C4) would be the same as that for the existing 3-bedroom dwelling. Whilst the site lies on a main thoroughfare, I find it is in a location that has excellent links to a frequent public transport stop and within a reasonable walking distance of a supermarket which will encourage modal shift. The current maximum standards are not being taken forward into the emerging Local Plan which is seeking a reduced requirement for parking provision across the city. Similarly, the proposal will provide adequate provision for bicycle facilities to encourage this modal shift. Unallocated parking bays exist to the front of the property

¹ Planning Application 18/0246/FUL and 18/03178/FUL

which could serve the proposed HMO, together with the presence of on street parking close by. This is particularly in light of the revised requirement in the emerging Local Plan of only 1 allocated or unallocated space for such HMO properties. Given the above I do not consider harm would result to highway safety as a result of the proposed change of use.

13. I therefore conclude that the proposed development would not cause an unacceptable impact on highway safety in relation to off street parking provision. The proposal would, therefore not be in conflict with Policy CP1 and CP10 of the Oxford Local Plan (2005) which amongst other matters seek that development is acceptable in relation to parking and highway safety. However, the proposal would not be fully compliant with Policy HP16 of the Sites and Services as whilst I have found it is in a location with good access to public transport and a supermarket it does not provide the off-street parking in line with maximum standards. However, considering there would be no change in requirement between the uses, the provision of unallocated bays to the front of the property and on street parking in the vicinity and the emerging Local Plan which is reducing these maximum parking standards to encourage modal shift, I find outweighs the conflict with this policy.
14. I have had consideration to the appeal decisions referred to by the parties but these have not led me to alter my conclusion on this proposal based on the evidence before me. In particular the Council have drawn my attention to a number of appeal decisions² where the change would result in an increased demand for parking. However, I do not have full details of the context of the site and surrounding parking situation. Further I have considered the emerging Local Plan to be a relevant consideration which was not the case at the time of these appeal decisions.

Conditions

15. In addition to the standard time limit condition I have imposed a condition specifying the relevant drawings in the interests of certainty. However I have not included the submitted Location Plan 1:1250 as this incorrectly has the red line boundary drawn around the neighbouring property No 132 Sandy Lane. I am satisfied that the submitted block plan clearly identifies the property boundaries. Conditions are also necessary to require details of the proposed secure cycle storage and bin storage to be submitted to the Local Planning Authority for approval to ensure the proposed development makes adequate provision for cycles and bin storage to serve future occupiers. This is to ensure the proposed cycle storage is adequate for the promotion of sustainable transport and also that the design of the cycle and bin stores are acceptable in the interests of the character and appearance of the area.

Conclusion

16. For the reasons above, the appeal is allowed.

Stephen Thomas

INSPECTOR

² APP/G3110/W/16/3153616 & APP/G3110/W/18/3205246