



Appeal Decision

Site visit made on 17 November 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2021

Appeal Ref: APP/G3110/W/20/3246368
297 Cowley Road, Oxford OX4 2AQ

- 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 Joseph Lynch against the decision of Oxford City Council.
 - The application Ref 19/02635/FUL, dated 27 September 2019, was refused by notice dated 10 December 2019.
 - The development proposed is change of use from C3 to C4.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged, the Council have adopted the Oxford Local Plan 2036 (2020) (LP). Accordingly, the main parties were given the opportunity to comment on the implications of this newly adopted plan for the proposal. Any comments received have been duly considered in my assessment of the appeal.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the housing mix in the area; and
 - ii) whether the proposal provides suitable off-street car parking, and if not, the effect of any under provision on highway safety.

Reasons

Housing mix

4. Policy H6 of the LP relates to Houses in Multiple Occupation (HMO). It states that planning permission will only be granted for a change of use of a dwelling to an HMO where the proportion of buildings used, in full or part as an HMO, within 100 metres of street length either side of the site, does not exceed 20%.
5. The reasoned justification for this restriction is to prevent an over-concentration of HMOs in areas where there are already significant numbers. Based on the evidence before me, the number of buildings in use as an HMO within 100 metres of the appeal site is considerably greater than 20%. Accordingly, I am satisfied that there is already an over-concentration of HMOs close to the appeal site. Consequently, the proposal would increase the likelihood of creating an unbalanced community with an excessively high

number of transient households. It would also be in direct conflict with the requirements of the LP, a matter to which I attach substantial weight.

6. I therefore conclude that the proposal would have a detrimental effect on the housing mix in the area. Accordingly, it would fail to comply with Policy H6 of the LP, the requirements of which are set out above.

Car parking provision

7. Based on the evidence before me, the proposal would be expected to provide 2 off-street car parking spaces. However, due to the nature of the site, this would not be possible. Accordingly, any cars that would be generated by the proposed use would have to park on the highway.
8. The Council suggest that there is a high level of parking stress in the area due to limited parking on the road. It is also stated that any increase in parking demand would have the potential to give rise to unacceptable impacts on highway safety as well as causing anti-social parking. Despite this assertion, no tangible evidence has been provided to articulate the harm which could subsequently arise.
9. The proposal would certainly be likely to increase demand for parking spaces. However, there is only a finite number of spaces in the locality and indiscriminate or anti-social parking could be controlled through means outside of the planning system. Moreover, without any objective evidence to suggest that this is already problematic, or that the proposal would give rise to specific harm, I can only give limited weight to this concern.
10. Consequently, although the proposal would not provide for on-plot parking, I conclude that the effect of this would not be harmful to highway safety. I am therefore satisfied that the proposal would accord with the requirements of the LP in this regard.

Other Matters

11. I acknowledge the personal circumstances and health difficulties that have been identified by the appellant. I also note the personal benefits that gaining planning permission would provide, both financially and in relation to general health and well-being. These matters are material to my assessment of the appeal. However, I have no tangible evidence to support the assertions that have been made. For example, no substantive financial details have been provided and no evidence has been submitted in relation to the unsuccessful marketing of the house. Consequently, whilst material to my assessment of the proposal, without compelling evidence I can only give limited weight to these matters. Accordingly, they do not outweigh the harm identified above.

Conclusion

12. Although the proposal would not harm highway safety, it would result in further harm to the housing mix within the area. This is a matter to which I attach substantial weight and accordingly, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR