



Appeal Decision

Site visit made on 4 January 2021 by Ben Phillips BSc MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/G3110/D/20/3259673

1 Benson Road, Oxford OX3 7EJ

- 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 Shahzad Alaf against the decision of Oxford City Council.
 - The application Ref 20/00137/FUL, dated 14 January 2020, was refused by notice dated 18 March 2020.
 - The development proposed is described as a change of use from C3 to C4.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Since the Council's refusal of the scheme, it adopted the Oxford Local Plan 2036 (the LP) on the 8 June 2020. Therefore, policies referred to in the Council's Decision Notice in regard to the Sites and Housing Plan 2011-2026 (2013) (SHP), have been replaced with similar policies within the LP. In this instance SHP Policy HP7 has been replaced by Policy H6 and I have assessed the proposal against the LP for the avoidance of doubt.

Main Issue

4. The main issue in this case is the effect of the proposed change of use on the character of the area and its effect on the achievement of balanced communities.

Reasons for Recommendation

5. The appeal property is a semi-detached dwelling, set along a quiet suburban street in east Oxford, characterised by similar two storey, semi-detached dwellings.
6. LP Policy H6 stipulates that change of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This is in order to support a balanced community. The companion text to the policy explains that an over concentration of HMOs can result in parking problems and

- transient households and affect the affordability of renting and buying properties in Oxford.
7. The appellant disputes the number of properties in HMO use having checked the Council's web site. However, the most recent figures set out in the Council's statement indicates that of the 54 properties (including the appeal site) within a 100 metre street length of the appeal site measured between 1-28 inclusive Coverley Road and 1-26 inclusive Benson Road, 11 properties are identified as being in HMO use. The proposal would increase the percentage of HMOs within 100 metres of street length to 22.22% which would conflict with the 20% set out within LP Policy H6.
 8. It is submitted that as there are a number of properties which the Council has identified as being in HMO use within the 100 metre street length not having HMO licences that they should not be included in the calculations. The licencing of HMOs is separate to land use planning and even if a property's HMO licence has lapsed it does not necessarily follow that the HMO use has ceased.
 9. Indeed, it appears that the Council consider the properties where the HMO licence has expired continue to remain in HMO use. I have no evidence before me to dispute this. Moreover, the licences for No 10 Benson Road and No 3 Coverley Road appear to be in the process of being renewed and I have no evidence before me to demonstrate that this is not the case or that they would not be renewed. Accordingly, I consider that these properties should be treated as if they are in HMO use for the purposes of making an assessment under LP Policy H6.
 10. Even if I were to accept the argument that No 20 should not be included in the calculation of properties in HMO use, because its HMO licence expired on 8 May 2019, the proposal, taken with the other properties in HMO use, would take the proportion of HMOs within the 100 metre street length to just above the 20% threshold set out within LP Policy H6, but below the 22.22% described above.
 11. I acknowledge that the location of the proposed development would provide good access to several institutions and would be likely to provide good value accommodation for students and staff who would benefit from such a facility. It is also understood that the appellant is willing to further improve the quality of the accommodation. These matters however carry limited weight given the quantum of development proposed.
 12. Whilst the appellant has set out that the development would comply with other policies and various paragraphs of the National Planning Policy Framework (the Framework), would meet standards and not cause harm with regards to matters such as, amongst others, parking and internal space, this to be expected in any well designed development and carries limited weight in favour of the proposal.
 13. It is further stated that a large property such as this is difficult to rent out at present with the current pandemic. No evidence has been provided to substantiate this nor the claims of greater demand from students or healthcare workers for HMO accommodation. Neither is it substantiated that the Oxford Green Belt has led to a lack of availability for new dwellings and HMO accommodation. As such I cannot give these issues any weight.

14. In light of the foregoing, the matters advanced by the appellant do not outweigh the harm that would be caused to the character of the area through the proliferation of HMOs and subsequent further reduction in the quantity of family housing. Accordingly, they do not lead me to make a recommendation, other than in accordance with the development plan. I conclude therefore that the proposal would result in an over concentration of HMOs in the locality which would be harmful to the character of the area and would not support balanced communities, in conflict with LP Policy H6. This policy is consistent with the Framework that supports strong, vibrant and healthy communities.

Conclusion

15. For the reasons given, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR