



Appeal Decision

Site Visit made on 9 August 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/G3110/W/21/3275656

143 Windmill Road, Oxford OX3 7DN

- 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 and Mrs Grant against the decision of Oxford City Council.
 - The application Ref 21/00067/FUL, dated 4 January 2021, was refused by notice dated 8 March 2021.
 - The development proposed is a change of use from C3 to C4 (HMO).
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from C3 to C4 (HMO) at 143 Windmill Road, Oxford OX3 7DN in accordance with the terms of the application, Ref 21/00067/FUL, dated 4 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing 20-023/P/001 (Proposed Floor Plans, Elevations, Block Plan & Site Location Plan).
 - 3) Prior to occupation of the dwelling as an HMO, details of secure and covered bicycle storage (to provide at least 1 space per occupant) and which provides level and unobstructed access to the street, shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details prior to the occupation of the dwelling as an HMO and shall be retained thereafter.
 - 4) Prior to the occupation of the dwelling as an HMO, details of storage for bins for refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall be provided in accordance with the approved details prior to the occupation of the dwelling as an HMO and shall be retained thereafter.

Applications for Costs

2. An application for costs has been made by Mr Harold Grant against Oxford City Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have

therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

4. The main issues are:

- whether the proposed development would lead to an over concentration of HMOs within the area; and
- whether the proposed development would make adequate provision for bin and cycle storage.

Reasons

Concentration of HMOs

5. The appeal property is a semi-detached dwelling, which sits on a corner plot at the junction of Windmill Road/Gathorne Road. Whilst much of the road is residential, including a mix of conventional dwellings and Houses in Multiple Occupation (HMOs), there is also a hospital in close proximity. The area therefore has a mixed character.
6. Policy H6 of the Council's Local Plan¹ seeks to control HMO development, to help avoid an over-concentration of HMOs within any given area across the city. This is due to the different impact that HMOs can have on the character and amenity of an area when compared to traditional dwellings, which is often attributed to the more transient nature of their occupiers. This means an over concentration can disrupt the balance and mix of housing within a locality.
7. To achieve this objective, Policy H6 establishes a threshold test which should be adopted when proposals for HMO development are considered. The test says that planning permission for a new HMO should not be granted if approval would result in the proportion of HMOs exceeding 20% of the total number of buildings within 100 metres of street length on either side of the application site. The Policy defines "street length" as *"the frontage either side of the proposed development, including frontage that wraps around corners or that is broken by a road or footpath; and the frontage either side of the point directly opposite the proposed development including frontage that wraps around corners or that is broken by a road or footpath; and all buildings opposite the frontages described above"*.
8. The Council excluded the three buildings opposite the appeal site from its calculation of properties within 100m of the street length on either side of the appeal site (being the Oxford Centre for Enablement, the ACE Centre and the Occupational Therapy and Hydrotherapy Building). This was on the basis that these buildings do not have a direct frontage on to Windmill Road. Nonetheless, Policy H6 is explicit that *"all buildings opposite the frontages described above"* should be included in the calculation. These buildings are clearly opposite the frontage of the appeal site and should therefore be factored into the threshold test calculation.
9. When these three buildings are included in the test calculation, there are 37 properties within 100m of the street length on either side of the appeal site. Of these properties, it is agreed by the main parties that 7 would be HMOs (if the

¹ Oxford Local Plan 2036 (adopted 8th June 2020)

proposed development were to come forward). This equates to an HMO proportion of 19% within the 100m threshold distance, which is within the 20% limit prescribed by the Policy. There is no dispute between the parties that the development would achieve the other requirements of Policy H6.

10. I am therefore satisfied that the development would not lead to an over concentration of HMOs which would disrupt the balance and mix of housing within the area. As highlighted above, the development would comply with Policy H6 of the Local Plan (adopted 2020) which permits HMO development where approval would not lead to the proportion of HMOs exceeding a 20% threshold limit.

Bin and Cycle Storage

11. The application plans did not identify details of any cycle storage nor bin storage for the site. However, due to the appeal site's corner location, there is unobstructed access to its rear garden along the side of the property. Irrespective of any limitations of the property's frontage, it should therefore be possible for these facilities to be accommodated comfortably on site without detriment to the street scene. This can be secured by an appropriately worded condition.
12. On this basis, I am satisfied that the proposed development can make adequate provision for the storage of bicycles and bins, without detriment to the street scene. As such, the development would comply with the objectives of Policies DH7 and M5 of the Local Plan (adopted 2020), which seek to ensure these facilities are provided at the prescribed levels, without harm to the surrounding area.

Other Matters

13. Whilst I acknowledge neighbourhood objections relating to the saturation of HMOs within the area, for the reasons I have outlined above, the number of HMOs (as evidenced by the Council's database) is within the threshold prescribed by the development plan. Moreover, I saw no tangible evidence on my site visit that the existence of HMOs caused an unacceptable level of harm to the street scene.
14. I note the concerns regarding existing parking stress in the area, which could be exacerbated by increased demand arising from the proposed development. However, no tangible evidence has been provided to articulate any existing issue, nor any harm which could subsequently arise were the development to go ahead. Whilst I appreciate this was just a particular point in time, I didn't observe any particular parking issues on my site visit, and numerous spaces were available (subject to a permit). Moreover, on the basis that parking is already controlled outside of the planning regime through the Heading Central Controlled Parking Zone, I only give limited weight to this concern.

Conditions

15. I have included a standard plans condition to ensure certainty over the development carried out. To ensure adequate provision is made for the storage of refuse, recycling and bicycles, I have included conditions requiring approval of their details, and subsequent implementation of the approved details prior to first occupation.

Conclusion

16. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is allowed.

James Blackwell

INSPECTOR