



Appeal Decision

Site visit made on 28 September 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/V3120/W/21/3278420

32 Lime Road, Oxford OX2 9EG

- 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 David Granat against the decision of Vale of White Horse District Council.
 - The application Ref P21/V0097/FUL, dated 8 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is the change of use of a small HMO (use class C4) to a large 9-bed HMO, associated hardstanding and creation of a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit it was apparent that the works to convert the outbuilding to provide additional HMO accommodation had been completed. As such, the development is in part retrospective.
3. The North Hinksey Neighbourhood Plan has undergone examination, but I am not aware that it has yet proceeded to a referendum. Therefore, although it is at an advanced stage of preparation, it does not yet form part of the development plan. In any event, as neither party has made notable reference to any of the policies of the plan as part of their case, it does not have a significant bearing on my determination.

Main Issues

4. The main issues are;
 - whether the proposal would provide acceptable living conditions for existing and future residents, with particular reference to privacy; and
 - the effect of the proposal on highway safety.

Reasons

Living Conditions

5. The appeal site comprises a semi-detached two-storey building with outbuilding to the rear. Parking is provided to the front of the building and an area of outdoor amenity space is provided to the rear. The rear of the two-storey building and the front of the outbuilding face towards the outdoor amenity space.

6. The outbuilding is accessed through the rear garden of 32 Lime Road and is located in close proximity to the main building, which sits at a higher level than the outbuilding. Intervening distances between the two buildings at some points are particularly limited. It has two ground floor windows, serving two bedrooms, that directly face towards the rear elevation of the main building and the rear garden. I observed that the main building has double glazed doors serving a communal area and a window serving a bedroom on the ground floor rear elevation. Furthermore, during my site visit a large table and chairs were positioned on an elevated section of the rear garden between the main building and the outbuilding.
7. Notwithstanding the appellants assertion that the site would be a single planning unit, it is reasonable to expect that occupiers of a HMO, living independently from one another, may choose to spend more time in their private space rather than in the communal areas. As such, occupants of any of the bedrooms would expect a level of privacy. Additionally, the internal alterations to the outbuilding would see communal space in the form of a dining/kitchen/living area provided within the outbuilding, meaning that occupiers could have little reason to mix with occupiers of the main building.
8. The elevated position of the main building and the limited separation distance between windows serving habitable rooms would allow for an unacceptable level of inter-visibility between the main building and the outbuilding. This would lead to a lack of privacy and would result in significant harm to the living conditions of the existing occupiers within the main building and that of future occupiers of the outbuilding.
9. Accordingly, the development would have an unacceptable effect upon the living conditions of both existing and future occupiers. This would be contrary to Policy CP37 of the Vale of White Horse District Council Local Plan 2031 Part 1 (2016) (LP1) and the guidance contained within the Vale of White Horse District Council Design Guide (2015) which seeks to ensure that privacy is maintained between new and existing development. The proposal is also at odds with the advice set out in paragraph 130 of the National Planning Policy Framework (Framework) that seeks high standards of amenity for existing users.

Highway Safety

10. At the time of my visit Lime Road was quiet however a number of cars were parked on the street, mounting the highway verge, and in nearby driveways. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that levels of traffic would increase at peak hours when traffic is at its heaviest, particularly due to its location near to a secondary school.
11. The proposed development would utilise existing accesses off Lime Road and Sycamore Road to provide parking. Whilst plans demonstrated 6 parking spaces, due to the ramp/stepped access to the building and the size of space available that only 3 conformed with the Council's standards. The Council require 5 parking spaces for an HMO of this scale. Since the Council refused the application, they have granted planning permission¹ for a 7 bedroom HMO at the site and this provided 5 parking spaces. As such, as this is a likely fall back

¹ P21/V1018/FUL granted on the 8th June 2021

position that demonstrates that adequate parking and access could be provided the Council have not sought to defend their stance on this matter. I have no reason to disagree.

12. The accesses to the front and side of the appeal site are existing and currently provide parking for the HMO. During my site visit 3 vehicles were parked to the front and the area to the side was available for parking. Both Lime Road and Sycamore Road are straight roads, as such, vehicles entering and exiting the parking areas would have good visibility of any oncoming traffic. Additionally, the plans clearly demonstrate that there is sufficient space to the front and side to accommodate the parking of 5 vehicles.
13. Whilst a detailed parking layout was not been provided with the submission, this could have been conditioned with the above in mind. Additionally, the Council have confirmed that such a scheme has been approved under a separate application. I note the concern of local residents regarding the potential for eighteen residents to reside at the HMO and the associated parking issues, however the number of residents could be restricted via condition.
14. For the reasons set out above I consider that the proposed development would not be detrimental to highway safety. Accordingly, I find no conflict with LP1 Policies CP33, CP35 and CP37 and Policy DP16 of the Vale of White Horse District Council Local Plan 2031 Part 2 (2019) (LP2) which seek, amongst other things, to ensure that development minimises its impact on the local road network and that vehicular traffic does not dominate. The proposal also complies with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

15. The Council do not appear to have substantive concerns about the effect of the proposed development on the character and appearance of the area, although they do set out that parking on highway verges would be harmful in this respect. I have found, in my reasoning on the second main issue, that parking provision would be sufficient for the needs of the development, such that it would not lead to an unacceptable level of on street parking. Consequently, and by association, on highway verges it follows therefore that I do not share the Council's findings on this matter. In this regard, the appeal scheme would therefore comply with Policy CP37 of LP1 which seeks to ensure, amongst other things, that development responds positively to the site and its surroundings and reinforces local identity.

Conclusion

16. Whilst I have found in the appellant's favour in regard to the second main issue, this would be a lack of harm which, by definition, could not be used to weigh against the harm I have found in regard to the first. This would result in conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Tamsin Law

INSPECTOR