



Appeal Decision

Site visit made on 18 March 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 07 April 2022

Appeal Ref: APP/G3110/W/21/3283282

422 Cowley Road, Oxford OX4 2BX

- 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 Mouazam Rana against the decision of Oxford City Council.
 - The application Ref 21/00898/FUL, dated 29 March 2021, was refused by notice dated 15 June 2021.
 - The development proposed is a change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). (Retrospective)
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the Council's description of development as this more succinctly describes the development. As the appeal application sought retrospective consent, references to development relate to development which has already been carried out.

Main Issues

3. The main issues are:
 - the effect of the proposal on the mix and balance of households in the local community;
 - whether the proposal would meet policy objectives with regard to car free development; and
 - whether the proposal makes adequate provision for bicycle and bin storage.

Reasons

Mix and Balance of Households

4. The appeal property comprises a 2-storey mid-terrace dwelling, situated along the western side of Cowley Road. Cowley Road is mixed in character, with numerous retail and commercial premises and a range of residential properties, a number of which are already occupied as Houses in Multiple Occupation (HMOs).
5. Due to the concentration of HMOs in certain pockets of the city, Policy H6 of the Oxford Local Plan 2036 (Local Plan) helps regulate HMO development, in an effort to ensure an appropriate mix and balance of households is retained across the city.

6. Policy H6 therefore establishes a threshold test that should be adopted when assessing applications for HMO development to ensure any over-concentration of HMOs is avoided. This test says planning permission for a new HMO should only be granted if the proportion of buildings used in full or part as an HMO within 100 metres of street length either side of the application site does not exceed 20%. Any higher percentage risks imbalance to the local housing mix, which could harm the character of an area. For the purposes of the threshold test, Appendix 3.6 of the Local Plan specifically says that any properties which are licensed as an HMO or which have an HMO licence pending, should be included in the calculation.
7. The Council's evidence shows there are 48 buildings within 100 metres of street length on either side of the appeal dwelling. Of these buildings (and not including the appeal property), 8 have an extant HMO licence and 2 others have an HMO licence application which is pending. Whilst not all of these were recorded as licensed on the Council's website, the evidence before me indicates they should be included in any calculation, as Appendix 3.6 of the Local Plan confirms. The proportion of properties within 100 metres of street length on either side of the appeal property therefore already equates to 20.83%, which exceeds the threshold limit.
8. Any additional HMO development in this location would breach this limit even further. As per Policy H6, this risks further imbalance to the mix and balance of house types, which would be to the detriment of the character of the local area. Notwithstanding the existing HMO licence in connection with the appeal property, the appellant has provided no substantive evidence to demonstrate approval of the development would not imbalance the mix of house types in the local area in this way. As such, there is no compelling reason before me to depart from this established policy position.
9. On this basis, the development breaches Policy H6 of the Local Plan, as it leads to an over-proliferation of HMOs in the vicinity of the appeal site. In turn, this risks imbalance to the mix and balance of households in the local area.

Car Free Development

10. The appeal property is located within the Cowley Marsh Controlled Parking Zone (CPZ). Policy M3 of the Council's Local Plan says that any residential development (which specifically includes HMO development) within a CPZ and which is within 400 metres of frequent public transport links and 800 metres of a supermarket, should be car free. As the appeal property falls within these parameters for distance to local services, the development would need to be car free to be policy compliant.
11. The appellant has offered to remove any existing parking area from the front of the property, which would render the development car-free. On this basis, and subject to an appropriately worded condition preventing occupiers from obtaining a residents' parking permit, I am satisfied that the development would be consistent with the objectives of Policy M3 of the Local Plan.

Bicycle and Bin Storage

12. Subject to any parking being precluded at the front of the property, and based on observations made during my site visit, there would be sufficient space within the frontage of the appeal site to accommodate adequate bin and cycle

storage in connection with the development. Exact details of the storage provision for each could be secured via condition.

13. Subject to the imposition of a suitably worded condition, the development would therefore make adequate provision for the storage of bicycles and bins within the property's frontage. The development would be consistent with Policies M5 and DH7 of the Local Plan, which require sufficient bin and bicycle storage to be provided and integrated properly as part of any new residential development proposals.

Other Matters

14. Whilst I acknowledge the appeal property does benefit from an HMO licence, the licensing regime is separate to the planning process and the planning merits of a proposal. In itself, the licence would not justify approval of an HMO which would further breach the threshold limit established by Policy H6, thereby risking imbalance to the mix and balance of house types within the local area.

Conclusion

15. Whilst the development could conceivably be car free and make adequate provision for bin and bicycle storage, it would lead to an over-proliferation of HMOs which would imbalance the mix of house types in the local area. The development would therefore conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh this finding. The appeal is therefore dismissed.

James Blackwell

INSPECTOR