



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/V3120/W/21/3285789

29 Colley Wood, Kennington, Oxford OX1 5NF

- 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 Tom Rourke against the decision of Vale of White Horse District Council.
 - The application Ref P21/V1821/FUL, dated 22 June 2021, was refused by notice dated 31 August 2021.
 - The development proposed is a change of use of the dwellinghouse (Use Class C3) to a 9-bed HMO (Sui Generis) facilitated [by] the extension of the dropped kerb.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr Tom Rourke against Vale of White Horse District Council. This 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of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.
4. A Lawful Development Certificate (LDC) was granted by the Council in respect of the appeal property in June 2021¹. The LDC confirmed the lawfulness of a change of use of the property from a dwellinghouse to a 6-bedroom House in Multiple Occupation (HMO). Whilst the LDC is a matter of fact, the proposed 9-bedroom HMO requires a separate assessment with due regard to relevant planning policy. Any concerns regarding the validity or lawfulness of the LDC are beyond the scope of this appeal.

Main Issue

5. Whilst the Council has cited two separate reasons for refusal in its decision, both ultimately concern highway safety. The main issue is therefore the effect of the proposed development on highway safety, with particular regard to parking provision.

¹ P21/V1022/LDP approved on 3 June 2021

Reasons

6. Policy CP35 of the Council's Local Plan 2031 (Part 1) says adequate parking for new developments should be delivered in accordance with Oxfordshire County Council's published standards. Whilst the Council's decision did not name the standards, I have been provided with the "*Transport for New Developments, Parking Standards for New Residential Developments (December 2011)*" (Parking Standards), which have been referred to in the parties' representations.
7. The Parking Standards say that HMOs shall be considered as a single dwelling for the purpose of assessing the required number of spaces. For a dwelling with 4 or more bedrooms, the guidance specifies a maximum number of 2.1 parking spaces. As highlighted by the appellant, in practice this would equate to a requirement of 3 parking spaces once rounded up. Nonetheless, paragraph A.11 of the Parking Standards goes on to say that "*where 7 or more occupants are proposed [in an HMO] in an area where parking congestion occurs, then the Council may require additional spaces to ensure that a suitable and appropriate number of spaces are provided*". As the proposed HMO would have 9 occupiers, a greater number of parking spaces could conceivably be required as per this guidance.
8. In terms of location, the appeal property fronts on to a turning area that is located at the end of a relatively quiet cul-de-sac. Notwithstanding the content of the appellant's Transport Survey (and the availability of nearby parking spaces), photo evidence submitted by local residents does demonstrate that this turning area is prone to becoming congested, owing to the extent of on-street parking. This was evident on my site visit. As a result, any additional parking pressure within this section of the road could conceivably exacerbate these congestion issues.
9. Whilst the shared living survey² cited by the appellant found that 53% of HMO occupiers do not actually own a car, 58% (being the majority of respondents), said they do in fact commute to work by car. The survey results go on to say that "*parking availability needs to be considered for at least half the occupants of a house, on average*". I consider these findings would be broadly accurate in terms of the appeal property itself, as whilst its location does offer reasonable access to public transport links and other local services within Kennington, given its distance from the centre of Oxford, it is likely that there would be a degree of reliance on private vehicle use among its occupiers. On this basis, the development would require 4.5 parking spaces to serve its 9 occupiers, equating to 5 spaces in real terms (once rounded up).
10. Although the proposal does seek to provide 5 on-site car parking spaces in conjunction with the development, when factoring in clear and obstructed access to the bin and bicycle storage, the swept path analysis demonstrates that an average sized car accessing or egressing the southern-most parking space would not be able to do so without impinging on the adjacent space. This is due to the stepped boundary alignment along the southern side of the driveway. This means it is unlikely that all 5 spaces could be used in tandem without excessive or awkward manoeuvring. In practice, I therefore consider the site would only be capable of accommodating 4 useable on-site parking spaces.

² The Shared Living Survey, Prepared by Matt Baker, June 2020

11. This means the development would leave a shortfall of at least one on-site parking space. This also does not factor in any visitors to the 9 occupiers of the HMO, which would invariably increase demand. As such, this shortfall could be even more significant, and poses a clear risk in terms of cars being displaced on to surrounding road network for parking.
12. Irrespective of the availability of spaces within 200m of the appeal property, it is likely that occupiers (and visitors) would seek to park their vehicles as close to the appeal property as possible for convenience and security reasons. This would most likely be within or near to the adjacent turning area. Were this to occur, the existing congestion issues within this section of the cul-de-sac would be exacerbated, making turning and manoeuvring even more difficult. In turn, this would risk conflict between vehicles, cyclists and/or pedestrians, which would be to the detriment of highway safety.
13. Although alluded to above, whilst the proposal could make adequate provision for bin and bicycle storage, it is essential that clear and unobstructed access would be provided to these facilities, to ensure they would be properly useable. In this instance, the space required to ensure adequate access to these facilities would impinge on the space proposed for parking. Conversely, if the 5 parking spaces were provided as originally proposed, adequate arrangements for bicycle and bin storage could not readily be facilitated (a factor which would then weigh similarly on this decision).
14. For these reasons, I consider that the development would fail to provide sufficient parking for 9 occupiers, and in turn vehicles would risk being displaced on to the surrounding road network to the detriment of highway safety. The development would therefore conflict with Policies CP33 and CP35 of the Council's Local Plan 2031 (Part 1), which seek to ensure new development provides adequate parking and does not harm the wider road network.

Conclusion

15. The development would 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