



Appeal Decision

Site visit made on 5 April 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/V3120/W/21/3287016

176 Westminster Way, Oxford OX2 0LR

- 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/V1343/FUL, dated 6 May 2021, was refused by notice dated 7 September 2021.
 - The development proposed is the change of use from a small 6-person HMO (C4) to large 8-bed HMO (sui-generis), and a single-storey rear extension and dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a small 6-person HMO (C4) to large 8-bed HMO (sui-generis), and a single-storey rear extension and dropped kerb at 176 Westminster Way, Oxford OX2 0LR in accordance with the terms of the application, Ref P21/V1343/FUL, dated 6 May 2021, subject to the conditions outlined in the attached schedule.

Main Issues

2. The main issues are;
 - The effect of the proposed development on highway safety, with particular regard to parking and manoeuvring; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Highway Safety

3. At the time of my visit a number of cars and busses travelled along Westminster Way. No cars were parked on the highway, however one car was parked on a verge opposite the appeal site and there was evidence that this happened along the highway. 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.
4. The proposed development would utilise an existing access off Westminster Way to provide parking. During my site visit no vehicles were parked at the site, however the plans demonstrate that a minimum of 3 cars can be parked across the front of the site. Westminster Way is a straight road, as such,

vehicles entering and exiting the parking area would have good visibility of any oncoming traffic.

5. Whilst 3 parking spaces would be provided the Council consider that this is insufficient for an 8-bedroom HMO and that 4 spaces should be provided. Paragraph 107 of the National Planning Policy Framework (the Framework) requires local parking standards to take into account the accessibility and use of development and the levels of car ownership, amongst other considerations. The Council have advised that their current parking standards do not apply to HMOs.
6. It appeared to me at my site visits that the appeal site lies in a sustainable location with a range of services and employment and where there are opportunities to travel other than by car. A bus stop is located in front of the appeal site and a pedestrian path and cycleway signposted opposite the site. Whilst the Council has provided photographs of parking in the immediate area, the appellant has undertaken a transport statement that details that 7 spaces are available within 50 metres of the site and 139 spaces within 200 metres of the site.
7. In the absence of clear evidence of a local parking issue I do not consider that the proposal would result in a shortage in parking provision off road in this location. Nor has it been demonstrated that even if there was a deficiency it would be bound to have a harmful effect on highway safety if vehicles were parked on the street.
8. The submitted plans and transport statement also detail that cars parking on the site can manoeuvre within the driveway in order to access and exit the site in a forward gear. Whilst the Council are concerned that with the addition of a cycle store this would make it difficult for one of the spaces to turn, the swept paths details that it is still possible to park and turn a vehicle whilst still providing space to access the cycle store.
9. The site lies in a sustainable location, where development using alternative means of transport should be encouraged, the proposed 3 parking spaces are adequate to accommodate the proposed development and this level of parking provision would be unlikely to harm highway safety and local amenity.
10. Accordingly, I find no conflict with the Vale of White Horse District Council Local Plan 2031 Part 1 (2016) (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.

Character and Appearance

11. The appeal site is located in a predominantly residential area characterised by semi-detached dwellings of a similar design. Many of these have been altered over time with the addition of extensions, porches and garages. Dwellings are set back from the highway with garden and/or parking areas to the front. The appeal site is set back from the road behind an open area of parking that fills the entire frontage of the site.

12. The Council are concerned that the proposed cycle store would be set forward of the building line along Westminster Way and would be at odds with the prevailing character of the area.
13. During my site visit I noted that a number of properties along Westminster Way utilised their front gardens/parking areas for the storage of bins and other items, such as bikes, tables and chairs, and building materials. Whilst a cycle store would be a more permanent addition to the front of the appeal site, it is clear that the storage of items to the front of properties is common along Westminster Way. Whilst little information on the design of the cycle store has been submitted, it is likely to be low in height and its location adjacent to an existing fence would ensure that it does not appear dominant in the street scene. It would therefore not appear overly dominant or harmful to the character and appearance of the area.
14. As such it would not conflict with LP1 Policy CP37 which seeks, amongst other things, to ensure that development is visually attractive and responds positively to the site and its surroundings. The appeal scheme would also comply with paragraph 130 of the Framework that seeks good design sympathetic to local character.

Other Matters

15. I have had regards to the comments made by local residents with regards to the use of the building as a HMO and that such a use generates noise and disturbance not normally associated with a single dwelling. However, the building already benefits from permission as a HMO and the appeal deals with the increase in number of bedrooms. The proposed development of 2 additional bedrooms is modest and as such would unlikely significantly increase disturbance from the site.

Conditions

16. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). The appellant had the opportunity to view these conditions and has offered no comment. I have altered the wording of some conditions in order to ensure they comply with the PPG.
17. I have attached conditions relating to time limit and plans for clarity. Conditions regarding the access, maintaining visibility and the provision of cycle storage are necessary in order to ensure a safe access and to promote the use of alternative methods of travelling. I do not consider that a condition requiring the relocation of the cycle store is necessary as the submission demonstrates that this would not have a harmful impact on manoeuvring within the site.
18. I have given careful consideration to the inclusion of the condition restricting the number of occupants. As there is the potential for 16 people to occupy the HMO, I consider it necessary to restrict the numbers as there could be a harmful impact on the highway safety with associated levels of parking.

Conclusion

19. For the reasons given above, the proposed development would comply with the development plan. As such, the appeal should be allowed, and planning permission granted.

Tamsin Law

INSPECTOR

Schedule of Conditions

1. The development must be begun not later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 20-31_PL01-8 Rev A, 20-31_PL04-8, 20-31_PL02-8 and 20-31_PL05-8.
3. The car parking spaces shown on approved drawing number 20-31_PL05-8 shall be provided on site prior to the first use of the development hereby permitted in so far as it relates to more than six occupants.
4. Prior to the development hereby permitted taking place in so far as it relates to occupation by more than six occupants, details of the proposed cycle and bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle and bin stores shall be erected on site in accordance with the approved details prior to the first occupation of the development hereby permitted in so far as it relates to more than six occupants.
5. Each bedroom within the development hereby permitted shall be let to one person only and there shall be no double occupancy.