



Appeal Decision

Site visit made on 5 July 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2022

Appeal Ref: APP/C3105/W/22/3294332

3 Denbigh Close, Banbury OX16 0BQ

- 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 Mrs K Beckingsale against the decision of Cherwell District Council.
 - The application Ref 21/03057/F, dated 6 September 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the change of use from HMO (Class C4) to 7 Bedroom HMO (Sui-Generis).
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the development upon highway safety and convenience, with particular regard to parking provision.

Reasons

3. The appeal site is located within a cul-de-sac in a predominately residential area on the edge of the town. The property comprises a semi-detached two-storey dwelling with an attached garage to the side, with 4 off road parking spaces to the front. It benefits from a Lawful Development Certificate for use as a 6-bedroom HMO (Ref 19/00200/CLUP). The proposal seeks to change the existing first floor office to an additional bedroom, which would bring the total number of bedrooms at the property to 7.
4. There are no specific parking standards for properties in use as HMOs in this location. Accordingly, a case-by-case assessment is required. Although the site is within a defined settlement, its edge of town location, the distance to local facilities and services and the limited availability of public transport in the locality means that individuals living at the appeal property would be likely to rely on the private car. As such, although individual circumstances may vary, they could reasonably be expected to each have their own motor vehicle and the proposed development would therefore lead to a parking requirement for 7 spaces, one more than the existing situation.
5. At my site visit it was evident that, as a consequence of the existing drop kerbs and driveways in the cul-de-sac, there is limited opportunity for on street parking at Denbigh Close. Furthermore, given the width of the carriageway, vehicles also partly park on the footway, causing an obstruction to users of the footpath. On the basis that each occupier is, as I have found above, likely to

have their own vehicle, the existing 6 bedroom HMO, with 4 off road parking spaces, would already give rise to 2 vehicles parking on the public highway. The appeal proposal would exacerbate this by the addition of a further bedroom, leading to parking demand of one extra vehicle on the highway.

6. On the basis of the above considerations, I have no reason to depart from the previous Inspector's findings in relation to the earlier appeal (Ref: APP/C3105/W/19/3237908). In particular that the proposal would fail to provide adequate parking provision to serve the development, and this would in turn give rise to additional on-street parking in the cul-de-sac which would adversely affect highway safety and convenience to users, including pedestrians and wheelchair users impeded by cars parking on the pavement. The appeal proposal would lead to an increase in on-street parking demand for only one additional vehicle. However, in light of the existing situation and that the existing HMO would already result in 2 vehicles parking on the highway, the proposed increased demand, although modest, would nevertheless result in a level of additional on-street parking within the cul-de-sac which would cause the harm I have identified above.
7. The appellant has brought to my attention a previous appeal decision at Gosport (Ref: APP/J1725/W/18/3201087) where the Inspector concluded that the number of cars owned by residents would vary depending on the individual circumstances of the occupiers. However, it would appear that the details of the case differ to that of the appeal site in terms of, for example, location and the availability of on-street parking. Accordingly, it seems to me that they are not particularly comparable. I have therefore determined the appeal proposal on its own merits.
8. For the reasons set out above I conclude that the proposal would harm highway safety and convenience, with particular regard to parking provision. It therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, which requires new development to be designed to deliver high quality safe places to live, as well as provisions in the Framework in relation to promoting sustainable transport.

Other Matters

9. With regards to the submitted parking and traffic surveys, I note that these were carried out over several separate occasions, including during the period when people were required to work from home. Nevertheless, the surveys cover somewhat arbitrary time periods and represent snapshots in time, none of which include overnight when it can be expected that parking demand would be at its greatest. Furthermore, the surveys are not verified and do not include details of parking capacity in the cul-de-sac or surrounding area. Consequently, they carry limited weight in my consideration of the appeal proposal and my conclusion is made as a matter of judgement, having regard to the characteristics of the area.
10. The fact that the Council have not sought to control the number of properties in use as HMO in the area through an Article 4 Direction does not have a bearing on my decision.

Conclusion

11. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, including the provision of additional habitable accommodation, have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

Emma Worley

INSPECTOR