



Appeal Decision

Site visit made on 16 May 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2023

Appeal Ref: APP/V3120/W/22/3308450

3 Laburnum Road, Oxford, Oxfordshire OX2 9EL

- 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 P22/V1253/FUL, dated 19 May 2022, was refused by notice dated 15 September 2022.
 - The development proposed is conversion of property to 8-bedroom HMO and the erection of two-storey side extension and single storey rear extension following demolition of the existing garage and outbuilding as well as the single storey rear structure of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In April 2022 planning permission (P22/V0555/HH) was granted for a two-storey side extension and single storey rear extension to 3 Laburnum Road.
3. The appeal proposal would extend the existing dwelling identical to the extant planning permission (P22/V0555/HH) but would also change the use of the property to an 8-person HMO (use class sui generis), with four parking spaces to the site frontage.

Main Issue

4. The main issue is the effect of the proposal on highway safety, with particular regard to parking and manoeuvring.

Reasons

5. The appeal site is a semi-detached house located at 3 Laburnum Road (No 3). The appeal site fronts onto a narrow cul-de-sac section of Laburnum Road that provides access to the host dwelling, 3 neighbouring semi-detached houses, and a block of residential flats that are located adjacent to the site. The site is located near to a road junction and a bus stop. It is also next to a signed pedestrian footway. This leads to pedestrian and vehicle movements in and around the locality.
6. Policy CP35 of the Vale of White Horse District Council Local Plan 2031 Part 1 (adopted 2016) (Local Plan Part 1) states that adequate parking for new developments should be delivered in accordance with Oxfordshire County Council's parking standards, which has been referred to in the evidence by both

main parties. The main parties agree that 4 parking spaces would be required for the proposed 8-bedroom HMO.

7. The Council's adopted Oxfordshire Parking Standards (parking standards) require parking spaces to be a minimum of 5m long and 2.5m wide. These measurements are increased where the parking space is adjacent to a physical constraint, such as a boundary wall or fence. The appeal site has a fence on its western boundary and a brick wall on its eastern boundary that wraps around to the site's entrance on its southern boundary. The Council indicate that the length required for the proposal's parking spaces would need to be increased to around 5.5m, to take account of driver caution next to these physical constraints on the site's boundaries. As the proposal's parking spaces would be 5m long, they would be short of this requirement.
8. Furthermore, the Council's adopted parking standards require a minimum distance of 6m to provide adequate space to reverse and manoeuvre out, measured from the end of the parking space. The appeal site is approximately 10m wide at its widest point. Given the appeal site's restricted width and presence of a boundary wall that would restrict the ability of drivers from manoeuvring close to it, there would be insufficient space for a car to reverse and turn conveniently. This is because a site width of approximately 10m means that it is not possible to provide parking spaces of the minimum length required and obtain 6m of manoeuvring space behind each space.
9. The appellant indicates that the proposed parking spaces are wider than the parking standards and that this compensates for the lack of manoeuvring space. Nevertheless, the swept path analysis has not satisfactorily demonstrated that vehicles would safely access and egress from the proposed parking spaces without impinging on the site's boundary wall. It also illustrates that the vehicles would be unlikely to use all 4 spaces without excessive or awkward manoeuvring when accessing and egressing from them.
10. I acknowledge that paragraph 8.3.53 of the Manual for Streets (2007) states that "where space is limited it may not be possible to provide for vehicles to get into the spaces in one movement. Some back and fore manoeuvring may be required. This is likely to be acceptable where traffic volumes and speeds are low." I agree that the appeal site is located within a cul de sac that does not appear to exhibit high traffic volumes. However, in my judgement, from the evidence submitted and my observations on site, the manoeuvring in and out of the proposed parking spaces would be overly excessive. Moreover, the close proximity of the site's boundary wall would deter drivers from using the spaces within the proposed forecourt.
11. Consequently, the proposed parking layout would not provide sufficient space for future occupants of the proposed HMO to park conveniently and safely. This would lead to future occupiers parking on-street in either the narrow cul-de-sac or other sections of Laburnum Road. Therefore, the proposal would result in on-street parking demand which would lead to footway parking due to the narrowness of the road. Footway parking would cause a hazard and inconvenience to pedestrians, with particular difficulties for disabled people, the elderly, or those with prams or pushchairs. It would also reduce the number of places for pedestrians to safely cross the road with adequate visibility, and vehicles parking indiscriminately could block vehicular access to the other dwellings within the cul-de-sac.

12. In addition, on-street parking near the bus stop would obstruct the highway and restrict access for buses pulling into the bus stop.
13. Whilst there is an absence of any clear evidence of a local parking issue, I observed during my site visit inconsiderate parking on the nearby grass verge. Due to the narrowness of the road near the appeal site, any additional parking pressure could cause further inconsiderate parking on the grass verge or cause an obstruction to the free flow of traffic and pedestrians on the carriageway and footways.
14. Therefore, the proposal would provide inadequate parking that would compromise highway safety for the reasons given. I acknowledge that anyone could park their vehicle on the road immediately outside of the appeal site as it is not within a controlled parking zone. However, this proposal would effectively increase the number of households therefore increasing the number of vehicles seeking parking spaces.
15. The appellant suggests that the parking layout is similar to that already permitted for the extant planning permission (P22/V0555/HH). However, the proposal would result in a material increase in occupancy at the appeal property. This is because the use of the property as a large HMO for 8 occupants would significantly increase the number of comings and goings and separate car ownership compared to those that would normally occur in respect of a family dwelling, which would have a greater potential for shared journeys. Thus, the proposal would lead to an increase in vehicle movements, in contrast to a family dwelling where vehicle numbers would be limited due to the potential to share trips.
16. For the reasons given, the proposal would result in an unacceptable impact on highway safety. As such, it would fail to accord with Core Policy 35 of the Vale of White Horse District Council Local Plan 2031 Part 1 (adopted 2016) (Local Plan, Part 1), which amongst other things, seeks to ensure adequate parking is delivered on new developments in accordance with Oxfordshire County Council's parking standards. It would also fail to accord with Core Policy 37 of the Local Plan, Part 1, and Development Policy 16 of the Vale of White Horse Local Plan 2013 Part 2 (adopted 2019). Collectively, these policies seek to ensure developments are designed to provide safe and convenient ease of movement and adequate highway safety for all users. The proposal would also fail to accord with Policy TR2 of the North Hinksey Parish Neighbourhood Plan 2019-2031 (adopted 2019). Amongst other things, this policy seeks to ensure development provides adequate off-road parking for cars in accordance with Oxfordshire County Council's Parking Standards, and provides safe vehicular access to the proposed site.
17. In addition, the proposal would fail to accord with paragraph 110 the National Planning Policy Framework (Framework), which seeks to ensure that safe and suitable access to the appeal site can be achieved for all users. It would also fail to accord with paragraph 111 of the Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.
18. Whilst Core Policy 35 of the Local Plan, Part 1 makes no explicit reference in relation to highway safety, I find that it does refer to the Council's adopted Oxfordshire County Council's Parking Standards. For the reasons given above, unacceptable harm has been identified.

Other Matters

19. The extant planning permission represents a potential fallback position and would use the dwelling as a single household. The appellant indicates that if the previously approved scheme was implemented, it could be changed to a small HMO utilising Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. In contrast, the proposal before me now would create a large HMO of 8-bedrooms. The proposal is therefore materially different to the extant planning permission.
20. There is no evidence to demonstrate that the extant planning permission could not be implemented or would be economically unviable. The appellant has also confirmed that in the event of the proposal not being approved, the extant permission would be implemented. However, due to the higher number of occupants of the current proposal the harm caused would be greater than that in the fallback position. In addition, the proposal does not offer any significant benefits when compared with the extant planning permission. I therefore conclude that the fallback position would not be as harmful as the proposal before me and consequently attracts limited weight.
21. My attention has been drawn to a previous appeal decision (APP/V3120/W/21/3287016) which was allowed. However, this case relates to a site that was already operating as an HMO. It is also a different location to the appeal site, with issues specific to that site. It is therefore materially different to this appeal, which I have determined on its own merit.
22. My attention has also been drawn to appeal decision (APP/V3120/W/21/3285789). The Inspector found that the swept path analysis demonstrated that an average size car accessing or egressing the parking space would not be able to do so without impinging on the adjacent space used for bin and cycle storage. Therefore, I find similarities between this other appeal that was dismissed and the proposal before me, which has not taken account of driver caution to the site's boundary constraints.

Conclusion

23. The proposed HMO would provide adequate accommodation, and its residents would have good access to services and facilities in the area, including public transport. The proposal would also provide jobs during the construction process both directly and indirectly and would contribute to the wider economy of the local area. It would also make effective use of land that is already in residential use and would provide flexible housing options for different groups at different times.
24. However, the proposal would be harmful to highway safety and hence conflicts with the development plan as a whole, and these matters are not sufficient to outweigh the conflict with it.
25. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR