



Appeal Decision

Site visit made on 7 June 2023

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Ref: APP/Q3115/W/22/3298682

Ridgeway House, 1A Hagbourne Road, Didcot OX11 8DP

- 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 Co-Living Capital against the decision of South Oxfordshire District Council.
 - The application Ref P21/S5378/FUL, dated 21 December 2021, was refused by notice dated 8 April 2022.
 - The development proposed is the change of use of the existing office to a large (Sui Generis) House in Multiple Occupation (HMO) with the addition of a rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the existing office to a large (Sui Generis) House in Multiple Occupation (HMO) with the addition of a rear dormer at Ridgeway House, 1A Hagbourne Road, Didcot OX11 8DP in accordance with the terms of the application, Ref P21/S5378/FUL, dated 21 December 2021, subject to the following conditions:
 - 1) Within 2 months of the date of this decision, details of the siting, size and appearance of the refuse and recycling storage facilities shall be submitted to the Local Planning Authority. Within 2 months of those details being approved in writing by the Local Planning Authority, the refuse and recycling storage facilities shall be provided in accordance with the approved details, and thereafter retained.
 - 2) Within 2 months of the date of this decision, details of the siting, size and appearance of the bicycle storage facilities shall be submitted to the Local Planning Authority. Within 2 months of those details being approved in writing by the Local Planning Authority, the bicycle storage facilities shall be provided in accordance with the approved details, and thereafter retained for the storage of bicycles.
 - 3) Within 2 months of the date of this decision, details of the surfacing and drainage of the parking area shall be submitted to the Local Planning Authority. Within 2 months of those details being approved in writing by the Local Planning Authority, the parking area shall be surfaced and drained in accordance with the approved details, and thereafter retained for the parking of cars.
 - 4) Within 2 months of the date of this decision, details of the siting and design of a bird box shall be submitted to the Local Planning Authority. Within 2 months of those details being approved in writing by the Local Planning Authority, the bird box shall be provided in accordance with the approved details, and thereafter retained.

Main Issue

2. The main issue in this case is whether the external amenity area would be of sufficient size to provide reasonable living conditions for the scheme's residents.

Reasons

3. Ridgeway House is a detached property that used to be offices. However, in 2021 prior approval was granted, though not so far implemented, to use it as a dwelling. At the time of my visit, the premises had been converted to an HMO with 7 bedrooms, and a dormer window, very similar to the one on the submitted plans, had been erected. The property's garden area is some 32sqm.
4. The *South Oxfordshire Local Plan* Policy DES5 says outdoor amenity space will be determined by the size of the dwelling proposed and the character of the surroundings. The *Joint South and Vale Design Guide 2022* reflects this, advising that all dwellings should seek to provide outdoor amenity space that is appropriate to the location of the property and the dwelling's type and size.
5. On the issue of character, the extent of the garden is very much limited by other existing adjacent curtilages. Although I accept it is a double-fronted detached building, I have no reason to consider its garden size is appreciably at odds with the constrained ones that are behind many of the surrounding terraced properties in this tight urban location close to the town centre. In this regard I consider it accords with Local Plan Policy DES5.
6. The Local Plan gives no specific sizes or areas for outdoor amenity space, but refers to the Design Guide. This states that for detached or semi-detached dwellings with 3 bedrooms or more, a minimum of 100sqm of outdoor private amenity space should be provided, which is clearly greater than what is at the appeal property. However, the Design Guide is guidance only. Furthermore, I have no basis to find the building and curtilage have not been part of the locality for many years, so I see no reason why the reference to dwelling size in Local Plan Policy DES5 should in this instance outweigh its concerns about the character of the area. Indeed, providing a garden of the size stated in the Design Guide would be relatively large in the context of the residential properties around.
7. Moreover, mindful of the prior approval, this same garden area could be serving a dwelling of 3 or more bedrooms. This to my mind is a reasonable fallback for the site in the event that I dismiss this appeal, and would also be below the space standard in the Design Guide. Because of the building's size, if it was a dwelling it could well be occupied by a relatively large family. In such an instance I consider the deficiency in the garden area would be less desirable. This is because, whilst it is unlikely children would live in the HMO use before me, they would, quite probably, form part of a large family occupying a single house, and to my mind they would be likely to have greater needs for an outdoor amenity area at the property. In contrast, adults occupying the HMO would have the option of making use of other amenities in the town centre to compensate for any on-site deficiencies they found.
8. Finally, whilst the Design Guide requirement quoted above concerns '*new dwellings*', an HMO use with its communal outdoor space appears to be more

comparable to the lesser standard it gives for areas serving flats. This in turn would mean its shortfall was not as great.

9. I do not question that a larger area of garden would be of more use to the residents. I also recognise though that the building could be a dwelling occupied by a relatively large family with children, and I acknowledge the benefits of reusing a property in a sustainable location. The rear outdoor area has been attractively laid out with direct access to/from the communal rooms in the HMO, and the tall boundary fencing is not unduly oppressive. Even assessing it against the minimum requirement for 100sqm, in this instance I consider that these factors provide a justification for a lesser size than is sought in the Design Guide. Consequently, this garden area would be a valued space that would serve the residents in a positive way and would not result in them having unreasonable living conditions.
10. I have no grounds to consider that, in any other regard, the development has created unacceptable living conditions for future residents.
11. Accordingly, I conclude that the rear outdoor area is sufficient to ensure the residents have reasonable living conditions, and the above factors are material considerations of great enough weight to mean any conflict with Local Plan Policy DES5 or the Design Guide would not justify dismissing the scheme.

Other Matters

12. The dormer window does not accord with the advice in the Design Guide. However, it is on the rear of the building, scarcely visible from the public domain, and I understand it could have been built as '*permitted development*' had the prior approval been implemented. On the opposite side of the road is the Northbourne Conservation Area, the character, appearance and significance of which lies in the way its narrow residential streets of terraced properties reflect a phase of the town's development. As the dormer is on the back of Ridgeway House it is not visible from the conservation area and does not harm its significance. I also had no basis to consider it is overbearing, whether seen from the appeal site or the land adjacent. Therefore, I raise no objections to the design of the dormer window.
13. Given the site's proximity to services in the town centre I consider the level of parking provision shown is sufficient.

Conditions

14. In the interests of sustainability, cycle storage should be provided and suitable surfacing laid down on the parking area. Moreover, having regard to the character and appearance of the locality, there should be adequate refuse and recycling storage. I am unaware as to whether what is now present on site meets the necessary standards, and so consider details should be agreed. For reasons of biodiversity a bird box should be secured in a location and design to be agreed. To protect highway safety the 3 spaces should be retained.
15. As the works have been more or less completed there is no need for a commencement condition or for the scheme to be in accordance with the approved plans.

Conclusion

16. Accordingly, I conclude the appeal should be allowed.

JP Sargent

INSPECTOR

