



Appeal Decision

Site visit made on 22 November 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd January 2024

Appeal Ref: APP/G3110/W/23/3320703

27 Long Close, Oxford OX3 8TT

- 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 Mohammed Saddiq against the decision of Oxford City Council.
 - The application Ref 22/01309/FUL, dated 26 May 2022, was refused by notice dated 28 February 2023.
 - The development proposed is a change of use from C4 to sui generis larger HMO.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would provide satisfactory living conditions for future occupants with particular reference to the provision of outdoor garden space and privacy; and
 - Whether the proposal would provide adequate and suitable cycle storage facilities to serve the needs of future occupants.

Reasons

Outdoor garden space

3. As a dwelling that falls within Use Class C4, a house in multiple occupation (HMO), the appeal property can currently accommodate not more than six residents. The proposal is to increase the dwelling to a larger HMO to accommodate eight residents.
4. As the appeal property has been extended, the garden area has been reduced in size. Due to the existing configuration, in my judgement the existing space is the very minimum necessary to serve the existing HMO use. Although there are no specific standards that relate to external space for HMOs, and the proposal would involve an increase of two residents, nevertheless the space would be inadequate to serve the reasonable needs of the proposed number of residents to allow them to sit, relax and enjoy the outdoor space. The situation is exacerbated by the need to accommodate bin and cycle storage facilities within the already limited space. As a result, the proposal would not provide adequate outdoor garden space to serve future occupants of the proposed larger HMO.

5. Further, there are two ground floor bedrooms that have windows that look out onto the garden area. Without the use of curtains, blinds, shutters, opaque film, or another form of protection, which would unacceptably diminish the outlook, direct views from the garden area into these bedrooms would be possible. Although it could be possible for this arrangement to exist with the existing HMO use, the increase in the number of people using this area would exacerbate the situation and would ultimately result in an unacceptable loss of privacy for the occupants of these two rooms.
6. I therefore conclude that the proposed development would not provide satisfactory living conditions for future occupants with particular reference to the provision of outdoor garden space as the area would be inadequate to serve the reasonable needs of future residents. Moreover, the increase in the number of people using that space would result in an unacceptable loss of privacy which would harm the living conditions of the occupants of the two ground floor bedrooms that overlook the garden.
7. Consequently, the proposal would not comply with Policies DH1 and RE7 of the Oxford Local Plan 2036 adopted 8 June 2020 (OLP) which among other things seeks to ensure that development is of a high-quality design that ensures that the amenity of occupiers is protected.
8. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks to ensure that development provides a high standard of amenity for existing and future users.

Cycle Storage Facilities

9. The cycle storage facilities reduce the space available as outdoor garden and overall, I have found that the proposed outdoor garden space would be inadequate to serve the reasonable needs of the future occupants, for the reasons set out above. However, that is a separate issue.
10. I note that the Council indicate that the size of the cycle storage facilities would not be able to accommodate the requisite number of cycles and would not be adequately convenient. However, notwithstanding the impact providing the storage facilities would have on the amount of available outdoor garden space, especially if it was necessary to increase the size, if in all other respects the proposal had been acceptable, a suitably worded condition could have been imposed to ensure that adequate cycle storage facilities would have been provided at the appeal site.
11. I therefore conclude that subject to the imposition of an appropriately worded condition the proposal would provide adequate and suitable cycle storage facilities to serve the needs of future occupants. Therefore, the proposal complies with Policies M5 and DH7 of the OLP which among other things seek to ensure that development provide adequate cycle parking and storage provision.

Other Matters

12. I have taken account of the fact that the site is located in an accessible and sustainable location, the internal space would be acceptable, there are no highway or vehicular traffic impact concerns, there would be no impact on neighbouring residents and the proposal would make more efficient use of an existing HMO site and would contribute to the provision of smaller sized

accommodation and that in these respects the proposal accords with the aims of the Framework. However, as set out above, the proposal conflicts with other elements of the Framework and with the development plan. As a result, these other matters do not justify harmful development at the appeal site.

Conclusion

13. For the reasons given above, the proposal would not provide satisfactory living conditions for future occupants. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR

