



Appeal Decision

Site visit made on 24 January 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/G3110/W/23/3326954

288 Abingdon Road, Oxford, Oxfordshire OX1 4TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Watkins against the decision of Oxford City Council.
 - The application Ref is 22/02387/FUL.
 - The development proposed is the change of use of ground floor office (Class E) to dwelling (Class C3) and part demolitions of outbuildings to create ancillary outbuilding and including off street parking and bin and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised plan numbered 2129-P2.01 revision A was submitted with the appeal. This shows an amendment to the car parking arrangements originally proposed involving a reduction from two off-street parking spaces to one.
3. The Council states that they have not been able to review the drawing. However, the changes are minor and relate to matters which could have been required by condition in any event. I am satisfied that the amendments do not constitute a substantial difference or fundamental change to the scheme, I am further satisfied that accepting the plans would not result in unlawful procedural unfairness to anyone involved in the appeal. I have therefore had regards to the content of the revised plan in coming to my decision.
4. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 which was updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.

Main Issues

5. The main issues are:
 - Whether the location of the development is suitable having regard to flood risk; and
 - whether the proposal would comply with the development plan in respect of parking provision.

Reasons

Flood risk

6. The proposal would involve the change of use of the ground floor of the appeal property (No. 288) from Class E (office) to Class C3 (dwelling) in order to provide a 3-bedroom dwelling over both floors. The proposal also involves the demolition of some of the existing outbuildings to the rear. The appeal site is located within Flood Zone 3b.
7. The proposed use of the ground floor for residential purposes would change it from a 'Less Vulnerable' use to a 'More Vulnerable' use, as defined by Annex 3 of the Framework. Planning Practice Guidance (PPG) states that changes of use can increase the vulnerability of the development or result in occupation or use by people who are more vulnerable than the previous occupants/users to risks from flooding.
8. Although the upper floor of the appeal building is already in residential use, the proposal would increase the amount of residential accommodation and consequently would be likely to result in more occupiers living at the site. It is not unreasonable to assume that this could include children, who are unlikely to be living in a one-bedroom flat. I therefore consider that the future occupiers of the resultant dwelling would be more vulnerable to the risks of flooding than the previous occupiers, including those working within the ground floor offices for whom the site would not have been a place of residence.
9. The application was accompanied by a site-specific Flood Risk Assessment (FRA) which identified that the appeal site is at a high risk of fluvial flooding and records indicate that it has flooded at least once in the past, including in 2002. The FRA predicts flood depths in the region of 790mm on the basis of a 35% increase for climate change.
10. The FRA suggests that the building should be retrofitted with relevant flood resilience measures, including the raising of sockets and fuse boxes on the ground floor. Whilst I have been provided with no detailed scheme in this regard, I am satisfied that these measures could be achieved via an appropriately worded condition.
11. It also recommends flood resistance measures in the form of barriers to external doors. However, it states that to be effective these must be used in conjunction with suitable ground floor construction to prevent water entering the dwelling from the underground void. There is no substantive evidence before me which demonstrates that this is achievable and therefore that the necessary flood resistant measures are capable of being provided. Therefore, I am not convinced that future residents would not be at risk from flooding.
12. Policy RE3 of the Oxford Local Plan 2036 (Adopted 8 June 2020) (LP) requires, amongst other things, that safe access and egress in the event of a flood be provided. This is consistent with Para 173 of the Framework. The FRA states that in a flood event future residents should seek refuge on the first floor until instructed to evacuate by emergency services. However, I am not convinced that this would necessarily be safe for future occupants bearing in mind the potential impacts of flooding on essential services such as water supply and sewage.

13. There would be no escape route from the building in the event of a flood, other than through the ground floor. In order to reach a safer zone (Flood Zone 1 or 2) residents would need to travel some distance along Abingdon Road, however the FRA highlights the dangers of walking or driving through flood water. Overall, I am not satisfied that safe access and egress in the event of a flood could be provided.
14. The FRA refers to a proposed flood alleviation scheme for Oxford, however it is not clear when this will be built or what effect it will have on flood risk at the appeal site. I accept that the proposal would involve the demolition of existing buildings and the introduction of additional green areas may aid the dispersion or storage of flood water. However, this has not been quantified and there is no substantive evidence that this would have a material effect on overall flood depths in the case of a flood event.
15. I acknowledge that there are other existing dwellings within Flood Zone 3b, however this does not justify the provision of additional residential accommodation in an area at risk of flooding. I have not been provided with full details of the scheme, which was permitted at 326 Abingdon Road. However, based on the evidence before me, this appears to involve a change of use from a guest house to dwellings. Hotels and dwelling houses are both within the 'More Vulnerable' Flood Risk Vulnerability Classification and therefore this proposal differs from the appeal scheme which would result in an increase in the vulnerability of the accommodation. Furthermore, the proposal appears to have involved an improvement by removing bedrooms from the ground floor. Reference has also been made to a replacement hotel at 178 – 184 Abingdon Road, pubs which have been converted to dwellings on Abingdon Road, and proposed houses nearby, however I have been provided with limited details of these cases and cannot be certain that there are parallels between these schemes and that which is now before me.
16. For these reasons I conclude that the location of the development is not suitable having regard to flood risk. It therefore conflicts with Policy RE3 of the Oxford Local Plan 2036 (adopted June 2020) (LP) and relevant paragraphs of the Framework which seek to ensure that development in areas at risk of flooding does not put any future occupants at risk and that safe access and egress in the event of a flood can be provided.

Parking provision

17. The appeal site is located within a Controlled Parking Zone (CPZ), within 400m of public transport services and within an 800m walk of a supermarket. Policy M3 of the LP states that in such circumstances planning permission will only be granted for residential development which would be car-free. However, the Council's Car and Bicycle Parking Technical Advice Note (March 2022) provides further advice on the application of Policy M3 and states that for sites with existing parking provision, this will be taken into account and that regard should be had for the maximum standard set out in appendix 7.3 of the LP. This states that dwellings should be provided with a maximum of 1 parking space.
18. The plans submitted with the application showed the provision of two off street parking spaces, however a revised plan submitted with the appeal indicates the provision of one space. I am satisfied that the provision of one parking space would accord with the provisions of Policy M3. However, the revised plan is not

fully detailed in terms of boundary treatment, and I am mindful that the Council has not fully considered this plan. As such, were I to allow the appeal, it would be necessary to impose a condition requiring the submission of details of the parking space.

19. Subject to such a condition, I conclude that the proposal would comply with the development plan in respect of parking provision. Therefore, the proposal would accord with Policy M3 of the LP which seeks to ensure that appropriate levels of parking are provided having regard to the accessibility of services and public transport.

Other Matters

20. In support of the appeal the appellant has outlined the challenges of running a business from the appeal site. Be that as it may, I have been provided with limited evidence in this regard and can attach only limited weight to this issue.
21. The appellant states that the proposal would help to deliver much needed homes. However, whilst the proposal would result in a larger home than exists at present it would not result in a net increase in dwellings. As such I attach limited weight to this matter.

22. Planning Balance

23. The proposal would assist the applicant in finding a future use for the site and would result in a larger home. I attach limited weight to these benefits.
24. The proposal would comply with the development plan in respect of parking provision, however the lack of harm in this regard is a neutral factor in the appeal.
25. However, the location of the proposed development is not suitable, having regard to flood risk and I attach significant weight to this harm. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. Therefore, the material considerations, including the benefits identified do not indicate that the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

26. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework which indicate that the proposal should be determined other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR