
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: 15 March 2024

Appeal Ref: APP/G3110/W/23/3327818

24 Comfrey Road, Oxford, Oxfordshire OX4 6SP

- 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 Mariusz Bogumil against the decision of Oxford City Council.
 - The application Ref is 23/00592/FUL.
 - The development proposed is change of use from Use Class C3 dwelling house to Use Class C4 house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Use Class C3 dwelling house to Use Class C4 house in multiple occupation at 24 Comfrey Road, Oxford, Oxfordshire OX4 6SP in accordance with the terms of the application, Ref 23/00592/FUL, subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 22/884/1, 22/884/2 and 22/884/3.
 3. The existing on-site bicycle storage arrangements detailed within the submitted 'Supporting Planning Statement' version v.1 dated March 2023, shall be retained in perpetuity for the purposes of cycle storage only.
 4. Prior to the occupation of the development hereby approved, refuse and recycling storage shall be provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage shall be retained in perpetuity for this purpose only.

Preliminary Matters

2. The evidence submitted with the appeal indicates that the appeal property is currently in use as a House in Multiple Occupation (HMO), occupied by nine tenants. However, I have determined the appeal on the basis of the development applied for which is a Class C4 HMO and the submitted drawings.
3. 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 Issue

4. The main issue is the effect of the development on highway safety with particular regard to parking provision.

Reasons

5. Comfrey Road is a cul-de-sac comprising a mix of semi-detached and detached properties which front an open grassed area. Some properties locally benefit from driveways and garages, however many have no off-street on-plot parking.
6. The width of Comfrey Road is sufficient to allow some on street parking and there are detached garage blocks fronting Comfrey Road. There are no parking controls within the vicinity of the appeal site, although there are some double yellow lines on sections of Cuddesdon Way.
7. The appeal site does not benefit from on-site off-street parking. The appellant rents garages within Comfrey Road for the use by tenants, although I am not certain that this would remain the case in perpetuity.
8. Policy M3 of the Oxford Local Plan 2036 (adopted June 2020) (LP) states that in locations such as the appeal site, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. This states, in respect of HMOs that parking standards should be decided on a case-by-case basis on their merit.
9. The appeal site is within relatively easy walking distance of a range of services and facilities including convenience retail, post office, a church and a park. More comprehensive facilities including several retail outlets, restaurants and larger supermarkets are within easy reach by bicycle. The appeal site is in close proximity to a number of bus stops providing access to regular services to the City Centre and a dedicated cycle lane.
10. As such this is an accessible location where opportunities to reduce reliance on the private car are encouraged by the Framework and Policy M3 of the LP. Therefore, although I have been provided with no figures in relation to car ownership locally, the appeal site is in a location which could support lower levels of car ownership and consequently, lower parking demand.
11. Nevertheless, I acknowledge that some occupants of the HMO may own a car. The Highway Authority contend that Comfrey Road has limited on-street parking, which is in high demand.
12. In support of the appeal the appellant has submitted a 'Lambeth Methodology Parking Survey' (also known as a beat survey) which seeks to demonstrate the capacity for on-street parking within a 200m radius of the site. Two separate surveys were carried out on a Tuesday and Wednesday in July, during the hours of 00:30 and 05:30, when most people would be at home. It involved manual enumeration of on-street parking spaces. The survey methodology accords with the approach outlined within the Parking Standards for New Development Supplementary Planning Document (Adopted 2022) (SPD). I am therefore satisfied that the survey was sufficiently thorough to provide reliable results.

13. The survey indicates that there was capacity for 384 vehicles within the survey area. On both occasions that the survey was carried out over 60% of the spaces were available. Although my site visit was carried out during working hours, I also observed good availability of on-street parking spaces in the vicinity of the appeal site.
14. Based on the evidence before me and my own observations, I am satisfied that there is sufficient availability of on-street parking locally to accommodate any additional demand from occupiers of the proposed HMO. Consequently, I do not consider that the proposal would lead to a material increase in parking pressure experienced locally. Therefore, there is no reason to assume that inappropriate parking, resulting in an adverse impact on highway safety would occur as a result of the proposal.
15. I acknowledge that some informal parking occurs locally, and I observed vehicles parking on the grassed area adjacent to the appeal site. However, this occurred even though there were on-street parking spaces available nearby. In the context of the availability of on-street parking nearby, there is no substantive evidence before me that the proposal would result in an increase in informal parking. Furthermore, there is no evidence before me to demonstrate the extent or severity of local problems which would warrant the dismissal of the appeal on highway safety grounds.
16. Overall, I conclude that the proposal would not result in an increased risk to highway safety with particular regard to parking provision. Therefore, the proposal accords with Policies RE7 and M3 of the LP and paragraphs 108 – 110 and 114 – 115 of the Framework. Collectively these seek to ensure that developments promote sustainable alternatives to the private car, provide appropriate levels of parking and do not result in an unacceptable impact on highway safety.

Other Matters

17. I acknowledge the concerns raised by the Parish Council that there is not enough parking provision. However, for the reasons given above and based on the evidence before me, I find that the proposal would not have an unacceptable impact on highway safety as a result of any additional on-street parking which may occur as a result of the proposal.

Conditions

18. I have undertaken some minor editing to the conditions proposed by the Council in the interest of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
19. A condition requiring the retention of bicycle parking is necessary to promote active travel. Further details of the refuse and recycling store are necessary to ensure adequate space is provided to achieve good refuse management. Although the application included some detail of the existing bin store, it is not sufficient to be sure it would provide adequate storage for the proposed use.

Conclusion

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

E Pickernell

INSPECTOR