



Appeal Decision

Site visit made on 28 February 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/G3110/W/23/3331068

68 Bodley Road, Oxford, Oxfordshire OX4 3UA

- 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 David Granat against the decision of Oxford City Council.
 - The application Ref is 23/01530/FUL.
 - The development proposed is a change of use from House in Multiple Occupation (Use Class C4) to Large House in Multiple Occupation (Sui Generis). Provision of 1no. car parking space. Provision of bin and bike stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as set out in the banner heading above from the Council's decision notice as this more accurately describes the appeal proposal. This is also consistent with the appeal form. In the interests of conciseness, I have omitted reference to the amended description and plans.
3. Whilst currently unoccupied, bedroom No 3 as shown on the proposed plans was furnished as a bedroom at the time of my site visit. The communal living space (kitchen/dining/lounge) was also functional, albeit in a slightly different layout to that shown. For the avoidance of doubt, I have determined the appeal based on the submitted plans.
4. I note the discrepancy between the size of the window serving bedroom No 3 as shown on the submitted floor plan and the elevational drawing. In determining the appeal, I have based my assessment on the submitted floor plan which I understand is consistent with the Internal Daylight Assessment (IDA).

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would provide acceptable living conditions for the future occupiers of the development with particular regard to the communal living space together with outlook and daylight for the occupant of bedroom No 3;
 - the effect of the proposal on the character and appearance of the area with particular regard to the provision of the bin and bicycle storage provision; and,

- whether the proposal would provide adequate bin storage, bicycle, and car parking provision.

Reasons

Living conditions

6. The appeal property is one half of a pair of semi-detached properties and is currently in use as a small House in Multiple Occupation (HMO)¹. The proposal would increase the occupancy and introduce a seventh bedroom.
7. Amongst other requirements, Policy H6 of the Oxford Local Plan 2036 (Local Plan) sets out that permission for the change of use of a dwelling in Use Class C3 to a HMO will only be granted where the development complies with the City Council's good practice guidance on HMO amenities and facilities, or any equivalent replacement document. For a three storey HMO (6-10 people), the Landlord's Guide² requires a minimum combined kitchen/living/dining space of 24m² of which 10m² must be dedicated to kitchen area. Shortfalls against these standards are not in themselves justification for refusing planning permission and I accept that the Landlord's Guide is guidance. Nevertheless, the standards therein are intended to act as a benchmark for suitable living accommodation and reflect those set out in the Housing Act 2004.
8. The proposed communal floorspace would fall short of the minimum standard required. Although the shortfall in this case would be relatively small, given the need to accommodate a kitchen, living area and dining space within a single room, it would be at the expense of circulation space. There would be little discernible space between the areas and limited room to comfortably utilise and move about the spaces when in use. This would undermine their functionality, particularly the dining and living areas and would result in cramped living conditions for the future occupants. The shortfall in communal living space would therefore result in an unacceptable standard of accommodation for the future occupiers of the development.
9. Occupants of the proposed HMO would have access to the rear garden which would provide a good amount of outdoor amenity space. However, the usability of this space could not be relied upon throughout the year. Therefore, this would not provide an adequate substitute for the internal shortfall. The floor space of the individual bedrooms would comply with the relevant space standards and future occupants may well choose to socialise in private bedrooms, rather than the communal space. The latter however is merely an assumption and cannot be guaranteed. It may also be the case that there are adequate recreational facilities in the locality. Nevertheless, access to these facilities does not negate the need for sufficient space to be provided in the home environment.
10. The communal working space would be converted into a bedroom, identified as No 3 on the proposed floor plan. Located on the ground floor, the bedroom would be served by a single window in the side elevation. Although this would provide ventilation, there would be no meaningful outlook from the window due to the proximity of the neighbouring block wall which is within approximately one metre of the window. Although there is no right to a view and no minimum distance between boundary walls stipulated, in this case, the restricted outlook

¹ 23/00523/FUL

² Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation 2019

would result in oppressive living conditions which would be of detriment to the usability and enjoyment of the space.

11. The same outlook would apply to the communal working space as permitted and this area could be used frequently, for long periods and by a greater number of occupants. Nevertheless, occupants would have the option to return to their private rooms where they would have access to a satisfactory outlook. In this case, considering the limitations of the proposed communal living space, the future occupier of bedroom No 3 would likely spend a reasonable amount of time in their room for purposes beyond sleep and therefore adequate outlook is important.
12. The IDA, prepared in accordance with standard industry guidance concludes that the minimum internal daylight values set out in the relevant guidance would be met. Based on the information before me and my own observations on site, I see no reason to doubt the accuracy of this assessment.
13. For these reasons, I find that the proposal would not provide acceptable living conditions for the future occupiers of the development with particular regard to the communal living space and outlook for the occupants of bedroom No 3. The proposal therefore conflicts with Local Plan Policies H6, H15 and RE7. Collectively, and amongst other aspects, these policies seek to ensure that such proposals comply with good practice guidance on HMO amenities and provide a good quality living accommodation for the intended use. It would also be inconsistent with the Framework where it seeks to secure a high standard of amenity for all occupiers.

Character and appearance

14. The appeal property lies in a residential area characterised primarily by semi-detached properties and small terraces. These properties are generally set back from the road behind modest gardens, many of which are open fronted to allow for the parking of vehicles and the storage of domestic paraphernalia including household waste. The consistency of built form and the ordered layout of buildings provides a sense of regularity which contributes to the character and appearance of the area.
15. There are two timber structures located within the frontage of the appeal site which provide bin storage and bicycle parking. Although they are readily visible from the road, these structures by virtue of their relatively discrete positioning, are not overly prominent within the street scene, nor do they dominant the driveway. There are no plans to indicate where and how the additional bin storage and bicycle parking would be accommodated. However, the appellant's written submission suggests that the existing structures would be extended, or as an alternative, the additional bicycle storage could be wall mounted. The existing provision was found to be acceptable for six occupants. Therefore, it is reasonable to conclude that the extended structures would only be marginally larger in scale.
16. Under these circumstances, I find that the proposed bin storage and bicycle parking provision would not be an incongruous addition to the street scene or visually obtrusive. Were I minded to allow the appeal, the final details could be secured by condition.

17. Consequently, I find that the proposal would not be harmful to the character and appearance of the area. It would therefore accord with Policies DH1 and RE7 of the Local Plan. Collectively, and amongst other aspects, these policies seek to ensure that development proposals enhance local distinctiveness and protect amenity. It would also be consistent with the design objectives of the Framework.

Bin, cycle, and off-street parking provision

18. Drawing No. 22-18-PL01 Rev D (Site location and block plan) indicates that the doors to the bike shed open towards the road. This arrangement was consistent with my observations on site. The bin stores are organised in a linear formation, parallel to the share boundary.
19. Even if I were to accept that the driveway is unable to accommodate two vehicles, the Council's delegated report indicates that the provision of one car parking space in this location would be compliant with Policy M3 of the Local Plan. Consequently, and notwithstanding the increased occupancy, I have no reason to conclude that the off-street parking provision would be substandard in this case or that the proposal would result in unacceptable congestion on the highway.
20. Moreover, having regard to the modest increase in storage provision, the relevant parking requirement combined with the size of the existing driveway, I am satisfied that there would be sufficient space within the site frontage to accommodate all the necessary provision whilst also ensuring that it remains functional and accessible to the occupants of the HMO.
21. Accordingly, I find that the proposal would provide adequate bin storage, bicycle, and car parking provision compliant with Policies M5, DH7 and RE7 of the Local Plan. Amongst other aspects, these policies collectively seek to ensure that proposals provide adequate, well located, and convenient bicycle parking provision whilst also safeguarding amenity and local distinctiveness.

Other Matters

22. My attention has been drawn to a HMO scheme³ within the Council's area which the appellant contends provides a similar standard of living accommodation and thus demonstrates inconsistent decision making. However, as I have not been furnished with the full details of this case, I cannot make any informed comparisons. It therefore does not lead me to a different conclusion.
23. The site is located within an urban area with good access to public transport and services and would contribute to the housing mix, providing an opportunity for younger households and other groups to access housing and gain independence. Furthermore, the proposal would utilise the pre-existing built form and has been designed to a high-standard, in keeping with the locality and would incorporate energy saving measures. However, given the scale of the proposal, the benefits in this regard would be limited.
24. The site is located within Flood Zone 1 and is not known to be contaminated. Relevant safety measures would be implemented in accordance with other relevant regulations and tenant responsibilities would be incorporated into the

³ 17/02248/FUL

tenancy agreements. These however are neutral factors and neither weigh in favour nor against the proposal.

25. Under normal residential circumstances, bedroom No 3 could be used for such purposes without requiring the benefit of planning permission. However, in this case, the building is no longer in C3 use. Moreover, there is a condition imposed on the 2023 planning permission to control the use of the communal working area for such purposes only. Further, its conversion to a bedroom is identified on the submitted plans and thus forms part of the consideration of this appeal.

Conclusion

26. The proposal would conflict with the development plan as whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

H Wilkinson

INSPECTOR