



Appeal Decision

Site visit made on 15 April 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/G3110/W/23/3327176

121 Herschel Crescent, Oxford OX4 3TX

- 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 Mrs Chloe Waller against the decision of Oxford City Council.
 - The application Ref is 23/01032/FUL.
 - The development proposed is a change of use of dwellinghouse (Use Class C3) to a Large House in Multiple Occupation (Sui Generis). Alterations to 1no. door and 1no. window to front elevation. Alterations to bi-fold doors to rear elevation. Removal of 1no. door to be replaced with 1no. window to rear elevation. Provision of bin and bike stores.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of dwellinghouse (Use Class C3) to a Large House in Multiple Occupation (Sui Generis). Alterations to 1no. door and 1no. window to front elevation. Alterations to bi-fold doors to rear elevation. Removal of 1no. door to be replaced with 1no. window to rear elevation. Provision of bin and bike stores. at 121 Herschel Crescent, Oxford OX4 3TX in accordance with the terms of the application, Ref 23/01032/FUL, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin no 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 22-30_PL01 C, 22-30_PL04, 22-30_PL05.
 3. Prior to occupation as a Sui Generis 7 person HMO, details of storage for bins for refuse and recycling, shall be submitted to and approved in writing by the Local Planning Authority. The bin storage shall be provided in complete accordance with the approved details prior to occupation as a Sui Generis HMO and shall be retained on site thereafter for the purpose of bin storage only.
 4. Prior to occupation as a Sui Generis 7 person HMO, details of the storage for bicycles shall be submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be provided in complete accordance with the approved details prior to occupation as a Sui Generis HMO and shall be retained on site thereafter for the purpose of bicycle storage only.

Applications for costs

2. An application for costs was made by Mrs Chloe Waller against Oxford City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

4. The main issues in this case are:
 - The effect of the proposed bike and bin stores on the character and appearance of the existing dwelling and surrounding area; and
 - Whether the proposal makes acceptable provision for bin storage and bicycle parking and would provide acceptable access to the dwelling.

Reasons

Character and appearance

5. The appeal site sits along a residential street made up of similar semi-detached dwellings, set back from the road, mostly with off street parking. There is a variety of front boundary treatment including short brick walls, fencing, hedging, and some completely open frontages. There are also dividing fences running along the front side boundary of the semi-detached units, breaking up the frontages. A number of properties have bin storage areas visible within in the frontages, some open and some set within small storage structures of varying scale.
6. As such, the provision of bin and bike storage areas within the frontage area of the appeal property would not be incongruous. Whilst the appeal property has been variously extended, there remains sufficient space to the frontage for the bin and bike storage areas. Whilst sited next to the front boundary, there are several bin stores or bins kept in the same position in the vicinity, and the part brick wall front boundary treatment would partly obscure the bin storage area from view. In addition, the simple design of the structures would not appear overly prominent nor incongruous.
7. Given the size of the frontage and the main property itself, the structures would appear suitably subservient and modest compared to the main house. I am also satisfied that this would also be the case with a slightly larger bin storage area than that shown on the submitted plans. It would not result in visible clutter and would retain a domestic character and scale, in keeping with the surroundings.
8. Moreover, the extract provided by the appellant illustrates that a previously approved¹ bin and bike storage area, of a similar design, would be located in a similar position. Given the similarity between the two HMO developments, I give this fallback option substantial weight, indeed I observed that these structures are partly in position.

¹ Application reference 23/00351/FUL

9. The scheme before me would provide a second bike storage structure sited next to the first previously approved structure. It would be set away from the highway, and the additional scale/built form of this second storage area would not be significant or readily apparent to passers by or neighbours. I observed a tree located on the corner of the site, which is not shown on the submitted plans. However, there is sufficient space around the tree to locate the storage structures (as is the case at present), including a slightly larger bin storage, and given their lack of foundation etc, in the absence of substantive evidence to the contrary, I am satisfied that the long-term health of the tree would not be harmed.
10. I therefore conclude that the development would not harm the character and appearance of the existing property nor surrounding area. The proposal would therefore comply with Policies DH1 and RE7 of the Oxford Local Plan 2036 (2020) (LP) which, in requires development to be high quality in its design and ensures that the amenity of communities and neighbours is protected. These policies are in broad conformity with the National Planning Policy Framework.

Bin storage, bicycle parking and access

11. The submitted plans show two off-street parking spaces to the front of the appeal site. However, the Council set out that one space does not meet the required size. As such, only one car parking space can be successfully accommodated on the site. I observed on site that there were a number of on-road parking spaces available in close proximity to the appeal site, and the Council set out that Herschel Crescent is not identified as an area of parking stress. It is noteworthy that the Council's Highway's Officer does not object to the proposal on the basis of 1 off street parking space.
12. With one car only being parked off the highway, there would be sufficient room for convenient access to the bike and bin storage areas, in addition to access to the property frontage and front door. There would therefore be no unacceptable conflict between users.
13. Even if two cars were parked on the frontage, as is also shown on the previously approved scheme, I am satisfied that there would remain sufficient space within the frontage for access to the larger bike store past the bin storage area and the bin storage area itself. Access to the second bike store would be cramped given the limited pace for its opening, however I note that the County Council suggest a condition requiring a door that can be lifted to this store. I am satisfied that this design of structure would provide suitable access. With two cars parked on the frontage, the access to the front door, whilst constrained, would remain similar to the previously approved scheme.
14. As such, I conclude that the proposal makes acceptable provision for bin storage and bicycle parking and would provide acceptable access to the property. There is therefore no conflict with LP Policies M5, DH7 and RE7, which collectively require bicycle parking to be well designed and well-located, convenient and covered, and, along with bin stores, considered from the start of the design process.

Conditions

15. A list of suggested conditions has been provided that the Council and/or the appellants consider to be appropriate. I have considered these in light of the

PPG and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.

16. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The only reference to materials is on the details of the bike and bin storage, and given the variety in the street scene, a condition securing the materials of these is not necessary.
17. Given the requirement for additional bin storage, further details of a suitable bin storage are required. In addition, as set out above, a condition requiring further details of the bike storage is necessary to ensure an amended design that provides a lifted access to the rear bike store, in the interest of ease of access.

Conclusion

18. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR