



Appeal Decision

Site visit made on 28 October 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/G3110/W/24/3343539

287 Cowley Road, Oxford, Oxfordshire OX4 2AQ

- 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 Martin Speed against the decision of Oxford City Council.
 - The application Ref is 23/02725/FUL.
 - The development proposed is the change of use to a house in multiple occupation (C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the word retrospective from the description of development above, as it does not describe development. However, for the avoidance of doubt, there is no dispute between the main parties that the change of use has taken place in accordance with the plans before me, and I have considered the appeal on the basis that the development has already taken place.

Main Issue

3. The main issue in this case is the effect of the proposed change of use on the character of the area and its effect on the achievement of balanced communities.

Reasons

4. Policy H6 of the Oxford Local Plan 2036 (2020) (LP) stipulates that change of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This is in order to support a balanced community. The supporting text to the policy explains that an over concentration of HMOs can result in parking problems and transient households and affect the affordability of renting and buying properties in Oxford.
5. The most recent figures set out in the Council's statement indicates that of the 49 properties (including the appeal site) within a 100 metre street length of the appeal site covering a section of Cowley Road, Bartlemas Close and Belvedere Road which includes the application site, 23 properties are identified as being in HMO use. This results in a percentage of HMOs within 100 metres of street length of 46.9% which would clearly conflict with the 20% limit set out within LP Policy H6. Even if the appeal property has been 'double counted'

therefore, there is no evidence before me that the proposal would not be in conflict with this policy limit.

6. It is submitted that the evidence indicates continued use of the property as a C4 HMO. However, even if the property has been occupied as an HMO for 'a considerable amount of time', or indeed for a period as an annex to a guest house, it does not follow that its continued formalised HMO use (in planning terms) would not be harmful to a balanced community within the area or that it would meet relevant planning policies. No information is provided in relation to matters such as parking levels, levels of transient households and affordability of renting and buying properties in the area. As such, it is not demonstrated that any previous use of the property as a HMO, without the benefit of planning permission, has had no detrimental impact on the general area or that the provisions of Policy H6 are not relevant nor applicable.
7. I conclude therefore that the proposal results in an over concentration of HMOs in the locality which would be harmful to the character of the area and would not support balanced communities, in conflict with LP Policy H6.

Other Matters

8. The site lies adjacent to the Bartlemas Conservation Area (CA). The Bartlemas Conservation Area Appraisal (2008) sets out that the significance of the CA, insofar as it relates to the appeal, comprises of a core of historic buildings, a chapel, former almshouse, farmhouse and cottage together with the masonry walls, which I observed has a rural character.
9. The setting of the CA, whilst open to the north, is partly made up of mixed suburban development, and accentuates the sense of historic isolation of the CA. As such, it has a positive role in the significance of the heritage asset. The appeal site, as part of this busy mixed suburban part of Oxford, sits comfortably as part of its existing mixed surrounding context. As such, the proposal would have a neutral effect on the seclusion of the CA and therefore its setting. The development would not therefore conflict with the prevention of harm to heritage assets, including their setting, goals of Paragraph 206 of the National Planning Policy Framework.
10. Even if, in accordance with the Framework, it was substantiated that the proposal was helping with meeting the need for student accommodation within this part of the city, given the limited scale of development, this benefit carries modest weight.
11. Similarly, even if the development complies with other local plan policies, meets standards and does not cause harm with regards to matters such as amenities and facilities and internal space, this to be expected in any well-designed development and carries little weight in favour of the proposal.

Conclusion

12. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude the appeal is dismissed.

B Phillips INSPECTOR