
Appeal Decision

Site visit made on 2 September 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/G3110/W/25/3368952

12, West Street, Osney, Oxford OX2 0BQ

- 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 Gulbahar against the decision of Oxford City Council.
 - The application Ref is 25/00234/FUL.
 - The development proposed is change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the Council's decision notice as it more accurately reflects the nature of the proposed development.
3. The appeal was accompanied by a site-specific Flood Risk Assessment (FRA), which was not available at the time of the Council's decision. However, all parties had the opportunity to review and comment on it during the appeal process. Accordingly, the FRA has been duly considered in determining this appeal.
4. I am also dealing with a very similar appeal at 74 Mill Street, Oxford¹, which will be the subject of a separate decision.

Main Issues

5. The main issues are:
 - Whether the site is a suitable location for the development, having regard to flood risk;
 - Whether the development would make adequate provision for cycle and bin storage, in accordance with local and national planning policies

Reasons

Flood Risk

6. The appeal site is a two-storey terraced dwelling located in Flood Zone 3a, which is an area classified as having a high probability of flooding. In such locations, national planning policy and Policy RE3 of the Oxford Local Plan (2020) (the LP)

¹ Appeal Ref: APP/G3110/W/25/3368762

require that proposals demonstrate, through site-specific FRA, that development will be safe from flooding for its lifetime.

7. The submitted FRA fails to meet this requirement. While it references elevation data and proximity to watercourses, it lacks detailed modelling of flood depth, velocity, and hazard rating. There is also insufficient assessment of residual risks, such as blocked drainage systems or overtopping of flood defences.
8. The proposed mitigation measures, such as waterproof internal finishes and plumbing adaptations, are largely reactive rather than preventative. It is unclear whether these can be effectively retrofitted to the existing building, and no enforceable mechanism (e.g. planning conditions or legal agreement) has been presented to secure their implementation and long-term maintenance.
9. The proposal would introduce a more vulnerable residential use in the form of a HMO, with unrelated occupants. The FRA does not adequately assess the implications of this increased vulnerability, nor does it provide a robust flood emergency plan. Suggestions such as using waterproof footwear and relying on upper floors for refuge fall short of accepted standards for safe evacuation, particularly for individuals with reduced mobility or other vulnerabilities. There is no assessment of flood depths along access routes, and undue reliance is placed on future flood alleviation schemes and existing city defences without providing evidence of their effectiveness for this site.
10. In light of these deficiencies, the proposal fails to demonstrate that the site is suitable for the proposed use in terms of flood risk. It is therefore contrary to Policy RE3 of the LP and paragraph 181 of the National Planning Policy Framework (the Framework).

Cycle storage

11. LP Policies M5 and DH6 highlight the importance of cycling in Oxford, recognising the city's high cycling rates and the importance of providing infrastructure that supports active travel for all users. This is consistent with the Framework's objectives of promoting sustainable transport and inclusive access.
12. In accordance with Policy M5 and the cycle parking standards listed in Appendix 7.3 of the LP, the development is required to provide a minimum of two secure, convenient, and accessible cycle parking spaces, assuming single occupancy of bedrooms. These should be usable without having to wheel bicycles through buildings and should be capable of accommodating non-standard bicycles such as cargo or adapted cycles.
13. The submitted plans indicate that a cycle store would be placed in the rear garden. However, no detailed information has been provided regarding its design, capacity, and security. Crucially, access to the rear garden is only achievable through the building's interior, which involves navigating the front step, a narrow hallway, internal doors, and the communal kitchen area.
14. This arrangement is not only inconvenient but also impractical for regular use, particularly in a shared living environment where unrelated occupants may have differing schedules and mobility needs. The internal route is likely to discourage frequent use of the store, disrupt communal living, and pose accessibility challenges for individuals with reduced mobility or those using larger or adapted

bicycles. As such, the lack of direct, unobstructed access undermines the usability of the proposed facility and fails to meet the principles of inclusive design.

15. While the site benefits from proximity to public transport and is within walking distance of the city centre, this does not diminish the requirement for adequate cycle storage. Planning policy prioritises active travel and expects developments to facilitate cycling through the provision of safe and convenient infrastructure. The absence of suitable cycle storage would limit travel options for the occupants and undermines the development's sustainability and inclusivity.
16. In light of the above, the proposal is contrary to Policies M5 and DH6 of the LP, and paragraph 117 of the Framework, which seek to promote sustainable modes of transport and ensure inclusive access for all users.

Bin storage

17. Policy DH7 of the LP requires that bin storage be provided in a way that does not detract from the overall design of the scheme or the surrounding area.
18. The appeal property does not benefit from a front garden or yard, which limits the potential for external bin storage at the front of the site. As a result, the refuse and recycling bins would be stored in the rear garden and brought through the building on collection days.
19. While this arrangement may be inconvenient, it is a temporary and infrequent activity, typically occurring once a week, and reflects the existing waste management situation for the property and most others in the street.
20. The rear garden is sufficiently spacious to continue to accommodate the bins without impeding use of the space. It is also enclosed and screened from public view. As a result, the proposal would not exacerbate the situation or result in a more prominent or intrusive form of bin storage.
21. Therefore, taking into account the existing circumstances, lack of feasible alternatives, and the discreet nature of the proposed bin storage arrangements, the development is in general conformity with Policy DH7 in relation to bin storage.

Other Matters

22. The site lies within the Osney Town Conservation Area (CA), which derives some of its significance from the distinctive layout and quality of small, terraced houses. Although the Council did not cite heritage impacts as a reason for refusal, the lack of detail regarding the proposed cycle store prevents a full assessment of its potential impact on the character and appearance of the CA. However, as the appeal is being dismissed on other grounds, the CA would remain unaffected.

Planning Balance

23. The proposal would contribute to the supply of HMO accommodation in Oxford, which plays an important role in meeting housing needs, particularly for students and young professionals. HMOs can offer more affordable housing options and make efficient use of existing housing stock. Nonetheless, these benefits do not outweigh the identified harms relating to flood risk and inadequate cycle storage.

Conclusion

24. The proposal conflicts with the development plan as a whole, and no material considerations have been presented that would justify a decision contrary to the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR