

EAST AREA PLANNING COMMITTEE

6th September 2012

Application Number: 12/01622/FUL

Decision Due by: 3rd September 2012

Proposal: Change of use of family dwelling (class C3) to HMO (C4).

Site Address: 13 Fair View (Appendix 1)

Ward: Lye Valley Ward

Agent: N/A

Applicant: Mr James Schumann

Application called-in by Councillors Lloyd-Shogbesan, Fry, Kennedy, Curran, Rowley, Price, Canning and Tanner due to concerns about overdevelopment and the potential impact on parking in the area.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed change of use to an HMO would not result in an over-concentration of HMOs in the immediate area and the property would be adequately served by bin and cycle storage as well as off-street car parking. The proposals therefore accord with policies CP1, HS15, TR3, TR4 and TR13 of the Oxford Local Plan 2001-2016 as well as policies HP7, HP15 and HP16 of the Sites and Housing Plan Submission Document.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Bin and Cycle Storage

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
HS15 - Housing in Multiple Occupation
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR13 - Controlled Parking Zones

Sites and Housing Plan - Submission

HP7_ - Houses in Multiple Occupation
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

None

Representations Received:

Twelve third party representations (eleven objecting, one supporting) have been received citing the following points:

- The existing area is quiet and characterised by family housing such that an HMO (probably occupied by students) is not appropriate;
- Noise will prevent enjoyment of neighbouring properties;
- The proposals will inevitably lead to more on-street parking and this will cause problems for vehicles trying to navigate the road;
- If the application is approved it could set a precedent for further HMOs in the road;
- An HMO would require the regular testing of fire alarms etc to comply with an Environmental Health license to the detriment of the enjoyment of the area by neighbours;
- It doesn't state if the property would be occupied by students;
- When living at the property in the past there was never a problem with parking and these proposals should make it no worse.

Statutory and Internal Consultees:

Highway Authority – No objection

Officers' Assessment:

Site Description

1. The application site consists of a detached four bedroom chalet style bungalow within a wider suburban residential area of Headington.

The Proposal

2. The application seeks consent for the conversion of the property from a single family dwelling (Use Class C3) to dwelling used as a six bedroom HMO (small HMO – Use Class C4) following alterations to the internal layout of the house.

3. Officers consider the principle determining issues in this case to be:

- Mix of Housing;
- Amenities; and
- Parking/Highway Implications

Mix of Housing

4. Since February 2012 all changes of use from houses to small HMOs (six or fewer occupants) in Oxford City require planning permission. Policy HS15 of the Local Plan prevents the change of use of a house to an HMO in the designated HMO Registration Area (this covers mainly East Oxford). The site is however not within this designated area. Outside the HMO Registration Area policy HS15 then states that changes of use will be acceptable provided no more than 25% of the residential properties in the same road are in HMO use. An analysis of both the Council's planning and Environmental Development records show that there are no other authorised existing HMOs in Fair View. Consequently the proposals clearly comply with the Council's adopted policy in this regard.

5. Policy HS15 of the Local Plan is proposed to be superseded by policy HP7 of the emerging Sites and Housing Plan. This emerging policy document is now, given its advanced stage, being given significant weight in decision making. Policy HP7 differs from the adopted policy in that it states that planning permission will not be granted if greater than 20% of residential properties within 100m of the application site are in HMO use. However, once again the Council's records show that this threshold is not even close to being reached as only one other building within 100m of the application site is authorised as within HMO use. Consequently, when assessed against both adopted and emerging policy it is clear that the mix of housing within the immediate area will not be materially or unacceptably affected by the proposals such that the principle of the conversion of the house to a small HMO is considered to be acceptable.

Amenities

6. Details relating to bin and cycle storage have not been submitted with the application though it is clear from the size and nature of the plot that it can be more than adequately provided on site at the rear of the house. Consequently a condition is recommended to be imposed requiring details of the type and location of such facilities prior to the change of use being implemented in accordance with the requirements of both policy HS15 of the Local Plan and emerging policy HP7 of the Sites and Housing Plan.

Parking/Highway Implications

7. The site is not located within a controlled parking zone and, as such, the property cannot be excluded from eligibility for parking permits to prevent additional on-street parking. However, the house is served by an existing driveway which can hold up to three cars. Such off-street parking provision complies with the standards set out in policy TR3 of the Local Plan and policy HP16 of the emerging Sites and Housing Plan. Highway Officers at the County Council have not raised concern about the adequacy of the parking provision and planning officers concur with their views. In any event officers would suggest that, despite some of the comments raised in third party representations, the area is not subject to the intense parking pressure found in other areas of the City and, given the ample provision of off-street parking provision it would not be reasonable to refuse planning permission on these grounds.

Other Matters

8. Some concern has been raised that the proposals would have a significant impact on the quiet enjoyment of neighbouring properties. Officers would however suggest that the occupation of the house by six unrelated people is not likely to result in significant disturbance to neighbours to a materially greater extent than a six person family occupying the house. In any event, such an impact would be highly presumptuous and, given that it would be the only HMO in the street, cannot reasonably be considered likely either by itself or cumulatively to significantly harm the amenity enjoyed by neighbouring properties. It should also be noted that unacceptable noise disturbance is covered by Environmental Health legislation and if significant, could potentially be addressed under this separate legislative process.

Conclusion:

8. The proposed change of use will not materially affect the mix or balance of residential accommodation in the area and will allow for adequate bin and cycle storage facilities as well as sufficient off-street parking. Consequently, Members are recommended to approve the application subject to the conditions set out at the beginning of the report.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/01622/FUL

Contact Officer: Matthew Parry

Extension: 2160

Appendix 1

13 Fair View



Scale : 1:1250

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