

WEST AREA PLANNING COMMITTEE

8th April 2014

Application Number: 13/03252/FUL

Decision Due by: 31st January 2014

Proposal: Change of use from dwelling house (Use Class C3) to HMO (Use Class C4) (Retrospective)

Site Address: 12 Alma Place Oxford Oxfordshire OX4 1JW
(Appendix 1)

Ward: St Clement's

Agent: SasHtec

Applicant: Miss Beatrix Longworth

Application Called in – by Councillors Clack, Coulter, Price and Tanner
for the following reasons - proliferation of HMOs in the area.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will not result in an overconcentration of Houses in Multiple Occupation in the local area, is not unacceptable in terms of private outside space or pressure on on-street parking in the area and provides acceptable facilities and parking for future occupiers. Concerns over the storage of bins and cycles can be addressed by condition and the proposals therefore comply with Policies CP1, CP10, CP13, TR3 and TR4 of the adopted Oxford Local Plan 2001 – 2016 and Policies HP7, HP15 and HP16 of the Sites and Housing Plan.
- 2 Officers have considered carefully all comments on these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the comments do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.
- 3 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 Develop in accordance with approved plans
- 2 Bin and cycle storage

Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS23_ - Mix of housing

Sites and Housing Plan (SHP)

MP1 - Model Policy
HP7- Houses in Multiple Occupation
HP12 - Indoor Space
HP13 - Outdoor Space
HP15 - Residential cycle parking
HP16- Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

63/13621/A_H - Extension and alterations to kitchen. PDV 28th June 1963.

Representations Received:

6 Alma Place: No objection, but makes comments relating to parking pressures and the storage of waste and recycling bins.

Statutory and Internal Consultees:

Local Highway Authority: No objection subject to conditions excluding the property from the CPZ and to provide parking for at least four cycles.

Issues:

HMO density
Facilities
Garden size
Parking

Officers Assessment:

Site description and proposal

1. 12 Alma Place is an end terrace house. It appears that work has been carried out in the last two decades under Permitted Development rights to move the main door from the front of the house to the side, via Alma Lane. The small rear garden can also accessed be via this lane.
2. Permission is sought for a retrospective change of use from a single dwelling house (Use Class C4) to a small (Use Class C4) House in Multiple Occupation (HMO).

HMO density

3. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area. The Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%.
4. There are around 37 buildings within 100m street length of 12 Alma Place. Of these, licensing records indicate that 2 of these have, or have applied for an HMO license. The actual number may be higher, due to some HMOs not being licensed, but the figures indicate that around 5% of buildings in the relevant area are HMOs, well below the 20% concentration defined in Policy HP7. The surrounding area does not therefore show a significant concentration of HMOs, the current proposal will not materially harm the overall mix of housing in the local area and the application complies with Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan.

Facilities

5. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities. Policies TR4 of the OLP and HP15 of the SHP require the provision of adequate cycle parking.
6. The application demonstrates rooms of adequate size and an adequate level of shower-rooms, WCs and kitchen facilities. The provision of the bin storage in the front garden is considered acceptable and there is a lockable gated access to the rear where bicycles can be stored, however the application does

not demonstrate how the required storage for bins and cycles is to be provided. It is considered that this can be addressed by the imposition of a condition to ensure the compliance with Policy TR4 of the OLP and Policies HP7 and HP15 of the SHP.

Garden size

7. Policy CP10 of the OLP states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space, where buildings are orientated to provide satisfactory light, outlook and privacy, and where the amenity of other properties is adequately protected. Policy HP13 of the SHP states that permission will only be granted for houses of 2 or more bedrooms that have direct access to an area of private open space that is of adequate size and proportions for the size of house proposed, while the accompanying text states that the City Council will expect an area of private garden for each family house which is at least equivalent to the original building footprint.
8. The proposed development would not result in the loss of any private amenity space to the rear of the property, although if a condition is imposed requiring covered and secure cycle parking this would impact the area available. In any event, the garden size is limited and is considered sub-standard provision for a house of this size. However, the garden space would be sub-standard whether the house is used as a single dwelling or as an HMO. Officers have had regard to the reduced chance of the inhabitants including children in an HMO, and of a generally lower level of garden use in a shared house. On balance, the limited provision of private amenity space is no more unacceptable for an HMO than for a family dwelling and the proposal accords with Policies CP1, and CP10 of the OLP and HP13 of the SHP.

Parking and access

9. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. Appendix 8 of the SHP makes it clear that C4 HMOs will be subject to the same standards as houses and flats.
10. The house currently has no off street car parking and is entitled to two permits in the East Oxford Controlled Parking Zone (CPZ). Whilst use as an HMO may result in a higher number of adult occupants than as a family house, the pressure on on-street parking will not materially increase as the occupants will still be limited to two permits. The suggestion of the Local Highway Authority that the house be removed from the CPZ is therefore considered unreasonable and unnecessary as the development will not result in a material increase in pressure on on-street parking and the proposal complies with Policies CP1 and CP10, of the OLP and HP16 of the SHP.

Other matters

11. The proposed change to an HMO is not considered to have a material effect on the special character of the adjacent St Clements and Iffley Road Conservation Area.

Conclusion:

12. The development will not result in an overconcentration of Houses in Multiple Occupation in the local area, is not unacceptable in terms of private outside space or pressure on on-street parking in the area and provides acceptable facilities and parking for future occupiers. Concerns over the storage of bins and cycles can be addressed by condition and the proposals therefore comply with Policies CP1, CP10, CP13, TR3 and TR4 of the adopted Oxford Local Plan 2001 – 2016 and Policies HP7, HP15 and HP16 of the Sites and Housing Plan.

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 grant permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 13/03252/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 26th March 2014

Appendix 1 – 12 Alma Place

