

West Area Planning Committee

10th December 2014

Application Number: 14/02680/FUL

Decision Due by: 4th December 2014

Proposal: Internal alterations and change of use from single dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4). (Retrospective) (Amended description)

Site Address: 4 Aldrich Road, Appendix 1

Ward: Summertown Ward

Agent: Ai Design Oxford

Applicant: VO Properties

Application Called in – by Councillors - Fooks, Gotch, Wade and Royce. for the following reasons – The property has been extended contrary to the approved 4-bed development to a 6-bed and 6-bathroom building , not in accordance with the approved plans.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed change of use would not result in an over-concentration of HMO's in the immediate area and would adequately provide for the amenity of future occupiers without resulting in harm to neighbouring amenity or highway safety. Consequently the proposals are considered to accord with policies CP1, CP6, and CP10 of the adopted Oxford Local Plan 2001-2016 and policies HP7, HP13, HP12, HP15 and HP16 of the Sites and Housing Plan and CS23 of the Core Strategy.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections 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 storage
- 3 Exclusion from parking permits

Main Planning 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 (OCS)

CS23_ - Mix of housing

Sites and Housing Plan (SHP)

HP15_ - Residential cycle parking

HP16_ - Residential car parking

HP12_ - Indoor Space

HP13_ - Outdoor Space

MP1 - Model Policy

HP7_ - Houses in Multiple Occupation

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

66/17704/A_H - Enclose existing verandah to form covered access to lavatory and internal alterations. Permitted development 28th June 1966.

68/20043/A_H - Garage for private car with vehicular access. Permitted development 23rd April 1968.

94/00048/NF - Two storey side extension incorporating integral garage. Approved 4th March 1994.

13/01509/FUL - Erection of two storey side and rear extension. Withdrawn 14th August 2013.

13/02433/FUL - Erection of two storey side extension. Approved 24th October 2013.

Public Consultation:

Third Party comments received:

6 Letters received from no.'s 2, 6, 21, 27, 33 and 35 Aldrich Road and one letter received from one of the ward councillors of Summertown Ward. The comments have been summarised below:

- The property is already in use as a HMO;
- The 6 bedroom/6 bathroom development is a breach of the original 4 bedroom family house;
- Object to HMO's in this residential area;
- Moved from Cowley to get away from HMO's;
- Adjoining property forced to put property on market as does not wish to live next door to potentially 12 people;
- Increased parking pressure as potential for at least 6 to 12 cars;
- Sets a dangerous precedent for more HMO's in Cutteslowe;
- As an elderly member of the community its intimidating the amount of people coming and going;
- The property of 6 people or potentially 8 would be create noise disturbance to the adjoining property;
- Impact of a large number of tenants brings with it concerns over excess noise, refuse and anti-social behaviour that will be detrimental to the ambience of the street and in turn downgrade the immediate and surrounding area

Statutory Consultees:

Oxfordshire Local Highway Authority - This application should be granted subject to a condition applied that the development/proposed unit(s) shall be excluded from eligibility for parking permits should planning permission be granted.

Determining Issues:

- Proportion of HMO's
- Facilities
- Garden size
- Parking

Officers Assessment:

Site Description and Proposal

1. 4 Aldrich Road is a two storey semi-detached property. The property has recently been extended at the side and rear under planning reference number 13/02433/FUL. Since then it appears that work has been carried out internally to change the layout to create 6 bedrooms all with en suite bathrooms. The property is currently in use as a House in Multiple Occupation (HMO).
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).

Proportion of HMO's

3. Policy CS23 of the Core Strategy (OCS) 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.

4. 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 (SHP) 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%.
5. There are 49 buildings within 100m street length of 4 Aldrich Road, Wren Road and Scott Road. Of these 49 buildings the Council's records show that there are 4 buildings with a HMO license. The actual number may be higher, due to some HMOs not being licensed, but the figures indicate that around 8% (8.16% to be exact) 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 and on this basis the current proposal will not materially harm the overall mix of housing in the local area and the application therefore complies with Policy CS23 of the OCS and Policy HP7 of the SHP.

Facilities

6. Policy HP7 of the SHP 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 "Amenities and Facilities for Houses in Multiple Occupation" by Oxford City Councils Environmental Development department. The accompanying text makes it clear that adequate provision should be made for refuse storage and collection, cycle and car parking.
7. CP10 of the Oxford Local Plan states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage and parking.
8. The application demonstrates rooms of adequate size. Each bedroom is considered to be of a reasonable size and layout to ensure it is capable of providing acceptable quality living accommodation. There is also an adequate level of shower-rooms, WCs and kitchen facilities with a separate living room.
9. The provision of the bin storage in the front garden is considered acceptable. However, the application does not demonstrate how the required storage for bins is to be provided. It is considered that this can be addressed by the imposition of a condition to ensure the compliance with Policy CP10 of the OLP.
10. The plans show that storage for bicycles is to be provided at the front with 6 Sheffield Stands. This complies with policy HP15 which requires HMO's to provide at least one cycle parking space per occupant. However, the policy also states that the cycle storage should be covered, preferably enclosed.

Given that there is no side access to the rear garden, it is considered acceptable to provide the cycle at the front otherwise occupiers would be forced to carry their bicycles through the house and this not ideal. Given that the property is located on a prominent corner of the street and is highly visible; it is considered that a covered cycle storage unit at the front would represent an incongruous development that would block some out light to the living room window. Given the constraints of the site, it is considered, that on balance, an uncovered cycle storage at this location is acceptable.

Garden Size

11. 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.
12. The proposed development would not result in the loss of any private amenity space to the rear of the property. Although the garden size is limited, officers are satisfied that the provision of private amenity space can be accepted for this HMO. The proposal therefore accords with Policies CP1, and CP10 of the OLP and HP13 of the SHP.

Parking

13. 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.
14. The property lies within the North Summertown Controlled Parking Zone and there are currently two on plot parking spaces. There has been concern raised about the parking demand posed by the increase of the number of bedrooms in the dwelling. Two parking spaces are provided however which meets the standards for a Class C4 HMO. Nevertheless it is recommended that the property be excluded from eligibility for parking permits in order not to exacerbate existing conditions.
15. Officers shall therefore impose a condition that excludes the property from eligibility for parking permits as recommended by Local Highway Authority.

Other matters

16. There has been some concern raised about the building material not matching the existing building. At the rear there is a lean to single storey rear extension

that has a tiled roof that doesn't quite match the existing tiles and the bricks have been painted grey. Whilst this does not match the existing dwelling, this extension was existing and was in situ prior to the two-storey side and rear extension being built. Being located at the rear officer consider it non-expedient to require the applicant to change those materials.

17. It has also been noted that brick course detail does not follow through to the side and rear elevation of the building. Officers consider that, on balance, the absence of brick course detailing on the side and rear elevations do not harm the character and appearance of the area. Therefore, it would not be unreasonable to refuse the application on that basis.

Conclusion

The proposed change of use would not result in an over-concentration of HMO's in the immediate area and would adequately provide for the amenity of future occupiers without resulting in harm to neighbouring amenity or highway safety. The proposal conforms to the Council's standards and the presumption should be in favour of the grant of permission. Whilst the comments from neighbours have been carefully considered, they do not raise issues which would justify the application being refused planning permission

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: 14/02680/FUL

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Date: 25th November 2014