

East Area Planning Committee

-11th May2016

Application Number: 15/03595/FUL

Decision Due by: 8th February 2016

Proposal: Change of use from dwelling house (Use Class C3) to a House in Multiple Occupation (Use Class C4).

Site Address: 72 Bulan Road, Oxford (site plan: appendix 1)

Ward: Lye Valley Ward

Agent: N/A

Applicant: Dr Haiyan Gad

Application Called in by Councillor Kennedy, Simm, Fry and Price on grounds of the possible overintensification of HMOs in the area

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The application is not in an area subject to an overconcentration of Houses in Multiple Occupation and subject to the conditions proposed would provide an acceptable level and standard of amenities and facilities, capable of accommodating the likely number of occupants within the house. Concerns relating to the size of the toilet and the storage of cycles and bins can be dealt with by condition and the application therefore complies with Policies CP1 and CP10 of the adopted Oxford Local Plan 2001 - 2016, CS11 of the Core Strategy and Policies HP7, HP12, HP13, HP14 and HP16 of the Sites and Housing Plan. No objections have been made by third parties.
- 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.

Conditions:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Details excluded submit revised plans ground floor toilet, Floorplan,
- 4 Submission of further matters cycle and bin stores,

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

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

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Oxford City Council's good practice guide on HMO amenities and facilities

Relevant Site History:

12/02750/FUL - Erection of part single and part two storey rear extension. (Amended plans) (Amended description). PER 19th December 2012.

Representations Received:

75 Bulan Road: No objection, but suggests application may be retrospective, in that use as an HMO commenced some years ago.

Statutory Consultees:

Local Highway Authority: Object – insufficient parking

Determining Issues:

- Density of HMOs
- Facilities and amenities
- Parking

Officers Assessment:

Site Description and Background

1. 72 Bulan Road is a semi-detached house with parking for 1 car to the front of the house and a good sized garden to the rear. The site is sustainable, being situated conveniently located for bus routes along The Slade and Hollow Way and with local shops within 800m. Several areas of open space are also nearby, notably Lye Valley nature reserve.
2. Officers note the unusual internal arrangement which lacks direct access from the first floor of the original house to the first floor of the extension.
3. Permission is now sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO - Use Class C4).
4. Changes of use between use classes (C3 dwelling houses and C4 HMO's) would ordinarily benefit from permitted development rights and do not require a planning application to be submitted. However, the Government has given individual Councils the power, through the use of an "Article 4 Direction", to introduce controls locally. Oxford suffers from an acute shortage of housing and in order to ensure that an appropriate mix and quality of accommodation is provided across the City, Oxford City Council has made an Article 4 Direction allowing it to introduce local planning controls in terms of the change of use of a C3 dwelling to an HMO. Consequently as of 24 February 2012 planning permission is required within Oxford to change the use of a C3 dwelling house to a shared rented house (C4 HMO).
5. Officers consider that the principle determining issues are as follows
 - Density of HMOs
 - Facilities and amenities
 - Parking

HMO Density

6. 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.
7. The provision of C4 HMOs within the city is controlled firstly by the removal of permitted development rights to change the use of a single dwelling to a C4 HMO, and secondly by policy HP7 of the Sites and Housing Plan (SHP) which seeks to permit only a limited number of HMOs in any particular area, This policy would directly address the issue of overconcentration of HMOs within an area. The policy 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%.
8. Licencing records indicate that there are around 57 buildings within 100m street length of 72 Bulan Road, both along Bulan Road itself and also along the side

roads such as Cinnaminta Road. Of these properties, licensing records indicate that 10 of these have, or have applied for an HMO license. This would amount to 17.54%. Officers note the concern about unlicensed HMOs in the area and that this issue is the subject of ongoing enforcement activity. The record was checked on the 18th April 2016.

9. The actual number of HMOs in the area may be higher, due to some HMOs not being licensed, but the most up to date figures available indicate that the change of use would result in 19.3% of buildings in the relevant area as HMOs, which would be below the 20% concentration defined in Policy HP7.
10. The surrounding area does not therefore show an unacceptable 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 SHP.

Facilities and Amenities

11. 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. Policy HP13 of the SHP requires adequate provision for the safe, discrete and conveniently accessible storage of refuse and recycling whilst HP15 of the SHP requires the provision of adequate cycle parking.
12. The house will provide an acceptable level of communal and cooking space and five reasonably sized bedrooms. Officers note that there is a sixth room identified as a bedroom, but this is below the minimum 6.5m specified in the good practice guide and the applicant should be made aware that any HMO licence may be conditional on this room not being used as a bedroom and limiting the number of occupants to 5.
13. There is a first floor bathroom to the main body of the house and a ground floor toilet, although the toilet (at 0.7m by 1.3m) is less than the minimum 0.9 by 1.3m specified in the good practice guide. Officers note the two shower rooms in the extension, but one is an en-suite and because of the limited connection between the extension and the body of the house, the other shower room is de-facto more than one floor away from the first floor bedrooms in the body of the house, contrary to the provisions of the good practice guide. The sanitary provision is therefore substandard for an HMO occupied by 5 persons. However, officers consider that this situation could be rectified by a condition requiring the submission of amended plans showing a toilet of an acceptable size.
14. No information is provided in relation to cycle parking or refuse and recycling storage. There is a more than adequate area of outdoor space that could meet these needs and still provide an acceptable area of private open space. It is therefore considered reasonable for any grant of planning permission to be conditional on the submission of further details demonstrating an acceptable provision of cycle parking and bin storage to ensure that the available facilities

would comply with the Facilities and Amenities Guide and Policies HP7, HP13 and HP15 of the SHP.

Parking

15. 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. The Sites and Housing Plan makes it clear that C4 HMOs should be subject to the same parking standards as for C3 dwelling houses and provide a maximum of two parking spaces, whilst Sui Generis HMOs should provide one parking space per two lettable rooms.
16. Oxfordshire County Council, as the Local Highway Authority, has objected to the development on the basis that the development should provide one parking space per two lettable rooms. However, this relates to the wrong standard – the application is for a C4 HMO and the existing space meets the requirement for a maximum of 2 spaces (set out above) and therefore given the sustainable location it is considered that parking provision is adequate.

Conclusion:

17. The development will not result in an overconcentration of Houses in Multiple Occupation in the local area and subject to the Conditions imposed, can provide acceptable facilities and amenities for a House in Multiple Occupation of this size situated in this area. The proposals would therefore make the best use of land and comply with the general aims of the Oxford Local Development 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/01443/FUL

Contact Officer: Tim Hunter

Extension: 2154

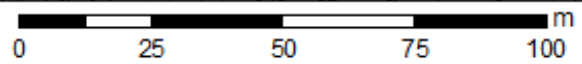
Date: 26th June 2015

Appendix 1

72 Bulan Road



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Ordnance Survey 100019348.



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