

## EAST AREA PLANNING COMMITTEE

3rd November 2018

**Application Number:** 18/02452/FUL

**Decision Due by:** 9th November 2018

**Extension of Time:** 16<sup>th</sup> November 2018

**Proposal:** Change of use of dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Use Sui Generis). Erection of a two storey side extension and provision of bin and cycle stores.

**Site Address:** 1A Gathorne Road, Oxford, OX3 8NF,

**Ward:** Headington Ward

**Case Officer** Michael Kemp

**Agent:** N/A **Applicant:** Mr Shinder Pal Singh

**Reason at Committee:** Application was called into committee by Councillors Smith, Gotch, Harris and Gant.

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## 1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

**(a) Approve the application for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:**

**(b) Agree to delegate authority to the Head of Planning, Sustainable Development and Regulatory Services to:**

1. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning, Sustainable Development and Regulatory Services considers reasonably necessary;

## 2. EXECUTIVE SUMMARY

2.1. This report considers an application to change the use of a C3 dwelling to a large House in Multiple Occupation. The development includes the erection of a two storey side extension to the dwelling. The principle of the proposed change of use complies with the provisions of Policy HP7 of the Sites and Housing Plan as the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. The internal and external amenity spaces are considered adequate and in compliance with the provisions of Policies HP12 and HP13 of the Sites and Housing Plan

respectively.

- 2.2. The proposed extension is considered to be acceptable in design terms and its appearance is considered to harmonise appropriately with the appearance of the existing property and the general character of the area. The scale is considered to be appropriate and subservient to the host property and complies with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.
- 2.3. The scale and siting of the extension is considered to retain an acceptable standard of amenity of the occupants of the immediately adjacent properties. It is considered that accounting for the scale of the extension and relative separation distance between the extension and the adjacent property No.145 Windmill Road that the extension would not appear overbearing in scale and would not result in a significant loss of light to this property. A condition requiring the use of obscure glazing on the first floor rear window would restrict overlooking of the garden of No.147 Windmill Road to the rear of the site. The proposals are therefore considered to comply with the provisions of Policy HP14 of the Sites and Housing Plan.
- 2.4. In respect of highways issues it is noted that Oxford County Council Highways do not object to the proposals and it is considered that accounting for the relative sustainability of the location and the sites location within a CPZ that the proposals would not result in displacement of vehicles which would otherwise compromise highway safety or amenity, Consequently the proposals are considered to comply with the requirements of Policy HP16 of the sites and Housing Plan.
- 2.5. Approval of the application is recommended, subject to conditions.

### **3. LEGAL AGREEMENT**

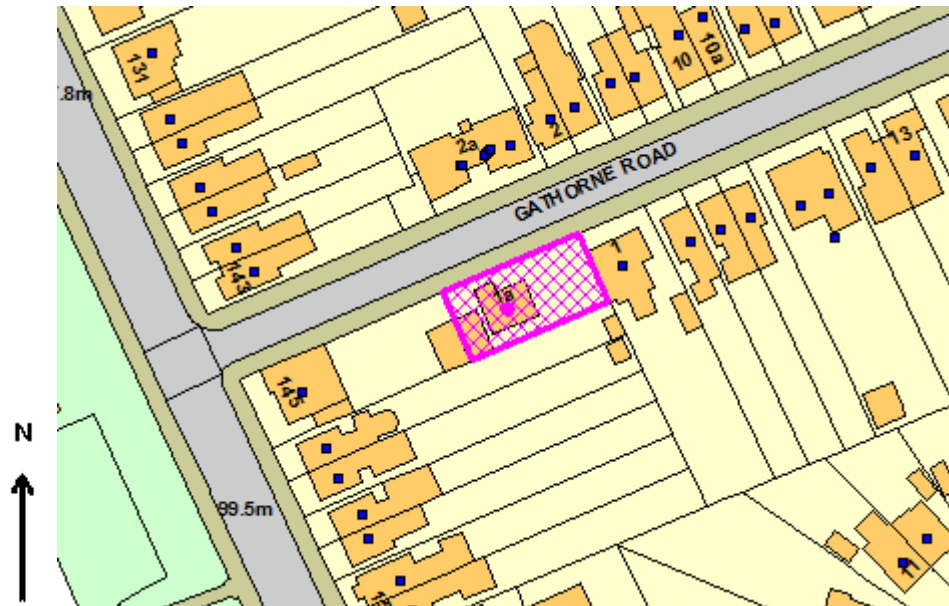
- 3.1. This application would not be subject of a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal would not be liable for a CIL contribution.

### **5. SITE AND SURROUNDINGS**

- 5.1. The property is located within New Headington and is a 1980's two storey brick dwelling, which lies within an infill plot between a detached property, No.1 Gathorne Road and the rear garden of another detached property No.145 Windmill Road. The area consists of a mix of property types ranging from semi-detached and detached dwellings and small blocks of flats. The property is served by an area of external amenity space to the side and parking for two vehicles, consisting of a space within a detached garage and a further parking space to the front of the garage.
- 5.2. The site location plan is listed below:



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## 6. PROPOSAL

- 6.1. The application proposes the change of use of the existing building from a Class C3 dwellinghouse to a larger house in multiple occupation (Sui Generis Use). A larger HMO is a property which would be occupied by 7 or more occupants. The application also proposes a two storey side extension to the existing dwelling, which comprises of a single ground level parking space in an undercroft. The proposed extension would be 3.6 metres wide.
- 6.2. The proposed plans have been amended, which include changes to the side elevation of the extension at ground level, alterations to the front porch, the roof ridge of extension has also been dropped to a minor degree.

## 7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

81/00898/NF - Removal of two garages and erection of detached house and detached single garage (Amended) (1A Gathorne Road). APPROVED 25th March 1982.

86/00842/NF - Demolition of garage and erection of two storey extension to form garage and utility room on ground floor and self-contained annex for elderly relative on first floor. Retention of existing vehicular accesses and car space (Amended Plans). REFUSED 23rd October 1986.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Local Plan	Core Strategy	Sites and Housing Plan	Other Planning Documents
Design	12	CP1, CP8, CP9, CP10,		HP9_,	
Housing	5			HP7_, HP12_, HP13_, HP14_,	
Transport	9			HP15_, HP16_,	Parking Standards SPD
Misc		CP.13, CP.24, CP.25		MP1	

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 28<sup>th</sup> September 2018.

### **Statutory and Non-Statutory Consultees**

#### Oxfordshire County Council (Highways)

- 9.2. The proposal seeks to change use from HMO (Class C4) to HMO (Sui Generis). Gathorne Road suffers from severe on-street parking pressure, however, benefits from being in a highly sustainable location close to many local amenities and bus routes.
- 9.3. The property has 1 off-street parking bay and the Design and Access Statement states that the property currently has 2 residential parking permits, however, our records show that only 1 parking permit has been issued for the property. So not to exacerbate the already severe parking pressure along Gathorne Road the property should be limited to 1 off-street parking permit.
- 9.4. The proposal states that cycle storage for 8 bicycles is to be provided to the rear of the property; this is in line with policy HP15 and is accepted. Oxfordshire County Council as the Local Highway Authority do not object to this application

Oxford Civic Society

- 9.5. It is noted that a previous application on this site (0842/86) was refused by the Council on the grounds of 'overdevelopment of the site tantamount to the creation of a separate self-contained unit'. OCS recommends that the Council take this into account when assessing the feasibility of the new application which anticipates an HMO with potentially eight occupants. This high level of occupancy could create parking issues with only one permit currently allocated to the property. The provision for bin storage at the front of the property adjacent to the one off-street parking space should be rethought and located at the rear of the property, alongside the proposed cycle racks.

Natural England

- 9.6. No comments

**Public representations**

- 9.7. 2 letters of objection have been received from the owners/occupiers of Nos.145 and 147 Windmill Road. The main points of objection are summarised below:
- A previous application for an extension was refused on the basis of overdevelopment, loss of amenity space and overlooking.
  - The loss of the garage would lead to an increase in on street parking.
  - The change of use would result in disturbance for residents and will change the character of the area.
  - The extension would impact negatively on views from properties in Windmill Road.

**10. PLANNING MATERIAL CONSIDERATIONS**

- 10.1. Officers consider the determining issues to be:

- i. Principle of development;
- ii. Design;
- iii. Amenity of existing and future occupiers
- iv. Highways

**i. Principle of Development**

- 10.2. Policy HP7 of the Sites and Housing Plan stipulates that change of use to an HMO will only be granted where the proportion of buildings used in full or part as an HMO within 100m of street length either side of the application site does not exceed 20%. This includes side roads and footpaths.
- 10.3. There are 6 dwellings within 100 metres of the site which are currently under use as an HMO; this includes the whole frontage of Gathorne Road and sections of Windmill Road and St Anne's Road. Overall there are 38 residential properties within 100 metres of the application site. Accounting for the 6 dwellings currently under use as an HMO, along with the application property, this would amount to

an HMO concentration of 18.42% which, below the maximum permitted threshold of 20%.

- 10.4. Accounting for the above calculation the proposed change of use would not result in an overconcentration of HMO's within the specified 100 metres. The principle of the change of use of the dwelling to an HMO use would not therefore conflict with the provisions of Policy HP7 of the Oxford Local Plan.

**ii. Design and Impact on Character of Surrounding Area**

- 10.5. The application proposes a side extension measuring a total of 3.6 metres in width, this would be located in the position of the existing parking space and garage. A single off-street parking space would be retained for the dwelling at ground floor level, this would be located in an undercroft below the first floor of the dwelling.
- 10.6. The proposed extension would be constructed from brick to match the existing property. The general form and design of the extension would be consistent with the character and appearance of the dwelling. The ridge of the extension would be set down in relation to the main roof ridge of the property, which would mean that the extension appears reasonably subservient to the host dwelling.
- 10.7. In summary it is considered that the design of the extension respects the character and appearance of the existing property, the surrounding properties in the area and the character of the street scene. The development is considered to comply with policies CP1, CP6 and CP8 of the Oxford Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

**iii. Impact on Amenity of Existing and Future Occupiers**

Existing Occupiers

- 10.8. A previous planning application to extend the dwelling and to form an annex was refused on the basis that the proposals represented an overdevelopment of the site and an unneighbourly form of development by reason of the size, massing and location of the development and its relationship to adjoining properties and their gardens and the size of the site. The development was also refused on the basis that the proposals would be tantamount to the creation of a self-contained unit of residential accommodation, with insufficient external amenity space.
- 10.9. Officers note that the previously proposed extension (86/00842/NF) was much larger in terms of scale, bulk and mass. The extension also extended up to the boundary of the adjacent property No.145 Windmill Road, leaving no separation between the side elevation of the proposed dwelling and the side boundary of the adjacent property.
- 10.10. The extension proposed within this application is of a lesser scale and would measure 3.6 metres in width, leaving a 0.9 metre separation between the side elevation of the extended dwelling and the side boundary of No.145 Windmill Road. There would be a separation distance of approximately 21 metres

between the side elevation of the extension and the rear elevation of No.145 Windmill Road. The proposals would comply with the 45 degree rule and would not result in a loss of light to the rear facing windows of this property. There are no windows proposed at first floor level in the side elevation of this extension, which would otherwise overlook No.145 Windmill Road.

- 10.11. The extension is separated from the rear amenity space of No.145 Windmill Road by a driveway and single storey garage building. Accounting for the position of the extension, the scale of the addition and its proximity relative to the rear garden space of the dwelling, the proposals would not in officer's view have an unacceptable overbearing impact on the residential amenity of the adjacent occupiers.
- 10.12. Accounting for the scale and position of the proposed extension, it is considered that the development would not have an overbearing impact on No.147 Windmill Road to the rear of the site; the end area of the garden of this property extends along the boundary of the application site. Officers note that a first floor window is proposed to the rear of the property, which would overlook the garden area, at a distance of 2.5 metres. The proposed window serves a large double bedroom, which is also served by a front facing window. Given that there is a front facing window of a sufficient size serving this room; it is considered reasonable to condition that the rear facing window should be conditioned to be obscure glazed to prevent undue overlooking of the rear garden area of this property. The original planning consent for the dwelling from 1981 removed permitted development rights for windows and required that the single proposed window should be fitted with obscure glazing on this basis.
- 10.13. With the application of appropriate conditions, the proposals are considered to comply with the requirements of Policy HP12, HP13 and HP14 of the Sites and Housing Plan and Policies CP1 and CP6 of the Oxford Local Plan.

#### Future Occupiers

- 10.14. Policy HP7 of the Sites and Housing Plan requires that the applicant demonstrate compliance with the City Councils Good Practice Guidance on HMO's in respect of amenities and facilities.
- 10.15. 4 double bedrooms are proposed within the extended dwelling, each of the proposed rooms would exceed 11m<sup>2</sup> in floor area. The Councils HMO Amenities and facilities guide specifies that a room for two occupants should be a minimum of 10.2m<sup>2</sup> in floor area; the proposed rooms all exceed this minimum requirement. It is intended that the dwelling would be suitable for occupation for up to 8 persons.
- 10.16. Specific standards for external amenity space for HMO's are not listed within the Sites and Housing Plan or Councils Good Practice Guidance for HMO's. Policy HP13 of the Sites and Housing Plan however requires that houses of two or more bedrooms should provide a garden of adequate size and proportions for the size of the house proposed, for family homes the supporting text indicates that this should be equivalent to the footprint of the existing house. The private

amenity space serving the proposed HMO would be equivalent to the footprint of the existing property and it is considered that a sufficient quantity and standard of external space is provided for future occupiers. The proposals are therefore considered to comply with the requirements of Policy HP13 of the Sites and Housing Plan.

#### **iv. Transport**

- 10.17. Provision is made for parking one vehicle at the property, typically maximum parking standards for Sui Generis HMO's would require the provision of 1 space per 2 habitable rooms, for this property there would therefore be a requirement to provide 2 off-street parking spaces. It is noted that the current property is served by two parking spaces, one of which is within an existing garage; the other is located to the front of the garage in a driveway. The proposals make provision for a single parking space, which would be provided in an undercroft, below the proposed extension.
- 10.18. It is noted that County Highways do not object to the proposed change of use on the basis of the intended parking provision. The surrounding streets fall within a CPZ, with parking restricted to resident's permits. The site is also in a relatively sustainable location, in terms of proximity to existing public transport links as there is a bus stop within 100 metres of the site. The site is also relatively close to the Headington District Centre and the range of services and facilities available.
- 10.19. County Highways have advised that the proposed development should be restricted to 1 parking permit, so as to ensure that the development does not generate an increase in parking demand; this is deemed reasonable accounting for the existing parking situation in the area and proliferation of on street parking. With the application of a condition to restrict parking for residents, it is considered that the proposals would comply with the provisions of Policy HP16 of the Sites and Housing Plan.
- 10.20. Provision would be made for cycle parking for 8 bicycles; this would comply with the minimum requirements for cycle parking as outlined within Policy HP15 of the Sites and Housing Plan, which for an HMO use is one space per occupant.

### **11. CONCLUSION**

- 11.1. The proposed change of use of the dwelling to a Sui Generis HMO would comply in principle with the provisions of Policy HP7 of the Sites and Housing Plan and would not result in an overconcentration of HMO properties within 100 metres of the site.
- 11.2. The proposals would not otherwise have a detrimental impact on adjacent existing occupiers and future occupiers of the property are considered to benefit from an acceptable standard of residential amenity. The scale and design of the extension is considered to be acceptable and harmonises appropriately with the character of the existing property and the character of the street scene.

11.3. Subject to the application of an appropriate condition to restrict resident's permits for future occupiers, it is considered that the extension and proposed change of use would not have a detrimental impact on highway safety or amenity, also accounting for relative sustainability of the site in terms of its proximity to the Headington District Centre and nearby bus links.

11.4. For the reasons expressed above, it is recommended that the Committee resolve to grant planning permission for the development proposed.

## 12. CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. The materials to be used in the new development shall be as shown on the approved plans and as detailed within the submitted Design and Access Statement. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure the satisfactory visual appearance of the new development in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

4. Before the start of above ground works details of the cycle parking areas, including means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads in accordance with policies CP1, CP10 and TR4 of the Adopted Oxford Local Plan 2001-2016.

5. The areas for parking and manoeuvring of vehicles as shown on the approved plans shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP6, CP10, TR3 and TR4 of the Adopted Oxford Local Plan 2001-2016.

6. Prior to the first use of the building hereby permitted the refuse storage area as shown on the approved plans shall be implemented and shall be retained thereafter for the purposes of refuse storage only.

Reason: To ensure adequate refuse storage provision in the interests of the amenity of occupants of the property in accordance with Policy HP13 of the Sites and Housing Plan.

7. Prior to the first use of the development permitted, the first floor window serving the newly formed bedroom in the rear (south east) elevation of the building shall be fitted with obscure glazing and shall be retaining in this condition hereafter.

Reason: To prevent overlooking of the private (rear) curtilage area of the adjacent property in accordance with Policy HP14 of the Sites and Housing Plan.

8. The development hereby permitted shall not be occupied until the Order governing parking at Gathorne Road; has been varied by Oxfordshire County Council as highway authority to limit subject to this permission, eligibility for resident's parking permits and residents' visitors' parking permits to 1 parking permit unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, CP6, CP10 and TR13 of the Adopted Oxford Local Plan 2001-2016.

## **13. APPENDICES**

### **Appendix 1 – Site Block Plan**

## **14. HUMAN RIGHTS ACT 1998**

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 15.1. 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 planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.



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