

WEST AREA PLANNING COMMITTEE

13th April 2021

Application number: 21/00220/FUL

Decision due by 29th March 2021

Extension of time 21st April 2021

Proposal Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Alterations to roof to form hip to gable, formation of 1no. dormer to rear roofslope and insertion of 2no. rooflights to front roofslope in association with loft conversion. Demolition of existing rear garden shed and erection of a part single, part two storey rear extension and single storey side extension. Dropped kerb, one additional parking space and improvement to existing parking spaces. (Amended Plans and description)

Site address 37 Templar Road, Oxford, OX2 8LS, – see **Appendix 1** for site location plan

Ward Wolvercote Ward

Case officer Tobias Fett

Agent: Mr John Thornton **Applicant:** Mr Hameed Razaghi

Reason at Committee This application is before the Committee because it has been called in by Cllrs Wade, Gotch, Goddard, Roz Smith, Landell Mills and Garden

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **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;

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers a proposal for extensions to a house in the north of the city and its conversion to a house in multiple occupation occupied by up to six people (Use Class C4).
- 2.2. The main considerations are with regards to the concentration of HMOs in the neighbourhood and the quality of accommodation provided as well as the design and impact on amenity of the proposed extensions. The proposals include the provision of car and cycle storage that meets the Council's requirements.
- 2.3. The concentration of properties within the defined 100m vicinity of the application site falls below the threshold concentration of HMOs identified in Policy H6 of the Oxford Local Plan (2036).
- 2.4. Officers consider that the proposed extensions are quite large but consider that they are acceptable in design terms. Officers have carefully considered the impact of the proposed development on neighbouring amenity and sought amendment to the proposals, including reducing the depth of the proposed single storey element of the extension along the boundary with 35 Templar Road. Officers have concluded that the development would be acceptable in amenity terms, including impact on sunlight, daylight and privacy to neighbouring occupiers.
- 2.5. The concerns raised in public consultation have been carefully considered and are addressed in the officer report.
- 2.6. Overall it is considered that the development is acceptable in planning terms and aligns with the relevant provisions of the Oxford Local Plan (2036) and National Planning Policy Framework (NPPF).

3. LEGAL AGREEMENT

- 3.1. This application is not subject to a legal agreement.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

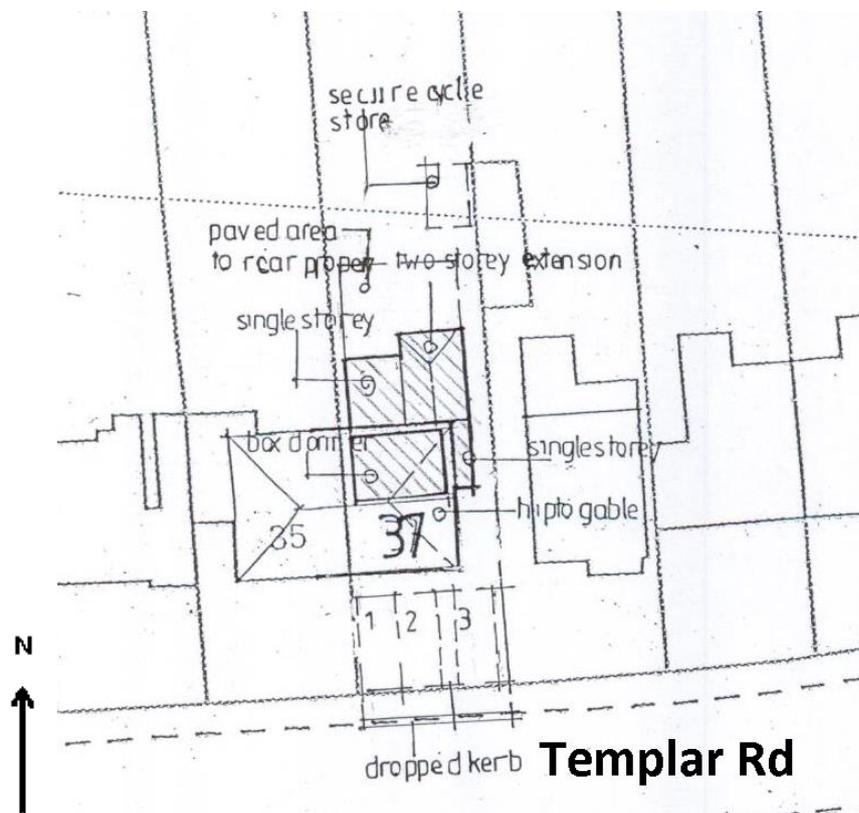
- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within the Cutteslowe residential area north of the ring road on the northern side of Templar Road. This part of Templar Road is characterised by larger inter-war semi-detached houses, the application site is situated on the northern side of the road. The properties have long rear gardens of approximately 30m. To the north and west of the application site the pattern of residential development reflects the application property, being larger semi-detached dwellings in generous plots with long rear gardens. Further to the south and east of the application site there is the mid-twentieth century Cutteslowe Estate with a range of dwelling types including bungalows, smaller semi-detached properties and town houses. With the exception of the

small rank of shops in Kendell Crescent which lies approximately 300m from the site the predominant land use is houses and this gives rise to an established suburban residential character.

- 5.2. The existing property is a semi-detached dwelling and is constructed with external walls that are painted render and a hipped roof with concrete tiles. In many respects the external appearance of the property is fairly typical of this part of the Templar Road where houses typically have hipped roofs and rendered or pebble-dashed walls.
- 5.3. At the side of the property there is an attached garage and to the rear of the house there are two attached storage outbuildings. At the front of the house there is a low wall and paved parking area with space to park approximately two cars. An existing dropped kerb provides access onto Templar Road.
- 5.4. At the rear of the property there is a large garden laid to lawn. There are some mature trees to the rear of the application site. To the front of the site there are currently no large trees or vegetation.
- 5.5. Many properties in this part of Templar Road have been extended; with box dormers, rooflights and rear extensions being fairly commonplace. The front boundary treatment varies with many properties having a degree of hedging, wall or fence in place but most properties have got some hardstanding and parking available to the front of their houses.
- 5.6. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes a two storey rear extension and single storey rear and side extensions, as well as the demolition of a rear garden shed. It is also proposed to alter the loft through a hip-to gable conversion and a box dormer extension,
- 6.2. The application also includes rooflights to the front roof slope and a skylight to the single storey rear extension as well as changes to the parking layout at the front of the dwelling to provide space for three cars.
- 6.3. This application additionally seeks planning permission for the change of use of the house from occupation by a single household to a house occupied by between three and six unrelated people; a house in multiple occupation (Use Class C4). The proposed dwelling as extended would provide six bedrooms and it is indicated in the submitted design and access statement that the property would be occupied by up to six people.
- 6.4. The single storey rear extension would project into the rear garden by 3 metres from the original rear wall at the western boundary with 35 Templar Road. The extension would have an overall height of 3 metres and a flat roof and with a lantern style skylight. The extension would measure 3.3 metres in width and join the proposed two storey extension. The proposal would be set back from the boundary wall by 300mm.
- 6.5. The proposed two storey rear extension would project 5.3 metres from the existing rear wall and would project a further 2.3 metres from the rear of the proposed single storey rear extension. The two-storey element would be 4 metres wide with an eaves height of 4.8 metres and a ridge height of 6.8 metres.
- 6.6. The single storey side extension would project 1.2 metres towards the eastern boundary with a depth of 3 metres. And an eaves height of 2.5 metres with a sloping roof pitch of 3.5 metres.
- 6.7. The loft conversion and dormer window would create a box dormer with a length of 6 metres. The box dormer would be set down from the ridge and set back from the eaves by approx. 300mm as well as set in from the new gable and semi-attached roof section by circa 300mm. Therefore the dormer would be located within the roof plane.
- 6.8. The front garden and parking area currently provides hardstanding, a section of dropped curb and parking for two cars. The applications seeks to enlarge the area to provide two car parking spaces and make use of the existing access onto the highway. The parking area would be improved as part of the proposals and a small area of landscaping provided. There would be a 1.2 metre wide side access passage along the boundary with 39 Templar Road to provide access to the rear of the property.

- 6.9. There would be space provided for bin storage and access to the side/rear which would be facilitated by the demolition of the existing garage.
- 6.10. The proposals includes communal areas and laundry facilities on the ground floor. Also on the ground floor there would be two en-suite bedrooms, three en-suite rooms on the first floor and one en-suite room in the proposed loft conversion.

7. RELEVANT PLANNING HISTORY

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

<p>71/24424/A_H - Demolition of existing outbuildings and erection of extension to kitchen and form larder and lavatory.. PDV 22nd June 1971.</p> <p>21/00220/FUL - Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Alterations to roof to form hip to gable, formation of 1no. dormer to rear roofslope and insertion of 2no. rooflights to front roofslope in association with loft conversion. Demolition of existing rear garden shed and erection of a part single, part two storey rear extension and single storey side extension. Dropped kerb, one additional parking space and improvement to existing parking spaces. (Amended Plans and description). PDE .</p> <p>21/00629/CPU - Application to certify that the proposed demolition of existing garage, erection of part single part two storey rear extension and a single storey side extension, alterations to windows on south elevation, insertion of 2no. windows and alteration to 1no. window on east elevation, hip to gable roof extension and formation of 1no. dormer to rear roofslope, insertion of 2no rooflights to front roofslope in association with loft conversion is lawful development.. PCO .</p>

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1 - High quality design and placemaking RE7 - Managing the impact of development		BEC2 - Layout of Buildings on New Developments

Conservation/ Heritage				
Housing	59-76	H6 - Houses in Multiple Occupation (HMO) H14 - Privacy, daylight and sunlight H16 - Outdoor amenity space standards		
Commercial	170-183			
Natural environment	91-101	G1 - Protection of Green/Blue Infrastructure		
Social and community	102-111			
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M5 - Bicycle Parking	Parking Standards SPD	
Environmental	117-121, 148-165, 170-183	RE7 - Impact of development RE8 - Noise	Energy Statement TAN	
Miscellaneous	7-12	S1 - Sustainable development	External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 11th February 2021 and revised plans were re-advertised on 4th March 2021 on Templar Road and Harbord Road.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

- 9.2. Oxfordshire County Council as Local Highway Authority have raised no objection subject to conditions requiring details of cycle storage and a revised parking plan to provide less than the originally proposed three car parking spaces on the frontage as they did not consider that the arrangements proposed were safe (having had regard to the size of the front garden). Officers have included the conditions suggested in the recommendation.

Thames Valley Police Chief Constable (Operations):

- 9.3. Objection received – comments were made relating to security measures, ‘designing out crime’, and cycle storage.

Public representations

- 9.4. 70 local people commented on this application from addresses in Godstow Road, Harbord Road, Harefields, Hayward Road, Latimer Road, Linkside Avenue, Lovelace Road, Marriott Close, Osberton Road, Rowland Close, Salisbury Crescent, Talbot Road, Templar Road and Cheyne Way – Farnborough, The Sycamores – Milton and Victoria Court – County Antrim.

- 9.5. The above includes comments from the Wolvercote Neighbourhood Forum and the Civic Society

- 9.6. In summary, the main points of objection (70 residents) were:

- Access
- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on pollution
- Effect on privacy
- Height of proposal
- Information and inaccuracies
- Light/day light issues
- Local ecology & biodiversity
- Traffic, on street parking and parking layout
- Site safety
- Planning process and consultation process

Officer response

- 9.7. Officers have carefully considered the matters raised in public consultation and noted that a large number of objections have been received. Officers

sought amendments to the depth of the proposed rear extension to reduce its impact on neighbouring occupiers and the parking layout and landscaping to the frontage and these amendments now form the basis of the scheme that is before the committee.

- 9.8. Conditions have been included to deal with car parking and highways issues as well as neighbourliness. Revised plans were sought and received to reduce the car parking provision on-site from three spaces to two; as part of these changes an area of landscaping is also proposed at the front of the property.
- 9.9. Many of the comments that have been raised in objection relate the management of an HMO in terms of noise, anti-social behaviour and providing good quality accommodation. These concerns (if they arise if planning permission is granted) are matters for the police, environmental health and the HMO licensing team to resolve.
- 9.10. The Police's comments relating to security measures are noted and a condition is included to ensure that a secure gate is provided at the rear to prevent the theft of bicycles from the rear garden.
- 9.11. This application has been advertised twice and thus enabled community input, which has been quite substantial. There has been some site clearance and preparations which do not require planning permission.
- 9.12. Officers received reports of safety concerns on site, which have been

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- I. Principle of development and Use
- II. Design
- III. Impact on Neighbouring Amenity
- IV. HMO amenities
- V. Transport

I. Principle of development and Use

10.2. Policy S1 of the Oxford Local Plan 2036 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This applies to paragraphs 10 and 11 of the NPPF which state that a presumption in favour of sustainable development is at the heart of national planning policy. The Council will work proactively with applicants to find solutions jointly which mean that applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning

applications that accord with Oxford's Local Plan and national policy will be approved without delay, unless material considerations indicate otherwise.

- 10.3. Policy RE2 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set out in the policy.
- 10.4. As of 24th February 2012 planning permission is required to change the use of any dwellinghouse (Use Class C3) in Oxford City to a House in Multiple Occupation (Use Class C4), due to the removal of permitted development rights under an Article 4 Direction.
- 10.5. Policy H6 of the Oxford Local Plan 2036 states that planning permission will only be granted for the change of use of a C3 dwellinghouse to a C4 House in Multiple Occupation (HMO) where the proportion of buildings used in full or part as an HMO within 100 metres of street length either side of the application site does not exceed 20%. The proposed HMO must also comply with the space standards set out in Policy H15 and the City Council's good practice guidance on HMO amenities and facilities.
- 10.6. Within 100m either side of 37 Templar Road, there are a total of 49 buildings, including the host property. The proposal would result in 1 of these buildings being classed as a HMO. The proposed HMO at 37 Templar Road would result in a total of 2.04% which means that the concentration of HMOs within the area would fall below the identified 20% threshold as set out in Policy H6 of the Oxford Local Plan (2036) which makes the development acceptable in principle.
- 10.7. The application site is a residential dwelling within a very large plot, and the increase in floor space and high quality accommodation would reflect an efficient use of the size, while not adversely harming amenities of the area in line with OLP policies S1 and RE2.

II. Design

- 10.8. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1.
- 10.9. Policy DH7 of the Oxford Local Plan 2036 states that permission will only be granted where outdoor needs are properly accommodated, including refuse and recycling storage. Bins should be provided in accordance with Oxford City Council's Technical Advice Note on bin storage.
- 10.10. Revised plans have been submitted to show a reduction of the rear projection of the single storey element which also minimises the visual impact to the rear

elevation. The two storey element is centrally located within the large plot with a pitched roof to minimise its scale and bulk.

- 10.11. The extensions have been designed sympathetically to ensure the least visual impact, while clearly designed as subservient additions to the host dwelling.
- 10.12. The box dormer has been designed in a way to achieve the biggest increase of the loft conversion while still allowing the original roof to be visible all around, as the dormer is set down from the ridge, set back from the eaves, and set in from both sides.
- 10.13. Officers have also had regard to the Wolvercote Neighbourhood Plan Policy BEC2 – Layout of Buildings on New Developments. As this policy is a community policy it is not a material consideration in itself, but Officers note the compliance of the proposal with the policy as the layout is acceptable for future occupiers and existing neighbours.
- 10.14. The proposal is of a size and scale that would be visible from neighbouring gardens, but due to its siting, would have a limited impact on the street scene along Templar Road as the extensions are proposed to be located at the rear. It is noted that many dwellings in the area have been altered in a variety of ways and, as a result, the proposals would not be considered to be out of character. Officers consider that the proposed development would be acceptable in design terms and would meet the requirements of Policies S1 and DH1 of the OLP 2036.

III. Impact on Neighbouring Amenity

- 10.15. Policy H14 of the Oxford Local Plan 2036 states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.

Impact on 39 Templar Road

- 10.16. The eastern boundary of the application site is shared with 39 Templar Road. The two properties are not connected, and there would be a 1.2 metre passage between the proposed rear and side extension and the boundary, as well as a 2.5 metre passage between the boundary fence and the side elevation of 39 Templar Road, which has a single storey extension that is accessed by a side door at this location.
- 10.17. Officers have assessed the impact of the proposed development on the property and had regard to Policy H14 of the Oxford Local Plan (2036). The proposed extensions would not have a detrimental impact on light conditions for 39 Templar Road and would accord with the 45/25 degree code guidelines as outlined in Policy H14.
- 10.18. There is an existing shed at the application site that is situated along the boundary with No. 39 Templar Road. The proposed cycle store would be

located adjacent to the outbuilding in the rear garden of No. 39 Templar Road; the location of the shed in this part of the application site would minimise the impact of that aspect of the development on occupiers of No. 39 Templar Road.

- 10.19. In terms of privacy impacts, the proposals include three windows at ground floor level (one of which would be obscure glazed). Officers consider that these windows would be acceptable in terms of their impact on the neighbouring property at No. 39 Templar Road as a proposed 2m fence would be in place along the boundary. The proposed fence would prevent overlooking into the side windows of No. 39 Templar Road. There is currently a lower fence of 1.8 meters in place, and the proposed new fence would be conditioned to be in place prior to occupation of the HMO.
- 10.20. At first floor level the proposals include three windows; all of these windows would be obscure glazed. Officers recommend that the windows are also made to be non-opening when measured from a height of 1.7m from the floor level; subject to a condition to ensure that this is provided then the windows would not give rise to an adverse impact on privacy to No. 39 Templar Road.
- 10.21. On the basis of the above, the proposals would not have a harmful impact on the amenity of No. 39 Templar Road and the development would comply with the requirements of Policy H14 of the Oxford Local Plan (2036).

Impact on No. 35 Templar Road

- 10.22. The adjacent neighbour to the west of the application site is 35 Templar Road, which forms the other half of this semi-detached building.
- 10.23. The proposal has been revised to include a single story rear extension along the boundary that would only extend 3m into the rear garden of the application site. This reduction in depth of the rear extension means that it now would not exceed the size as defined for an extension that would be permitted development. While there is a slight impact of overshadowing, especially in the first part of the day, the impact would be considered acceptable as it could be erected without planning permission as suggested above.
- 10.24. The proposed two storey extension would have an acceptable impact on the neighbouring property at No. 35 Templar Road with regards to the sunlight and daylight impact. In making this assessment officers have had regard to the 45/25 degree code as outlined in Policy H14 of the Oxford Local Plan (2036) and the development complies with those requirements. The two storey element of the proposals would be more than 3 metres away from the common boundary with No. 35 Templar Road and this would ensure that it would not give rise to an overbearing presence when viewed from the rear aspect of No. 35 or the rear garden of that property.
- 10.25. The proposed development does not include any windows on the west elevation (facing towards No. 35 Templar Road and the garden of that property). As a result there would no direct overlooking from the proposed extension into the rear garden or rear aspect of No. 35 Templar Road.

10.26. On the basis of the above, the proposals would not have a harmful impact on the amenity of No. 35 Templar Road and the development would comply with the requirements of Policy H14 of the Oxford Local Plan (2036).

Impact on Properties to the North (including 30 and 32 Harbord Road)

10.27. There is a distance of approximately 25 metres from the rear-most portion of the proposed extension to the boundary with the properties to the north (No.s 30 and 32 Harbord Road). As a result of this significant distance there would be no impact on privacy or sunlight/daylight conditions for these properties arising from the proposed extensions.

10.28. It is noted that there are windows proposed on the northern elevation of the proposed extension; these would provide oblique views into neighbouring properties to either side of the application site (including 35 and 39 Templar Road). But this is a relationship that already exists between the properties and is commonplace for houses where there are windows facing over a rear garden. As a result, this impact cannot be a basis for refusing planning permission.

Impacts of the Proposed Use

10.29. Many of the objections relating to the proposed development relate to the use of the application site as an HMO. The Council's policies relating to HMOs seek to address the impact of intensification of properties through their use as HMOs by ensuring that there is not an overconcentration of HMOs in the vicinity (as dealt with above in relation to the principle of development and the requirements of Policy H6 of the Oxford Local Plan (2036) and through the appropriate requirements of amenities within the HMO (which is set out in more detail below). Issues relating to the necessary provision of bicycle, refuse and recycling storage as well as car parking are also resolved in the following sections. The assessment of these aspects of the proposals adequately addresses the impact of the proposed use on neighbouring properties. As already indicated above, issues relating to noise and the management of the HMO are resolved by other legislation including the HMO licensing and environmental health.

IV. HMO amenities

Internal Space

10.30. Policy H6 states that the change of use of dwelling to an HMO will only be granted where the development complies with Policy H15 and the City Council's good practice guidance on HMO amenities and facilities. Policy H15 states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use.

10.31. The proposed HMO would be set over three storeys. The ground floor would comprise of a kitchen/living room, utility and two en-suite bedrooms. The first floor comprises of three en-suite bedrooms and one en-suite bedroom in the roof level. All of the rooms in the property meet the space requirements set

out in Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation.

- 10.32. All bedrooms, except bedroom 4, would be over 12.5 sqm and therefore large enough to accommodate two people, and bedroom 4 could accommodate one person at 10.5 sqm. However the occupation of the property would be controlled through the licensing regime and the use of the HMO would be limited to 6 people as a result of the application seeking permission for a C4 HMO (where the maximum number of occupiers is limited to six). If the number of occupiers exceeds six people then planning permission would be required to change the use of the property to a large HMO (sui generis use).
- 10.33. The proposals would involve the creation of additional floorspace and internal changes to create new bedrooms that would be occupied by multiple households. As a result there is a potential for the proposals to give rise to noise between the rooms and it is necessary to include a condition to deal with this impact to ensure that the development meets the requirements of Policies RE7 and RE8 of the Oxford Local Plan (2036).
- 10.34. The revised proposal for the front car parking area also includes some soft landscaping/planting which would create a more attractive street facing frontage.
- 10.35. The development is considered to comply with Policies H6 and H15 of the Oxford Local Plan.

Outdoor Space

- 10.36. Policy H16 of the Oxford Local Plan 2036 states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. H16 sets out the expectations for the size and quality of outdoor space across various types of dwellings.
- 10.37. The proposed outdoor space measuring 25 metres in length and 9 metres in width would also be sufficient to meet the policy requirements and provide future occupants with high quality of private outdoor amenity space that would be adequate for clothes drying with reasonable circulation and amenity and leisure space.
- 10.38. The proposal would therefore offer sufficient amenity to future occupiers and accord with Policy H16 of the OLP 2026.

Bin storage

- 10.39. The plans provided show that bins are currently accommodated on the hard standing at the front of the property. The proposed plans show sufficient space to the side of the property on the area freed up by demolishing the garage to accommodate all waste bins in a location that is convenient for occupiers and screened from the public realm. Officers are satisfied that the proposal would comply with Policy DH7 of the Oxford Local Plan.

V. Transport

Car traffic

- 10.40. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones or employer-linked housing areas where occupants do not have an operational need for a car where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In relation to proposals for redevelopment or intensification of an existing site then regard will be had to the existing parking provision; with a reduction sought to decrease the provision of on-site parking in line with maximum standards identified in Appendix 7.3 of the Oxford Local Plan (2036).
- 10.41. 37 Templar Road is located within a Controlled Parking Zone. The property currently has two existing off-street car parking spaces located on the hardstanding at the front of the property. The proposals for a change of use represent an intensification of the site that could give rise to an increase in the need for car parking in association with 37 Templar Road. However, given that the application site is within a Controlled Parking Zone and is in a highly sustainable location with excellent access to public transport (including Oxford Parkway Station that is approximately 1 mile from the site as well as a regular bus service on nearby Banbury Road) and a nearby convenience shop and doctor surgery within close proximity, the site is suitable for a lower car parking provision. Officers consider that a maximum provision of two car parking spaces on the site would represent an acceptable level of parking provision and this meets the requirements of Policy M3 of the Oxford Local Plan (2036) as this is not an increase in the existing provision on site.
- 10.42. The proposals originally sought to enlarge the access onto Templar Road and provide three car parking spaces in the front garden area. Following advice from the County Council's highway team, officers sought amended plans that reduced the parking provision on-site to two spaces. As part of these changes a small area of landscaping is also proposed at the front of the site. The proposed car parking area would meet the required dimensions of 2.5m in width and 5m in length as required by the County Council. As a result of the reduction of on-site car parking provision there would be no requirement to enlarge the access onto Templar Road. The proposals therefore represent no increase to car parking at the property above the existing provision and there would no impact on highway safety. The proposed parking area would be constructed in a permeable surface so that there would no impact on surface water drainage. Officers are satisfied that the proposed development would be acceptable in parking and highways terms.
- 10.43. Further to the above, the use of permeable paving and the proposed area of landscaping would represent improvements to the existing front aspect of the site which is currently completely paved in hardstanding and does not contain any vegetation.
- 10.44. Despite the reduction in car parking provision being required to meet the criteria of Policy M3 of the Oxford Local Plan (2036) it is acknowledged that the low car parking provision on-site could give rise to an adverse impact on

on-street parking stress if future occupiers of No. 37 Templar Road made use of resident parking permits. This matter has been raised as a concern as part of public consultation. Officers have therefore recommended that a condition is included that removes eligibility for residents' parking permits.

- 10.45. It is worthwhile noting that in the event that additional car parking is required by residents of the HMO then there is a public car park at the nearby Cutteslowe Park car park in Harbord Road; this is approximately half a mile from the application site.
- 10.46. On the basis of the above, subject to the recommended conditions the development would be acceptable in highway and parking terms and meets the requirements of Policy M3 of the Oxford Local Plan (2036).

Cycle parking

- 10.47. Policy M5 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that complies with or exceeds the minimum bicycle parking provision as set out in Appendix 7.47.3. Bicycle parking should be well designed and well-located, convenient, secure, covered (and where possible enclosed) and provide level, unobstructed external access to the street. Bicycle parking should be designed to accommodate an appropriate amount of parking for the needs of disabled people, bicycle trailers and cargo bicycles, as well as facilities for electric charging infrastructure.
- 10.48. Details have been provided of a covered bike store with space for storing eight bicycles. The shelter would include Sheffield Stands that would allow bikes to be locked. The location of the proposed bicycle store in the rear garden would mean that it would be in a secure and safe location where occupiers of the application site would be able to conveniently access their bikes and then use the side access around the house to enter the highway. The proposed cycle store would not be fully enclosed but it would be possible to install a gate at the side of the property that could be bolted to prevent bicycles being stolen from the rear garden; given the open nature of the proposed bicycle store it is recommended that a condition is included to provide a lockable gate to the side access as it is a requirement of Policy M5 of the Oxford Local Plan (2036) that secure cycle storage is provided.
- 10.49. Subject to that condition, Officers are satisfied that the proposal would comply with Policy M5 of the Oxford Local Plan.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes it clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.3. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary, the proposed development would be acceptable additions to the site. The proposed change of the dwelling to a HMO would be an acceptable use of the site. The proposal is suitable in terms of local planning policy and complies with the relevant policies of the Oxford Local Plan 2036.
- 11.5. Therefore officers consider that the development accords with the development plan as a whole.

Material considerations

- 11.6. The principal material considerations which arise are addressed in the report.
- 11.7. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.8. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.9. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.10. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.

11.11. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions outlined in section 12.

12. CONDITIONS

Time Limit

- 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.

Build in Accordance with Approved Plans

- 2 Subject to conditions 8 and 9, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

Materials

- 3 The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by Policies S1 and DH1 of the Oxford Local Plan 2036.

Noise

- 4 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise as required by Policies RE7 and RE8 of the Oxford Local Plan (2036).

Parking Area

- 5 Prior to the commencement of the approved use, the approved parking area as shown on the approved block plan (received 30.03.2021) shall be completed and laid out in accordance with the details and specifications of that plan. The parking area shall be maintained and retained thereafter for that use with the maximum of two car parking spaces retained for the occupiers of No. 37 Templar Road.

Reason: In the interest of highway safety in accordance with Policies M1, M3 and RE7 of the Oxford Local Plan 2036.

Cycle Parking

- 6 Prior to the commencement of the approved development the approved cycle store (BDS Cycle Store 8 Space Cycle Shelter and Bike Stands) shall be installed in the location shown on the approved block plan. The cycle store shall be retained thereafter for the purpose of providing secure cycle storage.

Reason: To encourage the use of sustainable modes of transport in line with the requirements of Policy M5 of the Oxford Local Plan (2036).

Parking Permits

- 7 The development hereby permitted shall not be occupied until the Order governing parking at 37 Templar Road has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for residents' parking permits and residents' visitors' parking permits 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 S1, M3 and RE7 of the Adopted Oxford Local Plan 2036.

Obscure Glazing

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or the approved plans, all windows on the first floor side elevation of the approved dwellinghouse shall be obscure glazed and non-opening (below a height of 1.7m when measured from the finished floor level). The first floor side windows shall remain obscure glazed and non-opening (below a height of 1.7m when measured from the finished floor level).

Reason: In the interests of the privacy of neighbouring occupiers as required by Policy H14 of the Oxford Local Plan (2036).

Secure Gate on Side Entrance

- 9 Notwithstanding the approved plans and the provisions of Class A in Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order replacing and re-enacting those provisions with or without modification) prior to the commencement of the approved use a gate shall be installed that is located along the side passage that connects the front and rear gardens of the application site. The gate installed shall not exceed 2m in height when measured from the natural ground level adjacent to the side of the house to the highest part of the gate. When installed, the gate shall also have the provision of a lock that allows it to be secured from either side of the gate with a key. The gate shall be retained and maintained thereafter.

Reason: The proposed cycle store would be open and therefore would provide relatively limited security for the occupiers of the approved HMO to store their pedal cycles, the provision of a gate would allow for the safe, convenient and secure storage of pedal cycles as required by Policy M5 of the Oxford Local Plan (2036).

Fence

- 10 Prior to the commencement of the approved use the 2m high close boarded timber fence shall be installed along the common boundary with No. 39 Templar Road as shown on the approved plans.

Reason: To protect the amenity of the neighbouring occupier at No. 39 Templar Road as required by Policy H14 of the Oxford Local Plan (2036).

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

- 2 Your attention is drawn to the attached leaflet, produced by Oxford City Council, on front garden parking guidelines.
- 3 You attention is drawn to the provisions of the Party Wall Act 1996. A copy of an explanatory booklet is available to download free of charge from the following website
<http://www.communities.gov.uk/publications/planningandbuilding/partywall>
- 4 This permission relates only to the granting of planning permission. The use of the property as an HMO also requires a separate Houses in Multiple Occupation Licence.
- 5 No materials, plant or temporary structures of any kind should be deposited on, or adjacent to the path that may obstruct or dissuade the public from using the route while development takes place. Where this is unavoidable a temporary closure or diversion should be obtained prior to work proceeding. Further advice should be sought from Kidlington Highways office on 0845 310 1111.
- 6 Security measures in the detail suggested by Thames Valley Police are not material planning considerations which can be taken into account for this type of planning application. However the applicant's attention is drawn towards the comments submitted by the police to ensure measures are addressed in the realisation of the plans and the subsequent management of the HMO.

13. APPENDICES

- **Appendix 1** – Site location 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.