

OXFORD CITY PLANNING COMMITTEE

21.11.2023

Application number:	23/02006/FUL		
Decision due by	26th October 2023		
Extension of time	21st November 2023		
Proposal	Change of use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4). Provision of bin and bike stores (amended plans)		
Site address	43 Dodgson Road, Oxford, Oxfordshire, OX4 3QS – see Appendix 1 for site plan		
Ward	Cowley Ward		
Case officer	Chloe Jacobs		
Agent:	Jim Driscoll	Applicant:	Mr Latif
Reason at Committee	The applicant is a Councillor		

1. RECOMMENDATION

1.1. Oxford City 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. **delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

2.1. This report considers the proposal for the change the use of 43 Dodgson Road from a dwellinghouse (Use Class C3) to a house in multiple occupation (HMO, Use Class C4) along with the provision of bin and cycle stores.

2.2. This report considers the following material considerations:

- Concentration of HMOs
- Internal and External Space
- Parking and Highways

- Bicycle Storage
- Bin Storage

2.3. The report concludes that the development is considered acceptable in principle, complying with the concentration of HMOs allowed in the local area, and it would not result in a change to the character of the area or the community becoming unbalanced. The proposal would provide a good standard of accommodation that would comply with the City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. The site would not give rise to any unacceptable impacts on parking or on public highways. Subject to the recommended conditions, the proposal is considered to comply with Policies S1, H6, H15, H16, DH7, RE7, M3 and M5 of the Oxford Local Plan and the NPPF. Officers therefore support the grant of planning permission.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

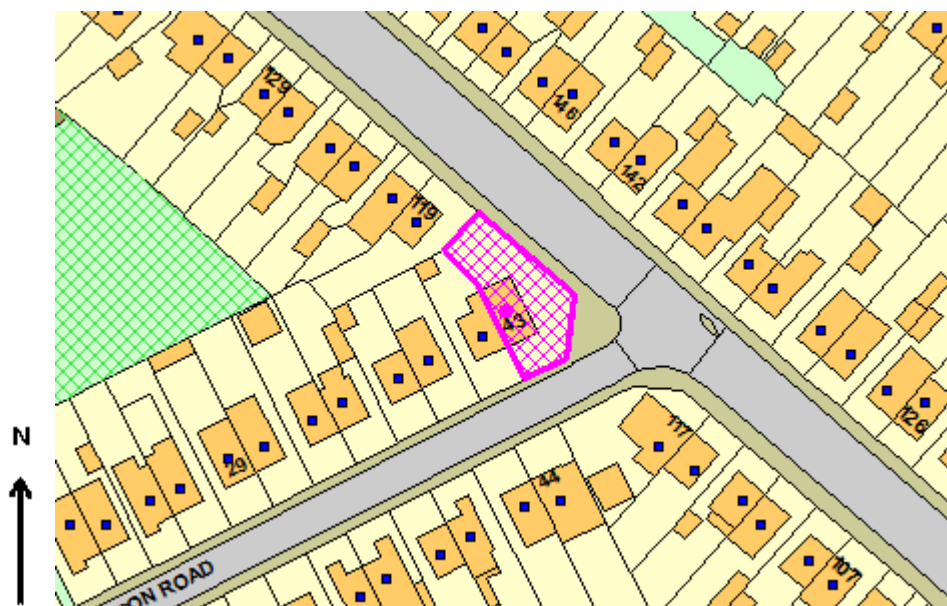
4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located within a residential road located within the Cowley area of Oxford City.

5.2. The application site relates to a two storey, semi-detached property located on the corner of Dodgson Road and Barns Road.

5.3. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the change of use of the property from a dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4).
- 6.2. It also seeks planning permission for the provision of bin and cycle storage.
- 6.3. During the course of the application, amended plans have been received altering the internal layout of the proposed development so that it complies with the space requirements set out in Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation. Given that these alterations were to the internal layout, it was not necessary for the application to be re-advertised and/or re-consulted on. It is these amended plans that this report considers in detail below.

7. RELEVANT PLANNING HISTORY

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

81/00523/P - Single storey rear extension. PERMITTED DEVELOPMENT 25th June 1981.

22/01991/FUL - Demolition of existing rear extension. Erection of a two storey side extension and single storey rear extension. Alterations to roof to hip to gable and formation of 1no. rear dormer in association with a loft conversion. Alteration to 1no. window and insertion of 1no, window to rear elevation. Provision of car parking, bin and bike stores.. WITHDRAWN 28th October 2022.

8. RELEVANT PLANNING POLICY

- 8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	117-123, 124-132	DH7 – External servicing features and stores	
Housing	59-76	H6 – Houses in Multiple Occupation (HMO) H15 – Internal space standards H16 – Outdoor amenity space standards	
Transport	117-123	M3 – Motor vehicle parking M5 – Bicycle parking	
Environmental	117-121, 148-165, 170-183	RE7 – Managing the impact of development	

Miscellaneous	7-12	S1–Sustainable development	
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9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6th September 2023.

9.2. Statutory and non-statutory consultees:

Oxfordshire County Council (Highways)

9.3. No comments received.

Public representations

9.4. No letters of public representation have been received at the time of writing.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Concentration of HMO's
- Internal Space Standards
- Outdoor amenity space
- Highways and Car parking
- Bin Storage
- Bicycle Storage

a. Concentration of HMO's

10.2. 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.

10.3. Policy H6 of the Oxford Local Plan states that the change of use of a dwelling 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.

10.4. Within 100m either side of 43 Dodgson Road, there are a total of 66 buildings, including the host property. There are currently 3 HMOs (Nos. 37 Dodgson Road and 146 and 156 Barns Road) within 100m of the site and the proposal would result in a total of 4 of these buildings being classed as a HMO. The proposed HMO at 43 Dodgson Road, would result in a total of 6%, well within the allowed 20%.

10.5. The proposal would therefore maintain a balanced community and would comply with Policy H6 of the Oxford Local Plan 2036

b. Internal Space Standards

- 10.6. Policy H6 states that the change of use of a dwelling in Use Class C3 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.
- 10.7. 43 Dodgson Road is set over two floors. On the ground floor the site would comprise a dining room, kitchen, living room and a bedroom. On the first floor the site would comprise an additional three bedrooms (one of which is shown as a study), a W.C and a separate shower room.
- 10.8. The original plans for this application showed that the ground floor would comprise a separate kitchen, living room and dining room and a bedroom. However, the proposed kitchen measured 5.3m² and was below the minimum requirement for a kitchen as outlined in the Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation which states that kitchens must be a minimum of 7m². In light of this, amended plans were received to show a combined kitchen, dining and living room to ensure that the kitchen would meet the minimum requirements.
- 10.9. 43 Dodgson Road will comprise of three bedrooms measuring 12.1m², 10.6m², and 11.1m². The proposal also includes a study however, this measures 5m² and therefore does not comply with the minimum space standards for a single occupancy bedroom (as set out in the Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation). Given its size, this room is too small to be used as a bedroom and this will be controlled under the HMO Licensing regime.
- 10.10. Whilst the proposal provides a shared kitchen/diner/living room this area measures 16m² and does not meet the minimum requirement of 18m² for a combined kitchen and living room. Notwithstanding this, where there is no additional shared living/communal space or where this space falls below the minimum space requirements, the Oxford City Council's Landlord's Guide to Amenities and Facilities for Houses in Multiple Occupation requires a larger bedroom size. In this case, the lack of communal space is acceptable providing that the bedrooms meet the minimum 8.5m² for single occupancy rooms and 14m² for double occupancy rooms. In this case, given the size of the bedrooms, the proposal would provide three single bedrooms which could accommodate up to 3 people. Notwithstanding this, the exact number of occupiers would be further controlled and monitored under the HMO licensing regime.
- 10.11. In light of the above, the proposed development is considered to provide adequate internal space in accordance with Policies H6 and H15 of the Oxford Local Plan 2036

c. Outdoor Amenity Space

- 10.12. 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.

- 10.13. Policy RE7 of the Local Plan which states that planning permission will only be granted for development that ensures the amenities of communities, occupiers and neighbours is protected.
- 10.14. To the side and rear of the site is a garden area. The private outdoor amenity space is considered to be of a reasonable size that would be adequate for seating, clothes drying with reasonable circulation etc. It is acknowledged that the site lies on a corner plot and the garden is not overly private. Nonetheless this is the existing situation for the C3 dwelling and such provision for the proposed C4 use is equally acceptable.
- 10.15. Therefore, the proposal is considered to accord with policy RE7 of the Oxford Local Plan 2036.

d. Highways and Car Parking

- 10.16. Policy M3 states that in CPZs 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 all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. Policy M3 also states that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level
- 10.17. The application site is within the Cowley Centre East Controlled Parking Zone and is situated in a highly sustainable location, benefiting from good access to public transport and local amenities and therefore the proposal does qualify to be a car-free development.
- 10.18. 43 Dodgson Road currently benefits from an area of hardstanding to the rear of the dwelling which is used for off-street parking for one vehicle. The proposal does not include any amendments to the parking arrangement, with one off-street parking space being retained and provided for occupiers. Whilst the site qualifies to be car free, it is noted that the site will retain 1 off-street car parking space. As the proposals are only retaining the existing number of parking spaces, the proposed development would not result in a net gain in car parking and is considered acceptable on this basis. The provision of one parking space is considered to be adequate for a HMO of this size in this location, with the site benefitting from being within walking distance of a local food store and bus stops offering a range of frequent services.
- 10.19. Due to the property being located within a CPZ, to ensure that the proposal does not result in demand for on-street parking, a condition has been recommended to require the Road Traffic Order to be varied to remove any eligibility for future parking permits.
- 10.20. In light of this, the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Subject to imposing the condition referred to above, the proposals have an acceptable impact on parking and therefore conforms with Policy M3 of the Oxford Local Plan 2036 and the NPPF.

e. Bin Storage

- 10.21. Policy DH7 states that planning permission will be granted where it can be demonstrated that bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area.
- 10.22. Bin storage is proposed in a secure storage area that is proposed to be located to the front of the property. It would measure 2m wide by 1m deep and would consist of a flat roof with a maximum height of 1.5m. The proposed bin store would be constructed using timber weatherboarding attached to a studwork frame with a mineral felt roof.
- 10.23. It is considered that there is enough space at the front of the property to accommodate a bin store which would be convenient and easily accessible for occupants to use and would be an acceptable pull distance for residents. The bin store would be of timber construction and is considered to be of an appropriate design, scale and materials that would not detract from the streetscene or amenities of neighbours.
- 10.24. Officers are satisfied that the proposal would comply with Policy DH7 of the Oxford Local Plan.

f. Bicycle Storage

- 10.25. Policy M5 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 7.3. Policy M5 also states bicycle parking should be, well designed and well-located, convenient, secure, covered (where possible enclosed) and provide level, unobstructed external access to the street.
- 10.26. Appendix 7.3 states that for HMOs at least 1 bicycle parking space should be provided per occupant. As discussed previously in this report, the property is large enough to accommodate up to 3 occupants, and therefore the proposed provision of bicycle storage should be for at least 3 bicycles, providing one space per occupant.
- 10.27. Policy DH7 states that planning permission will be granted where it can be demonstrated that bin and bike storage is provided in a way that does not detract from the overall design of the scheme or the surrounding area.
- 10.28. The proposed plans show that the 1no cycle stores would be sited to the front of the property and would provide storage space for up to 4 bicycles. The proposed bicycle store would measure 2m wide by 1m deep and would consist of a lean to/mono pitched roof with a lower eaves height of 1m and overall maximum height of 1.3m. The number of cycle spaces provided is considered to comply with the minimum amount required by policy M5 of the 2036 Local Plan.
- 10.29. The cycle store would be of a metal construction and is considered to be of an appropriate design, scale and materials that would not detract from the streetscene or amenities of neighbours.

10.30. Subject to condition, Officers are satisfied that the proposal would comply with Policy M5 of the Oxford Local Plan.

11. CONCLUSION

11.1. On the basis of 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. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accord with an up-to-date development plan 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 reasons 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.

11.3. 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 make efficient use of an existing site to deliver multi-occupancy housing and is supported by the overall objectives of the Oxford Local Plan 2026 and Policies S1 and H6. The development would not result in any harm to the character of the surrounding area and would be in accordance with Policy H6. The proposals would provide a good standard of accommodation in terms of internal space and outdoor amenity space and would comply with Policies H15 and H16. The development would not have any unacceptable impacts in terms of highway safety, including to pedestrians and cyclists, and is compliant with Policies M3, M5 and RE7.

11.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions listed below.

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.

Development in accordance with approved plans

2. 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 and to comply with Policy DH1 of the Oxford Local Plan 2036.

Variation to Road Traffic Order

3. The development hereby permitted shall not be occupied until the Order governing parking at 43 Dodgson Road; has been varied by the Oxfordshire County Council as highway authority to exclude the site, subject to this permission, from eligibility for resident's parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development or change of use does not generate an increase in parking demand, restrict existing residents' access to on-street parking and to ensure that the low-car nature of the development is met, in accordance with Policy M3 of the Oxford Local Plan 2036.

Bin and Bicycle storage

4. The bin and cycle storage shown on the approved drawings shall be provided on site and available prior to the first occupation of the property as an HMO in Use Class C4. The bin and cycle storage shall remain on site in perpetuity for the purposes of bin and cycle storage respectively only unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure adequate bin and cycle storage is provided in accordance with policies DH7 and M5 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 This permission relates only to the granting of planning permission. The use of the property as an HMO in Use Class C4 also requires a separate Houses in Multiple Occupation Licence.

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.