

<b>APPLICATION NO.</b>	<a href="#">P21/S3973/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	15.9.2021
<b>PARISH</b>	DIDCOT
<b>WARD MEMBER(S)</b>	Alan Thompson Ian Snowdon
<b>APPLICANT</b>	Mr David Granat
<b>SITE</b>	14 Haydon Road, Didcot, OX11 7JD
<b>PROPOSAL</b>	Change of use of dwelling house (C3) to a large 10-bedroom House in Multiple Occupation (Sui genesis) facilitated by two storey side extensions, a single storey rear extension, and extension to the dropped kerb to create additional parking.
<b>OFFICER</b>	Roseanne Lillywhite

**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the officer’s recommendation that planning permission should be granted, having regard to the material planning considerations and the development plan.
- 1.2 This application is referred to planning committee because Didcot Town Council object to the development and the officer recommendation is for approval.
- 1.3 Number 14 Haydon Road is a two storey, detached property fronting onto Haydon Road, which is located off the Broadway close to Didcot town centre. The site has no special designation. A location plan of the site can be found at **Appendix 1**.
- 1.4 This application seeks planning permission to change the use of the dwelling to a 10 bedroom house in multiple occupation (HMO), a ‘sui generis’ use.
- 1.5 Reduced copies of the plans accompanying the application are attached as **Appendix 2** to this report. All the plans and representations can be viewed on the council’s website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.
- 1.6 Two storey side extensions and a single storey rear extension were recently approved under delegated powers under application reference P21/S2573/HH (**Appendix 3**). The extensions forming part of this planning application remain unchanged in terms of scale and footprint from what was previously approved.

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**2.1 Didcot Town Council** – Objects to the development for the following reasons;

- Unneighbourly
- Not in-keeping with the area
- Additional noise pollution
- Significant increase in activity and insufficient car parking

**Third Party Representations** – 9 x objectors

- Concerns regarding parking, increase traffic, waste, additional noise and impact on the character of the street scene

**Highways Liaison Officer** – No objection subject to conditions. The proposal seeks the change of use from a single dwelling into a 10-bedroom House in Multiple Occupation.

The development has provided a total of five parking spaces for the development, in addition it has been recommended that cycle parking provision is provided in the form of six “Sheffield” type cycle stands which must be covered/secure and be located as close to the front door of the property as possible.

The site benefits from a high level of accessibility with many typical town centre amenities, shops, services, employment opportunities and public transport links within walking distance.

Furthermore, there are on-street controls and traffic calming measures within the vicinity and additionally within the vicinity of the site is a number of car parks.

The proposal is unlikely to have a significant adverse impact on the highway network. After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the above condition(s) being applied to any permission which may be granted on the basis of highway safety

**Private Sector Housing Team** – No objections

**Environmental Protection Officer** – No objections

**Waste Management Officer** – Standard comments received for general planning applications

### 3.0 **RELEVANT PLANNING HISTORY**

#### 3.1 [P21/S2573/HH](#) - Approved (23/08/2021)

Two storey side extensions and single storey rear extension, associated hardstanding and creation of a dropped kerb. (As amended by Proposed Floor plans received 19th July 2021, to remove the ground floor bedroom with ensuite, remove 1st floor ensuite bathrooms to 4 bedrooms and allowing for a 5-bedroom property with family bathroom at first floor level)

### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

#### 4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

### 5.0 **POLICY & GUIDANCE**

#### 5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

ENV3 - Biodiversity

EP3 - Waste collection and Recycling

H17 - Sub-division and Conversion to Multiple Occupation

INF4 – Water resources

ENV3 - Biodiversity

TRANS2 - Promoting Sustainable Transport and Accessibility

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Didcot does not have a made neighbourhood plan

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

- 6.2 The main issues to consider in relation to this development are as follows;

- **Control and Definition of HMOs**
- **The principle of development**
- **Design and character**
- **Residential amenity**
- **Amenity space**
- **Impact on highway safety and access and parking**
- **Waste management**
- **Carbon reduction**
- **Biodiversity**

6.3 **Control and Definition of HMOs**

The council have two forms of control for houses in multiple occupation (HMO);

1. There is the use of the building covered by planning legislation; and
2. Licensing from our private sector housing team

**1. Planning Use** - An HMO is defined as a property rented out by at least 3 people who are not from 1 “household” (for example a family) but share facilities like a bathroom and a kitchen. HMOs are essentially house shares.

Planning permission is not required for a change of use from a dwelling (C3) to a small HMO (up to 6 occupants) (C4) as this level of use is deemed to be similar to that of any family. Such a change of use is permitted development.

Planning permission is required to the change of use of a dwelling or small HMO to a large HMO because large HMOs are “sui generis” i.e they are unique uses that do not fall within any other use class category.

**2.Licensing from our private sector housing team** - A licence from the council (under the terms of the Housing Act 2004) is required for HMOs of more than 3 people. There are small HMOs and large HMO's A property is deemed to be a large HMO if all of the following apply:

- it is rented to 5 or more people who form more than 1 household
- some or all tenants share toilet, bathroom or kitchen facilities
- at least 1 tenant pays rent (or their employer pays it for them).

#### 6.4 **The principle of development**

Policy H17 of SOLP allows for the conversion and subdivision of existing dwellings into houses of multiple occupation provided the development would not harm the amenity of the occupants of nearby properties, and it is appropriate in terms of the size of the property and the proposed internal layout, access, private amenity space and car parking provision. These factors will be assessed elsewhere in this report but subject to them being acceptable, officers consider the principle of the change of use is acceptable.

It is clear that the thrust of the policy is permissive in its stance to allow dwellings to be subdivided and converted to an intensified use as a house in multiple occupation.

It is worth noting and weighing in the balance that under the Town and Country Planning (Use Classes) Order 1987, planning permission is not usually required for a change of use from a family dwelling (Use Class C3) to an HMO of up to 6 unrelated persons (Use Class C4).

#### 6.5 **Design and Character**

Policy DES1 requires new development to be of high-quality design. The policy gives a wide range of measures against which development will be assessed, including efficient use of land, net gains and no net loss of biodiversity, sustainability and respect for local character and context. This respect for local character is echoed by policy DES2 which requires new development to be designed to reflect the positive features that make up the character of the local area and it should both physically and visually enhance and complement the surroundings.

The proposed side and rear extensions have already been granted planning permission and this application includes those approved extensions and seeks to the change of use of the enlarged property to a 10-bedroom HMO. The extensions will be constructed in matching brick with matching roof tiles.

The two-storey side extensions are compliant with specific design guidance within the South Oxfordshire Design Guide (2016).

Officers are of the opinion the proposed extensions, as already approved as householder extensions are compliant with policy DES1 and DES2.

## 6.6 Residential amenity

Policy DES6 of SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

- 6.7 The impact of the proposed extensions on neighbouring amenities were considered under the householder planning application reference [P21/S2573/HH](#) with officers concluding they were not unneighbourly. The proposed extensions in this case remain as approved in terms of footprint, overall height and eaves height. Obscured glazing and non-opening windows have been conditioned to the north facing first floor ensuite to ensure that the privacy of the occupants of number 16 Haydon Road is retained.

The orientation of the application site and the two nearest neighbours; numbers 12 and 16 Haydon Road is demonstrated below;



Subject to the attached obscured glazing condition, officers are of the opinion that the proposal will not cause material harm to the amenities of the occupants of numbers 12 and 16 Haydon Road, in the form of loss of daylight, outlook, privacy, visual dominance.

The increased activity generated by the additional residents has the potential to harm neighbours through noise and disturbance. The council's environmental protection officer was consulted on this application, and they raise no objections in terms of noise. The increased number of comings and goings are not considered to result in increased disturbance that would be significantly harmful to neighbour amenity.

As such, the proposal will therefore accord with policy DES6 of SOLP.

## 6.8 Amenity space

Policy H17 requires the conversion of dwellings to HMOs to provide sufficient internal space and external amenity areas for the proposed number of residents. The response from the council's private sector housing team states that under the HMO licence regime, a bedroom of over 10.22m<sup>2</sup> may be occupied by two people. All of the bedrooms meet this minimum floor area. It would not be reasonable to impose standards on the internal layout that exceed those required by the licensing regime and in the absence of an objection from the private sector housing team it is held that the internal layout would provide a sufficient level of amenity for future residents.

Policy DES5 of SOLP relates to outdoor amenity space and requires that a private outdoor garden or amenity areas should be provided for all new dwellings. The amount of land should be provided for amenity space will be determined by the size of the dwelling.

The South Oxfordshire Design Guide sets out the minimum areas based on the number of bedrooms and for 3+ bedrooms 100 square metres should be provided.

The existing detached property benefits from a generously sized rear garden that provides external private amenity space for occupants, and there is an extant planning permission for two storey side and single storey rear extensions. Even with the permitted extensions the remaining amenity area is over 100sqm in size and complies with the South Oxfordshire Design Guide and Policy DES5.

## 6.9 Impact on highway safety, access and parking

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

Policy TRANS5 of SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas. The application is submitted with a parking plan showing five parking spaces for cars to the front of the dwelling.

In this case, there have been no objections received from the County Highways Officer, subject to the 4 conditions in respect of access, vision splay protection, provision of parking for cars and for bicycles.

In the absence of an objection from OCC as highways authority, officers consider that a refusal on highway safety or parking grounds would not be reasonable or justified. The site is in a highly sustainable location close to amenities and public transport so the level of parking provided would be acceptable in this instance.

The provision of cycle parking will encourage more sustainable modes of transport and a condition is recommended requiring details of this storage to ensure it accords with OCC standards.

Subject to the recommended conditions and in the absence of an objection from OCC officers consider that the development will not harm highway safety nor the local highway network, an acceptable level of parking would be provided, and sustainable modes of transport would be encouraged, in accordance with policy TRANS5. As sufficient and safe access and parking will be provided the application is also considered to accord with criterion ii of policy H17.

#### 6.10 Waste management

Policy EP3 requires development proposals for residential use to ensure adequate facilities are provided for the sorting, storage and collection of waste and recycling.

There have been no objections received from the council's internal waste management team. A condition is recommended requesting refuse and recycling details to be submitted prior to the occupation of the development. As such, subject to the attached condition the proposal complies with policy EP3.

#### 6.11 Carbon reduction

Policy DES8 of SOLP states that all new development, including building conversions, refurbishments and extensions, should seek to minimise the carbon and energy impacts of their design and construction. Proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting.

Officers are satisfied there is sufficient information provided as part of the submitted documents to comply with the aims of Policy DES8. Information copied below taken from the submitted Planning, Design and Access Statement;

*By way of contributing to the reduction in carbon, the proposal would also achieve current building construction standards with added sustainability measures through;*

- A. The limitation of the amount of inherent material, structure and embodied energy through the employment of good building standards to create an excellent SAP rating;*
- B. Use of locally sourced, recycled materials and labour where practicable;*
- C. Maximizing the use of natural light through large windows;*
- D. Reduced internal water consumption of 110 litres per person per day through the incorporation of water efficient sanitary fittings, including low flow toilets and water efficient taps for wash basins;*
- E. Refuse, recycling and composting facilities to be provided to work with the Council's existing waste and recycling collection service;*
- F. Secure cycle provision to encourage sustainable modes of transport;*
- G. 'A' rated electrical appliances and energy saving light fittings;*
- H. 'A' rated double glazed windows with natural cross ventilation provision;*
- I. Recycling of waste construction materials where practicable;*
- J. Permeable driveway/parking spaces to avoid increase in surface water runoff*

#### 6.12 Biodiversity

Policy ENV3 supports development that will conserve, restore and enhance biodiversity in the district. All development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.

Boundary hedging and trees have been removed within the existing curtilage of the dwellinghouse. However, as these are located within the curtilage of a dwellinghouse that is not located within a conservation area, removal did not require formal consent. To ensure there is no net loss in biodiversity a condition is recommended requiring the provision of bird boxes on the property.

With this condition attached it is considered that there will be no net loss in biodiversity and the application complies with policy ENV3.

#### 6.13 **Community Infrastructure Levy (CIL)**

CIL is liable at a rate of **£13,380.55**

#### 7.0 **CONCLUSION**

7.1 This proposal seeks to intensify the permitted residential use by creating a 1-bedroomed House of Multiple Occupation. There are no objections from statutory technical consultees on grounds of parking, highways safety, noise pollution and waste management. The location of the site within the town centre of Didcot and the access the occupants will have to all the amenities the town centre provides including public transport links both to the wider locality and regional locality in respect of the proximity of the railway station.

The extensions form part of a previously approved householder scheme that can be accommodated within the plot and are not considered harmful to the character of the existing property or wider street scene.

The development makes best use of a centrally located site and provides for a level of accommodation which is not out of place for town centre location. In conjunction with the attached conditions the proposal accords with the Development Plan.

#### 8.0 **RECOMMENDATION**

8.1 **That Planning Permission should be granted subject to the following conditions;**

**1 : Commencement three years - Full Planning Permission**

**2 : Approved plans**

**3 : Matching materials (walls and roof)**

**4 : Obscure glazing**

**5 : Refuse & Recycling Storage (Details required)**

**6 : New vehicular access**

**7 : Vision splay dimensions**

**8 : Parking & Manoeuvring Areas Retained**

**9 : Cycle Parking Facilities**

**10 : Bird box**

**11 : Highways Informative**

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