

<b>APPLICATION NO.</b>	<a href="#">P22/S2552/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	8.9.2022
<b>PARISH</b>	WALLINGFORD
<b>WARD MEMBER(S)</b>	Sue Roberts George Levy
<b>APPLICANT</b>	Dr Sue Roberts
<b>SITE</b>	4 Barncroft Wallingford, OX10 8HN
<b>PROPOSAL</b>	Sui generis change of use of the existing six person House in Multiple Occupation (HMO) (use class C4) to a seven person HMO (Retrospective).
<b>OFFICER</b>	Max Gull

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the justification for the recommendation to **REFUSE** planning permission having regard to the development plan and other material planning considerations. This application has been referred to planning committee as the applicant is a local member of the district council and the constitution requires the application to be determined by the planning committee.
- 1.2 The site is a two-storey, detached dwelling located in a residential Cul-de-Sac just off St George’s Road in Wallingford. The main entrance of Wallingford School is located some 150m north of the site. To the south lies Bullcroft Park. The remainder of the area is residential in character. The property is set back from the road accommodating two off-street parking spaces. There are no site constraints.



- 1.3 The dwelling has previously been used as a six-person House in Multiple Occupation (HMO) (Class C4) following being converted from a single dwelling (Class C3). The change from a Class C3 (dwelling) to a Class C4 (small

HMOs) is permitted development and does not require planning permission from the council. On 19 June 2022, a housing licence was granted (a separate license to planning permission) allowing the HMO to accommodate seven-persons and subsequently a seventh tenant moved in prior to planning permission being granted.

1.4 **THE PROPOSAL.** The application seeks retrospective planning permission for the change of use from a six person HMO (use class C4) to a seven person HMO (Sui Generis). No external alterations are involved in this change of use.

1.5 A plan identifying the site is attached at **Appendix 1** to this report. 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.

## 2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Wallingford Town Council** – No Objection

**Highways Liaison Officer (Oxfordshire County Council)** – No Objection subject to conditions in respect of parking and submission of a travel plan.

**Private Sector Housing Team** – No objection

**Neighbours** – Objections (x7)  
- Supports (x1)

Basis for objections include:

- Lack of Off-street Parking
- Highway Safety
- Impact on School
- Improper location for HMO
- HMO not in keeping with Character of Area

## 3.0 **RELEVANT PLANNING HISTORY**

3.1 There is no relevant planning history.

## 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

## 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
- DES6 - Residential Amenity
- DES8 - Promoting Sustainable Design
- H17 - Sub-division and Conversion to Multiple Occupation

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

**5.2 Wallingford Neighbourhood Plan**

Policy MC5: Vehicle Parking

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

**5.4 National Planning Policy Framework and Planning Practice Guidance**

**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.

6.2 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.

6.3 In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Local Plan 2035 and the made Wallingford Neighbourhood Plan.

6.4 Development that is not in accordance with the development plan should be refused unless material planning considerations indicate otherwise.

**6.5 The relevant planning considerations are the following:**

- **Principle of development**
- **Amenity of Neighbouring Properties**
- **Amenity Space**
- **Internal Layout**
- **Access and parking**
- **Any other material considerations**

**6.6 Principle of Development**

Policy H17 of the SOLP states that the sub-division and/or conversion to multiple occupation will be permitted provided that the development:

- i) Would not harm the amenity of the occupants of nearby properties

- ii) Is appropriate in terms of the size of the property and the proposed internal layout, access, private amenity space and car parking provision.
- 6.7 Houses in multiple occupation have a number of residents living in them as separate households and they can provide a useful and relatively affordable form of accommodation for single people. However, subdivision and conversion to multiple occupation will not be permitted if it would result in access problems, over development, lack of garden space, lack of car parking space and a general alteration to the character of the property and the residential character of the area, either on its own or cumulatively.
- 6.8 The dwelling has previously been converted and occupied as a six-person HMO under permitted development. Therefore, when determining this application, the local planning authority must consider the increase in the number of occupants and the associated pressures that come with that increase.
- 6.9 **Amenity of Neighbouring Properties**  
Policy DES6 of the SOLP states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses. These factors include:
- i) loss of privacy, daylight or sunlight;
  - ii) dominance or visual intrusion;
  - iii) noise or vibration;
  - iv) smell, dust, heat, odour, gases or other emissions;
  - v) pollution, contamination, or the use of/or storage of hazardous substances; and
  - vi) external lighting.
- 6.10 The conversion to the seven person HMO would not include any external alterations or enlargements. Therefore, the proposal would not cause any undue overbearing, overlooking or overshadowing harm. Noise, smell and pollution are not generally issues associated with the conversion from a six-person HMO to a seven-person HMO.
- 6.11 Your officer considers that the proposed development would not cause any material amenity harm to neighbouring properties. The policy accords with Policy DES6 of the SOLP.
- 6.12 **Amenity Space**  
Policy H17 of the SOLP requires adequate provision for private amenity space to serve the HMO. The amount of land that should be provided for the garden or amenity space will be determined by the size of the dwelling and by the character of surrounding development.
- 6.13 The Joint South and Vale Design Guide (JSVDG) expands on this further, advising that a three+ bed property (inclusive of HMO's and single household dwellings) should provide a minimum of 100sqm outdoor amenity space.

- 6.14 The rear garden is some 124 sqm in size and complies with the requirements set out in the JSVDG. In addition, the site is just north of Bull Croft Park, a large open recreation ground, which provides additional space for outdoor activity. As such, your officer considers that ample amenity space is available for occupants of the HMO. The proposal accords with Policy H17.
- 6.15 **Internal Layout**  
Policy H17 requires HMOs to provide suitable internal layout space for all occupants.
- 6.16 On 19 June 2022, a license was granted by the council's private sector housing team for the use of the property as a seven person HMO. This licence confirms that the property is suitable for seven occupants from a HMO licensing perspective under the Housing Act 2004. As such, your officer considers that the property provides sufficient internal space for any future occupants. The proposed development accords with this section of H17.
- 6.17 **Access and Parking**  
Policy H17 of the SOLP requires HMOs to provide adequate parking provision.  
  
Policy TRANS5 of the SOLP requires proposals for all types of development will, where appropriate
- l) Provide safe and convenient access for all users of to the highway network;
  - xiii) Provide for the parking of vehicles in accordance with Oxfordshire County Council (OCC) parking standards\* unless specific evidence is provided to justify otherwise
- 6.18 Policy MC5 of the Wallingford Neighbourhood Plan states that development proposals should meet Oxfordshire County Council's minimum parking standards\*.
- (\* Revised parking standards were adopted by OCC on 18 October 2022. These standards supersede the standards referred to in the Wallingford Neighbourhood Plan and SOLP).*
- 6.19 As per the submitted site plan, the dwelling is set back from the road, providing two off-street parking spaces. No alterations are proposed to either the access or parking arrangements as part of the conversion from a six-bed to a seven-bed HMO.
- 6.20 The new OCC parking standards include provisions for HMOs. HMO proposals outside Oxford city, where indiscriminate on-street parking is likely to occur, will be required to provide 0.5 on-plot spaces per bedroom. For a seven-bedroom HMO 3.5 parking spaces are required. Similar applications for other HMOs in the district (notably in Didcot) have sought a minimum of 3 off street parking spaces.
- 6.21 Where there are known parking problems in an area and an under provision of off street parking is proposed, robust evidence must be provided to justify why

such a proposal will not cause indiscriminate on-street parking and any associated highway safety issues. All such development proposals will be assessed on their merits.

- 6.22 In this case only two parking spaces are provided. This is substandard for the original six person HMO and the seven person HMO.
- 6.23 The local highways officer has no objection to the proposal. They note that the site is located some 1.5km from the local town centre amenities and that other alternative transport options including public transport and cycling are available.
- 6.24 With regards to public transport, the nearest bus stop is located at Charter Way. Approximately 0.4km away at the junction connecting St Georges Road and Station Road. Buses from Charter Way towards Didcot and Oxford City operate approximately once every hour. However, buses from the town centre do operate more frequently. The nearest amenities include the local markets and shops in Wallingford Centre.
- 6.25 Your officer acknowledges the alternative forms of transport that can be used by occupants of the HMO as opposed to cars. However, this argument itself is one of the reasons for reduced parking standards for HMO's compared to single household dwellings. In your officer's view, this reason alone does not justify the already substandard parking.
- 6.26 It is also worth noting that due to the close proximity of the cul-de-sac to the Wallingford school and additional parking restrictions along St Georges Road, Barncroft is heavily used by parents at school drop off and pick up times.
- 6.27 Your officer recognises the need to promote alternatives to car use. Promoting sustainable transport methods such as cycling, and buses whenever possible. However, the site already possesses substandard parking as advised by OCC guidance and the Wallingford Neighbourhood Plan. Given the location of the proposed HMO and the parking restrictions in the area, your officer considers that reducing the parking requirements in this instance is not appropriate.
- 6.28 Overall, your officer considers that the impact of inadequate parking facilities for cars will lead to indiscriminate/obstructive parking on the surrounding road network where parking restrictions are in place. The adjacent highway network is subject to high levels of on-street parking pressures created by the nearby school which would be further exacerbated by the proposal, resulting in increased physical and visual obstruction of the carriageway and pedestrian routes.
- 6.29 **Any other material considerations**

Neighbours have expressed concerns regarding the impact on the character of the area. It is noted that the dwelling already functions as a six person HMO under permitted development rights and the proposed conversion to a seven bed HMO would not involve any external alterations to the building. The impact

on the visual amenity and character of the surrounding area is limited and your officer considers the proposal accords with Policy DES2 of the SOLP.

- 6.30 Neighbours have expressed concerns about the bin and bicycle storage provisions. Adequate external storage for bins is to be located at the front of the property as detailed on the submitted site plan. The applicant has also confirmed that space for cycle storage is located at the rear of the property with external access available via the side access gate.
- 6.31 Neighbours have commented with concerns on fire regulations and the associated lack of detail on fire alarms, fire doors etc. These issues are not relevant to planning and are instead issues covered under the separate housing license (which has been granted) and building regulations.

## 7.0 **CONCLUSION**

- 7.1 The intensification of the use of the dwelling from a six-person to a seven-person house in multiple occupation and presence of substandard parking would result in obstructive parking on the highway network where parking restrictions are in place due to substandard off-street parking. It is noted that the OCC highways officer has no objection to the proposal due to the fact that the site is reasonably well-connected to the services and amenities in Wallingford. However, there is clear conflict with Policy H17 of the SOLP and Policy MC5 of the WNP and, on balance your officers cannot support the proposal for the reasons identified in this report.

## 8.0 **RECOMMENDATION**

**To Refuse Planning Permission for the following reason:**

- 8.1 **The site provides inadequate parking facilities for cars and will lead to indiscriminate/obstructive parking on the surrounding road network where parking restrictions are in place. The adjacent highway network is subject to high levels of on-street parking pressure which would be further exacerbated by the proposal, resulting in increased physical and visual obstruction of the carriageway and pedestrian routes. The additional accommodation on the site would increase the risk to highway safety and to users of the highway contrary to policy TRANS5 and H17 of the adopted South Oxfordshire Local Plan 2035, Policy MC5 of the made Wallingford Neighbourhood Plan and the NPPF.**

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