

<b>APPLICATION NO.</b>	<a href="#">P23/S1522/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	28.4.2023
<b>PARISH</b>	DIDCOT
<b>WARD MEMBER(S)</b>	Ian Snowdon Tony Worgan
<b>APPLICANT</b>	Miss Waller
<b>SITE</b>	60 Haydon Road Didcot, OX11 7JR
<b>PROPOSAL</b>	Extension and conversion of a dwellinghouse (class C3) to a 7-person House in Multiple Occupation (HMO) (Sui Generis).
<b>OFFICER</b>	Kim Gould

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## 1.0 INTRODUCTION AND PROPOSAL

1.1 This report sets out the justification for the recommendation to grant planning permission having regard to the development plan and other material planning considerations. This application is referred to planning committee because Didcot Town Council object to the development and the officer recommendation is to grant planning permission.

1.2 The application site is located within the built up limits of Didcot. 60 Haydon Road is a semi-detached, two-storey dwelling which is located very close to the Didcot railway station and is within walking distance of the town centre.

1.3 Planning permission was granted earlier this year for a two-storey side and single-storey rear extension to the property under planning ref P23/S0486/HH. This permission has not been implemented.

1.4 This application seeks full planning permission to extend the property as per the scheme approved under planning ref P23/S0486/HH and to convert the dwelling house to a 7-person House in Multiple Occupation (HMO). This represents a change of use from Class C3 of the Use Classes Order to a Sui Generis use (constituting a class alone).

1.5 A plan identifying the location of the site can be found at **Appendix 1**

1.6 Reduced copies of the plans accompanying the application are attached as **Appendix 2** to this report. All plans and representations can be viewed on the council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

## 2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

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

- Lack of parking provision. 2 spaces insufficient for a 7-bedroom dwelling
- Overdevelopment
- The extension will block access to the garage

**County Archaeological Services** – No objection

**Contaminated Land** – No objection

**OCC Highways Liaison Officer** – No objection subject to standard conditions relating to the provision of cycle parking facilities, parking and manoeuvring areas to be retained and the requirement for A Travel Plan Statement to be submitted.

**Private Sector Housing** – No objection. HMO license is required if 5 or more people are living in one household. Bedrooms larger than 10.22sqm could be occupied by 2 adults

**Neighbour Objections (2)**

- Lack of parking provision for what could be up to 14 adults
- On street parking is already a huge problem
- Development opposite Haydon Road also lacks parking provision which will exacerbate the problem.
- New parking scheme is unlikely to alleviate the problem
- Serious risk to highway safety
- Potential for noise and disturbance to neighbours due to intensive use of the property
- The plans show the existing chimney breast to be removed. This could have implications for the stability of the remaining part within no 58 – If approved the developer must appoint a party wall surveyor to ensure that adequate works are undertaken to ensure its stability.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P23/S0486/HH](#) - Approved (06/04/2023)

2-storey side and single-storey rear extension to an existing family dwelling.

[P89/W0408](#) - Approved (27/11/1989)

New garage and garden store for part domestic purposes and from garaging 2 taxi cabs and parking for 2 minibuses.

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

DES3 – Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES7 – Efficient use of resources

DES8 - Promoting Sustainable Design

DES9 - Renewable Energy

EP3 – Waste Collection and recycling  
ENV3 - Biodiversity  
ENV9 - Archaeology and Scheduled Monuments  
H1 - Delivering New Homes  
H2 - New Housing in Didcot  
H17 - Sub-division and Conversion to Multiple Occupation  
STRAT1 - The Overall Strategy  
STRAT3 - Didcot Garden Town  
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 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.  
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**
- **Residential amenity**
- **Amenity space**
- **Impact on highway safety**
- **Carbon reduction**
- **Waste and recycling**
- **Biodiversity**
- **CIL**
- **Recent appeal decisions**

### 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 like that of any family. Such a change of use is permitted development.

Planning permission is required for 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 HMOs; 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

Although currently vacant, the authorised use for the property is as a dwelling (use class C3). Policy H17 of the SOLP allows for the conversion and subdivision of existing dwellings into an HMO provided that the development

- i) would not harm the amenity of the occupants of nearby properties, and
- ii) it is appropriate in terms of the size of the property and the proposed internal layout, access, private amenity space and car parking provision.

6.5 In addition, it is also worth noting and weighing in the balance that under the Town and Country Planning (Use Classes) Order 1987, planning permission is not 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).

6.6 The two provisions of Policy H17 are discussed in depth in the following sections of the report. However, it is clear that the thrust of Policy H17 is permissive in its stance to allow dwellings to be subdivided and converted to an intensified use as houses in multiple occupation.

6.7 Your officers are satisfied that the principle of extending and converting the dwelling in this highly sustainable location is acceptable subject to meeting the specified criteria.

**6.8 Residential amenity**

Policy DES6 of the SOLP relates to residential amenity and requires new development proposals to 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.

6.9 The physical extensions to the property have been approved under planning ref P23/S0486/HH and were considered to be acceptable in terms of impact on neighbour amenity. As previously stated, planning permission is only required once the number of potential occupiers increases beyond 6. In this case, the proposal seeks permission for 7 residents. Three of the bedrooms, however, in accordance with the guidance used by the licensing team, can accommodate 2 people. As such, it is your officers' opinion that the maximum number of potential residents is 10 rather than 7.

It is not possible to control the number of occupants by way of condition and therefore, consideration should be given at the application stage as to whether the use of the HMO for 10 people is acceptable.

Your officers are of the opinion that this intensification of use of the property will not result in an unacceptable impact on neighbour amenity by way of noise and disturbance.

**6.10 Amenity Space**

Policy DES5 of the 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.

6.11 The Joint Design Guide sets out the minimum areas based on the number of bedrooms and for 3+ bedrooms, 100 square metres should be provided. In this case, the rear garden is some 150sqm in area (excluding the detached garage building which sits in the rear garden) which is more than the Design Guide advice requirement and it therefore accords with policy DES5 of the SOLP.

**6.12 Internal Layout**

Policy H17 requires HMOs to provide suitable internal layout space for all occupants. In this case the submitted plans show cooking and personal washing facilities. HMO licensing will assess the suitability of the property for the proposed tenants when an application for an HMO license is sought.

**6.13 Impact on highway safety**

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.

- 6.14 A total of 2 off street parking spaces have been provided on the site frontage along with cycle parking.

Concerns have been received from local residents about the number of occupants, the corresponding number of cars and impact on parking in the local area.

- 6.15 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.

- 6.16 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.

- 6.17 The Oxfordshire County Council Highways Officer has commented as follows.

*The proposal will increase the travel demand arising from the HMO, increasing the potential level of car use and ownership. The proposed levels of off-street car parking are relatively low and any overspill to the adjacent highway would be to the detriment of the safety and convenience of highway users, pedestrians, cyclists and motorists. The site benefits from a relatively accessible location. A range of shops, services and public transport services are within reasonable walking and cycling distances. More specifically, the town centre is less than 1km from the site offering opportunities for employment. The rail station is within close proximity of the site along with bus services providing links locally and to larger service hubs.*

*Given the accessibility of the site, I am satisfied the level of off-street parking is appropriate subject to the provision and operation of a Travel Plan Statement to reduce private car use and encourage greater use of sustainable modes of transport. In addition, sheltered and secure cycle parking/storage must be provided on-site in accordance with local guidance. I recommend a total*

*of four 'Sheffield' type cycle stands are accommodated in a convenient location. After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the above conditions being applied to any permission which may be granted.*

In these circumstances, there are no technical reasons to refuse this application on highway safety or parking grounds.

- 6.18 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 within the vicinity to prevent indiscriminate and/or obstructive parking. There are also a number of car parks within walking distance of the site.

- 6.19 In conjunction with conditions ensuring the provision of cycle parking facilities and the retention of the parking area being provided the proposal is unlikely to have a significant adverse impact on the highway network and will accord with Policy TRANS5 of the SOLP.

6.20 **Carbon reduction**

Policy DES8 of the SOLP requires all new development, including building conversions, refurbishments and extensions, 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.

- 6.21 In assessing planning ref P23/S0486/HH for the physical extension to the dwelling, carbon reduction was considered. This is a relatively modest extension to a fixed part of the dwelling with limited scope for reducing greenhouse emissions beyond Part L of Building Control Regulations.

6.22 **Waste and recycling**

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

The council's waste management officer does not object to the development. They have confirmed that there is sufficient space within the site to store the wheelie bins. Therefore, the application complies with policy EP3.

6.23 **Biodiversity**

Policy ENV3 of the SOLP relates to biodiversity. It states that all development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.

- 6.24 The proposal will not result in a net loss of biodiversity. A condition requiring the provision of a bird box will ensure that there is the potential for biodiversity to increase.

6.25 **Community Infrastructure Levy**

The proposal is not CIL liable

6.26 **Recent appeal decisions**

Since this planning application was submitted, 2 appeal decisions have been issued relating to applications for HMOs in Didcot. Both of these applications were refused after being considered by the planning committee. Both appeals were allowed.

6.27 Summaries of both proposals are set out below and a copy of the relevant appeal decision, location, block and floor plans are attached at **Appendix 3**

6.28 **14 Haydon Road planning ref P21/S3973/FUL**

This application sought to change the use of a dwelling to a 10-bedroom HMO and included a two-storey side extension, single storey rear extension and extension to dropped kerb to create additional parking. In assessing the appeal, the inspector concluded that the proposal would not result in an unacceptable impact on the character and appearance of the area or in unacceptable noise and disturbance to local residents.

6.29 **Ridgeway House 1A Hagbourne Road ref P21/S5378/FUL**

This application sought the change of use of an existing office to an HMO with 7 bedrooms and the addition of a dormer window. The proposal provided 3 off street parking spaces. The inspector allowed this appeal concluding that a total of 32sqm of amenity space was acceptable given the fallback position that this property could be used as a 3-bedroom dwelling. They also concluded that the dormer window did not harm the significance of the adjacent conservation area and that 3 off street parking spaces was adequate given the site's sustainable location close to the town centre.

6.30 **Pre-commencement conditions**

There are no pre-commencement conditions proposed

7.0 **CONCLUSION**

7.1 This proposal seeks to intensify the permitted residential use by creating a House in Multiple Occupation for up to 10 people. Officers recommend that planning permission is granted. It is accepted that parking provision is below the council's normal standards, however, there are mitigating factors in this case. The location of the site within the town centre of Didcot allows easy access to town centre amenities including public transport links both to the wider locality and regional locality allowing for alternative transport options to the car. In addition, parking controls in the immediate vicinity will prevent indiscriminate parking on roads.

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



8.0 **RECOMMENDATION**

**To grant planning permission subject to the following conditions**

- 1 : Commencement 3 yrs - Full Planning Permission**
- 2 : Approved plans \***
- 3 : Materials as on plan**
- 4 : Provide parking in accordance with plan prior to occupation.**
- 5 : Provide details of cycle parking and implement prior to occupation**
- 6 : Submit Green Travel Plan for approval and implement**
- 7 : Provide a bird box prior to occupation**

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