



PLANNING, DESIGN & ACCESS STATEMENT

Alterations to existing 5-bed HMO (Use Class C4) to form 6-bed HMO (Use Class C4); including the conversion of an integral garage, the demolition of a rear single storey extension, the erection of a rear single storey extension and associated works

**Site: 65a St Mary's Road, Oxford,
OX4 1PN**

For: Dr P Sidgwick

January 2021

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1.0 INTRODUCTION

- 1.1 This Planning, Design & Access Statement has been prepared by John Phillips Planning Consultancy on behalf of Mr P Sidgwick to support a planning application for alterations to an existing 5-bed HMO to form a 6-bed HMO (both Use Class C4); including the conversion of an integral garage, the demolition of a rear single storey extension, the erection of a rear single storey extension and associated works at 65a St Mary's Rd (Oxford).
- 1.2 This statement should be read in conjunction with all plans and other documentation which are submitted as part of this proposal. These are listed within the supporting cover letter.
- 1.3 With reference to the character of the application site and surrounding area, an appraisal of the prevailing planning policies and planning history and an assessment of the planning issues raised by the proposal, this statement sets out why the proposed development is considered to be acceptable.

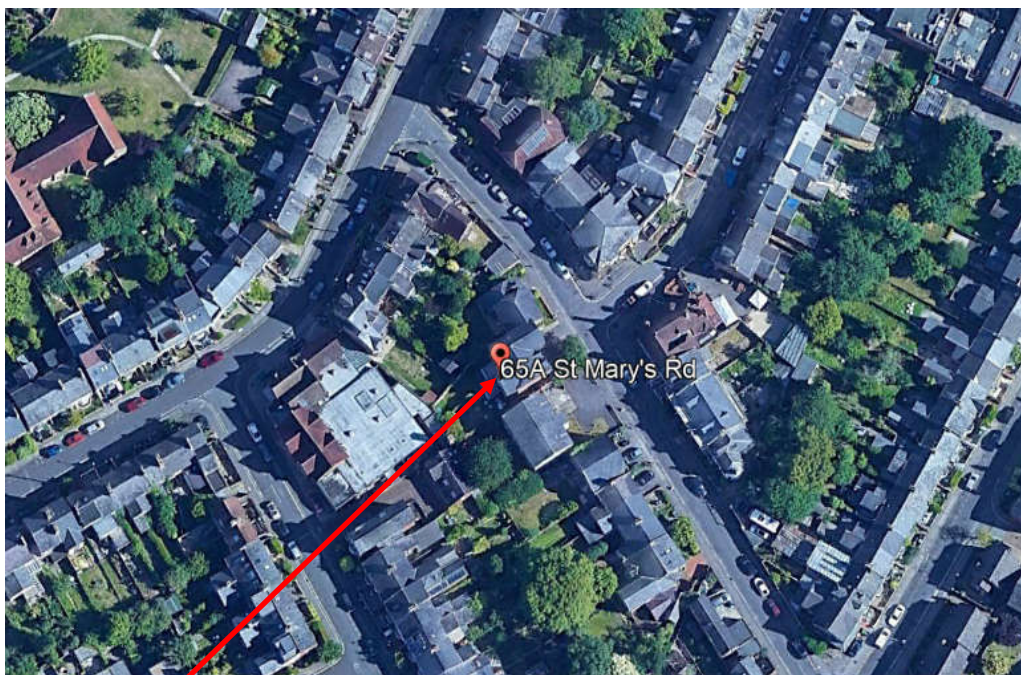
2.0 SITE AND SURROUNDING AREA

2.1 The application site, located at 65a St Mary's Rd (Oxford) is a three-storey brick building adjoined to the south of 65b & 65c St Mary's Rd. These buildings were constructed in 2001/2002 following the grant of planning permission 01/00685/NF. The current and pre-existing use of the application site is for a small HMO (C4).



65a 65b 65c St Mary's Rd

Google Streetview Image from Crown Street facing south west – Sept 2018

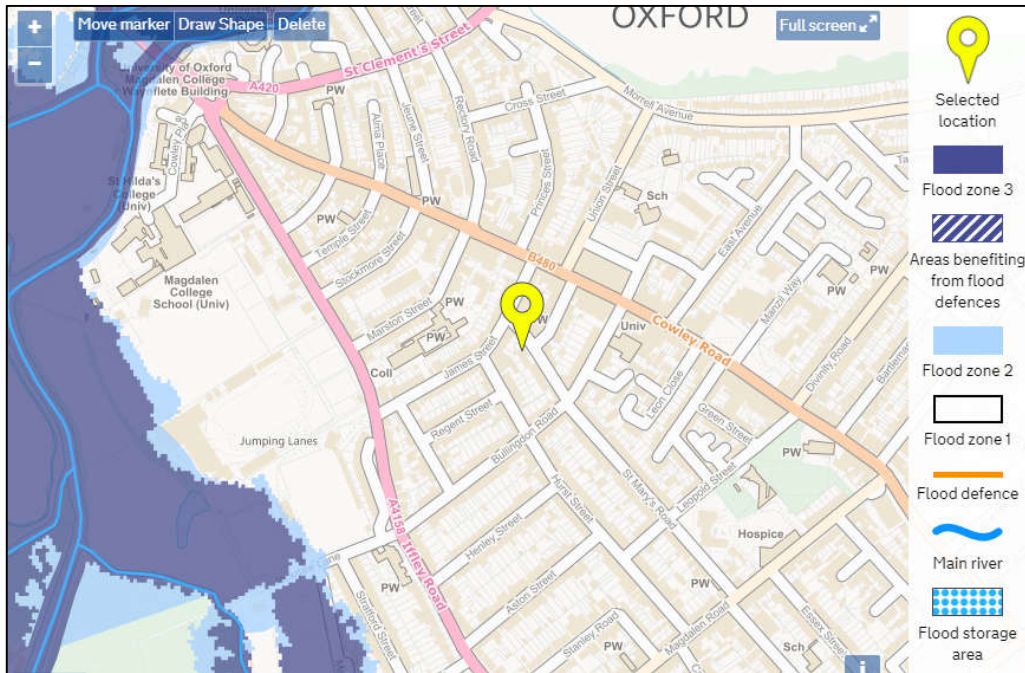


Application Site

Google Earth Image – 5th July 2017

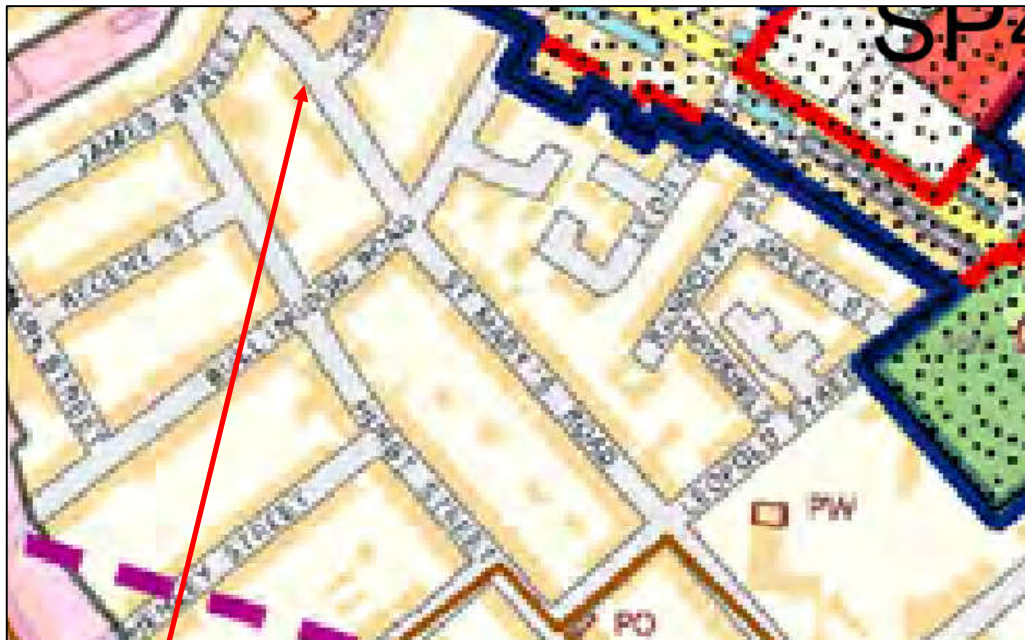
- 2.2 The surrounding area consists of two & three storey buildings, predominately in residential use (C3 & C4/HMOs). The application site and neighbouring properties on the western side of St Mary's Street face north east with south westerly facing rear gardens.
- 2.3 An existing off-street vehicular parking space is located intermediate of St Mary's Street and the application building. The parking space aligns with a single integrated garage which serves the application site. The width and depth of the garage is insufficient to accommodate modern vehicles and its use for parking is largely thereby defunct.
- 2.4 Under 01/00685/NF, the properties forming 65a, 65b & 65c St Mary's Rd were excluded from the residents parking zone under a s106 Agreement. The application site and wider area falls within the East Oxford Controlled Parking Zone.
- 2.5 Adjacent to the side (south east) of the off-street vehicular parking space is a small grassed area with a mature tree and other subservient planting measures. There is no known Tree Preservation Order designation for the mature tree.
- 2.6 A side access along the south elevation of the application building provides access to the rear (south west) private amenity area. This area is grassed without any tall/mature vegetation.
- 2.7 The existing layout of the three floors of the application building, including the five bedrooms, are illustrated on drawings PL.02 & PL.03. A perpendicular lean-to single storey extension (uPVC conservatory) is located to the rear (south west) of the application building.
- 2.8 The application site is within close to the full range of services and facilities that the City has to offer and is served by frequent public transport options. The application site is considered to be within a highly sustainable location within the City.
- 2.9 There are no known heritage (e.g. Listed Building/conservation area), landscape (e.g. AONB), ecological (e.g. SSSI) or other (e.g. Green Belt) designations which apply to the application site or its wider context.

2.10 The application site and wider area is not located within an area prone to flood risk, as confirmed on the flood map for planning excerpt below:



<https://flood-map-for-planning.service.gov.uk/>

2.11 A review of Oxford City Council's Policies 2020 Map illustrates there are no overlying policy designations applicable to the application site or wider area:



Application Site

Oxford City Council Policies Map 2020 exert

3.0 RELEVANT PLANNING HISTORY

3.1 The relevant planning history of the site is as follows (taken from the Council's online records):

Reference	Description	Decision
01/00685/NF	Demolition of existing buildings. Erect new residential buildings on 3 & 2 levels comprising of 2x4 bed & 1x3 bed dwellings, incorporating integral garages and parking	Approved 21 st September 2001

3.2 Following the completion of the scheme approved under 01/00685/NF between 2001/2002, the southern 4-bed dwellinghouse (associated with the application site), was used from 2003 onwards to accommodate for 4 non-family/non-related occupants. This use accorded with Class C3(b) of Part C of The Town and Country Planning (Use Classes) Order 1987.

PART C
<p>Class C3. Dwellinghouses</p> <p>Use as a dwellinghouse (whether or not as a sole or main residence) —</p> <p>(a) by a single person or by people living together as a family, or</p> <p>(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).</p>

<https://www.legislation.gov.uk/ukSI/1987/764/schedule/part/C/made>

3.3 Use Class C4 (Small HMO) was created on 6th April 2010.

3.4 From 1st October 2010, a permissive change of use from C3 to C4 use was created under The Town and Country Planning (General Permitted Development) Order 1995 (as amended by *Class I of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010*).

"Class I
<p>Permitted development</p> <p>I. Development consisting of a change of the use of a building—</p> <p>(a) to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class C4 (houses in multiple occupation) of that Schedule;</p> <p>(b) to a use falling within Class C4 of that Schedule from a use falling within Class C3."</p>

<https://www.legislation.gov.uk/ukSI/2010/2134/made>

- 3.5 From the creation of the new Use Class in April 1st October 2010 the - multiple occupation use of the application site has fallen within C4 by default.
- 3.6 The historic nature of the use accordingly pre-dates Oxford City Council's HMO Article 4(1) Direction which came into force on 24th February 2012.
- 3.7 The first Oxford City Council Designation for an Area for Additional Licensing of Houses in Multiple Occupation came into force on 18th October 2010. This meant from 24 January 2011, the HMOs which met the associated thresholds required an (Additional) HMO licence.
- 3.8 As the application site is a three storey HMO with four tenants, an HMO licence was required from 24 January 2011. Licences have been sought and issued by Oxford City Council from 2011 to date:

HMO licence application date 01.04.2011. Licence issued 14.11.2011 with expiry date 14.11.2012
HMO licence application date 12.09.2012. Licence issued 04.04.2013 with expiry date 04.04.2014.
HMO licence application date 28.01.2014. Licence issued date 16.02.2016 with expiry date 16.02.2017.
HMO licence application date 11.01.2017. Licence issued date 10.03.2017 with expiry date 16.02.2018.
HMO licence application date 09.01.2018. Licence issued date 22.02.2018 with expiry date 16.02.2019.
HMO licence application date 24.01.2019. Licence issued date 21.02.2019 with expiry date 16.02.2020.
HMO licence application date 18.12.2019. Licence issued date 06.04.2020 with expiry date 16.02.2021.

Extract from email correspondence received from Oxford City Council Principal Lead Officer – HMO Enforcement Team

- 3.9 Under the current license (19/05283/HMOLIC) the application site can accommodate up to 5 occupants.
- 3.10 In light of the above, the current and pre-existing use of the application site is clearly as a small HMO (3-6 occupants) under use class C4.

4.0 PROPOSED DEVELOPMENT

- 4.1 The application seeks planning permission for alterations to an existing 5-bed HMO (to form a 6-bed HMO Use; including the conversion of an integral garage, the demolition of a rear single storey extension, the erection of a rear single storey extension and associated works at 65a St Mary's Rd (Oxford).
- 4.2 The redundant integrated garage will be converted into a single bedroom, resulting in the uplift to 6 bedrooms within the HMO.
- 4.3 A dedicated bin and refuse store are proposed intermediate of the side access and mature tree on the street elevation.
- 4.4 A dedicated covered and secure bicycle store for 6 bicycles is proposed along the side access. A secure side gate and a lean-to canopy are proposed in conjunction with the bike store.
- 4.5 The existing perpendicular lean-to rear extension (uPVC conservatory) is to be demolished and replaced with an enlarged lean-to rear extension along the full width of the rear elevation.

5.0 PLANNING POLICY AND OTHER MATERIAL CONSIDERATIONS

- 5.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission be determined in accordance with the development plan, including any local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities, unless there are material considerations that indicate otherwise.
- 5.2 The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
- 5.3 The current development plan for Oxford City Council (OCC) applicable to proposal includes the policies of the Oxford Local Plan 2036 (adopted 8th June 2020) – OLP2036.
- 5.4 There is no Neighbourhood Plan applicable to the proposal site.

National Planning Policy Framework

- 5.5 The National Planning Policy Framework (NPPF), updated February 2019, provides the overarching planning guidance to which all development plan documents should comply, and is a material consideration which should be afforded considerable weight in the determination of planning applications.
- 5.6 The NPPF states in paragraph 8, that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) economic; b) social; and c) environmental.
- 5.7 In paragraphs 9 & 10, the NPPF states planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

5.8 In paragraph 11, the NPPF states plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) 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:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.9 In paragraph 12, the NPPF states the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.10 In paragraph 117, the NPPF states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.11 In paragraph 118, the NPPF states planning policies and decisions should c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

5.12 In paragraph 127, the NPPF states planning policies and decisions should ensure that developments

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.13 In paragraph 150, the NPPF states new development should be planned for in ways that amongst other things can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.

Oxford Local Plan 2036

5.14 Planning policies applicable to the proposal include:

- Policy S1 (Presumption in favour of sustainable development);
- Policy H14 (Privacy, daylight, and sunlight);
- Policy H16 (Outdoor amenity space standards);
- Policy RE1 (Sustainable design and construction);
- Policy RE2 (Efficient use of land);
- Policy RE7 (Managing the impact of development);
- Policy G2 (Protection of biodiversity and geo-diversity);
- Policy G7 (Protection of existing Green Infrastructure features);
- Policy DH1 (High quality design and placemaking);
- Policy DH2 (Views and building heights);
- Policy DH7 (External servicing features and stores);
- Policy M1 (Prioritising walking, cycling, and public transport);

- Policy M3 (Motor vehicle parking); and
- Policy M5 (Bicycle Parking).

Other Considerations

Community Infrastructure Levy

- 5.15 Oxford City Council's Community Infrastructure Levy (CIL) was introduced on 21st October 2013. The application is supported by a CIL Additional Information Form.

HMO Standards

- 5.16 The legal minimum standards for licensed HMOs are set out in the Housing Act 2004 and the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006.
- 5.17 Oxford City Council prepared guidance to assist owners, agents and occupiers in relation to what standards are expected in HMO accommodation under the Landlord's Guide to Amenities and Facilities or Houses in Multiple Occupation 2019 (April 2019).

6.0 PLANNING ASSESSMENT

6.1 The key areas of discussion are considered to be:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on neighbouring amenity;
- Indoor & outdoor amenity;
- Transport, parking & cycle storage; and
- Arboriculture & ecology.

Principle of Development

6.2 The current and pre-existing use of the application site is for a small HMO (C4). The proposal results in the increase from 5 to 6 bedrooms & associated works, with the small HMO (C4) use retained in perpetuity.

6.3 The development does not result in the loss of a dwelling nor does it seek to change the use of a dwelling to an HMO. Consequently, neither policies H5 (Development involving the loss of dwellings) or H6 (Houses in Multiple Occupation) of the OLP2036 apply in this instance.

6.4 The applicant will apply for a new HMO license to take account of the increase in bed provision subject to receiving planning permission.

6.5 The proposal is sought in compliance with paragraph 118 of the NPPF which supports the development of under-utilised land and buildings and policy RE2 (Efficient use of land) of the OLP2036.

6.6 The principle of the proposal is considered to adhere to the NPPF and policies S1 & RE2 of the OLP2036.

Impact on the character and appearance of the area

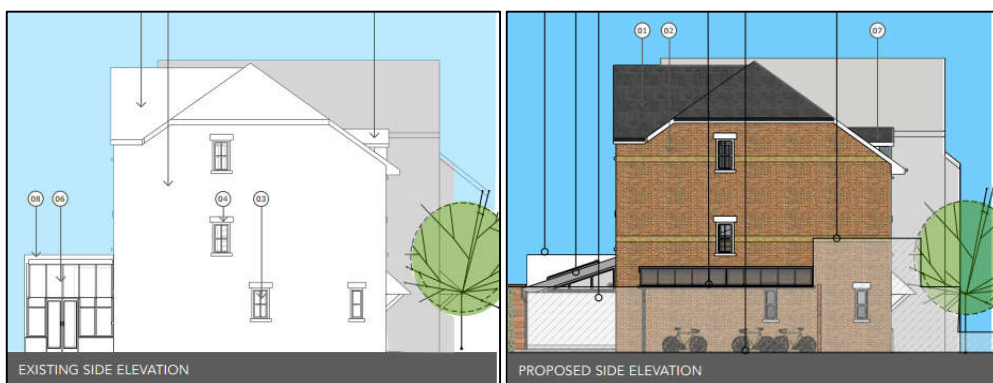
6.7 Garage Conversion – The redundant integrated garage will be converted into a single bedroom, resulting in the uplift to 6 bedrooms within the HMO. The white garage door will be replaced with a three-bay window (white uPVC) & brickwork to match the existing appearance of the building. A single planter is proposed beneath the new three-bay window to soften the appearance of the brick façade of the building. The proposal is considered to enhance the immediate character and appearance of the area.



PL.08 Existing & Proposed Front Elevation extracts



PL.05 Existing Rear Elevation & PL.08 Proposed Rear Elevation extracts



PL.04 Existing Side Elevation & PL.08 Proposed Side Elevation extracts

- 6.8 Rear Extension – The existing perpendicular lean-to rear extension, which comprises a 3.3m x 2.85m uPVC conservatory, is considered to be unsympathetic to the host building in terms of its design and current condition. Furthermore, the construction of the lean-to results in unnecessary heat loss from the building, resulting in increased energy demands.
- 6.9 The proposal seeks the demolition of the existing perpendicular lean-to rear extension and the erection of an enlarged replacement lean-to building across the width of the rear elevation (3.3m x 4.95m). The enlarged extension will serve an enlarged living area for the HMO occupants, with openings directed towards the rear amenity area. The proposed work remains subservient to the host building & subservient to the boundary wall to 65b St Mary's Rd and is considered to be a proportionate addition to the application site, with no overbearing impacts.
- 6.10 The proposed scale, appearance and material choice of the rear extension are considered to result in a high-quality design which enhances the immediate character and appearance of the area.
- 6.11 The proposed is considered to be of a sustainable design & construction and will likely reduce energy demands.
- 6.12 Bike Store, Canopy & Side Door – A dedicated bicycle store for 6 bicycles is proposed along the side access. A secure side gate and a lean-to glazed canopy will ensure the store is secure and covered from the elements. The side door will have the added benefit of screening views of the bike store from the streetscene. The proposed appearance and material choice of the secure side gate and lean-to canopy are considered to result in a high-quality design which enhances the immediate character and appearance of the area.
- 6.13 Bin & Refuse Store – There is currently no dedicated bin and refuse store to serve the building. A dedicated bin and refuse store are proposed intermediate of the side access and mature tree on the street frontage (PL.06). The secure, covered and screened provision will remove site of bins from the building and immediate street scene. The proposal is considered to enhance the immediate character and appearance of the area.
- 6.14 Details of the bin and refuse store are proposed to be submitted by condition – as discussed in paragraph below.

6.15 The proposal is considered to adhere to the NPPF and policies H14, RE1, RE2, DH1, DH2 and DH7 of the OLP2036.

Impact on neighbouring amenity

6.16 The proposals result in subservient and proportionate additions/alterations to the host building, with the existing use retained. The proposals are not considered to result in any detrimental impact to the privacy, daylight and sunlight of occupants of the application site and neighbouring properties. The ground floor only proposals are considered to result in a sympathetic development which will not result in any overbearing effects on neighbouring properties.

6.17 The proposal is considered to adhere to the NPPF and policies RE7, H14 & DH1 of the OLP2036.

Indoor & outdoor amenity standards

6.18 Space standards detailed in policy H6 (Houses in Multiple Occupation) of the OLP2036 do not apply in this instance, as the development does not seek to change the use of a dwelling to an HMO.

6.19 Space standards detailed in policies H15 (Internal Space Standards) or H16 (Outdoor Amenity Space) H6 (Houses in Multiple Occupation) of the OLP2036 do not apply in this instance, as the development does not relate to new dwellings.

6.20 The proposed additional bedroom (13.5m²) and enlarged living/kitchen area (24m²) meet the minimum space standards of Oxford City Council's Landlord's Guide to Amenities and Facilities or Houses in Multiple Occupation 2019 (April 2019).

6.21 There is no requirement under the Landlord's Guide to Amenities and Facilities or Houses in Multiple Occupation 2019 to provide outdoor amenity space. The proposal retains an ample area of private outdoor amenity space for the benefit of the occupants of the HMO. The provision of the side access door provides screening of the private outdoor amenity space from the streetscene.

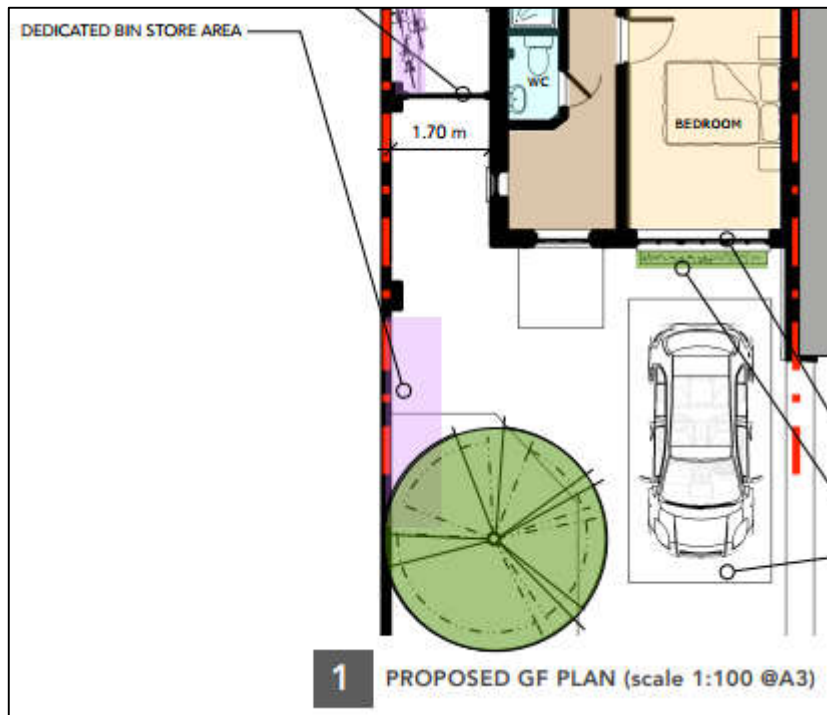
6.22 The proposal is considered to adhere to the NPPF, policy SE1 of the Oxford Local Plan 2036 and the Landlord's Guide to Amenities and Facilities or Houses in Multiple Occupation 2019 (April 2019).

Transport, parking & cycle storage

- 6.23 The single off-street vehicular parking space on the street frontage to St Mary's Rd is retained. This allows for the safe ingress and egress of a single vehicle onto the highway.
- 6.24 The proposal does not result in increased parking provision on-site or off-site parking provision in accordance with policy M3 of the Oxford Local Plan 2036. On the contrary it reduces potential parking and increases accommodation.
- 6.25 The proposed bicycle store provides secure & covered storage which is within close proximity to the highway. This provision is in accordance with Appendix 7.4 of the Oxford Local Plan 2036 which requires *'at least 1 space per occupant'*.
- 6.26 The application site is located in a highly sustainable location within the City with occupants able to obtain low, medium and high order services and facilities via walking, cycling and public transport.
- 6.27 The proposal is considered to adhere to the NPPF and policies RE7, M1, M3 & M5 of the Oxford Local Plan 2036.

Arboriculture & ecology

- 6.28 The proposal retains the existing mature tree on streetscene of the application site. The proposed dedicated bin and refuse store will not require any associated excavation nor fixings to the ground beneath and will consequently not affect the root protection area of the mature tree.



Dedicated Bin Store Area shown in the context of the mature tree – PL.06 Proposed Ground Floor Plan

- 6.29 The applicant is happy to agree to an appropriately worded occupation related condition (i.e. related to use of the proposed sixth bedroom) for the provision of bin and refuse store details to ensure the proposal would not result in an unacceptable impact to the mature tree.
- 6.30 The proposal does not result in the loss of any sites or species of ecological value and consequently there is no need to compensate and/or mitigate; thus policy G2 of the Oxford Local Plan 2036 is not applicable.
- 6.31 The proposal is considered to adhere to the NPPF and policies G2 & G7 of the Oxford Local Plan 2036.

7.0 CONCLUSIONS

- 7.1 This statement has examined the planning background of the site, the historical context of the site & surrounding area, and the relevant national and local planning policy framework in respect of the proposed development to 65a St Mary's Rd, Oxford.
- 7.2 The application site is considered to represent a good site within the City for modest additional development, re-purposing an integrated garage.
- 7.3 The proposed conversion of the integrated garage to a sixth bedroom to serve the existing small HMO use, alongside the sympathetic, proportionate and subservient additions & alterations to the considered to be an acceptable form of development which conserve and enhance the character of the local area.
- 7.4 The proposals are considered to be a sustainable form of development in accordance with both the NPPF, Oxford Local Plan 2036 and Oxford City Council Landlord's Guide to Amenities and Facilities or Houses in Multiple Occupation 2019 (April 2019).
- 7.5 In light of the above, we respectfully request on behalf of our client that the Council approves the proposal.