

Design, Access, Heritage, Trees and Planning Statement.

78B St Clements, Oxford.

Heritage and Trees.

This property stands in the St Clements Conservation Area. It forms part of the street frontage to the main road from London to Oxford, and its main contribution is its cherry tree in the front which flowers spectacularly in season. There will be no changes to these contributions to the street frontage.

Access.

There will also be no changes to the access to the property. This will remain as pedestrian only via the side alley between the property and the adjoining building to the west, Pilcher Court flats, together with the additional pedestrian front door to the basement level (the proposed Basement Flat) from the excavated front area and steps down. Parking will be provided for cycles.

Design and Use.

The existing and long-standing use of the property is as an HMO (House in Multiple Occupation). However since the introduction of HMO licensing and the associated mandatory standards this use has become unsustainable, and conversion to flats is the only practical alternative for this tall thin house in its city main road location with minimal garden space.

Planning permission was granted for this change of use, together with the same rear staircase extension, in 2002 (Ref. 02/00041/FUL) but it was not carried out [REDACTED] Subsequently in 2013 (Ref. 12/03159/FUL) the same rear staircase extension was granted planning permission on appeal (Ref. APP/G3110/A/13/2197569), but for the existing HMO use although it was shown as four flats in all but name.

Since that date the adjoining semi-detached pair house, 78A St Clements which was also a long-established HMO, has been granted permission for conversion into four self-contained one-bedroom flats with a new staircase extension which is similar to 78B's proposals, but on the side of the house rather than the rear. As a result all the other buildings in the immediate vicinity are now subdivided into flats.

The new rear staircase extension, as required for fire-proof access and escape, was and is designed to fit in with the surrounding buildings, which are partly Victorian (78A St Clements), partly 1970's (Pilcher Court flats), and partly 2000's (City Gate flats). The proposed new staircase extension was approved as meeting those requirements in both of the previous planning permissions, in Ref. 02/00041/FUL by the Council, and in Ref. 12/03159/FUL by the Appeal Inspector in Appeal APP/G3110/A/13/2197569 and in fact, as described below, this application for change of use is supplementary to the implemented 2012/13 permission.

Development Started.

Following the approval of planning application 12/03159/FUL by the Appeal Inspector on 4th September 2013, that development was started by:

- 1) The removal and bricking up of the main side window into the rear basement room as permitted.
- 2) The excavations in the rear garden for the lowest section of the new permitted rear staircase and its foundations.
- 3) The excavation and laying in of new drains connected to the sewer at the rear of the house.
- 4) The demolition of part of the rear conservatory as permitted.
- 5) The building of the new permitted rear stairway and entrance to the basement rooms.
- 6) The stripping out of the front basement room and partial demolition of the front wall as required for creating the permitted new front doorway.
- 7) All these works being works normally done by a professional builder.

Under section 56 of the T&CP Act 1990 and the relevant case law these works comprised works sufficient to start the development and implement the planning (appeal) permission and prevent it from expiring under its own time limit even if, as is the case here, the rest of the building operations covered by the permission were not carried out within the time limit for starting. The case law confirms that the required extent of qualifying works is very modest.

The Present Proposal.

Having started the permitted development and implemented the permission for the physical conversion of the house into four self-contained flats as an HMO (House in Multiple Occupation), it is now proposed that permission should be sought for the associated change of use from HMO to four self-contained flats. This has been required by the potential lenders of the funding for the remaining conversion works, because they will only lend if there is the potential for sale of the flats individually when completed. And unfortunately this means that without the permission for change of use the house will remain an unfinished conversion unfit for habitation.

J M B Young, Applicant.
21st January 2021.