

**Case Officer:** Michael Sackey                      **Ward(s):** Bicester East  
**Applicant:** Mrs Vashti Bedwell  
**Ward Member(s):** Cllr Mrs Rose Stratford, Cllr Lawrie Stratford  
**Proposal:** Erection of two storey side extension and Change of Use from Class C3 residential to HMO (Sui Generis)  
**Committee Date:** 26 November 2015    **Recommendation:** Refusal

**Committee Referral:** Member Request

## 1. Application Site and Locality

- 1.1 The application relates to a two storey semi-detached dwelling, constructed of brick with a tiled roof, and facing Southeast on to Hampden Close. There are no changes in the levels across the site that would significantly affect the application assessment. The site which lies within the built form of Bicester is bounded by 15 Hampden Close to the Northeast, 26 Bristol Road to the Northwest and 11 Hampden Close to the Southwest.
- 1.2 The application property does not have any previous Planning applications and is not affected by restrictions or other relevant designations.
- 1.3 The application property is situated approximately a mile away from Bicester Town Centre, 0.8 miles from Bicester North Train station and within a few minutes' walking distance to the local shops and bus routes.

## 2. Description of Proposed Development

- 2.1 The current application is for a two storey side extension and change of use from residential to (HMO) Sue Generis. The proposed development measures approximately 9.1m in depth, 3.4m in width and overall roof height of 7.1m sloping down to an eaves height of 5m.
- 2.2 This application was called in by the local Councillor to the Planning Committee because of the nature and number of objections from the application property's neighbouring residents.

## 3. Relevant Planning History

N/A

## 4. Response to Publicity

The application was publicised by way of neighbour notification letters (x14); the final date for comment was 24.11.2015. Twelve letters were received from households as a result of the consultation. Issues raised include: Overlooking, loss of outlook, traffic, Parking and Health and safety.

## 5. Response to Consultation

- 5.1 Bicester Town Council:

No comment

5.2 Oxfordshire County Council:

Highways/Transport – Objection. Oxfordshire County Council as Local Highway Authority (“LHA”) hereby [notifies] the District Planning Authority to refuse planning permission for the reasons stated below.

There are 4 parking spaces proposed in this application. For houses in multiple occupation it is desirable to provide 1 parking space per 2 bed spaces which appears to be the case in this application. In assessing proposals I have taken regard to existing and predicted levels of on-street day time parking demand and night time parking stress within the vicinity of the development.

The property frontage with a 4 parking space provision leaves no safe clearance for residents and visitors to access the property within its confines. And it should be noted that a 1.2m width clearance to and from the front door for emergency access notwithstanding the narrow parking spaces should be provided. To achieve this safe access would require a unit loss of parking space to 3 (spaces).

Cycle parking must be provided within the site boundary of all houses in multiple occupation in the form of a secure cycle shed for the purposes of storage for at least half of the occupants. There is no indication for this to be proposed in this application. The location, type and number of cycle storage spaces should be indicated on the plans.

A combination of these issues would see an exacerbation of on-street parking which is already sensitive for the area.

[NB. Officer comment – Cycle parking has been discussed with the applicant who is willing to provide the required cycle parking and happy for a condition to be imposed accordingly. This was put to the LHA, who advised as follows:]

I hereby clarify that the objection would stand based on insufficient parking provision (taking 3 parking spaces to accommodate a safe access width to the front door) which would eventually create a material impact on the existing parking demand.

5.3 Other External Consultees:

N/A

5.4 Internal Consultees:

Housing Strategy Officer - The proposed House in Multiple Occupation (HMO) will meet the Council's HMO Standards.

- The individual bedrooms are each suitable to accommodate a single person.
- As each bedroom will have an en-suite shower room or private bathroom, personal washing facilities the ratio of WCs to people far exceeds the councils minimum standard.
- The communal kitchen is large enough to provide a safe layout of facilities which are adequate for 7 individuals sharing this area and allowing more than one person to cook at the same time.
- The proposal also provides a large communal living area, which will create a certain dynamic in the property. Instead of creating a bedsit type HMO the communal area will make the property more sociable and closer to a shared house.

The applicants have refurbished and currently run a number of Houses in Multiple Occupation in Bicester, all of which have been refurbished to a high standard; these exceed the minimum standards the council sets for this type of property.

In relation to any future management concerns regarding the property, since these landlords initially started converting, refurbishing and letting Houses in Multiple Occupation in Bicester (at the beginning of 2012), we have not received any complaints relating to the management of their properties. We have carried out a number of proactive inspections of the different properties to ensure that the Management of Houses in Multiple Occupation (England) Regulations 2006 are being complied with, and they have been on every occasion. The management regulations cover landlords' responsibilities in relation to ensuring the living accommodation is maintained in a good condition and repair, that the property as a whole is maintained to a good standard and that there is adequate waste and recycling provision for the number of occupants living in the property.

Private Sector Housing Services – No comment

## **6. Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

Policy C28 – layout and design of new development

Policy C30 – design of new residential development

### **6.2 Other Material Planning Considerations:**

National Planning Policy Framework ("the Framework") – The Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance ("nPPG") – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## **7. Appraisal**

### **7.1 Officers consider the following matters to be relevant to the determination of this application:**

Principle of HMO use

Impact on visual amenity

Impact on residential amenity  
Impact on highway safety

## 7.2 Principle of HMO use

Six residents living together as a single household would constitute permitted development under Part 3 Class L of the General Permitted Development Order 2015. The proposed use, i.e. consisting of up to seven residents living as a single household, falls outside of use Class C4, and therefore requires permission. However, the use by seven residents is considered not to result in a materially different impact to the use by six residents, either through noise and disturbance, overlooking or the character of the resultant development, and the principle of development is therefore considered acceptable, subject to other considerations.

## 7.3 Impact on visual amenity

The proposed development would be set down in height and set back from the front elevation and would be set to the side of the existing dwelling. The proposal, even though visible from the Highway, would be set down in height from the main dwelling and, in relation to the host dwelling, would be harmonious in form and massing and not be unduly prominent. The proposal would be constructed of externally facing materials matching those of the existing dwelling with a gable roof. For these reasons, it is considered that the proposed extension would be sufficiently subordinate to the main dwelling, respect its character and would thus accord with retained Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

## 7.4 Impact on residential amenity

Having regard to its scale and siting, the proposed development would not have any significant impact on neighbouring occupiers. The proposal would be set off the boundaries of neighbouring properties and would not cause loss of light or outlook to the neighbouring properties than the current existing dwelling and would also comply with the 45° rule applied from the mid-point of the neighbours' nearest windows. The proposed development would be sited adjacent to the garage of number 11 Hampden Close and there is also a similar development at number 17 Hampden Close approved in 1987 (application reference 382/87).

Given that they would face sideward towards 11 Hampden Close, a condition is needed to ensure the proposed windows serving the shower rooms of bedrooms of 3 and 4 are obscurely glazed.

The proposed development would not cause material harm to the amenities of neighbouring residents or result in direct overlooking of the neighbouring properties. For these reasons, it is considered that the proposed development would not adversely affect the living conditions of neighbouring residents, and would thus accord with saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

The effect on the amenities of future occupiers is covered in the following section of the report.

## 7.5 Highway safety

The proposed use, with the associated increase in number of bedrooms, would have an effect on the parking requirement at the property. The LHA advises this requirement is four spaces, i.e. one parking space per two bed spaces, but that, while the property's frontage has sufficient width for four spaces, this would leave no safe clearance for residents and visitors to access the property within its confines.

The LHA advises that a 1.2m width clearance to and from the front door for emergency access notwithstanding the narrow parking spaces should be provided. To achieve this safe access would require a unit loss of parking space to 3 (spaces). The forecourt is of approx. 9.6m width, which would allow for four spaces each of the required 2.4m width, with no other space remaining for the pedestrian access.

The proposal would therefore result in a severe level of harm to highway and pedestrian safety, including that of visitors and those requiring emergency access, and would result in a poor standard of design that would be unsafe, with poor access, and would fail to safeguard the amenity of future occupiers. The proposal would therefore fail to accord with paragraphs 14, 32, 58 and 64 of the Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

## 7.6 Engagement

With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged, in accordance with the Framework's objectives.

## 8. Conclusion

- 8.1 The proposed use is considered acceptable in principle, having regard to its effects relative to a use by six residents that would constitute permitted development. The proposed extension would be of an acceptable form and massing that, with materials matching that of the existing, would be a harmonious addition to the existing dwelling that would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics, and not adversely affect residential amenity. However, by reason of the number of bedrooms proposed and the lack of available forecourt space at the property, the proposal would adversely affect highway and pedestrian safety, and would result in a poor standard of design that would be unsafe, with poor access, and would fail to safeguard the amenity of future occupiers. The proposal would therefore fail to accord with paragraphs 14, 32, 58 and 64 of the Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

## 9. Recommendation

Refuse, for the following reason:

The proposal, by reason of the number of bedrooms proposed and the consequent parking provision requirement, would result in severe harm to local highway and pedestrian safety, and in a poor standard of design that would be unsafe, with poor access, and would fail to safeguard the amenity of future occupiers. The proposed development would therefore fail to accord with paragraphs 14, 32, 58 and 64 of the Framework and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

### STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has tried to work positively and proactively with the applicant/agent during consideration of this application to try to find timely solutions to concerns in an effort to deliver sustainable development. Unfortunately, despite these efforts, the application proposals do not amount to sustainable development and consent must accordingly be refused.

**CONTACT OFFICER:** Michael Sackey

**TELEPHONE NO:** 01295 221820