

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYH7 Residential Conversions

CYGP1 Design

3.0 CONSULTATIONS

Cllr N Barnes

3.1 Concerns regarding the high number of existing HMO's in Badger Hill. The increase in purpose built student blocks may lead to a significant drop in student demand for HMO's. The enlarged HMO would no longer prove suitable for family accommodation if no longer needed as a HMO. Concerns regarding the impact that the proposal will have on neighbouring living conditions and parking conditions.

Neighbour Notification and Publicity

3.2 Six objections were received along with concerns expressed from Badger Hill Residents Community Group. The following issues were raised:

- The enlargements will mean the property is no longer suited to family use in a location ideally suited to families.
- There is a high concentration of HMO's in the immediate vicinity which impact on neighbours. Around 33% within 100m. The 10% threshold has been breached.
- The proposal will increase parking on a blind spot.
- The proposal will lead to the over-development of the rear garden and the loss of access for bikes and bins.
- The extension will detract from the immediate neighbour and the loss of the rear access will lead to bins remaining to the side of 27. The increase in occupants will make smells from bins worse.
- The property does not have permitted development rights.
- The increase in the number of occupants in existing HMO's further imbalances the community/demographic balance.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

Application Reference Number: 15/01539/FUL

Item No: 4f

Page 2 of 8

- The impact on the streetscene.
- The impact on neighbours' living conditions.
- Parking and highway safety.
- Permitted development rights and HMO's.
- The impact of the enlargement of a HMO on noise and local character.

National Planning Policy Framework

4.2 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

Development Control Local Plan

4.4 The DCLP was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.5 Policy H7 'Residential Extensions' sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; adequate amenity space is retained and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.6 Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not

unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Suitable private space should be protected.

Supplementary Planning Documents (SPD)

4.7 The SPD for House Extensions and Alterations was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. It is described as a draft as the City of York Council does not have an adopted Local Plan. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. The underlying objectives of the document are consistent with local and national planning policies and the advice in the SPD is a material consideration when making planning decisions.

4.8 The Council has a Supplementary Planning Document (SPD) for controlling the concentration of HMO's. Paragraphs 2.2-2.4 of the documents sets out the documents scope. It states that the guidance relates to changes of use from dwellings to HMO's. It does not state or imply that the document relates to proposals to extend an existing small HMO. The central aim of the document is to control the concentration of HMO's.

The impact on the streetscene.

4.9 The rear part of the extension is not prominent when viewed from public areas. The side part of the extension is set back from the front elevation of the house. As the flat roof is slightly higher than the eaves height of the main house the extension will look a little unusual, however, its prominence is not considered to be such that it could be argued to harm the appearance of the street.

The impact on living conditions.

4.10 The main assessment is the impact on 27 Deramore Drive. This property has a bathroom window on the side elevation along with two secondary living room windows. On balance given the function of the side windows it is not considered that undue harm will be caused by the slight increase of development opposite. The proposed rear extension will project past the rear bedroom window of no. 27. It is not considered that the level of projection (3m) is unacceptable taking account of the low height of the proposed structure and degree of separation to the large area of rear facing glazing serving the bedroom window on the adjacent property.

4.11 It is noted that the proposed rear openings in the application property will be relatively close to the side of 27 Foxthorn Paddock, however, the relationship is not such to harm privacy given the extension is at ground floor level and faces towards the side elevation of the neighbour's garage.

Parking and highway safety.

4.12 The applicant has sent revised plans indicating the retention of two tandem parking spaces on the existing drive and the provision of one additional space within the front garden. It is considered that this will meet reasonable parking needs and complies with the Council's maximum parking standards. It is noted that some other front gardens in the vicinity have been adapted to provide additional parking. It can be conditioned that the existing and proposed parking spaces are provided and retained.

4.13 Because the re-development of the garage increases the width of the house it removes the external pedestrian access to the rear garden that is adjacent to the existing garage. There will remain a very narrow access along the other side of the house, however, this would not be particularly practical to access with bikes. It is around 50cm wide adjacent to the chimney breast. Dependent on the design of the bike it may be possible to manoeuvre a bike along the route, though it is not of a standard that would typically be considered acceptable.

4.14 It is also noted that the access would be very tight for manoeuvring wheelie bins. It is the case however, that there is space to leave them at the side of the property and because the communal entrance door is to the side of the house this is where people would often be expected to access bins. The siting of bins here does not detract significantly from the streetscene.

4.15 The proposed internal layout is such that three of the proposed bedrooms abut the rear garden. One of the bedrooms contains a pedestrian door linking to the rear garden, however, no access to the garden is introduced from a communal area. This is obviously not an ideal layout for a HMO. The case officer asked if this could be changed. No changes have been forthcoming, however, it is not considered that this would justify refusal of the application.

Permitted Development Rights

4.16 Initially, following the introduction of the C4 use class there was some uncertainty locally and nationally in respect to whether HMO's enjoyed permitted development rights. Clarification on this matter was provided by the Planning Inspectorate in January 2014 in advice they issued for use by its Inspectors. This indicated that a HMO can benefit from permitted development rights providing it is considered also to be a dwelling house. The living arrangements proposed at 29 Deramore Drive (5 bedrooms, shared bathrooms and shared kitchen and living accommodation) are consistent with a dwelling house used as a HMO.

4.17 The existence of permitted development rights can be a material planning consideration when assessing planning applications. It is particularly pertinent when the 'fall back' permitted development options could lead to development that would

have a more significant impact than that submitted through a planning application. A detached bungalow could typically be extended to the rear by up to 4 metres without the need to apply for planning permission and extensions to the side can also be exempt from planning controls.

4.18 As set out in the report the submitted scheme does have weaknesses in that it removes convenient external access to the rear and the layout does not allow internal access to the rear garden through a communal area. However, it is considered in the light of the property's intact permitted development rights that the harm is not such to justify refusing the application.

4.19 The retention of parking can be controlled by condition which would not be possible if works were undertaken using permitted development rights. In addition, a planning permission can include a condition requiring a Management Plan is submitted to try and ensure that the owner manages the property in a way that helps to reduce conflict with neighbours.

The impact of the enlargement of a HMO on noise and local character.

4.20 It could be envisaged that if an existing small HMO (or family dwelling) were enlarged to increase the number of bedrooms there would be potential for more noise. It is not however considered that this is grounds to refuse this application providing no more than 6 people reside in the property.

4.21 It is also noted that the enlargement would increase the number of people in Badger Hill who live in HMO's. The proposal would not however, reduce the number of remaining 'family' dwellings and as such would not conflict with guidance that seeks to maintain an acceptable balance in terms of the percentage of HMO's in an area.

5.0 CONCLUSION

5.1 The proposal is an enlargement of an existing small HMO and does not conflict with guidance that seeks to avoid the concentration of such uses.

5.2 It is considered that the design of the extension is acceptable in respect to the impact on the appearance of the streetscene and the light, outlook and privacy enjoyed by neighbours.

5.3 The proposal does make a relatively intensive use of the site as a HMO, and there are some concerns regarding the availability of access to the rear garden for cycle storage and for the general amenity of the occupants.

5.4 In considering the acceptability of the proposal it is considered that a pragmatic approach should be taken having regard to permitted development rights that exist to extend the existing HMO. If the proposal were refused the owner could still

extend the property and increase the number of bedrooms. This would likely to be a more contrived scheme that could have a less satisfactory impact on the streetscene and neighbours' amenity. In addition, the Local Planning Authority would have no controls over the retention, or provision of off street car parking.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Revised drawing 249.001 Revision 'A' received by the Local Planning Authority on 17 August. 2015.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The additional car parking shown on the approved plan shall be provided prior to the occupation of the extra approved accommodation and all car parking shown on the approved plan shall thereafter be retained.

Reason: To minimise on street car parking.

4 The additional car parking shall be constructed of a porous material, or water falling on the new surface shall drain onto the existing garden.

Reason: To avoid increasing flood risk

5 Prior to the dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

7.0 INFORMATIVES:

Application Reference Number: 15/01539/FUL

Item No: 4f

Page 7 of 8

Notes to Applicant

1. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Revised drawings submitted to address the provision of car parking.

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