

COMMITTEE REPORT

Date: 5 January 2017 **Ward:** Hull Road
Team: Householder and **Parish:** Hull Road Planning
Small Scale Team Panel

Reference: 16/02576/FUL
Application at: 4 Heathfield Road York YO10 3AE
For: Two storey rear extension, single storey side and rear extensions, hip to gable roof extension and dormer to rear (resubmission)
By: Mr D Rose
Application Type: Full Application
Target Date: 3 January 2017
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application property is a two storey semi-detached property located within a predominantly residential area in the eastern suburbs just to the north of Hull Road.

1.2 This application seeks permission for a two storey rear extension and single storey side and rear extensions, plus hip to gable roof extension and dormer to rear. The existing property is being used as an HMO and the submitted plans show that house has 4 bedrooms. This includes 3 on the first floor and 1 (originally a lounge) on the ground floor. However, it is understood that the small bedroom on the first floor is presently only used for storage purposes. The proposal would result in there being 2 bedrooms at ground floor level, 3 at first floor (with the small bedroom being converted to a bathroom) and a further bedroom in the roofspace; thereby creating a 6 bed HMO.

1.3 Planning permission was refused for extensions to this property in October 2016 (CYC ref: 16/01892/FUL) on the grounds of over-development of the site, the two storey rear/side extension would harm the amenities of the occupants of no.3 Heathfield Road because of its overbearing impact and the two-storey side extension (adjacent to no.3) was considered to be uncharacteristic of this part of the street.

1.4 This current application differs from that which was refused in that the two storey rear/side extension has been reduced to single storey on the side (ie. adjacent to no.3) and has been moved 0.9m closer to the rear boundary with no.5 so that it lies circa 2.1m from this property. The proposed single storey rear extension, as before, comes to within 200mm of this boundary.

1.5 The application is called to sub-committee at the request of Cllr N Barnes because of the high level of objections from residents, the impact on the street setting and the impact on a neighbouring property.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Councillor N Barnes Hull Road Ward Councillor

3.1 Objects on grounds of an overdevelopment of the plot that will adversely impact on a neighbouring property and have a negative impact on the street scene. 50% of the residents of Heathfield Road have written in objection, which is a significant percentage and should be taken into account during the determination of the planning application. There will be much increased potential for greater noise, greater litter produced and also more likelihood of traffic issues. Doubling the number of bedrooms means running the risk of extra parking negatively impacting on the street scene. The extension will be out of the character and setting of these houses, thus having a negative impact on the street scene.

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3.2 No response received to date

Publicity and Neighbour Notifications

3.3 Thirteen letters of objection have been received from local residents. Their concerns can be outlined as follows:

- The extension is still a huge over development. The rear does not sit comfortably with the house and it is not in keeping or in line with other houses.
- Does not address the previous objection that natural sunlight would be completely cut off for no.3 Heathfield Road.
- The gap between the proposed single storey side extension and the green privet hedge is too narrow for cycles and wheelie bins so they will be stored at the front of the house leading to sanitation issues and loss of amenity.
- The narrowness of the street is unsuitable for potential car usage and street parking and would increase the danger to small children and potential for accidents at the junction with Millfield Lane.
- Adding another student accommodation property will increase noise pollution and create a vermin issue due to increased refuse in bins.
- The dormer extension will overlook 34 Millfield Lane enabling the tenants to look directly into its living room, kitchen and rear bedrooms.

- If 4 Heathfield Road were to be registered as a HMO, this would make three of the sixteen properties in the street HMOs. This equates to 18.75% of the street as HMOs, well over the guideline of 10%.
- The plans potentially mean that there could be between 6 and 12 students occupying the premises - with 3 HMO's already in the street and another at no.28 Millfield there could be up to 16 occupants in four houses destroying what used to be a family occupied cul-de-sac, the street already suffers from problems of noise, parties, confrontation and mess
- Proof of HMO status has not been confirmed. Students did not move into 4 Heathfield Road until September/October 2012. HMO status should be examined rigorously.
- Development may lead to sewer blockages in the street as the existing sewer capacity is not able to cope with the increased number of residents in HMOs.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact of the proposed extensions on the character of the host building and area and on the amenities of nearby residents.

POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies at its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. 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 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. 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.

4.4 The Development Control Local Plan 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 The relevant City of York Council Local Plan Policies are H7 'Residential Extensions' and GP1'Design'. Policy H7 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; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.6 Policy GP1 requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 7.1 advises that a basic principle of the guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance.

4.8 Paragraph 12.3 advises that side extensions should normally be subservient to the main house. The ridge height of extensions should be lower than that of the house and the front elevation should be set behind the front building line. In Paragraph 12.8 it outlines that it is often good practice to try and retain a 0.9m gap to the rear garden to ensure that access remains for cycle storage and so forth. In relation to the assessment of single storey rear extensions, Paragraph 13.2 advises that the Council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure.

4.9 Paragraph 13.6 advises that when deciding the acceptable projection of two-storey extensions a starting point will be the '45 degrees rule', which is established by drawing a line on a floor plan from the centre point of the nearest ground floor habitable room window towards the proposed extension. Extensions that project beyond a 45 degrees line will normally be unacceptable unless it can be clearly shown they will not unduly harm the living conditions of the affected property. This rule does not take account of the extension's impact on direct sunlight.

4.10 In Paragraph 14.1 it states that the roof of a building is an important and prominent element of its design. Unsympathetic roof extensions can have a dramatic affect on a building's visual appearance. When integral to a dwelling or located on a steep roof slope dormers can add visual interest and rhythm to a street. However, if poorly located or designed, dormers can make a building appear 'top-heavy', cluttered and harm its balance, or symmetry. Paragraph 14.2 advises that dormers can also detract from the living conditions of neighbours. The loss of privacy can be of concern, particularly where they overlook previously sheltered areas of nearby gardens.

ASSESSMENT

HMO Issues

4.11 This application is not seeking a change of use from a dwellinghouse to an HMO. It is purely an application for extensions to the property and has to be assessed as such. However, as HMO issues have been raised by residents the following provides a background to the HMO position in relation to this property.

4.12 Members will be aware that on 20 April 2012 an Article 4 Direction came into force requiring planning permission for the change of use of dwellinghouses to HMOs within the York urban area. Properties that were already in use as an HMO before this date retained that lawful use and there is no requirement for the owner to seek a change of use or a certificate of lawful existing use. Evidence submitted to the planning enforcement officer in the form of signed tenancy agreements indicates that the property was in use as an HMO prior to the Article 4 Direction coming into force.

4.13 Although the principle of HMO use is not up for consideration in this application, the question still arises what the impact of changing the host building from a 3 bed HMO to a 6 bed HMO would be. It is not considered that there would be grounds to refuse this application on the basis that the change of use would increase comings and goings to a level whereby they would have an unacceptable impact of the amenities of nearby residents or have an adverse impact on the character of the area. It should also be borne in mind that the property could quite easily be changed to a 5 bed HMO without the need for planning permission by using the small first floor storage room as a bedroom and using permitted development rights to enable use of the roofspace.

4.14 With regard to parking, the plan shows 2 parking spaces at the front of the property with a low front wall being removed. The Council's parking standards indicate up to 3 parking spaces for a 6 bed HMO; however, the Council's parking standards are a maximum and were prepared a considerable time ago when HMOs were of a different nature; being more bedsits with some separate facilities rather than households living together and sharing all communal facilities. The proposal includes a 6 space cycle store in the rear garden, which will promote the use of a sustainable transport mode. As a result it is considered that the car parking proposals are satisfactory and it is not considered that a change from a 3 bed HMO to a 6 bed HMO would create vehicular dangers for pedestrians or difficulty of access for emergency/refuse vehicles. The proposed cycle store includes a bin storage section and it is considered that there is adequate provision for this aspect as well. It is not considered that the occasional blocking of drains, referred to by objectors, is likely to be adversely affected by the proposals.

Site Context

4.15 There is currently circa 4m between the side elevations of nos. 3 and 4 Heathfield Road and the eaves of no.4 is slightly higher than the eaves to no.3 (circa 400mm).

4.16 No.3 has a single storey mono pitch roof rear extension that projects circa 3m from its rear elevation. This provides a kitchen/dining/lounge area for the property. There is a part glazed door on the side elevation of no.3 that provides the main entrance to the property. Adjacent to this is a ground floor window, which with the part glazed door provides natural light into the lounge area of the rear extension. Natural light is also available to this rear extension from a pair of full height glazed doors on the rear elevation.

4.17 There is a small opaque glazed window to a toilet area on the side elevation of the rear extension facing no.4 and there is also an opaque glazed window to a bathroom and a landing window at first floor level on the side elevation of no.3.

Residential Amenity

4.18 The previous planning application (16/01892/FUL) included a shadow diagram study to support the application which indicated that although there would be some slight additional loss of light to first floor side windows and ground floor toilet window on the rear extension to no.3, the change in level of light to the ground floor side door and window would be marginal, involving partial shading of the window at midday in March and some slight additional loss of light the door and window at morning in June. The study also indicated that there would be no impact on the garden.

4.19 The applicants have not submitted an updated shadow diagram study with the current submission but in view of the fact that the proposed extension has been decreased in height, where it lies adjacent to no.3, the impact that the proposal would have on reducing the level of the daylight reaching this property can only have diminished.

4.20 In terms of size, scale and massing it is considered that the proposed single storey side extension is acceptable. Being set back 3.6m from the front elevation and projecting only 0.9m out from the side elevation its impact on the streetscene will be marginal. At its highest point it is 3.7m high, this compares with 6.2m in the previous application and it is not considered that it will have an adverse impact on the amenities of the occupants of no.3. A single storey extension of this height and width could be added to the side elevation of the application property under permitted development rights.

It should also be noted that similar single storey side extensions, which come closer to the side boundary with adjacent properties and the front elevation of their host properties than the extension proposed at no.4, already exist at nos.5 and 11 Heathfield Road.

4.21 The two storey rear extension would project 3.1m from the rear elevation of the host property, it would lie circa 4m from the side elevation of no.3 and would have a hipped roof that slopes away from no.3. It would also lie circa 3.4m from the centre point of the rear ground floor window to no.5 and as such it would not breach the '45 degrees rule' referred to in Paragraph 13.6 of the SPD. In these circumstances it is not considered that it would have an overbearing impact on the immediate neighbours on either side (ie. no.3 and no.5). It should also be noted that the rear elevation of no.34 Millfield Lane, whose occupants objected to being overlooked, is circa 30m away from where the rear elevation of the extension would lie so it is not considered that there would be a significant impact on privacy.

4.22 The hip to gable extension will alter the roof profile but this could be undertaken under permitted development rights and the rear dormer has considerable areas of tiles between its bottom edge and the eaves and to both sides and, as a result, sits fairly comfortable within the roofscape. It is not considered that it would cause loss of privacy to neighbours and in general design terms it satisfies the SPD.

4.23 The single storey mono-pitch roof rear extension projects 2.9m from the rear elevation close to the boundary with no.5. It is not considered that it would have any adverse impact on the neighbours.

Side Access and Boundary Hedge

4.24 The submitted plan indicates that the boundary hedge between nos.3 and 4 would be cut back circa 250mm to create a 900mm footpath between the side of the proposed side extension and the boundary with no.3. This would leave sufficient space between to allow movement of bins etc. from front to back and is in line with guidance in the SPD. The applicant is entitled to cut back the hedge where it lies within his ownership. Where the precise boundary lies between nos.3 and 4 and any damage to hedge within the ownership of no.3 is a matter that would need to be resolved under civil law.

5.0 CONCLUSION

5.1 The proposed extensions will respect the general character of the building and area and will not have an unacceptable impact on the amenity of neighbouring residents as such they comply with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

308.001E

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

3 VISQ1 Matching materials

7.0 INFORMATIVES: 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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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