

The Council's Approved Supplementary Planning Document 'Controlling the Concentration of Houses in Multiple Occupation' states (paragraph 5.7) that permission for additional C4 uses will only be granted where less than 10% of properties within 100 metres of street frontage of the site are shared houses. A further HMO would be likely to have a detrimental impact on the character of the area. As such to allow the proposal would be contrary to Development Control Local Plan policy H8: 'Conversions', the city council's "Controlling the Concentration of Houses in Multiple Occupation" Supplementary Planning Document (April 2012) and also paragraph 50 of the National Planning Policy Framework which requires Local Planning Authorities to create sustainable, inclusive and mixed communities.

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 extensions
CYGP1	Design
CYH8	Conversion to flats/HMO/student accom
CYT4	Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

Planning & Environmental Management

3.1 As stated in the Draft HMO SPD, a threshold of 20% of all properties being HMOs across a neighbourhood and 10% at street level have been established as the point at which a community can tip from balanced to unbalanced. At the neighbourhood level there are currently 117 known HMO's out of 878 properties, 13.3%. Within 100m of 8 Pinewood Hill there are currently 2 known HMOs out of 22 properties, 9.09%. As such, in accordance with the provisions of the Draft HMO SPD neighbourhood and street level thresholds have not been breached and further change of use to a HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

EXTERNAL

Hull Road Planning Panel

3.2 Comment that the HMO threshold may already be breached.

Neighbour Notification and Publicity

3.3 Twelve letters of objection have been received from neighbours. A petition opposing the planning application signed by 47 people has also been received.

3.4 The issues raised are as follows:

- The 100m threshold has been breached as there are 3 HMO's within this area rather than the 2 stated by the Council's Planning and Environmental Management Unit. The figure for the estate should also be 13.3%.
- HMO's often create excessive noise and anti-social behaviour and can be poorly maintained.
- Concerns regarding parking problems. Parking has the ability to obstruct access to the adjacent bungalow.
- The property was previously occupied by 2 students and they created concerns regarding anti-social behaviour.
- The proposal will lead to the loss of privacy.
- Will harm property values.
- The property could be occupied by 6 people.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are the principle of development and whether:

- The proposal complies with the HMO threshold standards.
- The dwelling is large enough to be a HMO.
- There is sufficient space for storage and car and cycle parking.
- The proposal will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.
- The change will not harm the streetscene.

4.2 The National Planning Policy Framework 2012 (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.

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 NPPF.

4.5 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft 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 Local Plan 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.

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD 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 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. The specific requirements of the policy are that:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents.
- external alterations would not harm the appearance of the area;

- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

It is considered that the four bedroom size criteria are not applicable to small HMO's as at the time the policy was written there was no small HMO use class (3-6 residents) and a HMO was defined as a property containing 7 or more bedrooms

4.9 A supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' was approved by the Council on 15th April 2012 (and reviewed 2014). The document expands upon policy for assessing applications for new small and large HMO's. The new SPD states that the change of use from dwellings to HMO's will be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.10 Policy T4 sets out cycle parking standards. The Appendix E standard for homes in multiple occupation accommodation is 1 space per bedroom.

4.11 The maximum car parking standard contained in Appendix E of the Local Plan for a proposed 3-6 bed HMO is 3 spaces (i.e. 1 space per 2 bedrooms). The standard for the existing 3 bedroom dwelling is 2 spaces.

Compliance with the HMO threshold standards.

4.12 Some neighbours have expressed concerns in respect to the accuracy of the council's figures regarding the number of HMO's in the neighbourhood and within 100m of the property. No figures have been put forward as an alternative to the 13.3% figure for the neighbourhood.

The neighbourhood calculation includes the Badger Hill estate but also some residential areas north of Hull Road and some rural areas to the south of the estate. As the threshold figure for the neighbourhood is 20% a significant number of unknown HMOs would be required for the target to be breached.

4.13 Some neighbours have stated that the number of HMO's within 100m is 3 rather than 2 and as such the 10% threshold has been breached. The council's information regarding which properties are HMO's has been re-checked and the number of individual properties that fall within a 100m walking distance re-measured. The information available to the council indicates that only two properties within 100m are HMO's (9.09%).

4.14 The details of 3 properties known to be HMO's were submitted by neighbours, however, only 2 fell within the 100m zone. The 100m catchment for number 10 Pinewood Hill (where a change of use was refused) is slightly different than for 8 Pinewood Hill. For data protection reasons the Council does not publish information from Council Tax records indicating which homes in an area are HMO's.

4.15 The method for measuring the 100m catchment is set out on page 12 of the HMO SPD. This methodology has been followed when assessing the application.

4.16 Paragraph 5.7 of the HMO SPD states that the change to a HMO will only be permitted where less than 10% of properties within 100m are HMO's. This implies that if the threshold has been breached a change will be unacceptable. It is not considered to indicate that a change will not be allowed if that change would then take the threshold beyond 10%.

Size of the dwelling

4.17 The HMO use class indicates that a property can be shared by between 3-6 residents. The property can comfortably accommodate over 3 residents. The plans indicate that the owner intends to have three bedrooms upstairs and one bedroom downstairs. The car parking and cycle parking has been laid out on the basis of the home being occupied by 4 people. It is unlikely that the home would be occupied by more than 4 adults without needing to be further extended. It is considered that the intensity of the proposed use is not excessive, even taking account of the relatively quiet location. It is recommended that permitted development rights are removed for further extensions and for the conversion of the garage to living accommodation. This will allow the impact of any future enlargement of the property to be assessed on its merits.

Storage and cycle parking

4.18 Within the garage, space is available for 4 cycles to park and for the storage of bins. It has been conditioned that this is retained. The plans indicate practical

parking for two cars within the front garden. It is noted that there is minimal on-street car parking and as such it is important that this element is addressed. Two parking spaces would meet the maximum parking standard for a four bedroom HMO. The provision and retention of the additional car parking is recommended to be controlled by condition.

Residential amenity

4.19 The extensions to the property are modest in scale and will not have a significant impact on neighbours' living conditions.

4.20 The property is at the head of a quiet cul-de-sac and as such background noise levels are relatively low. It is not considered however, that the occupation of the home on the basis set out by the applicant (with permitted development rights removed for further extensions) would be expected to create noise levels and levels of comings and goings significantly beyond that of a family home. It is noted that noise concerns relating to HMO's set out in the approved SPD relate to the concentration of such uses rather than the impact of individual homes.

Harm to the streetscene.

4.21 The addition of a pitched roof to the garage is typically permitted development. The garage is set back slightly from the front elevation of the house. It is not considered the changes would detract from the character or general openness of the cul-de-sac.

4.22 It is proposed to create off-street parking for 2 to 3 cars by hard surfacing part of the front garden. It will be conditioned that the surfacing is permeable. It is noted that some other properties in the cul-de-sac have created additional parking within their front gardens and it is not considered that the change would appear incongruous in the context, or harm the character of the area.

5.0 CONCLUSION

5.1 The property is located in a neighbourhood where less than 20% of homes are existing HMOs and within a local area where less than 10% of homes within 100m are currently HMOs. Because of the quiet location and constrained on street parking situation the applicant has agreed to the removal of permitted development rights to further extend the property or convert the garage to living accommodation.

5.2 It is considered that the proposal accords with the Council's policies regarding HMOs and subject to the suggested conditions is acceptable in its context.

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: - Proposed elevations 642/2002 dated April 2015, proposed site plan 642/203 dated April 2015 and proposed floor plans 642/201 rev 'c' dated April 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 VISQ1 Matching materials -

4 Notwithstanding the submitted details, prior to the House in Multiple Occupation being occupied, details of the proposed permeable surfacing of the parking area within the site shall be submitted to and approved in writing by the Local Planning Authority. The HMO shall not be occupied until the surfacing has been provided within the site in accordance with the approved details, and it shall be retained as agreed for the parking of vehicles.

Reason: To avoid increasing flood risk and to minimise noise from vehicle movement.

5 The use and development shall be implemented in accordance with the approved plans and thereafter notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no development of the type described in Class A (extensions) or Class B and C (roof addition/alterations) and Class E (outbuildings) of Schedule 2 Part 1 of that Order shall be undertaken at the House in Multiple Occupation without first gaining planning permission.

Reason: In the interests of the amenity of the occupants of the House in Multiple Occupation and neighbouring properties, the Local Planning Authority considers that it should exercise control over the erection of any future extensions and outbuildings that, without this condition, may have been carried out as "permitted development" under the above class of the Town and Country Planning (General Permitted Development) Order 2015.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the area of garage shown on the approved plans for the storage of cycles and bins shall be retained for that purpose.

Reason: To ensure that the property retains adequate storage.

7 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. The Management plan shall relate to the following areas:

- i) Information and advice to occupants
- ii) Garden maintenance
- iii) Car parking and 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: 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 clarify parking provision and bin storage and agreement reached regarding the removal of permitted development rights.

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