

COMMITTEE REPORT

Date: 10 October 2012 **Ward:** Osbaldwick
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 12/02451/FUL
Application at: 19 Farndale Avenue York YO10 3NY
For: Change of use from dwelling (use Class C3) to house of multiple
occupation (use Class C4)
By: Mr Michael Scholey
Application Type: Full Application
Target Date: 20 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a semi-detached house located in a suburban street. The immediate area is made up of a mix of bungalows and two storey dwellings. Across the street from the application property is a take-away restaurant that is advertised as being open till around 10.30pm to 11.00pm most evenings. A small shopping parade is located around 70m to the west.

1.2 The applicant seeks planning permission to convert a three-bedroom single occupancy dwelling house (Use Class C3) into a four-bedroom house in multiple occupation (HMO) (Use Class C4). No external extensions or alterations are proposed. The accommodation is proposed to include three bedrooms on the first floor and one bedroom on the ground floor

1.3 The proposal requires planning permission as the Local Planning Authority introduced an Article 4 Direction in April 2012 removing permitted rights for changes between use classes C3 and C4.

1.4 The application has been brought to Committee at the request of the local Member because of concerns in respect to the impact of HMO's.

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: CYH8 - Conversion to flats/HMO/student accommodation

3.0 CONSULTATIONS

INTERNAL

INTEGRATED STRATEGY UNIT

3.1 19 Farndale Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property the proportion of shared houses is 2.9%. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood area nor street level threshold have been breached and further change of use to 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 should also be undertaken.

EXTERNAL

OSBALDWICK PARISH COUNCIL

3.2 States that it objects strongly to the large number of HMOs within the locality, and supports all objections from neighbours.

NEIGHBOURS

3.3 Objections have been received from the occupants of 15, 17 21 and 23 Farndale Avenue. The following concerns were raised:

- Will lead to an increase in noise.
- The proposal is inappropriate in a location with many pensioners.
- There are already other HMOs in the locality.
- There is inadequate parking for 4 individuals.
- A take-away restaurant is opposite and there is as a result much traffic and parking on the street.
- The dining room will be used as a bedroom - this could create noise in - the ground floor of the attached property (number 21).
- The kitchen window of number 17 overlooks the back door of number 19.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Whether the accommodation is an appropriate standard and has an adverse impact on neighbours.

- Whether the change would lead to an unacceptable concentration of HMOs in a single location.

4.2 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.

4.3 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. Given the introduction of the Article 4 Direction the policy is relevant to the application. 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.

4.4 A supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' was approved by the Council on 15th April 2012. The document expands upon policy for assessing applications for new HMOs. The new SPD states that the change of use from dwellings to HMOs 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.

WHETHER THE ACCOMMODATION IS AN APPROPRIATE STANDARD AND HAS AN ADVERSE IMPACT ON NEIGHBOURS

4.5 The applicant has stated that the property is intended to house up to 4 students. Three of the rooms would be equivalent in size to a double bedroom; however, one is a small box room (approximately 2.1m x 2.0m). Clearly this room is very small; however, it is capable of housing a single bed and basic storage. As the home has a lounge and kitchen for the shared use of the occupants of the house it is not considered that this is unacceptable. It would presumably be the case that if the room were rented the price would reflect the small size of the room.

4.6 It is noted that the first criterion of policy H8 of the Local Plan (conversions) states that a dwelling that is converted to a HMO should have a minimum of 4 bedrooms. This policy was approved at a time that a HMO was classified as a home housing 7 or more non-family members. It is not considered the size criteria is applicable to the post 2010 classification of HMO's (i.e. 3 - 6 people).

4.7 The property has a rear garden suitable for the needs of the property and off-street car parking for at least two cars to the side and rear of the house. There is a garage to the rear that could accommodate cycles.

4.8 The home immediately to the west is a bungalow. The attached property is a two-storey dwelling with a converted roof space incorporating a rear dormer. Neither of the properties are HMOs. There is currently a low boundary between the rear gardens of the properties. It is considered that a higher boundary should be erected along the rear garden boundaries to reduce the impact on neighbours through the more intense use of the property.

4.9 Normally up to 6 people can be accommodated in an approved HMO without planning permission being needed. The home could typically be extended without needing planning permission. As the home has a relatively small garden and future extensions could remove provision for car and cycle parking it is considered reasonable to remove permitted development rights for extensions, roof alterations and outbuildings at the property when in use as a HMO.

WHETHER THE CHANGE WOULD LEAD TO AN UNACCEPTABLE CONCENTRATION OF HMOS IN A SINGLE LOCATION.

4.10 Information from the Council's Integrated Strategy Unit indicates that in the neighbourhood (an area containing between 625-875 households) where the application property is located 3.6% of properties are shared houses. Within 100m of the property the figure is 2.9%.

4.11 Chapter 5 of the recently approved SPD on HMOs states that the change of use from Class C3 to Class C4 will only be permitted where less than 10% of properties within 100m of street length either side of the application property are recorded as shared houses and less than 20% of properties in the neighbourhood are shared houses. The proposal is acceptable when considered against these criteria. It is not considered therefore that approving the proposal will lead to a harmful concentration of HMO uses in the street or neighbourhood.

5.0 CONCLUSION

The Council's figures in respect to the number of existing HMO's in the area indicate that the concentration of HMO's is well below the threshold set out in the approved guidance. The property is intended to house 4 students. It is considered that the house is an appropriate size and adequate off-street car parking is available. It is recommended that the application is approved subject to conditions removing permitted development rights to extend the home and details being submitted for a management plan and an appropriate boundary treatment around the rear garden.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A - E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and ensure adequate access to car and cycle parking the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

3 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.

4 Prior to the use of the property as a House in Multiple Occupation details of the proposed garden boundary treatment around the rear garden of the property shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details prior to the use of the property as a House in Multiple Occupation and shall remain as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To help protect neighbours' living conditions.

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

Plans received by the Local Planning Authority on 29 June 2012.

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

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

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