

COMMITTEE REPORT

Date: 8 November 2012 **Ward:** Clifton
Team: Householder and **Parish:** Clifton Planning Panel
Small Scale Team

Reference: 12/02675/FUL
Application at: 24 Wilberforce Avenue York YO30 6DS
For: Change of use and conversion of existing property to an 8 bed house in multiple occupation (sui generis)
By: Mr & Mrs C Hazel
Application Type: Full Application
Target Date: 5 October 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 Proposal - The application seeks planning permission to create a HMO with 8 bedrooms. There would be three permeable paved car parking spaces to the front of the property, and a bicycle/bin store at ground floor to the side. The rest of the ground floor will comprise a lounge, pantry, kitchen, dining area and store. A large sunroom/study will be located in the rear garden. At first floor there will be six bedrooms and a bathroom. Within the loft space there would be two further bedrooms, a bathroom, and a sitting area.

1.2 This application was called in by Councillor Helen Douglas on 17/09/2012 - the reason cited being over development and insufficient parking.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYH7 -Residential extensions

CYH8 -Conversion to flats/HMO/student accomm

CYGP1 -Design

3.0 CONSULTATIONS

INTERNAL:-

3.1 Integrated Strategy Unit - 21.09.2012 - 24 Wilberforce Avenue falls within a neighbourhood area where 1.9% of properties are shared houses. Within 100m of the property there are 5% shared houses. As such, in accordance with the provisions of the Draft HMO Supplementary Planning Document (SPD) neither the neighbourhood area nor street level threshold has 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. Given that the proposal includes the conversion of the property from 5 bedrooms to 8 bedrooms, the DM Officer should be mindful of the draft SPD paragraph 5.17, particularly bullet point 5, which states that the applicant should demonstrate that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.

3.2 - The Internal Strategy Unit was further consulted informally on 03/10/2012. It does not hold any statistical information in terms of current demand to occupy large HMO's.

3.3 - Building Control - were informally consulted on 11.10.2012, in terms of the external noise mitigation measures submitted. Their view was that the measures met only very 'basic specifications'

EXTERNAL:-

3.4 Clifton Planning Panel - 12.09.2012 - No objections, but the panel recommends a 'suitable management plan'

3.5 Neighbours - no replies received

3.6 Site notice posted 04.09.2012 - no responses received

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Amenity of future occupiers of the property.
- Impact upon the residential amenity of neighbouring properties;

POLICY BACKGROUND

4.2 THE NATIONAL PLANNING POLICY FRAMEWORK states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It also states that local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This will include planning for a mix of housing based on current and future demographic trends and the needs of different groups in the community (paragraph 50).

THE APPLICATION SITE

4.3 No 24 Wilberforce Avenue forms one of a block of three terraced properties. The applicant's agent has stated that the historic configuration of these properties is somewhat unusual. Namely, the two ends of terrace properties (24 and 28) are both 6 bedroom terraced houses, and no 26 is a ground floor flat. The bedrooms of both nos 24 and 28 oversail the flat below. The current existing plan indicates five bedrooms at first floor, but none in the loft space. The proposed scheme incorporates an additional sixth bedroom at first floor, with two bedrooms in the loft space. The site is located a short walking distance from local shops and other amenities, and is also within close proximity of a bus route into the city centre. The location is considered to be sustainable.

AMENITY OF FUTURE OCCUPANTS OF THE SITE

4.4 INTERNAL/EXTERNAL AMENITY SPACE - At ground floor the proposal incorporates a lounge, measuring approx 4.3m x 3.7m. This is open plan leading to a kitchen (approx 4.2m x 4.0m). This is also open plan, leading to a dining area (approx 5.1m x 2.4m). In the rear garden is a sunroom/study (approx 6.5m x 3.6m). Within the attic is a 'sitting area' (approx 6.6m x 2.5m). It is considered that this level of shared amenity space is adequate for the proposed. This compares favourably with a similar application for a 'Large HMO' at 9 Green Dykes Lane ref. 12/02300/FUL, which was refused. The only communal amenity space indicated on that application was a kitchen/dining room and a lounge. In addition, the rear garden of no 24 Wilberforce Avenue is significantly larger than that of no 9 Green Dykes Lane.

4.5 OFF-ROAD PARKING - CYCLE/REFUSE STORAGE - The proposal incorporates three off-road parking spaces to the front of the property. These will be constructed from permeable materials. There is a refuse and cycle store (7.7m x 1.6m) and both these provisions satisfy Highway Network Management.

4.6 BEDROOM SIZES / BATHROOMS - The bedroom sizes are adequate, though relatively modest in scale, varying from between (approx 3.7m x 3.1m) to (3.2m x 2.1m). There will be three bathrooms serving the eight bedrooms.

IMPACT UPON THE AMENITY OF NEIGHBOURING PROPERTIES

4.7 DENSITY OF HMOs - As stated above, the density of shared houses within the application neighbourhood area is 1.9%. This compares favourably with the threshold set out within the SPD 'Controlling the Distribution of HMOs' of 20%. Within 100m of no 24 Wilberforce Avenue the proportion of shared houses in the area is 5%, compared to the threshold in the SPD of 10%.

4.8 SUPPLEMENTARY PLANNING DOCUMENT (SPD)'Controlling the Distribution of HMOs' (APRIL 2012) - Paragraph 5, 17 criterion 5 states 'The increase in the number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.'

4.9 The development of the loft space has created the additional two bedrooms, taking it to eight in total. It would not be unreasonable to expect the eight proposed tenants to arrive and depart the property at different times of the day. However given the original configuration of the three terraced properties, any occupants of the flat (no 26) would be aware that bedroom windows from nos 24 and 28 Wilberforce Avenue would overlook the rear garden of no 26. Further, sound insulation, in terms of the floors of bedrooms 5 and 6 (the original floor/ceiling between the dwellings) may well provide significant insulation from noise.

4.10 In terms of the adjacent property of no 22 Wilberforce Avenue, the bicycle and bin store, which will face onto this neighbour's gable wall, will incorporate acoustic wall panels. Properties on Evelyn Crescent to the rear will be partially screened from the sunroom/study, by an approx 2m high leylandii hedge.

4.11 MANAGEMENT PLAN. The applicant has given a commitment that in the event of consent being granted, the property will be managed by a local recognised management agency "Letters of Distinction" and that it will be instructed only to consider letting to "professional people in full time employment" Additionally, there is a commitment to organise a contractor to provide a regular fortnightly garden maintenance service. It is possible to require, as a condition of any approval, the submission of a management plan, to be agreed in writing by this authority.

5.0 CONCLUSION

5.1 The HMO would be well within the density thresholds as set out in the SPD for controlling HMOs. Subject to conditions, the proposal is considered to be acceptable.

The original layout and configuration of the 2 dwellings and flat at this short terrace result in there being potentially no significant reduction in the levels of amenity currently available by the occupants of these properties, in terms of overlooking or noise disturbance.

5.2 The standard of amenity for the future occupants is considered to be acceptable, and the inclusion of a management plan condition on any permission granted would help to ensure the appropriate maintenance and control of the use of the property.

5.3 In light of the above it is considered that there are no compelling reasons to refuse planning permission.

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:-

257/03 - 257/04 - 257/05 - 257/06 - Received 16th August 2012.

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

3 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved 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: 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 the effect on residential amenity and the impact on the streetscene. As such the proposal complies with Central Government advice contained within the National Planning Policy Framework (March 2012), policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. Note: The applicant should adhere to the principles and commitments set out in the management plan, which formed part of the submitted application.

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