

COMMITTEE REPORT

Team: West Area
Date: 22 June 2006

Ward: Holgate
Parish: No Parish

Reference: 05/02754/FUL
Application at: 28 Garnet Terrace York YO26 4XX
For: Conversion of existing dwelling into 2 no. self-contained flats, demolition of detached store and the provision of detached cycle store in rear yard.
By: Mr K Webb
Application Type: Full Application
Target Date: 31 March 2006

1.0 PROPOSAL

1.1 This application is for the conversion of the existing end of terrace property at 28 Garnet Terrace to create two self-contained flats. A small detached outbuilding would be demolished and a bike shed for the 2 properties would be built on part of the footprint. It is intended that the vehicular crossover and pedestrian access from Upper Hanover Street to the existing rear yard would be retained. The property has a two storey flat roofed extension at the rear of this property that extends across the neighbouring property. The lower flat would be accessed from the rear yard and the upper flat would be accessed from the front of the property.

1.2 The property is situated in a high risk Flood Zone 3. The applicant is therefore required to submit a Flood Risk Assessment that demonstrates that the development would comply with the requirements of the Environment Agency and the Council's Drainage Section. A further set of amended drawings has been received that raise the floor level in the ground floor flat by 400mm.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 3 Flood Zone 3

Floodzone 2 Flood Zone 2 CONF

City Boundary York City Boundary 0001

2.2 Policies:

CYH8
Conversion to flats/HMO/student accom

CYGP1
Design

CYGP15
Protection from flooding

3.0 CONSULTATIONS

3.1 INTERNAL CONSULTATIONS

Highways Network Management- No objections

Environmental Protection Unit- No objections, subject to a condition and informative to protect the amenity of local residents during the construction of the development

Lifelong Leisure and Culture- The applicant would be required to contribute to off-site open space provision if planning permission is to be granted. The sum required would be £152.

Drainage- No objections to the amended drawings

3.3 EXTERNAL CONSULTATIONS/ REPRESENTATIONS

Environment Agency- There were initial objections to the proposal. The agent has advised that the objection has been removed following amended plans that raise the floor level to ensure that the occupants of the lower flat have a dry access/egress during severe flood events. Members will be updated of the Environment Agency's formal response at the meeting.

5 Representations and one petition (12 signatories) have been received from neighbours in the area that raise the following planning issues-

- oversupply of flats and not enough family houses
- increased pressure on street parking
- Inaccurate drawings
- increased noise and disturbance both internally and externally
- loss of privacy from proposed upper lounge, increased use of internal stairway
- unwelcome precedent that would alter the nature of the street and this community
- flooding takes place in the area
- cycle store in proposed location would lead to increased crime

4.0 APPRAISAL

4.1 ADDITIONAL PLANNING POLICY

Policy H9 North Yorkshire County Structure Plan

PPS 1 " Delivering Sustainable Development "

4.2 KEY ISSUES

1. Principle of conversion/ land use
2. Impact on the character of the area/ visual impact
3. Impact on the amenity of the adjacent residents/ future occupiers
4. Highway safety/ cycle parking provision

4.3 The City of York Development Control Local Plan- Incorporating the proposed 4th set of changes) Policy H8 states that permission for the conversion of a dwelling to flats will only be granted where the dwelling has more than four bedrooms when originally built. Policies T4 and T13 require adequate on- site provision for cycle and car parking. North Yorkshire

Structure Plan Policy H9 seeks to maintain and extend residential use in and around town centres.

4.4 The proposal clearly presents a conflict with policy H8 since the existing property had less than four bedrooms when originally built. However in considering an appeal against the refusal of an application for conversion of a house into two flats at 5 Cemetery Road in October 1998, the Inspector concluded that policy H8 was contradictory to policy H9 of the North Yorkshire County Structure Plan, which has a presumption in favour of expansion of residential use in and around town centres. He concluded that as the Structure Plan Policy was adopted and is the Statutory Development plan for the area, and that the Local Plan Policy was an emerging plan, greater weight should be given to Policy H9. Bearing in mind this policy context, a similar application at 1 Berkeley Terrace for the conversion of one dwelling to two flats was judged in terms of its particular impact on adjacent residents and highway safety, and was subsequently approved by this Committee in June 1999. A further appeal was allowed in November 2003 in a similar mid-terraced location at 16 Abbey Street (03/00540/FUL). In this particular case, the Inspector considered that this form of development was in line with government policy as contained in Planning Policy Guidance Note No. 3 " Housing " that supports increased density and would be supported by policy H9 of the Structure Plan. He considered that policy H8 did not carry the weight of policy H9 of the Structure Plan, and that this principle has been accepted in considering similar applications in the inner urban area of York. In this particular case, he did not consider that Policy H8 created an automatic barrier to development, given that the proposed development was in line with PPG3 " Housing." York has experienced a recent trend towards the supply of flats and apartments, but there is no quantitative evidence to support the retention of family sized housing as required in policy H8. It would therefore appear reasonable at this stage to consider the current proposal in terms of its particular impact within the locality rather than purely on the provisions of policy H8. The area is a residential area and the proposed residential use would comply with the general character of the area.

4.5 Many of the objections that have been received relate to the impact that this form of development would have in this area. The initially submitted plans proposed a more visibly intrusive scheme with an extension to the rear and further external alterations. These plans were submitted in error and the correct plans propose no external alterations to the dwelling house apart from the provision of a bike store on the site of a detached outbuilding. There would be an increase in domestic activity as a result of the intensification of residential use, but is considered that this would not be excessive. The scale, siting and design of the proposed bike store would be acceptable.

4.6 The proposal would involve the creation of two self -contained flats with separate entrances in this end- terraced property. The rear yard area would be shared, with a cycle store provided for two cycles. Members are advised that a similar development was approved at the West Planning Sub- Committee on February 2003 at 12 Garnet Street. This conversion into 2 flats, involved rear extensions, and is 4 doors away from the applicant's property in a mid-terrace position. It would be expected that two party walls might allow for greater impact on the occupants of the adjacent properties.

4.7 The occupier of the adjacent property has expressed concerns about the impact that the upstairs kitchen would have on the adjacent bedroom and the proposed noise that would emanate from the increased use of the stairway. No objections have been received from the Council's Environmental Regulation Section in relation to this impact. The internal party wall between this property and that adjoining is likely to be relatively thick given the age of the building. It is unlikely and would be unduly cautious to assume that one person living alone

would regularly make a lot of noise in the living area at a time when the next door neighbour is trying to get to sleep. The proposed internal layout shows that there would be little scope to place furniture/ televisions against this party wall as the proposed staircase would abut the party wall. It is also considered that the use of the building as 2 small one bed roomed flats would not necessarily result in materially more noise nuisance for the neighbours than the original three bedroomed house. In order to provide a reasonable level of amenity for any future occupiers of the proposed development, details of sound attenuation measures could be required as a condition of any approval to ensure adequate insulation between ground and first floor flats. The conversion retains a small area within the rear yard which could be utilised for private amenity space and bin storage. It is felt that an adequate level of residential amenity would be provided for the occupants of the flats.

4.8 The development would meet the required cycle parking standard and there would be no adverse impact on highway safety as the car parking requirement would be similar.

4.9 The proposed development would result in 2 one-bedroomed units being formed from 1 two bedroomed unit, with no net increase in the number of bedrooms being created. As the Council's draft supplementary guidance on the provision of open space associated with new developments is based on the number of bedrooms that would be created and there would be no increase in the number of bedrooms as a result of the development, it is considered that no commuted payment for this provision would be required if Committee are minded to approve the application.

5.0 CONCLUSION

5.1 On balance, it is considered that the proposal would not harm the locality and any permission could be effectively conditioned to ensure that the living conditions of the adjacent and future users would not be materially harmed. Although the proposal conflicts with policy H8 of the Draft Local Plan, there appear to be no other sustainable reasons to resist the application. Further, it has previously been established that the Statutory Development Plan, in the form of Structure Plan Policy H9 which encourages conversion of existing property, carries more weight than the local plan policy. This principle has been accepted in considering similar applications in the area and in similar locations in the inner urban area of York.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Revised plans KW/1 and KW/2, received 21.3.2006

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 NOISE1 Agree sound insulation

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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policy H9 of the North Yorkshire County Structure Plan, Policy GP1 of the City of York Development Control Local Plan- Incorporating the proposed 4th set of changes; national planning guidance contained in Planning Policy Guidance Note No 3 " Housing, " Planning Policy Statement 1 " Delivering Sustainable Development ."

2. PARTY WALL etc ACT

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the Department for Communities and Local Government, alternatively it is available on the ODPM website:
<http://www.safety.odpm.gov.uk/bregs/walls.htm>.

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