

COMMITTEE TO VISIT

Date: 4 July 2019 **Ward:** Osbaldwick And Derwent
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 18/02806/FUL
Application at: 25 Bedale Avenue Osbaldwick York YO10 3NG
For: Two storey rear extension, single storey side and rear extensions, hip to gable roof extension with rear dormer and detached cycle and bin store to rear in connection with existing use as a House in Multiple Occupation.
By: Mr Sullivan
Application Type: Full Application
Target Date: 9 July 2019
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 to the north of Hull Road.

1.2 This application seeks permission for a two storey rear extension, single storey side and rear extensions, hip to gable roof extension with rear dormer and detached cycle and bin store to rear in connection with the existing HMO use. The proposal would increase the number of bedrooms from 4 to 6.

1.3 A certificate of lawfulness for use as a house in multiple occupation was granted for the property in 2012 (LPA ref: 12/03401/CLU).

1.4 This application has been called in by Councillor Warters for consideration by the planning committee on the following grounds:

- Gross overdevelopment of the property leading to concerns over the street-scene and neighbour amenity.
- Potential over occupancy of the property leading to concerns over car parking, waste disposal and increased noise and disturbance.
- Concern that the establishment of a HMO 'superhome' will ensure that the property can not and will not be returned to the domestic family home market in the future.

2.0 POLICY CONTEXT

2.1 Policies:

City of York Publication Draft Local Plan 2018

Policy D1 Placemaking
Policy D11 Extensions and Alterations

City of York Council Development Control Local Plan 2005

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

EXTERNAL

Osballdwick Parish Council

3.1 Object most strongly to the extensions, the property has operated (as an HMO) for a number of years with little adverse effects on neighbours. The proposals represent a gross overdevelopment of the property, detrimental to the streetscene and surrounding neighbours and introducing a level of potential occupancy that will undoubtedly cause problems in terms of car parking, waste storage/disposal and the added potential for noise and disturbance from the comings and goings of occupants.

3.2 The Parish Council have enough experience of the detrimental effects of such 'super sized' HMOs throughout Osballdwick to not want to see any more. Given the CYC position on provision of private student flat accommodation on prime private sites in this area of York, namely that approving such provision leads to release of family homes back from the student let market to residential use (although that position is factually unproven) the Parish Council question how approving such disproportionate extensions onto family homes assists this aim in the future. Allowing extensions to create 'superhomes' puts the future use beyond family residential purchasing power and ensures the continual student let HMO use

Neighbour Notification and Publicity

3.3 Two residents have submitted objections:

- Six occupants with visitors will cause an unacceptable level of parking and safety issues; there are not many spaces on the road which are free to park without blocking drives
- No.27 is on a corner plot, vehicles parking on the verge or at the side will cause a blind spot

- Bedale Avenue is a preferred route for learner drivers and the road around nos.4 and 12 is narrow
- Will devalue property
- The party wall is not thick – if there is a fan in the bathroom it will hum and vibrate - More occupants will increase noise – have had to complain about noise in the early hours on some occasions - The guttering on the rear extension should not overhang my boundary (*Occupant of adjoining property - no.27 Bedale Avenue*)
- The extension would extend to half the length of the existing house – as the sun comes round from that direction it would impede light into my garden and house particularly in winter, would seriously affect my quality of life (*Occupant of adjacent property to the north - no.23 Bedale Avenue*)
- Will only be disruption from such a large household, noise, litter, refuse bins and vermin will be an issue
- The number of resident and visitors will create a parking problem – I already struggle to get my car out of the drive
- Osbaldwick has too many students

4.0 APPRAISAL

KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character of the host building and surrounding townscape and the amenities of nearby residents.

POLICY CONTEXT

National Planning Policy Framework

4.3 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.5 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

Local Plan Policies

City of York Publication Draft Local Plan 2018

4.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.7 Policy D1: Placemaking advises that designs should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. Policy D11: Extensions and Alterations is relevant and advises that development proposals will be supported where, inter alia, they respond positively to the immediate architectural context, local character and history in terms of the use of materials and detailing, scale and proportion, landscape design and the space between buildings and protect the amenity of current and neighbouring occupiers.

City of York Council Development Control Local Plan 2005

4.8 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 very limited except where in accordance with the content of the NPPF. It is considered that the following policies/criteria are relevant:

- 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.

- Policy GP1a) requires development proposals to respect or enhance the local environment and GP1b) requires them to be of a design that is compatible with neighbouring buildings and the character of the area.
- Policy GP4a i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling.
- Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

Supplementary Planning Document (SPD) for House Extensions and Alterations

4.9 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.

4.10 Paragraph 7.1 advises that a basic principle 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.

4.11 Paragraph 7.4 outlines principles to follow to help ensure that character and streetscene criteria are met, including:

- a) The siting of an extension should not be detrimental to the pattern of buildings and the spacing between them.
- b) Extensions should normally appear subservient to, yet in keeping with, the original building.
- c) Extensions should respect the architectural period, style and detailing of the existing dwelling and the area.
- f) Extensions to dwellings should generally have a roof pitch and/or style that reflects that of the existing house.

4.12 Paragraph 8.1 advises that a site should retain adequate access, parking and turning facilities for vehicles, including secure storage for cycles. Paragraph 8.3 advises that regard should be given to the storage of bins and recycling boxes.

4.13 Paragraph 8.4 advises that where a property is reliant on access to the rear garden for the storage of cycles a minimum gap of 0.9m will normally be required between the extension and the side boundary.

4.14 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.

ASSESSMENT

Principle of Expansion of HMO Use

4.15 Members will be aware that the Council has an SPD for controlling the concentration of HMOs. Although it does not apply to this application, because there is no change of use of a dwellinghouse to an HMO involved, for information, the SPD assists in that it provides guidance on whether the number of HMOs in an area can be said to causing problems and tipping the community from balanced to unbalanced. The SPD identifies this point as when 20% of all properties across a neighbourhood and 10% at street level are HMOs.

4.16 In this respect the HMO percentages for 25 Bedale Avenue (including the application property) are 7.5% at street level and 9.56% at neighbourhood level; i.e. both well below the thresholds in the SPD. In the light of this and the Council's own guidance on when an area can be said to be suffering from the impacts of an HMO concentration, it is considered it would be very difficult to justify that slightly increasing the number of occupants in the property would have an adverse impact on the community and, indeed, the LPA has lost the argument on just this point in recent appeals [i.e. 34 Deramore Drive, March 2018 (increase of two bedrooms) and 36 Vanbrugh Drive, October 2018 (increase of 1 bedroom)].

4.17 It should also be noted that as HMO use of the property has already been authorised by a certificate of lawfulness, it could be occupied by up to 6 persons without the need for planning permission to be obtained, subject to any extensions involved benefitting from permitted development rights.

4.18 This does not negate, however, the need for an assessment as to whether that the scheme satisfies operational requirements in respect of car/cycle parking and refuse storage provision.

Car Parking, Cycle Parking and Bin Storage

4.19 In terms of car parking the Council's parking standards seek up to 3 parking spaces for a 6 bed HMO. In this respect the front curtilage has already been fully hard-surfaced as a parking area and the submitted plan shows it can accommodate 3 car parking spaces at the front of the property and leave a 0.9m gap to move bikes and bins between the front and rear. The plan also indicates that a bin store and cycle store for 6 bikes would be provided in the rear curtilage.

4.20 The car parking spaces are shown as 2.4m wide by 4.8m long, which are the prescribed dimensions for a standard car parking space in the Council's Highway Design Guide. The Guide outlines that an appropriate parking space for a household plot (i.e. including an HMO) can be up to 6m long by 3.6m wide to allow ease of access, ease of movement for getting things in and out of the boot, maintenance, working areas, etc. and officers normally look to secure this larger size of parking space for an HMO when it is in a location where there is an existing on-street car parking problem. However, there does not appear to be a significant on-street parking problem in the location and Highway Network Management has no complaints on record about there being such a problem.

4.21 In this respect it should be noted that the Council's parking standards are a maximum and each development proposal has to be assessed in accordance with site conditions. It should also be remembered that the Council's parking standards do not require off street provision for visitors. In view of this it is not considered that the Council's usual requirement for 3 larger off street car parking spaces can be rigidly applied in this particular application, as it is not considered that the potential for the occasional or even regular parking of 1 tenant's car on the street would be grounds for refusal.

4.22 Further points to take into account in respect of satisfying facility provision requirements are that the proposal includes a 6 space cycle store in the rear garden, which will promote the use of a sustainable transport mode, and the proposed bin storage facility is also considered to be acceptable.

Proposed Extensions

4.23 The proposed single storey side extension would sit 3.6m off the main side elevation of no.23 (the adjacent property) and would project 4.3m beyond the rear elevation of the host property and no.23. No.23 has a side garage extension between itself and no.25 and there is a circa 1.8m high timber fence along the rear boundary between the two properties. The extension would sit to the south of no.23 but as it is only single storey it is not considered that it would have an adverse impact on the amenity of these neighbours either in terms of bulk or impact on natural light. Nor would it impact adversely on neighbours to the other side or the rear.

4.24 The two storey element of the proposed rear extension is 3m long and would sit 4.8m off the side elevation of no.23 and 3m off the shared rear boundary with no.27 (the adjoining semi). This element would obviously have a greater visual impact than the proposed single storey side extension, it would, however, be almost 5m off the side elevation of no.23 and it is not considered it would over-dominate this adjacent property. It should also be noted that this part of the proposal would not be in conflict with '45 degree rule' (SPD Paragraph 13.6) and as it would lie to the north of no.27 it would not erode natural light to this adjoining semi and it is not considered it would impact adversely on these neighbours or, indeed, others to the rear.

4.25 There is a 2m high brick wall on the shared boundary between nos.25 and 27 and the single storey element of the proposed rear extension would abut this boundary and project 3m beyond the rear elevation of both properties. As originally submitted this element of the proposals had a mono-pitch roof which was 2.5m high to eaves rising to 3.8m high where the roof met the rear elevation. Officers felt this could have an adverse impact on the outlook from the rear of no.27 and requested a reduction in the height of the roof. An amended plan was submitted which incorporates a hipped roof that slopes upwards away from no.27 and officers consider that this is now acceptable.

Daylight and Sunlight

4.26 In terms of the impact on natural light reaching no.23 a Daylight and Sunlight Study has been submitted by the applicants. This uses tests outlined in the Building Research Establishment (BRE) Guide 'Site Layout Planning for Daylight and Sunlight: a good guide to practice 2011'. The Study advises that the proposed development would have a low impact on the light received by 23 Bedale Avenue and that all of the relevant windows and the rear garden pass the test for daylight and sunlight availability.

5.0 CONCLUSION

5.1 The proposed extensions will respect the general character of the building and area and will have no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy. They are considered to be acceptable and 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).

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6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

446.001C and 446.003

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 The extensions hereby approved shall not be brought into use for a House in Multiple Occupation purposes until the areas and facilities shown on the approved plans for parking of cycles and storage of bins have been constructed in accordance with the approved plans, and such facilities areas shall thereafter be retained solely for such purposes.

Reason: In the interests of highway safety, the promotion of the use of sustainable modes of transport and proper management of refuse

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 (paragraph 38) 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.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The Council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority

to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

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