

COMMITTEE REPORT

Date: 7 November 2019 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish
Council
Reference: 19/01837/FUL
Application at: 25 Bedale Avenue Osbaldwick York YO10 3NG
For: Single storey side and rear extension with rear dormer to house
in multiple occupation
By: Mr Sullivan
Application Type: Full Application
Target Date: 14 November 2019
Recommendation: Approve

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 single storey side and rear extension with rear dormer in connection with the existing HMO use. The proposal would increase the number of bedrooms from 4 to 6.

Planning History

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

1.4 Planning 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 (increasing the number of bedrooms from 4 to 6) was refused at sub-committee in July 2019 (18/02806/FUL) on the grounds that the combination of one and two storey extensions, hip to gable roof extension and large dormer would appear as awkward, over-dominant and incongruous additions and the two storey rear extension would have an overbearing and adverse impact and the amenities and outlook of the occupants of no.23 Bedale Avenue. The applicant has made an appeal to the Secretary of State

Committee Call In

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

- a) Concerns regarding over occupancy of the property and associated impacts of potentially six separate living units on parking provision, waste disposal and storage arrangements and increased noise and disturbance.
- b) Concerns over internal layout not being suitable for the amenity of future occupants nor conducive to the property ever being returned to domestic family occupation.
- c) Concerns over impact of extensions on neighbouring properties

2.0 POLICY CONTEXT

City of York Publication Draft Local Plan 2018

D11- Extensions and Alterations

City of York Council Development Control Local Plan 2005

GP1 - Design

H7 - Residential extensions

3.0 CONSULTATIONS

INTERNAL

Flood Risk Management Team

3.1 The proposed development represents an extension/increase to the existing property in the region of approximately 33sqm over an area of hard paved driveway/patio and therefore with no/little increase in impermeable area and therefore the Flood Risk Management Team has no objections but if planning permission is granted and in light of the comments made by the Foss (2008) Internal Drainage Board (see pp.4.6 below) an informative can be attached to a decision to encourage the use of sustainable drainage methods to minimise the slight increase in surface water run-off.

EXTERNAL

Osbalwick Parish Council

3.2 The Parish Council object most strongly to the proposals involving the over occupation of the property with the proposed increase from 4 to 6 bedrooms, this

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HMO has operated for some time with few adverse effects on the surrounding neighbourhood, this increase in numbers can only lead to an increased level of noise and disturbance, increased issues over rubbish disposal and car parking for the neighbourhood. Attention is drawn to recent appeal decisions and inspectors comments regarding such issues and in particular the acceptance that increased numbers of occupants living as independent households can produce significant adverse effects to neighbourhoods (33 Hadrian Av. APP/C2741/4/12/2182758)

Foss Internal Drainage Board

3.3 The proposal appears to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site. It advises surface water arising from the developed site should be managed in a sustainable manner and that development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for.

4.0 REPRESENTATIONS

4.1 Two letters were received making the following material planning comments

- a) Six no. separate living units amounts to over occupancy, with extra noise, comings and goings, disturbance at unsocial hours and extra rubbish and traffic.
- b) The drive is not viable for 3 cars so will cause overflow onto the road, potentially affecting our access and particularly access of service vehicles.
- c) The dormer will invade privacy.
- d) The outside bin store against the fence will result in smell, noise, disturbance and the attraction of rodents especially because there will be the rubbish of 6 individuals.
- e) Not a peaceful, tidy environment anymore

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the character and appearance of the building and amenities of neighbours.

LEGISLATIVE BACKGROUND

5.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

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POLICY CONTEXT

National Planning Policy Framework

5.3 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.

5.4 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.

5.5 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

5.6 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).

5.8 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications and 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

5.9 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 content of the NPPF. 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 GP1 requires development proposals to respect or enhance the local environment; and requires them to be of a design that is compatible with neighbouring buildings and the character of the area. Policy GP4 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.

City of York Council Supplementary Planning Document (SPD) for House Extensions and Alterations 2012

5.10 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. 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.

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

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- 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.

5.12 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.

5.13 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.

ASSESSMENT

Principle of Expansion of HMO Use

5.14 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 house to an HMO involved, the SPD assists the consideration 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.

5.15 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; both 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 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 [34 Deramore Drive, March 2018 (increase of two bedrooms) and 36 Vanbrugh Drive, October 2018 (increase of 1 bedroom)]. The appeal decision that Osbaldwick Parish Council refer to related to HMO percentages that were significantly higher than those for Bedale Avenue.

5.16 An important point to note is that this application proposes the same increase of two additional bedrooms that application 18/02806/FUL proposed but the reasons for refusal for this previous application did not include adverse impact on the community, including issues of noise or disturbance, as a result of the proposed expansion.

5.17 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.

Car Parking, Cycle Parking and Bin Storage

5.18 In terms of car parking the Council's parking standards are for a maximum of 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.

5.19 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 planning 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 Network Management has no complaints on record about there being such a problem.

5.20 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.

5.21 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.

5.22 It should also be noted that the car, cycle and bin storage provision in this current scheme is the same as that which was proposed for 18/02806/FUL scheme and the reasons for this previous refusal did not include grounds relating to these issues.

Extensions

5.23 A key consideration in the assessment of this application is how does it differ in terms of scale and form from that which was refused by the planning committee in July 2019 and how does it relate to the reasons given for that refusal.

5.24 In this respect the main difference is that the first floor rear extension has been removed from the proposals. The rear dormer remains but the applicants can construct this under their permitted development rights.

5.25 The side part of single storey extension is shorter than the previous one (i.e. 7.7m as opposed to 11.7m) and does not project as far from the rear elevation (i.e. 3.6m as opposed to 4.3m). It is higher for part of its length than the previous scheme (i.e. 3.8m as opposed to 3.2m) as a result of it presenting a gable to the side boundary rather than mono-pitch roof. However, the main issue in terms of impact on no.23 Bedale Avenue (i.e. in terms of this latest scheme compared to the previous scheme) is that the first floor rear extension has been removed, and it is not considered that the slight increase in height of the side extension and the slightly closer proximity of the roof element to the shared side boundary would constitute grounds for refusal.

5.26 The scheme is also slightly different in terms of its relationship to 27 Bedale Avenue in that the rear extension is 3.6m long as opposed to the previous 3m long where it abuts the shared boundary. The roof is also a mono-pitch rather than a hipped roof and is 3.8m high. It is noted that a single storey rear extension could be built to 4m in height under PD rights. There is a 2m high brick wall on the shared boundary between nos.25 and 27. It is not considered that the impact on neighbouring amenity would be unacceptable.

5.27 With regards to the objections from the occupants of 16 Wydale Road concerning the rear dormer, the submitted plan is annotated to the effect that the rear dormer has been confirmed as being permitted development, and this is a key consideration in terms of impact on privacy of neighbours. It should be noted that it would lie circa 26m from the rear elevation of no.16 Wydale Road (i.e. beyond the 21m separation guideline in the Householder SPD) and it would also be circa 14m

from the rear boundary of no.16 Wydale Road, which is a distance that is considered to be acceptable in privacy terms for amenity spaces.

5.28 In terms of the bin/cycle store it is not considered that it would have an adverse impact on the amenity of neighbours or that the application could be refused for this aspect.

5.29 It is also not considered that the internal layout would have an adverse impact on the amenity of future occupants nor is it considered that it would prevent the property being returned to domestic family occupation.

5.30 In addition as the first floor rear extension is now omitted from the scheme, with the resultant reduction in scale and mass, it is considered that the proposals would no longer appear as awkward, over-dominant and incongruous additions.

Drainage

5.31 With regards to drainage issues, the comments of the IDB are noted but the Council's Flood Risk Management Team has no objections and advises that as the proposal represents little increase in impermeable area over hard paved driveway/patio, it would be sufficient to attach an informative to encourage the use of sustainable drainage methods to minimise the slight increase in surface water run-off.

6.0 CONCLUSION

6.1 It is considered that the proposals are acceptable in terms of appearance and that there will be no adverse impact on the amenity of nearby occupants. As such it is considered that they satisfy national guidance in the NPPF and local policies in the Publication Draft Local Plan 2018 and Development Control Local Plan 2005, and are acceptable.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

446-002

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

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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

8.0 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

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the Council website for further details, associated fees and the application form.

3. SURFACE WATER DRAINAGE

The Foss (2008) Internal Drainage Board have indicated that the local watercourses are already at full capacity, and that even small increases in surface water run-off can exacerbate the situation. For this reason, the applicant should, where practical, seek to use sustainable drainage methods at the property, in order to reduce the rate of surface water run-off into the local watercourses. Examples include the installation of water butts (rainwater harvesting), use of green roofs, removal of existing areas of hardstanding or the use of porous materials for new areas of hard surfacing.

Contact details:

Case Officer: David Johnson

Tel No: 01904 551665