

## COMMITTEE REPORT

**Date:** 13 October 2022      **Ward:** Osbaldwick And Derwent

**Team:** East Area      **Parish:** Osbaldwick Parish  
Council

**Reference:** 22/00611/FUL

**Application at:** 36 Farndale Avenue York YO10 3NH

**For:** Two storey side and single storey rear extensions, dormer to rear, bin and bicycle storage structure to side. Demolition of garage.

**By:** Mr T Seccombe

**Application Type:** Full Application

**Target Date:** 31 July 2022

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is a semi-detached dwelling located within the Osbaldwick area of York. The dwelling is located on a corner plot, with the principal elevation facing Farndale Avenue and Bedale Avenue running along the eastern boundary of the site. The dwelling is currently occupied as a House in Multiple Occupation (HMO).

1.2 The applicant seeks consent for two storey extension to the side of the dwelling, a single storey extension to the rear of the dwelling and a dormer window to the rear elevation roof. The resulting dwelling would remain in use as an HMO.

1.3 The application has been called-in to Committee by Cllr Walters on the following grounds: i) increase in levels of noise and disturbances for surrounding residents; ii) increased pressure on parking; iii) issues with waste disposal and presentation of the site; iv) the development would restrict the ability of it to be converted back to a family home.

### 2.0 POLICY CONTEXT

Draft Development Control Local Plan (2005)

GP1 - Design

H7 – Residential extensions

## Emerging Local Plan (Submission Draft 2018)

D11 – Extensions and alterations to existing buildings

### **3.0 CONSULTATIONS**

EXTERNAL

Osboldwick Parish Council

3.1 Object: Overdevelopment of the site, parking issues on the highway, noise and disturbance.

Internal Drainage Board

3.2 The site is within the district of the FIDB and the appropriate consent should be sought for new/altered arrangements to foul and surface water connections.

### **4.0 REPRESENTATIONS**

Neighbour Notification/Publicity

4.1 Five representations received raising the following objections:

- Noise from student housing.
- Noise from building works.
- Impacts on parking and damage to grass verges as a result.
- Loss of traditional family home when there is already too many HMOs.
- Resulting house will be hard to occupy as a family home after the development occurs.

### **5.0 APPRAISAL**

PLANNING POLICIES

National Planning Policy Framework 2021 (NPPF)

5.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan or, where there are no relevant development plan policies,

granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2 In particular Paragraph 38 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further references the importance of good design and also ensuring a high standard of amenity for both existing and future users. In addition this emphasis on positive design is supported by Part 12 of the NPPF; Achieving well designed places.

#### Publication Draft York Local Plan 2018 ('2018 Draft Plan')

5.3 The policies contained within the 2018 Draft Plan can be offered some weight depending on the stage of preparation at which the plan is at; the extent to which there are unresolved objections to relevant policies; and the degree of consistency relevant policies have with the NPPF.

#### York Development Control Draft Local Plan 2005 (DCLP)

5.4 This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF.

#### Supplementary Planning Documents (SPDs)

5.5 The approved House Extensions and Alterations SPD (dated 2012) provides design and amenity guidance on householder applications and is a material consideration in decision-making.

### KEY ISSUES

5.6 The key material considerations to be assessed will be the impact on residential amenity, the design of the development and parking issues. The principle of the development and the established use of the site as an HMO will also be discussed below.

## Existing HMO use

5.7 The applicant has provided signed tenancy agreements dating back to 2011-12 indicating that the site has been in long term use as an HMO and this use pre-dated the Article 4 direction which came into effect on the 20 April 2012. The dwelling currently has three bedrooms and whilst the proposal would result in an increase in the number of occupants, it should remain in the C4 use class. Based on the information provided it is considered that on the balance of probabilities the use of the site as a small HMO is likely to be lawful and this application does not include a material change of use that would require planning permission at this location.

## Residential amenity

5.8 Concern has been raised by objectors in regards to the impact that the proposed development would have on the residents who live in the vicinity of the site. It is accepted that the principle of an HMO at the site is well established, however the proposal would result in an increase in the size of the dwelling and careful consideration must be given that the site can support such a development without significant adverse impacts on the amenity of neighbouring properties.

5.9 The application site is a corner plot and so there are no direct neighbours to the side where the two-storey side extension is proposed. The rear extension is single storey and protrudes from the original rear elevation of the dwelling by approximately 2.5m and has a pitched roof. The size and positioning of both of these extensions means that they will not lead to a significant overshadowing or overbearing impact to the adjoining semi-detached property, or to the nearest residential properties to the rear, side or front of the site.

5.10 The plans submitted also show a rear dormer window, this would face the side elevation of 10 Bedale Avenue. This property has a dormer window which faces the rear of the application site. The distance between the two dormer windows would be about 10m, the proposed dormer would serve a bedroom and a bathroom. There may be sense of overlooking between these two windows. The dormer at no.10 Bedale Avenue is a later addition to its roof built under permitted development rights. The SPD states that less weight will be given to protecting outlook where a side window is inserted in an existing house. A dormer window could be built under permitted development rights if constructed in isolation.

5.11 The plans include the erection of a bin store and dedicated cycle storage which is located in a structure on the side of the dwelling, this provides adequate storage for this equipment and should help to ensure a tidy appearance and avoid residential paraphernalia cluttering the frontage.

5.12 The dwelling would have 6 bedrooms and while this is a large dwelling it is not out of character for the area. Although some concern has been raised in regards to potential noise from students or occupiers of the HMO the potential for out of the ordinary noise or anti-social behaviour any future anti-social behaviour issues would be able to be pursued through other mechanisms. A small HMO in this area is not in itself inappropriate.

### Design and visual amenity

5.13 The proposed side extension includes a set back and reduced ridge which is in accordance with the guidance provided by the Council's Residential Extensions Design Guide SPD. The side extension projects to the side by approximately 2.8m and this places it in line with the front elevations of the properties on Bedale Avenue. As a result the side extension will not break from the building line that is present on this street and will not project out in a manner that is out of character. The overall size and scale of the side extension is appropriate. The single storey rear extension is 2.5m in length and is not excessive in height. The two extensions in addition to the dormer window result in a larger dwelling, but all clearly have the appearance of extensions and do not dominate or detract from the original dwelling.

5.14 A cycle store and bin store is also proposed to the side elevation. This will project out slightly towards the highway in front of the building line on Bedale Avenue, but its low height and limited size means that this will not significantly disrupt the building line or the street scene. The distance to the highway from this cycle and bin store is also approximately the same as the double garage on 35 Farndale Avenue which sits on the opposite corner plot. The bin and bicycle store should ensure that these items are stored securely and largely out of view.

5.15 Matching brickwork and roof tiles are proposed and this will ensure a satisfactory appearance that is in keeping with the original dwelling and the surrounding area

### Parking and highway safety

5.16 The applicant has noted on the submitted plans that permission has been granted to widen the dropped kerb that serves the driveway. The plans provided then show that the front driveway is capable of providing parking for 3 vehicles. This would be in accordance with parking guidance. Although turning circles have not been provided from the plans provided it appears that the 3 vehicles would be able to enter and exit independently. There are no other significant highway safety concerns.

## **6.0 CONCLUSION**

6.1 Having assessed the proposed development, all material considerations and all representations received, the proposed extensions to the dwelling are deemed to represent an appropriate form of development that will not result in significant harm to the amenity of nearby residents and that includes an acceptable design.

## **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 plans:-

Site Location Plan, Site Plan, Proposed Elevations and Floor Plans - 644.002 Rev E, received on 20.09.2022

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 bin and bicycle storage structure shown on the approved plans shall be erected prior to the first occupation of the hereby approved extension and shall thereafter be retained as approved and used only for storage of bins and bicycles.

Reason: To ensure the site has adequate facilities for bin and bicycle storage.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

Application Reference Number: 22/00611/FUL

Item No: 4d

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Relocation of bin/bicycle store; Set-back and reduced ridge to side extension;  
Confirmation of HMO use; Parking details on plan.

## 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](mailto: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.

### **Contact details:**

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