

## COMMITTEE REPORT

**Date:** 10 November 2022      **Ward:** Hull Road  
**Team:** East Area                      **Parish:** Hull Road Planning Panel

**Reference:** 22/00513/FUL  
**Application at:** 6 Garrow Hill Avenue York YO10 3HY  
**For:** Single storey side and rear extension with bin store to rear  
**By:** Ms. Nejla Aslan  
**Application Type:** Full Application  
**Target Date:** 2 September 2022  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

1.1 This application, as amended, seeks permission for the erection of a single storey extension to the side and rear of a two-storey semi-detached dwelling on Garrow Hill Avenue, close to Hull Road. The host dwelling is the end property of a block of four attached houses. The wider area is characterised by similar blocks of a uniform design.

1.2 This application has been called in by Cllr. Pavlovic for consideration by the planning committee, on the grounds of overdevelopment of the site out of character with the street scene and the potential use of the dwelling as a House in Multiple Occupation (HMO).

#### Property History

1.3 App. ref. 08/00454/FUL – Erection of two storey pitched roof building to form ground and first floor apartments – refused 22nd April 2008.

### 2.0 POLICY CONTEXT

#### 2018 Draft Local Plan

## D11 – Extensions and Alterations to Existing Buildings

2.1 The Publication Draft Local Plan 2018 for the City of York ('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 conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

### 2005 Development Control Local Plan

#### H7 – Residential Extensions

2.2 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. For decision making, its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

## **3.0 CONSULTATIONS**

### Hull Road Planning Panel

3.1 No response.

### Ouse & Derwent Internal Drainage Board

3.2 The Board has assets in the wider area. These watercourses are known to be subject to high flows during storm events. The Board commented on the application, setting out their guidelines for any increase in surface water discharge as a result of the proposed works, and where their consent would be required.

## **4.0 REPRESENTATIONS**

## Neighbour notification

4.1 The application was advertised by neighbour notification letter on 2no. occasions, the second consultation period following amendments to the scheme. 15no. objections were received during this second consultation period, on the following grounds:

- HMO issues - the proposed scheme has the characteristics of an HMO. The area limit for HMOs has been surpassed and its potential use as such would exacerbate existing parking issues. Associated issues involving rubbish and noise would arise.
- Visual amenity – the extension would be too large, out of character with the area, and would result in the loss of green space. The neighbourhood risks becoming too built up. The scheme would result in the loss of garden space at the property.
- Neighbour amenity – The extension would cause harm to the outlook from no.51 Barstow Ave and look directly into the garden of the property opposite. Sunlight would be disrupted to the properties opposite the site.
- Parking – there are existing issues with parking in the area.
- Other issues – concerns raised over disruption during the construction phase of the development.

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

### POLICY CONTEXT

#### National Planning Policy Framework

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. The NPPF also places great importance on good design. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

### 2018 Draft Local Plan

5.3 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

### 2005 Development Control Local Plan

5.4 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

### House Extensions and Alterations Supplementary Planning Document (2012)

5.5 The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and

detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Section 12.2 advises that, if not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled. Section 12.4 states that unduly wide extensions should normally be avoided, unless they have been designed to successfully harmonise with the architectural features of the original property. Section 13.2 advises that regard must be paid to the impact of a single-storey rear extension on sunlight, its relationship to windows and the height of the proposed structure.

## ASSESSMENT

### Impact on the dwelling and character of the surrounding area

5.6 The application property is sited at the junction of Garrow Hill Avenue and Barstow Avenue, with its side elevation facing Barstow Avenue, separated by an expanse of garden. As initially proposed, the scheme involved the erection of a two-storey extension to the side of the host dwelling. This would have caused significant visual harm to the character of the dwelling, the adjacent residential row, and the wider street scene, by virtue of its lack of subservience and overall scale in a prominent position on the house. The scheme was revised to comprise of a single storey 'wraparound' extension with pitched roof.

5.7 As amended, the proposed side extension would be of a reasonable width when viewed from in front of the main dwelling, and sympathetic to the main house in terms of overall scale and design. Although in a prominent position on the house, it would not project beyond the building line of the adjacent street and would not be considered to have an undue impact on the character of the wider street scene.

5.8 The proposed rear part of the extension would be well screened from public view at the rear of the house and of a reasonable scale and design in relation to the main dwelling.

### Impact on neighbour amenity

5.9 The side part of the proposed addition would be well distanced from all neighbouring properties and would remain set well within the large open garden to the side of the property. To the rear of the main house, at the side boundary with no.8, the proposed extension would be of a reasonable depth (approximately 3 metres), and would not be considered to have an undue impact on the amenity of the adjacent neighbour.

### Parking

5.10 There is no off-street parking provided at the property, with parking spaces available on-street and in the adjacent bay that serves the row of dwellings of which the house forms a part. In light of the use of the property as a C3 dwellinghouse and the proximity of nearby public transport links and the city centre, the proposed increase in accommodation at the property would be considered acceptable in parking terms.

### Bin and cycle storage

5.11 Access would be retained at the back of the proposed extension to the rear garden for the storage of cycles and bins. Conditions have been added to ensure the provision of appropriate storage facilities in this location, given the lack of internal storage space shown on the revised plans.

### Additional accommodation and HMO use

5.12 As originally proposed and previously amended, the proposals had characteristics of a House in Multiple Occupation. Further revisions were sought to ensure that an acceptable level of internal communal living space existed to reflect the existing status of the property as a Class C3 dwellinghouse. The application does not propose the change of use of the property to an HMO (Use Class C4), which would be required if the proposed accommodation were to be occupied by between 3 and 6 unrelated people. The granting of consent for the proposed extension does not authorise such a use and would not prejudice the outcome of any future application for such a use, which would be considered on its own merits. An informative has been added in relation to this.

### Surface Water Drainage

5.13 The scale of the extension is not considered significant in drainage terms and any additional surface water run-off would be difficult to attenuate. A condition related to drainage is not recommended in these circumstances and drainage details should be dealt with under Building Regulations. An informative has been added to inform the applicant of the need for the Board's consent for any discharge in any watercourse within the Board's District.

## 6.0 CONCLUSION

6.1 The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the City of York Publication Draft Local Plan 2018, policy H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

## 7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. A102 Rev. A (revision dated 23rd May 2022) - Proposed Elevations  
Drawing no. A101 Rev. B (revision received 31st August 2022) - Proposed Plans  
Drawing no. A103 Rev. A (revision dated 23rd May 2022) - Proposed Sections  
Drawing no. A105 Rev. A (revision dated 23rd May 2022) - Site and Location Plan

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 Prior to occupation, and notwithstanding the information shown on the submitted drawings, cycle parking details, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until cycle parking and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

## **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) 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:

Sought and received revised plans to reduce the impact of the proposed development on the character of the dwelling and the wider area.

#### **2. HOUSE IN MULTIPLE OCCUPATION**

The existing dwellinghouse is considered to be within the C3 Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission would be required for a change of use from a dwellinghouse to a house in multiple occupation, given the Article 4 Directive which is in place, which has the effect of bringing such changes within planning control. It should be noted that it is likely that HMO thresholds have been exceeded in the area. The use of the property as an HMO at this time would be unauthorised, and could result in enforcement action being taken by the local planning authority.

#### **3. CONSENT - DISCHARGE**

Under the Board's Byelaws, the written consent of the Ouse and Derwent Internal Drainage Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

#### **Contact details:**

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