

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 22 May 2007

**Ward:** Holgate  
**Parish:** No Parish

**Reference:** 07/00682/FUL  
**Application at:** 46 Bishopfields Drive York YO26 4WY  
**For:** Conversion of existing three storey house to three apartments, external alterations and use of rear garden as 3no. parking spaces.  
**By:** Mr Ian Anderson  
**Application Type:** Full Application  
**Target Date:** 6 June 2007

### 1.0 PROPOSAL

1.1 The following application is presented to the West/ Centre Planning Sub-Committee at the request of Councillor Tracey Simpson- Laing as the proposal would result in the loss of a family -sized house. In addition, Members are advised that a member of the development control staff is a tenant of the adjoining property, No 45 Bishopfields Drive.

1.2 The application seeks planning permission for the conversion of 46 Bishopfields Drive to 3 No. flats. The property is a mid-terraced 5 No. bedroomed townhouse over 3 floors, with an integral garage. Externally the appearance of the dwelling would be altered by the conversion of the integral garage to a bedroom for the ground floor unit and the formation of a 3 No. car parking area from the rear garden. The internal layout would provide an apartment to each floor accessed from the existing front door. The ground floor would become a 1 No bedoomed flat, the first floor a 3 No. bedroomed flat, and the second floor a 3 No. bedroomed flat. The existing central staircase would provide access to the upper flats and services would be rearranged to give separate supply to each flat. The existing car parking area to the front of the property that accommodates 1 No. car would be retained.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

## 2.2 Policies:

CYT4

Cycle parking standards

CYH8

Conversion to flats/HMO/student accom

CYGP4A

Sustainability

CYGP1

Design

CYH4

Housing devp in existing settlements

CYL1C

Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### 3.1 INTERNAL

HIGHWAY NETWORK MANAGEMENT- No objections, subject to conditions

ENVIRONMENTAL PROTECTION UNIT- No objections

LIFELONG LEISURE AND LEARNING - A commuted payment is required for the upgrading of open space in the area as the property is increasing from 5 bedrooms to 7 bedrooms.

### 3.2 EXTERNAL

LOCAL RESIDENTS - 5 representations have been received that raise the following planning issues-

- a. Altering the garage to a bedroom would affect the symmetry of the principal elevation of the terraced development
- b. No shortage of flats in the area, smaller number of family houses- imbalance community, loss of family house
- c. Noise
- d. Unwelcome precedent that could affect the character of the area
- e. Overdevelopment that would undermine the award-winning features of the estate
- f. Neighbours' amenity harmed from noise, pollution, and view to proposed car park
- g. Underprovision of car parking spaces, compound problems of unauthorised parking in the area
- h. Lack of appropriate bin storage
- i. Increased pressure on parking allocation

A petition has also been received with 19 signatures objecting to the proposal

The following issues have been raised but are beyond the scope of planning legislation-

- a. Adverse harm to property values
- b. Deed of covenants restricting development in gardens

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Principle of proposed use
- Impact on adjacent residents
- Impact on the character of the area/ Visual amenity
- Car and cycle parking
- Bin storage

Additional Planning Policy-

Policy H9 Conversion of property to housing, North Yorkshire County Structure Plan

Planning Policy Statement 1 " Delivering Sustainable Development "

Planning Policy Statement 3 " Housing "

4.2 The North Yorkshire County Structure Plan (Alteration No.3) was approved in November 1995. Policy H9 states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly in and around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable existing property and vacant upper floorspace. This policy is still pertinent. Policy GP1 of the City of York Development Control Local Plan- Incorporating the proposed 4th Set of Changes (April 2005) states that development proposals will be expected, amongst other things, to respect or enhance the local environment. Policies T4 and T13 require adequate on- site provision for cycle and car parking. Policy H8 relates specifically to conversions and states that planning permission will only be granted for the conversion of a dwelling to flats..... where the dwelling concerned has a minimum of four bedrooms. The Local Plan states that in considering the impact of such proposals, attention will be given to the character of the street, the effect on the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case.

4.3 Planning Policy Statement 3 (PPS3), published in November 2006 replaces Planning Policy Guidance Note No. 3 and becomes a material consideration in the determination of planning application from 1st April 2007. This new policy amongst other things, increases the opportunity for local planning authorities to set important areas of policy locally, is more prescriptive in terms of detailing housing mix, and retains the emphasis upon developing sustainable brownfield sites, and the need to

create mixed and inclusive communities which offer a choice of housing and lifestyle through the avoidance of social exclusion. Paragraph 31 of the PPS restates the principle that was included in PPG3 that the "Conversions of existing housing can provide an important source of new housing."

## PRINCIPLE

4.4 In principle, the development would comply with Local Plan Policy H4, as the dwelling lies within the settlement limits of the city and involves the conversion of an existing building located within an established residential area in relatively close proximity to the centre of York. The proposed conversion of this 5 No. bedroomed property would not conflict with Policy H8 of the local plan in terms of being large enough to convert to apartments. Policy H4 advises that there should be a minimum of 4 bedrooms in the dwelling prior to conversion. This proposal would also accord with Policy H9 of the North Yorkshire County Structure Plan, which has a general presumption in favour of expansion of residential use in and around town centres through the conversion of suitable existing property, irrespective of the size of the property concerned. To date and until September 2007 when the plan period expires, the Structure Plan remains the most relevant formally adopted document in the City of York's administrative area and forms the statutory development plan for the area. Planning Policy Statement 3 retains the recognition that the conversion of dwellings can provide an important source of additional housing. Clearly, the proposal for a 1 No. one bedroomed and 2 No. three bedroomed properties would provide a range of accommodation in a convenient and sustainable location close to the city centre. It is considered that the proposal would not conflict with the spirit of Central Government advice in PPS 3. It is therefore concluded that the principle of converting this particular dwelling into three flats would not be contrary to adopted planning policy and guidance.

4.5 The Council has recently commissioned a Housing Needs Assessment Survey and the initial results add some credence to the need to retain family -sized properties and to combat an apparent over-supply of flats/ apartments in York. As the results have not been transferred into any adopted guidance or policy at local level, it is considered that the results at this time carry less weight than statutory planning policy and cannot outweigh its principles.

## IMPACT ON NEIGHBOURS

4.6 In terms of possible disturbance of neighbours, the main concern relates to the proposed car parking area that would be formed from the rear garden area. In particular, the ground floor patio windows to a bedroom in No. 45 would be affected by the parking of up to 3 cars approximately 4 metres away. Any upper bedroom windows would be affected to a lesser extent by the associated noise of comings and goings from cars. There would also be an impact on the peaceful enjoyment of the rear garden at No. 45. This rear garden abuts the proposed parking area that would be formed from the majority of the garden area. It is considered that the increased noise and activity in this area, close to this residential property, would be harmful to the reasonable living conditions for the occupiers of this property.

4.7 It would appear that the internal layout could be adapted to provide an acceptable standard of accommodation for any proposed occupiers and without intruding on the reasonable living conditions of the abutting properties to either side that are in flat use and townhouse use. One apartment per floor would be acceptable and the more intensive residential use of the property would not create problems for adjacent residents as existing adjoining uses would remain as they are in bedroom or bathroom use.

## VISUAL IMPACT

4.8 The property forms part of a terrace of " townhouse " development whose distinctive frontage is characterised by ground floor integral garages and entrances with accommodation on the first and second floors. The ground floor has a solid appearance with no glazing. The proposal would involve the conversion of the garage to a bedroom would result in the existing garage door being removed and replaced with a window and rendering. This would be an alteration to the main elevation that would be prominent and be an alien feature that would be at odds with the unified appearance and symmetry of the terrace. This alteration would be at odds with Policy GP1 of the Local Plan that advises that new development should respect or enhance the local environment and be compatible with the character of the area.

## CAR/ CYCLE PARKING

4.9 It would appear from the original planning consent for the development that conditions were imposed that required the car parking provision to be retained ( Condition 8 ) and kept clear at all times ( Condition 13 ). The applicant has provided a replacement car parking area that would satisfy the Council's parking requirements for the scale of development given its proximity to the city centre and transport links. It is likely that additional residential units would generate additional traffic movements and lead to increased parking on the surrounding streets and driveways. Whilst the agent considers that there is a common car parking at the rear of the building through the existing archway, this area is the designated parking area for the adjoining flats and is not a shared parking area. The existing garage is the only means of on-site cycle storage and the applicant has not addressed the requirement for the 5 cycle covered and secure cycle spaces that would be needed for the scale of the development. Any approval of planning permission would require this shortfall to be met.

## BIN STORAGE

4.10 It would appear that large communal bins are used for the larger apartment blocks within the overall development. The agent has given no indication in the submitted details as to the proposed bin arrangements for the 3 apartments.

## 5.0 CONCLUSION

5.1 In the absence of any strong policy basis that would ensure that existing large, family- sized accommodation should be protected, it is considered that the principle would be acceptable. As to the effect of the 3 flat conversion in terms of layout, amenity space, level of parking provision it is concluded that there are not too many

units provided for the floorspace available. However the additional noise and activity from the proposed parking area in close proximity to the neighbours' principal windows would have unacceptable impact on their reasonable living conditions. Together with the adverse impact of the external alteration to the principle facade, it is considered that the character and appearance of this cohesive area would be harmed contrary to established planning.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Refuse

- 1 The proposed removal of the garage door and introduction of a window to the main elevation of the townhouse would be at odds with the overall design of the terrace and harm its visually unified appearance and visual quality contrary to policy GP 1b) of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes (2005) and Planning Policy Statement 1 that seeks to ensure good design in developments that is appropriate to the character of the area. In addition, the creation of a car parking area for 3 cars from the rear garden would result in the loss of private amenity space that contributes to the quality of the environment and ensures that the private garden at the rear of No. 45 retains its privacy and level of enjoyment as a rear garden. It is anticipated that living conditions of the occupiers of this dwelling would be unreasonably affected by the increased activity and noise associated with its use as a car park, contrary to Sections c) and i) of the aforementioned Policy GP1 of the Local Plan.

## **7.0 INFORMATIVES:**

### **Contact details:**

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