

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL:

3.1 City Development - There are no policy objections to the principle of development. However consideration should be given to the protection of the character of the area and the amenity of local residents.

EXTERNAL:

3.2 Osbaldwick Parish Council - raises objection in principle to the establishment of any further HMO'S.

3.3 Neighbour notification was sent on 06.06.2012 the 21 day notification period expires on 09.07.2012. One objection received from the owners of the John Wright Electrical Services Ltd, 14-16 Farndale Avenue stating the potential additional off street parking could raise problems for access into the commercial building.

3.4 Any further comments received up to the end of the consultation period will be up date at the committee meeting.

3.5 This application has been called in to the East Area Planning Sub Committee by Councillor Mark Waters on the basis of neighbour amenity and parking problems.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the amenities of local residents;

4.2 The NATIONAL PLANNING POLICY FRAMEWORK (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 SUPPLEMENTARY PLANNING DOCUMENT -Controlling the concentration of Houses in Multiple Occupancy. This document was approved by Cabinet Members on 15 April 2012. This guidance has been prepared in connection with an Article 4 Direction that City of York Council placed on all houses within the defined urban area, bringing within planning control the change of use of dwellings (Class C3) to small HMO's occupied by between 3 and 6 people (Class C4). The new SPD advises applications for change of use from dwellings to HMO's will be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying Council Tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

4.4 DRAFT LOCAL PLAN POLICY CYH8 - "Conversions". Where a material change of use has occurred, for properties changing use from C3 (dwelling house) to the new use class C4 (H.M.O). Policy H8 sets out the current criteria in conjunction with the new (SPD) by which conversions of houses to HMO's should be assessed. On this basis planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size (min 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

4.5 DRAFT LOCAL PLAN POLICY CYH8 CYGP1 states that development proposals will be expected, amongst other things, to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 DRAFT LOCAL PLAN POLICY CYH8 CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy.

PRINCIPLE OF CHANGE OF USE:

4.7 The application site lies within a sustainable location in an established residential area. The property is a convenient distance from local amenities and good transport links to the city centre. The proposed layout of the property would continue the two existing bedrooms of the ground floor and two existing bedrooms within the roof space. This would leave a communal kitchen, living room and bathroom on the ground floor and shower room on the first floor. Furthermore, there is an ample sized enclosed rear garden, which can be used, as outdoor amenity space.

4.8 Information received from the Council's Integrated Strategy Team has confirmed that Hazelwood Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property there are no shared houses. As such, in accordance with the provisions of the Draft HMO SPD the neighbourhood and street level threshold have not been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken. In view of the details provided it is considered that the principal of a change of use is acceptable in this location.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA:

4.9 The internal and external layout is suitable for four occupants in terms of providing a reasonable level of residential amenity. The property has a detached garage, which appears large enough to accommodate a vehicle and bicycle and bin storage. In addition the side drive way provides ample off street parking which could accommodate two cars. The surrounding neighbourhood is characterised by a mixture of single storey well spaced detached dwellings along with traditional semi detached dwellings, located in close proximity to a local supermarket and small business. On balance it is not considered the proposal has a negative effect on the residential character of the area.

MANAGEMENT PLAN

4.9 The applicant has submitted supporting information described as a maintenance plan to protect the amenity of the adjacent occupiers. The supporting information has stated that there would be two off street parking places for up to four cars as well as cycle storage in the garage and rear garden shed. In addition arrangements for garden maintenance / grass cutting of the garden area are to be undertaken by the applicant. The implementation of a comprehensive management plan would be required and can be controlled by condition, which would provide an opportunity for any problems that may arise to be referred to the applicant. The occupiers are required to adhere to the plan at all times.

RESIDENTIAL AMENITY:

4.10 The occupiers of the building on the opposite road to the application site known as John Wright Electrical Services Ltd, 14- 16 Farndale Avenue have expressed concerns regarding the possibility of increased levels of on street parking blocking access to the rear of this commercial building. Whilst it is appreciated that there is the potential of additional cars to the property, the applicant has demonstrated that a maintenance plan is in proposed to deal with such issues as on street parking. It is also the case that a private car park to the rear of the commercial building accommodates the vehicles associated with the Electrical Contractors. In addition, there are no car parking restrictions on Hazelwood Avenue and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

4.11 The applicant has supplied appropriate plans that clearly demonstrate the property would provide adequately sized accommodation suitable for four occupants. On this basis it is not considered the proposed change of use would have a detrimental impact on adjacent residential amenity or amenity of the occupiers of the local businesses opposite the application site.

5.0 CONCLUSION

5.1 The dwelling is considered to be a sufficient size to accommodate four people. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Plans dated 21.05.12

3 Prior to the dwelling being occupied a management plan shall be agreed in writing with the Local Planning Authority to demonstrate the control of the following:

i) Information and advice to residents

ii) Garden maintenance

iii) Refuse and recycling collections

iv) Property maintenance issues

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A-H of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7.0 INFORMATIVES:

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