

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 15 March 2007

**Ward:** Hull Road  
**Parish:** Hull Road Planning Panel

**Reference:** 06/02793/FUL  
**Application at:** 37 Crossways York YO10 5JH  
**For:** Change of use from residential dwelling to house in multiple occupation  
**By:** Mr And Mrs Murray  
**Application Type:** Full Application  
**Target Date:** 22 March 2007

### 1.0 PROPOSAL

1.1 This application seeks planning consent to change the use of an existing residential dwelling-house to a house in multiple occupation (HMO).

1.2 The existing dwelling is a semi-detached property with a total of 5 bedrooms. It is proposed to create two additional bedrooms on the ground floor of this corner-property, hence a total of 7 bedrooms are proposed to be used for multiple occupation. The external appearance of the building will not be changed by virtue of the development.

1.3 The application site is well screened by an approximately 2.0m high hedge to the front and to the side of the property; vehicle parking area is sited to the rear of the site. According to the plans submitted the proposed parking area would be capable of accommodating 3-4 vehicles.

1.4 This application is to be determined by members at the Committee as the applicant is an employee of York Council.

### 1.5 RELEVANT PLANNING HISTORY

1.6 01/00164/FUL: Erection of two storey pitched roof side extension with conservatory to rear. Permission granted on 13.3.2001.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH8

Conversion to flats/HMO/student accom

### 3.0 CONSULTATIONS

#### EXTERNAL:

3.1 Neighbours notified and site notice posted, expires 15 February 2007 - 24 letters of objections received to this date. The following concerns have been raised:

- the proposal would create a further loss of family housing,
- the proposal would have a negative impact on the street,
- the living conditions of the residents in adjacent properties, particularly the residents at 35 Crossways will be affect,
- the proposal is contrary to policy H7 of the York Local Plan,
- the majority of the corner properties within the locality are now either HMO or student housing,
- the existing driveway would create highway safety issue,
- the proposed parking, cycle racks and location of bins would harm the amenity of the locality.
- the proposed number of parking spaces are inadequate,
- the University should provide the required student accommodation,
- the Council should control the number of student houses and restrict the number of students per house,
- the proposal would affect property value within the locality,
- the proposal would cause stress to the tenants at 35 Crossways and would affect their amenity,

3.2 Parish Council consulted. The Council objected due to the following reasons:

- the proposed parking provision is inadequate,
- the existing driveway will cause traffic hazard,
- the proposal would affect the aspect of biodiversity

#### INTERNAL:

3.3 City Development Team consulted. The following comments have been made:

- the application does not include any external extensions, so policy H7 would not be applied in this case,
- students in York form an important element of the private rented market, however the conversion of domestic residential properties to student lets has become a contentious issue in recent years. The Development Control Officer should be satisfied that no adverse impact would be created through the designation of House in Multiple Occupation (HMO).
- The Development Control Officer should also ensure that all of bullet points 1-5 in policy H8 have been met, if approval is recommended on this application.

3.4 Highways consulted. No objections; condition recommended.

## 4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed change of use would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

4.2 Policy H8 of the City of York Draft Local Plan 2005 sets out a list of criteria the Local Planning Authority must consider when assessing an application for conversion of a dwelling to multiple occupation, the first criterion is the dwelling (to be converted) should be of sufficient size and the internal layout should be suitable for the proposed number of households or occupants. Furthermore, it should protect residential amenity for future occupiers.

4.3 In the case of this development, a total of 7 bedrooms have been proposed. This occupies over 50% of the total floor area. Assuming each bedroom will occupy a minimum of one resident, the total number of residents proposed within the application site would be seven (minimum). However, for a building proposed to occupy a minimum of 7 residents, only one lounge, one bathroom, one kitchen, and two lavatories are proposed.

4.4 Due to the number of residents proposed in relation to the size of this semi-detached property, it is not considered that the property is of sufficient size and that the internal layout will be suitable for the proposed number of residents. In addition, by virtue of a lack of essential facilities to be provided for a minimum of 7 residents, it is likely that the proposed change of use would harm the living condition of the future occupiers.

4.5 The site layout plan submitted further shows a large section of amenity space will be omitted in order to accommodate a large area of parking area within the site. This, together with the concern raised above reveals the number of residents proposed and the activities within would be an over-intensification of the application site. Hence the proposed scheme would have an adverse impact on residential amenity of the neighbouring properties.

4.6 With regard to the concern over further loss of family housing, the current Use Class Order (1987) does not distinguish between a dwelling occupied by a conventional household, and that of a dwelling occupied by up to six residents living together as a single household. Therefore, because it is possible that a dwelling-house can be converted to HMO without the need of planning permission, a further loss of family housing is unlikely to be a reason that could justify the reason for refusing planning permission. In addition, due to the National planning legislation as described above, it is unlikely that the Local Planning Authority can have control over the number of student houses.

4.7 The Local Highways Authority has been consulted and has raised no objections subject to conditions. By virtue of the above, and the consideration that no solid evidence can be found which suggest that the proposal would create a condition prejudicial to the safety of the public highway, planning permission is unlikely to be refused on this basis.

4.8 PPG13: Transport (published 2001) stresses that it is important to discourage users of the building from driving to the site by restricting the availability of parking in order to restrict vehicle movements. Furthermore, Appendix E of the City of York Draft Local Plan 2005 stated that each development proposal is assessed "using the maximum standard as a starting point". In relation to this development, it is proposed to provide a maximum of 4 parking spaces for what is proposed to be a house in multiple occupation accommodating a minimum of 7 residents. Having considered the above national and local planning policies and also the number of parking spaces proposed within the application site, it is unlikely that the concern raised regarding the number of parking spaces could influence the outcome of the planning decision.

4.9 Issues raised concerning property value and the duty of the University to provide student accommodations are not material planning considerations. It is therefore unlikely that the above concerns could warrant the refusal of planning permission.

4.10 Having taken the above into account, it is considered that the proposed development would fail to comply with the policies set out in the City of York Draft Local Plan. Hence, this application is recommended for refusal.

## **5.0 CONCLUSION**

For the reasons above this application is recommended for refusal.

## **6.0 RECOMMENDATION: Refusal**

- 1 Due to the size of the dwelling-house to be changed to house in multiple occupation, together with a lack of essential facilities proposed for a minimum of 7 residents living together as a single household, the proposed change of use would harm the living condition of the future occupiers, contrary to policy H8 of the City of York Draft Local Plan 2005.
- 2 Due to the loss of domestic character by removing a large section of amenity space for vehicle parking within a domestic curtilage of this size, together with the consideration that the internal layout will be unsuitable for the number of residents as described above (no.1 of the reason for refusal), the proposed change of use would result in an over-intensification of the application site. Hence, it would have an adverse effect on the residential amenity of the neighbouring properties, contrary to policy H8 of the City of York Draft Local Plan 2005.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 552750