

COMMITTEE REPORT

Date: 6 December 2012 **Ward:** Osbaldwick
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 12/03400/FUL
Application at: 62 Tranby Avenue Osbaldwick York YO10 3NJ
For: Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4)
By: Mr Denis Fletcher
Application Type: Full Application
Target Date: 27 December 2012
Recommendation: Approve

1.0 PROPOSAL

THE APPLICATION SITE:

1.1 The application site is known as 62 and 62a Tranby Avenue. The configuration of the dwelling comprises of a three bedroom property that has been extended at two storey height on the side and rear to form a one bedroom flat, originally for the purpose of creating a "granny annex" for the applicant's parents, and garage/ utility area on the ground floor area. Although linked to the original dwelling at ground floor, the one bedroom flat is effectively an independent residential unit and incorporates an en-suite bathroom and kitchen. It has its own entrance and staircase to the first floor.

THE PROPOSAL:

1.2 This application seeks planning permission to convert 62 and 62 A Tranby Avenue from its existing use as a dwelling (Use Class C3) to a house in multiple occupation (HMO) (Use Class C4) for six individual occupants. The internal layout of the dwelling would remain unchanged, and would incorporate four bedrooms at first floor (two within the self contained annex) and two at ground floor.

PROPERTY HISTORY:

1.3 Erection of a two storey side extension for the purpose of creating a "granny annex" (ref: 3/100/297/FA) approved 26.10.1990.

SUPPORTING INFORMATION:

1.4 Design and Access Statement detailing the application site and the proposal.

1.5 A Flood Risk Assessment confirming the site is not within a high risk flood zone.

FOR INFORMATION:

1.6 This application has been called in to the East Area Planning Sub Committee by Councillor Mark Warters on the basis of neighbour amenity issues.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

CYH8
Conversion to flats/HMO/student accom

3.0 CONSULTATIONS

INTERNAL:

3.1 Integrated Strategy Unit:

62 Tranby Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property the proportion of shared houses is 4.4%. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood nor the street level threshold has 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 should also be undertaken.

EXTERNAL:

3.2 Osbaldwick Parish Council - No comments received at the time of writing 23.11.12.

3.3 Neighbour notification was sent on 06.06.2012 the 21 day notification period expires on 09.07.2012. Seven letters of objection have been received from the following properties on the issues listed below:

There are serious flooding and surface water drainage issues in the area.

The concerns relate to additional occupiers at the property will increase the existing problems of standing water in the rear gardens. Photographs have been included on the letters

Noise pollution and disturbance caused by additional visitors to the property.

Who will be responsible for future maintenance of the property?

The occupiers of the property may include ex-offenders, asylum seekers or DHSS claimants, adversely affecting the character of the area

Overconcentration of HMO`s in the area - are any more really needed.

There are many unlet properties in the area

Additional vehicles and potential parking problems causing increased risk of accidents

The value of the property will increase whilst resulting in devaluation of other properties

Student accommodation should be within the university campus to reduce the amount of private properties becoming HMOs.

Accommodation is available for students on the campus and also on the new development at the Hull Road Dairy site

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

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 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 are compatible with neighbouring buildings, and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

ACCOMMODATION:

4.6 The host dwelling and first floor flat would provide accommodation for up to six unrelated people. There would be an element of sub-division in that the existing annex would contain two bedrooms, an en-suite bathroom and first floor kitchen within what was previously the third bedroom/boxroom. This would place less pressure on the occupancy of the remainder of the property, which would contain four bedrooms, a ground floor kitchen and first floor bathroom. The submitted drawings and internal inspection of the property confirms that the internal layout would remain as existing. The integral garage would remain and could be used as a store for cycles and wheeled bins/ recycling boxes. The retention of the garage could be conditioned. There is an ample sized enclosed rear garden, which can be used as outdoor amenity space.

PRINCIPAL OF CHANGE OF USE:

4.7 Information received from the Council's Integrated Strategy Team has confirmed that 62 Tranby Avenue falls within a neighbourhood area where 3.6% of properties are shared houses. Within 100m of the property the proportion of shared houses is 4.4%. As such, in accordance with the provisions of the Draft HMO SPD neither the neighbourhood nor the street level threshold has been breached and the principle of a change of use to an HMO is considered to be acceptable.

IMPACT ON THE NEIGHBOUR AMENITY/ CHARACTER AND APPEARANCE OF THE AREA:

4.8 The location of the property is in close proximity to York University and local public transport links into the city centre, together with an ample supply of local shops. This layout would seem reasonable to meet the needs of six people, particularly bearing in mind that the annex provides a degree of separation, albeit within what is still considered to be a single dwelling.

The outside garden area is separated from the occupiers of 58 & 60 Tranby Avenue and 12 Bedale Avenue by a six foot fence and garden shrubbery. Sufficient car and cycle parking is available within the existing garage, driveway and in front of the house. As such the application site would provide adequately sized accommodation suitable for six occupants that would not have a negative effect on the adjacent neighbours or the residential character of the area.

4.9 However, in order to safeguard the visual appearance of the dwelling and the amenities of the adjacent residents, it is considered that the implementation of a management plan should be controlled by condition on any planning approval. The management plan would assist in such issues as providing information and advice to residents, garden maintenance, refuse and recycling collections and property maintenance issues. Given the low concentration of HMO's in the area (according to statistics based on Council Tax records) there is no specific evidence to suggest that the occupation of the property as an HMO would result in additional noise or disturbance or would adversely affect the character of the area

4.10 Whilst there may be flooding and surface water drainage issues in the area, as highlighted by local residents, it is not considered that the proposed development would exacerbate these issues, given that the application relates to a change of use of the existing property, with no additional extensions, and that the number of occupants would be similar to a large family dwelling. Therefore, it would be difficult to suggest that the number of occupants at the dwelling and any additional visitors would noticeably increase the garden flooding issues, to an unacceptable degree that would warrant refusal of planning permission.

4.12 Furthermore, there is no specific evidence that the proposed development would result in drainage problems. The site is not within an area that has been identified as being at risk of flooding. Drainage issues on small scale developments such as this are a matter that would be dealt with under the Building Regulations.

4.13 The proposal conforms to the Council's maximum car parking standards and therefore no objections could be sustained on these grounds. In addition, there are no car parking restrictions on Tranby Avenue and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

4.14 The concentration of the amount of student housing is controlled with an Article 4 Direction placed on all houses within the urban areas of York, which is supported by the SPD (Controlling the Concentration of Houses in Multiple Occupancy) and is further reiterated with the council's visionary document City of York Sustainable Community Strategy - A City Making History 2008. The SPD document focuses on avoiding high concentrations of H.M.O dwellings, in order to avoid the loss of family homes and maintaining community cohesion and helping the development of strong, supportive and durable communities. The property is within the urban area, well served by local facilities and close to public transport routes.

From a sustainability perspective the use for effectively single person accommodation would be acceptable and would help to meet an identified need in the city.

4.15 In terms of managing the amount of occupiers and future occupiers to the property and its potential effect on the neighbourhood, a condition has been recommended to remove "permitted development rights" from this property in order to exercise control over any future extensions or alterations. It is acknowledged that the house has been extensively extended and any further extensions would be relatively restricted. Nevertheless, without this condition further extensions to the rear of the house could be erected without the need for planning permission. Clearly, if the overall number of occupants within the dwelling exceeded six, then the use would fall outside Class C4 and would become a "sui generis" use, and in those circumstances a further application for planning permission may be required.

5.0 CONCLUSION

5.1 The dwelling is considered to be a sufficient size, and with an adequate internal layout, to accommodate six unrelated individuals. The thresholds within the Council's Supplementary Planning Document have not been exceeded. As such the proposal is considered to comply with Policy H8 of the Draft Local Plan and subject to conditions is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Revised floor plan (drwg no YTA2)
- 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-E 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the garage indicated on the submitted drawings shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate cycle parking/storage space at the property and any proposals to increase living accommodation can be assessed on their merits.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity and the impact on the character and appearance of the area. As such the proposal complies with Policy H8 of the City of York Development Control Local Plan, and the Council's Supplementary Planning Document: 'Controlling the concentration of Houses in Multiple Occupancy' (2012).

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