

COMMITTEE REPORT

Date: 18 July 2023

Ward: Acomb

Team: West Area

Parish: No Parish

Reference: 22/01840/FULM

Application at: Macmillan House 60 York Road Acomb York YO24 4NW

For: Conversion of building from 17 self-contained bedsit flats to 8no. self-contained flats; erection of 2no. bungalows to rear and associated car parking and cycle storage

By: Mr Christopher Goodman

Application Type: Major Full Application

Target Date: 21 February 2023

Recommendation: Refuse

1.0 PROPOSAL

1.1 Macmillan House 60 York Road Acomb comprises a Grade II Listed detached brick and render built villa dating to the early 19th Century with brick-built extensions to the rear. The site lies within the Acomb Conservation Area. The premises were formerly used as a hostel managed by the Local Authority and presently are in use as a development of 17 one-bedroom bedsits subdivided by light weight stud work partitions. Planning permission and a parallel Listed Building Consent for enabling works (ref:22/01841/LBC) have been submitted for change of use of the existing 17 Bedsits to 8 self-contained flats with two bungalows in the present rear garden area. The scheme has been amended since submission in terms of the conversion scheme to address Conservation concerns.

1.2 Planning permission was previously sought for erection of a single bungalow in the rear garden ref: 15/02778/FUL but was refused planning permission on the grounds of harm to the setting of the host Listed Building and to the character and appearance of the Acomb Conservation Area, together with a lack of provision for external amenity space.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date

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development plan or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2.2 In particular Paragraph 38 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further references the importance of good design and also ensuring a high standard of amenity for both existing and future users.

LOCAL PLAN

2.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

D4 Conservation Areas

D5 Listed Buildings

ENV2 Managing Environmental Quality

T1 Sustainable Access

CC2 Sustainable Design and Construction of New Development

H3 Balancing the Housing Market

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal subject to any permission being conditioned to secure remediation of contaminated land and the provision of a scheme of noise insulation for the proposed bungalows, together with restrictions on construction hours for the bungalows to secure the residential amenity of neighbouring properties.

Design, Conservation and Sustainable Development(Archaeology)

3.2 Locates the site within the Acomb Area of Archaeological Importance. No objection is raised in principle to the proposal subject to any permission being conditioned to require the undertaking of a watching brief.

Design, Conservation and Sustainable Development (Conservation Architect)

3.3 Object to the proposal on the grounds of harm to the character and appearance of the Acomb Conservation Area and the setting of the host Listed Building from the erection of the proposed bungalows. In terms of the conversion works they are felt to lead to the severance of the historic servant staircase leading to the attic and the legibility of the historic plan form along with the severance of a bay window on a principal elevation through insertion of a new entrance hall. This is felt to result in less than substantial harm to the significance of the designated heritage asset which may be balanced by public benefits. No case for public benefits and no viability information has been brought forward.

Highway Network Management

3.4 Raise no objection in principle to the proposal subject to any permission being subject to detailed conditions in terms of cycle parking, internal layout and access design.

EXTERNAL

Historic England

3.5 Wish to make no comment in respect of the planning application deferring to the advice of the Authority's Conservation Officer.

Yorkshire Water Services Ltd

3.6 Raise no objection to the proposal in principle subject to any permission being conditioned to secure strict compliance with the submitted surface water drainage scheme.

The Ainsty (2008) Internal Drainage Board

3.7 Raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

York Civic Trust

3.8 Object to the proposal on the grounds that the proposed bungalows would represent an over-development of the site with little meaningful external amenity space for their occupants or the occupants of the retained apartments in the host building. The reduction of the number of units in the host building is supported in principle but concerns are again expressed in relation to their internal layout.

4.0 REPRESENTATIONS

4.1 Three letters of representation have been received raising the following issues:

- Objection to impact upon the residential amenity of neighbouring properties;
- Objection to harm to the character and appearance of the Acomb Conservation Area including harm to mature trees
- Objection to adverse impact upon the access to the two residential properties at the rear of the site
- Objection to over-development of the site
- Objection to impact upon the setting of the Listed Building
- Support in principle for redevelopment of the host building to reduce the number of units.
- Objection to the loss of the existing bed sits as low-cost accommodation.

5.0 APPRAISAL

KEY CONSIDERATIONS:

5.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the setting of the host listed building
- Impact upon the character and appearance of the Acomb Conservation Area
- Acceptability of the conversion scheme
- Impact upon the residential amenity of neighbouring properties

LEGISLATION AND NPPF POLICY RELATING TO HERITAGE ASSETS

5.2 Section 66 of the Planning(Listed Buildings and Conservation Areas) Act 1990 creates a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features of special historic or architectural interest it possesses. Section 72 sets a similar duty for the Local Planning Authority to pay special attention to the desirability of the preservation or enhancement of the character or appearance of the Conservation Area in the exercise of its functions. As these are statutory duties they must be given considerable importance and weight in determining the planning application. Where harm is identified to a listed building or conservation area there will be a strong presumption against the grant of permission.

5.3 In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied. The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 16 of the NPPF. The NPPF classes listed buildings and

Conservation Areas as "designated heritage assets". The NPPF advice on heritage assets includes:

-Paragraph 199 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

-Paragraph 202 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

IMPACT UPON THE SETTING OF THE HOST LISTED BUILDING

5.4 Macmillan House, also known as Hill House 60 York Road Acomb comprises a detached two storey brick and render villa dating to the early 19th Century set within large grounds sweeping back from the street frontage with a single storey brick built rear extension. Two houses have previously been erected within the former garden to the rear (nos 1 and 2 Church View) but at some distance from the main building with the rear area retaining the character of a domestic curtilage providing outdoor amenity space for the occupants of the bedsits within the host building. The host building was subdivided in the 1970s to form a hostel although elements of its original significance remain including the servant's stair leading into the attic, several fireplaces and the wine cellar.

5.5 The proposal envisages the erection of two bungalows within the garden area combined with a reconfiguration of the internal areas of the building from 17 bedsits to 8no. one and two bedroom flats.

5.6 The property was constructed as a large family house in the early 19th Century. Within the wider street scene, it retains a domestic appearance. To the rear notwithstanding the erection of two dwellings at the far end of the garden and the degree of intensity of use of the site there is a sense of domestic curtilage with the setting of the host building retained. There is a clear and direct relationship with the belt of mature trees around the site boundaries giving a semi-rural ambience.

5.7 The proposal envisages the erection of two semi-detached bungalows within the rear garden area creating a courtyard appearance with the rear of the existing premises. The visual relationship of the host building with the full sweep of the garden and the mature trees lining its boundary would be lost and a greater degree of prominence would be afforded the rear parking area. The rear of the premises slopes up with the bungalows to be located at the highest point of the site giving them a degree of dominance over the host property. The bungalows would

furthermore be designed in a chalet style with out-sized gabled roofs which would further erode the character of the site and the setting of the host listed building.

5.8 Policy D5 of the Draft Local Plan states that “Harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.” With regard to paragraph 202 of the NPPF it is felt that the proposal would give rise to less than substantial harm to the significance of the listed building by virtue of harm to its setting but that it would be at the higher end of the spectrum. In terms of potential public benefit to weigh against that harm the applicant has cited a reduction in intensity of use of the site from the current situation and also generation of greater revenue to invest in maintaining the host property from the rationalisation of the accommodation. However, any degree of harm caused to the setting of the building by the existing intensity of use is essentially transitory and superficial with the erection of two bungalows which have previously been refused permission on grounds of harm would lead to a major loss of significance which would be permanent. No detail of viability for the site has been provided and so the assertion that the proposals would generate additional revenue to maintain the host building is unsubstantiated. The provision of new bungalows would have some minor weight in the planning balance, although this is in the context of the overall numerical loss of residential accommodation at the site. The harm caused by the proposal to the setting of the listed building is therefore unacceptable.

IMPACT ON THE SPECIAL INTEREST OF THE LISTED BUILDING

5.9 Whilst the interior of the host listed building has been fairly intensively subdivided in association with the former hostel use and subsequently to use as bed-sits, elements of the significance of the building which contribute to its historical and architectural interest remain. Two elements of the conversion scheme are of particular concern; the partial diversion of the internal service stair leading from ground floor to attic harming the understanding of the historic plan form, and the creation of a new entrance hall would harm the legibility of the first-floor bay window resulting in the bay no longer being central to the room and harming the legibility of the historic plan form of the building.

5.10 Policy D5 of the Draft Local Plan states that “Changes of use will be supported where it has been demonstrated that the proposed new use of the building would not harm its significance and would help secure a sustainable future for a building at risk.” And that “Harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.” It is considered that the proposed works would result in less than substantial harm to the significance of the building in line with paragraph 202 of the NPPF. No case in terms of public benefit to outweigh the harm has been put forward by the applicant and it is considered that the provision of a smaller number of larger residential units is not a public benefit in this case. The

applicant has contended that the alteration to the staircase is required to ensure that operation of the site is viable however the assertion has not been substantiated. The development would therefore be contrary to the statutory test within Section 66 of the Act and the policies of the NPPF and policy D5 of the Draft Local Plan.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE ACOMB CONSERVATION AREA

5.11 Acomb Conservation Area comprises the historic core of the former Acomb village centred around Acomb Green with Front Street to the south with properties dating to the 18th Century onwards sited in modest but often well landscaped grounds. Rear plots with their associated structures largely remain within a medium pattern of density.

5.12 Policy D4 of the draft Local Plan states that “Harm to buildings, plot form, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal”. The proposed development would lead to an erosion of the historic pattern of plots with an unrelated pattern of development and associated boundaries. The bungalows themselves occupying a ridge top site would also be unduly prominent in views across the Conservation Area where gardens are otherwise clear. The appreciation of the sylvan boundaries of the site and the wider context of the northern side of York Road would be largely lost with the introduction of an alien roofscape where one currently does not exist. In regard to paragraph 202 of the NPPF harm is considered to be less than substantial although in the context of the Conservation Area at the lower end of the scale. In terms of the preservation or enhancement test within Section 72 of the Act it is felt that the proposal would harm from the character and appearance of the Conservation Area by virtue of introducing an alien form of development with the bungalows so prominently located. As outlined in paragraph 5.9 above there are not considered to be any public benefits that outweigh the harm to the conservation area.

LIVING CONDITIONS OF THE PROPOSED DWELLINGS AND IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:

5.13 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future occupiers. Policy ENV2 of the Draft Local Plan indicates that development proposals that are likely to have to have an environmental impact upon the amenity of the surrounding area including residential amenity, local character and distinctiveness must be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in loss of character or amenity.

5.14 Notwithstanding the subdivision of the host property into 17 bedsits the retention of a significant rear garden area results in the retention of a pleasant domestic ambience with a reasonable outlook for those apartments proposed within the rear of the building and for the two properties erected further to the north east within the former garden. Whilst some external amenity space would be retained directly adjacent to the rear of the host building it would be more characteristic of a medium size single domestic property than an 8-apartment residential development in a suburban location. The application site also sits on a prominent slope leading to the site of St Stephen's Church to the north west. The siting of the bungalows on that slope would appear visually over-bearing in relation to the apartments within the rear of the host property. The impact on the outlook and that visually over-bearing presence would result in an unacceptable level of amenity for occupiers of the proposed apartments within the rear of the building.

5.15 In terms of the amenities of prospective occupants of the two bungalows the properties are oriented north east/south west with principal living rooms overlooking the main parking area to the site to the south west at close quarters and the parking and turning area to the bungalows themselves to the north east with a 3 metre high hedge at close quarters. Each bungalow would be provided with a narrow patio at the south west with a slightly larger rear garden area. Whilst limited, the small amenity area for each 1-bedroom bungalow is acceptable.

5.16 It is considered that the proposed bungalows would unacceptably harm the residential amenity of future occupants of the apartments within the host property. It is furthermore felt that the loss of external amenity space for apartments in the host building would fail to comply with the requirements of paragraph 130f) of the NPPF or Policy ENV2 of the Draft Local Plan. Impact upon residential amenity would therefore be unacceptable.

5.17 Because of the proposed separation distances between the proposed bungalows and the properties to the north, and the protected trees on the boundary there would be no significant harm to the living conditions of those properties. Any alterations to the roof of the proposed bungalows could be restricted by planning condition. Concern has been expressed by objectors in respect of the impact of construction works on the access to the two properties at the rear. For the duration of the works there would be an impact that could be mitigated by condition attached to any planning permission.

LOSS OF BEDSIT ACCOMMODATION

5.18 Concern has been expressed by an objector in respect of the loss of the existing bed-sits and the associated community. The application site would remain in residential use albeit in a different configuration providing 5 no 1 bedroom flats and 3 no. 2 bedroom flats. Policy H3 of the Draft Local Plan states "The Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should

therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.” The LHNA doesn’t break down property size to studio/bedsit types and nor does the Council’s monitoring data – all fall within the 1-bed category. There is no evidence of how much bedsits/studios form part of new supply and in turn whether their loss on this site can be regarded as significant.

6.0 CONCLUSION

6.1 The application site is a Grade II Listed Late Georgian villa currently in use as 17 bedsits within the Conservation Area. Planning permission is sought for the erection of two bungalows within the existing garden and the conversion of the existing house to 8 flats. It is considered that the proposed bungalows result in less than substantial harm to the significance of the listed building and the character and appearance of the conservation area. Having special regard to the statutory duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and giving great weight to the identified harm, it is considered that the harm is not outweighed by public benefits. The proposal would also fail to provide an inadequate standard of amenity for prospective occupants of the proposed properties. The proposal is considered to be contrary to the National Planning Policy Framework and policies D4, D5 and ENV2 of the Draft Local Plan.

7.0 RECOMMENDATION: Refuse

1 It is considered that the erection of the dwelling and consequent loss of the garden would harm the setting and character of a Grade II listed building (60 York Road). The proposed development would also result in harm to the character and appearance of Acomb Conservation Area. There is no clear and convincing justification in support of the proposal, and the harm is not considered to be outweighed by public benefits of the scheme, and therefore the proposed development would conflict with paragraphs 199 - 202 of the National Planning and Policies D4 and D5 of the (2018) Draft City of York Local Plan.

2 The development of bungalows would lead to a loss of outlook and overbearing impact upon occupants of the proposed apartments within the host building resulting in contrary to paragraph 130f) of the NPPF and Policy ENV2 of the 2018 Draft City of York Local Plan.

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 an attempt to achieve a positive outcome:

- i) Sought amendment of the scheme to secure deletion of the proposed bungalows
- ii) Sought amendment of the scheme to reduce the harm to the interior of the host building
- iii) Sought submission of a detailed case for public benefit to justify the harm caused by the proposed works.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

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