



- Loss of front garden space to accommodate car parking which because of the manoeuvre and narrowness of the driveway will see displaced parking in the street.
- Loss of car parking by conversion of the garage.
- Extra waste generation, storage and presentation.
- Potential for extra noise
- Concerns over the accuracy of the CYC HMO database.

## **2.0 POLICY CONTEXT**

### **NATIONAL PLANNING POLICY FRAMEWORK**

2.1 Key chapters and sections of the NPPF are as following:

Achieving sustainable development (chapter 2)

Decision-making (chapter 4)

Delivering a sufficient supply of homes (chapter 5)

Promoting healthy and safe communities (chapter 8)

Promoting sustainable transport (chapter 9)

### **PUBLICATION DRAFT LOCAL PLAN (2018)**

2.2 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. The following policies are relevant;

H8 – Houses in Multiple Occupation

D11 – Extensions and Alterations to Existing Buildings

ENV2 – Managing Environmental Quality

WM1 – Sustainable Waste Management

T1 – Sustainable Access

### **DRAFT SUPPLEMENTARY PLANNING DOCUMENT – CONTROLLING THE CONCENTRATION OF HOUSES IN MULTIPLE OCCUPANCY**

2.3 This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of

bringing the change of use of dwellings (Class C3) to small HMO`s occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. The SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

2.4 The SPD outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area.

## DRAFT SUPPLEMENTARY PLANNING DOCUMENT – HOUSE EXTENSIONS AND ALTERATIONS SPD

2.5 The SPD gives specific advice regarding extensions, garages and boundaries. Guidance includes standards for assessing how an application should consider:

- privacy
- overshadowing and loss of light
- dominance and outlook
- habitable rooms and side windows
- character and streetscene
- provision for storage and parking
- private amenity space
- drainage

2.6 Emphasis is on the importance of understanding the local context and how a proposal will impact on neighbours, as well as the need and benefits of sustainability.

## 3.0 CONSULTATIONS

## INTERNAL CONSULTATIONS

### Housing Standards

3.1 The ground floor and rear first floor bedrooms would be considered as single rooms only. The size of the amenity space is adequate.

### Forward Planning

3.2 Street: currently there are 2 HMO out of 38 = 5.26% (with 10 Church Road included as an HMO, 7.89% of properties within 100m buffer would be HMOs).

3.3 Neighbourhood: currently 83 HMOs out of 1043 = 7.96% (with 10 Church Road included as an HMO, 8.05% of properties within the neighbourhood would be HMOs).

## EXTERNAL CONSULTATION

### OSBALDWICK PARISH COUNCIL

3.4 Object on the following grounds:

- Impact on neighbouring amenity of having another student let in close proximity to another two.
- Parking pressures
- Noise disturbance
- Impact on amenity on the attached no.12 of having a downstairs bedroom in terms of noise generation.
- Inadequate parking provision which will lead to displaced parking.
- Storage and presentation of waste from four separate households.
- Concerns over the accuracy of the HMO database.

## **4.0 REPRESENTATIONS**

4.1 Ten third party objections received on the following grounds;

- Loss of family home
- Noise concerns
- Parking concerns

- Loss of garden
- Space concerns
- Risk of flooding due to water run off
- Concerns re accuracy of HMO database
- Scale of development unsympathetic
- Elderly residents close by
- Anti-social behaviour
- Properties overgrown
- Impact on house value
- Overlooked by extension
- Already HMO's within the street
- Enough student accommodation in the city.
- Greater traffic

4.2 The impact that a planning application may have on the value of properties is not a material planning consideration.

## 5.0 APPRAISAL

### PRINCIPLE OF PROPOSED USE

#### Policy

5.1 Draft Local Plan Policy H8 states applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- i. it 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 or are known to the Council to be HMOs; and
- ii. 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 permission or are known to the Council to be HMOs; and
- iii. the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.2 The SPD expands upon Policy H8 to provide further detail and guidance when assessing proposals for new HMO's.

### Assessment

5.3 Within 100m (Street level) of the application site 5.26% of properties are HMOs. At the neighbourhood level 7.96% are HMOs. Neither the street nor neighbourhood level thresholds are currently exceeded in respect of this application. The database figures comprise up to date details provided by Housing, council tax records and planning records. This figure includes all HMO properties known to the Council, and is separate from the HMO licence register which is published on the Council website. As such the proposal meets part i and part ii of Policy H8 of the Draft Local Plan and the principle of the change in use can be supported. Part iii of Policy H8 is discussed further in the report.

## DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE HOST DWELLING AND STREET SCENE

### Policy

5.4 Policy D11 of the Draft Local Plan (2018) states extensions to buildings should respond positively to its immediate architectural context.

### Assessment

5.5 The proposal seeks to demolish the rear conservatory which is considered acceptable as this of no particular architectural merit (an informative is recommended to remind the applicant of their duties with regards to bats during demolition). In its place, it is proposed to erect a single storey rear extension. Due to its siting, the extension will not be visible within the street scene. The extension is to be constructed in brick with concrete tiles to match the existing dwelling. The extension is set in from the boundary and will project 3.7m. The extension clearly reads as a subservient addition. The overall design, scale and appearance of the extension is acceptable.

5.6 The works to reduce the size of the garage are acceptable on design grounds. The proposal seeks to install gravel and retain a small proportion of garden area to the front, which is considered acceptable. A number of dwellings within the vicinity

have hard paved their front gardens, whilst this proposal seeks a combination of both gravel and garden. Overall the works are considered to respect the character and appearance of the host dwelling and street scene in compliance with Policy D11 of the Draft Local Plan (2018).

## IMPACT ON RESIDENTIAL AMENITY

5.7 Policy D11 of the Draft Local Plan (2018) seeks to ensure extensions to buildings protect the amenity of current and neighbouring occupiers. Policy ENV2 of the Draft Local Plan seeks to ensure residential amenity is protected from development which could include considerations such as overlooking, overshadowing, noise, vibrations.

### Proposed occupants

5.8 In terms of the proposed occupants, the HMO is to host 4no. bedrooms which are above the minimum room sizes for HMO standards. All bedrooms are served by a habitable window. Garden amenity space is provided. There are no amenity issues arising for potential occupiers.

### Impact on 12 Church Road

5.9 The neighbouring attached dwelling to the east is 12 Church Road. With regards to neighbouring impact, the extension is to project 3.7m at the rear, however it is set in from the boundary with no.12 by 1.3m. The House Extensions and Alterations SPD states in assessing proposed extensions beyond 3 and 4 metres the council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure. In this particular case, taking into account that the proposal is single storey and is set in from the boundary, the proposal is not considered to raise any amenity concerns with regards to overshadowing or being overbearing. The extension is adequately distanced from no.12. No windows are proposed facing directly towards no.12 therefore there are no overlooking concerns arising.

### Impact on 8 Church Road

5.10 8 Church Road is the detached neighbour to the west. The orientation of no.8 is that its rear elevation faces towards the rear garden of no.10. The extension would be located approximately 2.4m from the shared boundary and 4m at its

closest point to the dwelling. Taking into account the distances between the buildings, the single storey nature of the proposal and the existing presence of a rear extension, it is not considered that the new single storey extension will raise any amenity concerns with regards to overshadowing or overbearing. Windows are proposed on the west elevation of the extension, facing towards no.8, however taking into account that the windows are at single storey level and that there is existing boundary treatment between the two properties (shrubbery and boundary fencing), it is not considered overlooking will occur at this height.

## Wider Impact

5.11 Taking into consideration the guidance within the SPD and thresholds set out, the balance of the different types of properties within Church Road and the surrounding neighbourhood is sustained in line with the Policy. The submission of a management plan can be conditioned which would seek to address issues which can arise as a result of multiple occupancy including noise and the management plan should cover information and advice to occupants about noise and consideration to neighbours. Additional measures within the plan include property maintenance and refuse management.

5.12 Objections regarding waste can be covered by condition. There is sufficient space within the site to store bins behind the front elevation of the dwelling and this can be conditioned. It would be the occupier's responsibility to move the bins to collection point on the specified collection day and back to their storage area after collection.

## HIGHWAYS, ACCESS AND PARKING

### Policy

5.13 Policy T1 of the Draft Local Plan relates to sustainable access and requires safe and appropriate access to the adopted highway. The Council's car parking provision were set out in appendix 2 of the Highways Design Guide and the car parking standards were set out in appendix 23 of the Highways Design Guide, however this guidance was suspended on 10<sup>th</sup> August 2023. Limited weight is given to this guidance. For reference this guidance required 2 car parking spaces for a 4 bedroom HMO. Similar guidance is provided in the appendix to the Draft 2005 Development Control Local Plan which has very limited weight. A standard car parking space is 4.8m x 2.4m, extending to 6m x 3.6m as a working space..

5.14 Paragraph 111 of the NPPF states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

### Assessment

5.15 The proposal will utilise the existing access to the site, part of the driveway to the front and a new gravelled area in the front garden. Many of the dwellings within the vicinity have off-street parking provision. In this case, 2no. car parking spaces would be sought for the HMO use, this requirement is given limited weight.

5.16 The existing driveway is approximately 2.4m in width with a length of 17m (from the garage to the adopted highway). The width reduces at some points due to existing vegetation. The length of the driveway from the front elevation of the dwelling to the adopted highway is approximately 6.4m. The driveway is to be extended at the front to incorporate an additional space of 5.5m x 2.5m. Officers consider that the site can adequately park 2no. vehicles off the street independently of each other, with no overhang onto the footpath as detailed on the proposed floorplan.

5.17 External access to the rear of the property will be retained. Cycle parking is to be provided at the rear in the altered garage. This is considered acceptable and adequately fits 4no. cycles. Vehicles parked on the drive closest to the dwelling would require the manoeuvring of bicycles to get from the rear of the property to the front. However, this would not result in a level of harm sufficient to warrant refusal of the proposal.

5.18 Concerns are raised within the representations regarding on-street parking within the vicinity of the property, however there is little substantive evidence to demonstrate that highway safety, congestion or significant damage to footpaths or landscaping have occurred as a result of the current levels of on-street parking, especially given that a large number of properties within the vicinity make provision for off-street parking.

5.19 It is therefore considered that 2no. parking spaces is sufficient for the proposed use and even if there were to be some increase in car ownership arising from occupiers of the property, this would not exacerbate on-street parking to the extent that there would be an unacceptable impact on highway safety. The site is

considered to be within a sustainable location close to public transport links and occupiers would not necessarily have to rely on a car for day-to-day requirements. Any visitors to the property would be similar to the current situation as the existing C3 use, where existing visitors are likely to park on the street.

5.20 It is considered there would not be an unacceptable impact on highway safety or unacceptable residual cumulative impact on the network. The proposal is therefore in line with Paragraph 111 of the NPPF and Policy T1 of the Draft Local Plan (2018).

## **6.0 CONCLUSION**

6.1 The application property is considered to be appropriate for the needs of future occupants for a 4no. bedroom small HMO. The existing density levels of current HMO's is below the policy threshold (at both Street Level and Neighbourhood Level). The single storey rear extension is of a suitable design and scale. There are no residential amenity issues arising for either the proposed occupants and neighbouring dwellings. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. A management plan for the site can be condition. The proposal is considered to comply with policies within the National Planning Policy Framework, Policies H8, D11, ENV2, WM1 and T1 of the Draft Local Plan and guidance set out within the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy and House Extensions SPD.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in strict accordance with the following plans:

23P/CR/004 revision A dated 16.06.2023; 23P/CR/003 revision B dated 15.08.2023; Proposed block plan; 10 Church Road; scale 1:200; 23P/CR/005 revision A dated 18.08.2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The external wall and roof materials in the development hereby permitted shall match those used in the existing building.

Reason: In the interests of visual amenity.

4 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall throughout the duration of the use hereby permitted be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

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

5 No refuse or recycling shall be stored forward of the front elevation of the house.

Reason: In order to protect the visual amenity of the street.

6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of motor vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and to promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

## **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 order to achieve a positive outcome:

- Requested existing & proposed elevations and floorplans of the garage to demonstrate cycle storage.
- Extension of time secured to determine the application.

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