

## COMMITTEE REPORT

**Date:** 7 July 2016  
**Team:** Major and Commercial Team  
**Ward:** Hull Road  
**Parish:** Hull Road Planning Panel

**Reference:** 16/01097/FUL  
**Application at:** 42 Millfield Lane York YO10 3AF  
**For:** Change of use from small House in Multiple Occupation (use class C4) to large House in Multiple Occupation, two storey side and rear extensions, single storey rear extension and dormers to side and rear  
**By:** Mr Sullivan  
**Application Type:** Full Application  
**Target Date:** 1 July 2016  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 This application seeks consent to change an existing 5.no bedroom, small house in multiple occupation (Use Class C4) into an 8.no bedroom large house in multiple occupation (Use Class Sui Generis) and erect a two storey side and rear extension, a single storey rear extension and dormers to side and rear, on a semi-detached dwelling, at 42 Millfield Lane, Hull Road.

1.2 A request to call the application in was made by Councillor Barnes on the grounds outlined in his objection letter summarised in section 3 below.

#### Relevant Property History

1.3 A Certificate of Lawful Use for a small house in multiple occupation (Use Class C4) was granted on this property CYC Ref.16/00294/CLU - dated 07.04.2016.

### 2.0 POLICY CONTEXT

#### 2.1 Policies:

CYGP1 Design  
CYH7 Residential extensions  
CYT4 Cycle Parking Standards

## 3.0 CONSULTATIONS

### Highway Network Management

3.1 Highways confirmed there would be off-road parking for 3.no vehicles, following development. There were no objections in this respect. However, secure cycle storage has only been provided for 4.no units. They would require cycle storage on a one for one basis and this would mean 8.no secure cycle storage spaces.

### Planning and Environmental Management

3.2 Within 100m of the property 18.8% of properties registered as HMO's, Neighbourhood Level - 24.6% of properties registered as HMO's.

### Ward Councillor

3.3 Councillor Barnes objected to the application on the following grounds:

- Massively overburden the land on which the property exists
- Impact adversely on local parking
- Result in greater number of 'comings and goings'
- Additional burden on refuse collection
- Extensions would dramatically alter and change the shape of the dwelling

### Neighbour Notification and Publicity

3.4 Three letters have been received, objecting to the application on the following grounds:

- Combined scale and massing too great
- Parking provision out of character at such a density
- Detracts from availability of affordable family homes
- Abundance of designated student accommodation exists and is in the pipeline
- Neighbour amenity would be adversely affected
- Concern over local parking issues
- Increased noise and 'comings and goings'
- Problems over refuse storage/collection
- Could lead to a 'terracing effect' on semi-detached properties
- Road safety issues - property on a blind summit
- Design and Access Statement replicates that submitted for a 5.no bedroom HMO
- Would remove front to rear outside access.

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3.5 No response received.

### **4.0 APPRAISAL**

#### KEY ISSUES

4.1 The key issues, in the assessment of this proposal, are the impact of the proposed extensions on the character of the host building and the impact of the proposed extensions and change of use on the amenities of nearby residents.

#### POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies at its heart is a presumption in favour of sustainable development. A core planning principle set out in Paragraph 17 is 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.

4.3 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.5 Policy H7 sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.6 Policy GP1 requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012.

The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Para 7.1 advises that a basic principle of the guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance. Para 12.3 advises that side extensions should normally be subservient to the main house. The ridge height of extensions should be lower than that of the house and the front elevation should be set behind the front building line. Para 12.4 advises that unduly wide extensions should normally be avoided, typically a two-storey extension should not exceed around 50% of the width of the original house unless its width has been designed to successfully harmonise with architectural features contained in the original property. Para 12.10 advises that proposals for dormers on the side slope of two storey extensions will rarely be acceptable as the resulting roof slope would normally not match that of the existing house and when combined with the extension would not appear subservient to the building.

## ASSESSMENT

### Amenity of Future Occupants

4.8 The proposed layout will result in 2.no reasonable-sized bedrooms on the ground floor. The proposed single-storey rear extension will allow for a kitchen/dining room (approx 5.4m x 4.8m internal) and a lounge to the rear of this (approx 5.4m x 2.7m internal). The proposed first floor will consist of 4.no bedrooms (again of adequate size) a bathroom and a w/c. The proposed second floor will consist of 2.no bedrooms (also of adequate size). The rear garden will be approx 15 x 8.5 metres following development. This section of Millfield Road is exclusively residential; however there are shops and commercial premises further along this road. The property is also conveniently situated for a bus route into the city centre, on Hull Road. Given the ratio of 3.no bathrooms to 8.no bedrooms; the 2 no.large communal rooms and reasonably large rear garden; the internal and external facilities would be considered as adequate for the needs of the proposed number of future occupants.

### Visual Impact on the Street Scene

4.9 The proposed two-storey side extension will be set back approx 400mm from the front building line; set down marginally from the ridge and will project approx 2.2m to the side boundary. This projection (in terms of its foot print) will be less than 50% of the original dwelling. The rear extensions would not be visible from the street. The proposal also includes the creation of a wide flat-roof rear dormer and a side dormer within the side extension.

The impact of this aspect of the scheme is its significant degree of additional massing in the roof space, with a 5.5m long ridgeline to the side extension. The consequence will be to increase the visual impact of the scheme and unbalance its symmetry. This is an issue specifically referred to in Para. 12.10 of the Council's SPD, which states that; proposals for dormers on the side slope of two storey extensions will rarely be acceptable, as the resulting roof slope will normally not match that of the existing house and, when combined with the extension, will not appear subservient to the building. Whilst a similar side extension exists at no.46 this was approved in 2010 prior to the approval of the SPD in 2012.

### Impact on the Amenity of Neighbouring Properties

4.10 The change of use would increase the number of bedrooms by three, to eight in total and is an intensification of the existing use and may lead to more 'comings and goings' often late at night. Although the internal and external amenity space, ratio of bathrooms to proposed occupants, is acceptable for such a use; this will take place within a suburban, residential neighbourhood, comprised of semi-detached dwellings. It should be noted that both the street level density of existing HMO's (18.8%) and wider neighbourhood density (24.6%) exceed the thresholds set out within the Controlling the Concentration of Houses in Multiple Occupation SPD (10% and 20% respectively).

4.11 However the policy thresholds contained in the HMO is not relevant to determining this application as the proposal does not involve the loss of a use class C3 dwelling house. However it is considered that the criteria within the SPD is a reasonable general guideline for assessing the impact of the intensification of an HMO use and its impact on the existing character of an area and the potential detrimental impact on the balance of the community and residential amenity. Additional intensification could result in additional littering and accumulation of rubbish; noises between dwellings at all times and especially at night; increased parking pressures; and lack of community integration and less commitment to maintain the quality of the local environment.

4.14 In terms of the above criteria; it is considered that the increased intensity of use of what at the moment is a modest semi-detached house, coupled with the high proportion of HMOs in the street and neighbourhood would result in significant harm to the character of the area and as a result of a likely increase in noise and disturbance would harm local residential amenity.

4.15 In terms of the physical changes to the property; the replacement rear extension will be part two storey. This will introduce a side wall, projecting out approx 2.9m, at a height of approx 5.5m, 2m from the common boundary with no.44. This will appear oppressive and dominant, when viewed from this adjoining property.

Whilst this impact is mitigated to some extent by the removal of the existing ground floor extension it is considered to significantly impact on the outlook from no.44 by introducing an overbearing structure. The extension would be to the south-west of no.44. The scale and projection of the first floor element is likely to impact upon daylight and afternoon sunlight received by the rear facing habitable room adjacent to the boundary at no.44. In terms of the adjacent property of No.40 Millfield Lane; this property has been extensively developed itself, including a single storey rear extension and side and rear dormers. The proposed extensions will run along the common rear/side boundary, though the driveway to no.44 provides a degree of separation from the actual property itself. However, this will still introduce a wall of approx 5.5m height, projecting approx 2.8m beyond the existing first floor rear elevation. This will again appear as oppressive and over-dominant, when viewed from this adjacent property.

### Highway and Other Issues

4.16 Maximum car parking standards contained within the DCLP for an HMO is 1 per 2 units (bedrooms) which for this property would be 4 spaces. The applicant suggests that 3 spaces would be provided although no drawing has been submitted to show the car parking layout. Given the width and depth of the front garden 3 spaces could only be accommodated by providing nose-in spaces removing the front garden wall and hedge and providing a full width cross-over of the pavement and grass verge. Retaining the boundary wall could provide for 2 spaces although one would be boxed-in. Removing the boundary and the grass-verge would be out of character with the appearance of the street scene , and is indicative of potential affect of over-intensifying the use of the building. However Members should note that ultimately planning permission is not required for removing the boundary wall in this location. There is no resident parking scheme currently in operation on this section of Millfield Lane. Millfield Lane is wide enough to allow cars to park on one side of the road and one car to pass. There is potential for significant car ownership at an 8 bedroom HMO especially if occupied by people who are in work. Student car ownership however is known to be low.

4.17 Minimum cycle parking standards contained within the DCLP for an HMO is 1 per unit (bedroom) which for this property would be 8 spaces. Cycle parking is shown in a store which forms part of the side extension. Up to 4 cycles could be accommodated however the store is also shown as accommodating bin and recycling storage. Local Plan policy GP1 states that individual storage space for waste recycling and litter collection should be provided and policy T4 requires cycle parking in accordance with the published standards in order to maintain and promote cycle usage in order to reduce dependence on the car. The side extension would result in the loss of access to the rear garden.

It is likely that the inadequate size of the store would either result in refuse and recycling bins being kept at the front of the building leading to an accumulation of rubbish, or a further reduction in the available secure cycle parking. Again this is considered to be as a result of the proposed over-intensive use of the property.

## **5.0 CONCLUSION**

5.1 The proposed extensions will have a significant and harmful impact on both the street scene and the living conditions of the neighbouring properties. Furthermore the intensification of the occupancy of the building will be likely to harm the character of the area, the balance of the community and residential amenity. The proposals are considered to be contrary to paragraph 17 of the NPPF, policies GP1, H7 and T4 of the DCLP and the design guidance contained within House Extensions and Alterations Supplementary Planning Guidance.

## **6.0 RECOMMENDATION: Refuse**

1 It is considered that by reason of their scale massing and design the proposed extensions would not be subservient to the original dwelling and would have a harmful unduly dominant and overbearing impact on its surroundings, particularly when viewed from Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.

2 The proposed first floor rear part of the proposed extensions by reason of its height, massing and location would appear as an oppressive, over-dominant structure when viewed from the both neighbouring properties and would result in a significant loss of daylight and afternoon sunlight to the adjoining property at no.44 Millfield Lane. The proposal is therefore in conflict with paragraph 17 of the National Planning Policy Framework, Policies GP1 and H7 of the Development Control Local Plan and the guidance contained within the House Extensions and Alterations Supplementary Planning Guidance.

3 The increased number of occupants at this suburban semi-detached dwelling is considered to be likely to result in a significant cumulative impact on the residential character of the street taking into account the existing high level of houses in multiple occupation along the street within 100m of the application site and within the wider neighbourhood. The size of the store is inadequate to provide accommodation for 8 cycles and the waste and recycling storage for the number of residents proposed. This cumulative increase will have a harmful impact on the living conditions of local residents and the residential character of the area from additional littering and accumulation of rubbish in the front garden; noises between dwellings and in the street at all times and especially at night and increased parking pressures.

This is contrary to paragraph 17 of the National Planning Policy Framework and Development Control Local Plan policy GP1 which states that development proposals will respect the local environment, provide individual storage space for waste recycling and litter collection and policy T4 which requires cycle parking in accordance with the published standards in order to maintain and promote cycle usage in order to reduce dependence on the car.

## **7.0 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 (paragraphs 186 and 187) 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:

Assessed the proposal during the course of a site visit and considered what possible revisions could be made in order to make the proposal acceptable.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

#### **Contact details:**

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