

## COMMITTEE REPORT

**Date:** 4 August 2016                      **Ward:** Osbaldwick and Derwent  
**Team:** Householder and              **Parish:** Osbaldwick Parish  
                    Small Scale Team                              Council

**Reference:** 16/00396/FUL  
**Application at:** 2 Hambleton Avenue Osbaldwick York YO10 3PP  
**For:** Two storey side extension and single storey rear extensions  
**By:** Mr D Ward  
**Application Type:** Full Application  
**Target Date:** 24 June 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application property is a two-storey semi-detached house located on Hambleton Avenue a residential area of Osbaldwick.

1.2 It is proposed to undertake the following works to the home:

- Erect a two storey side extension.
- Erect a single storey rear extension.
- Landscape the front garden to create a total of two/three car parking spaces.

1.3 The scheme as submitted also included a proposed two-storey rear extension, however, the first floor element of the rear extension has now been removed.

1.4 The submitted plans indicate that the property is and would be a House in Multiple Occupation.

1.5 The application has been brought to committee at the request of Cllr Warters. The reasons for doing so relate to the Councillor's concerns regarding the impact on the streetscene (namely terracing), the impact on the living conditions of 1 Hambleton Avenue and the negative impacts of overdevelopment including concerns regarding car parking and rubbish storage.

### 2.0 POLICY CONTEXT

2.1 Draft Local Plan policies:

CYH7 - Residential extensions  
CYGP1 – Design

## 2.2 Emerging Local Plan:

At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determining of planning applications.

## 3.0 CONSULTATIONS

### Integrated Strategy Unit

3.1 The property is included on the HMO database. The Council's percentage figure for existing HMO's within 100m of the home are just under 10%. The figure for the neighbourhood is 7%.

### Osbaldwick Parish Council

3.2 Object due to harm to neighbours. The proposal is gross overdevelopment, there are inadequate car parking and waste facilities.

### Neighbour Notification and Publicity

3.3 Four no. objections were received. The reasons are listed below:

- Loss of light to neighbouring home (This comment related to the original drawings).
- The proposal will lead to more parking on the street. Verges are damaged and the nearby school also puts pressure on parking.
- There are a large number of HMO's in the street.
- The proposal has a negative impact on the elderly and young families.

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The impact on the streetscene.
- Parking and highway safety.
- The impact on neighbours' living conditions.
- The increased number of occupants in the HMO.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework 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. A 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 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. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

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 'Residential Extensions' of the City of York Local Plan Deposit Draft 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 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. It is described as a draft as the City of York Council does not have an adopted Local Plan. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations.

The underlying objectives of the document are consistent with local and national planning policies and the advice in the SPD is a material consideration when making planning decisions.

4.8 The application property is in use as a small House in Multiple Occupation (HMO). The applicant has submitted information to indicate that this use existed before 20 April 2012. This is significant as it was the date at which an Article 4 Direction was introduced in York removing permitted development rights to use a dwelling house as a House in Multiple Occupation. As the property is an existing HMO the Council's SPD relating to the control of concentrations of HMO's is not relevant. It is the case, however, that policies in the Local Plan and NPPF that relate to for example parking provision, and the functioning and quality of an area are material.

#### Impact on Streetscene

4.9 The form of the extension complies with the council's guidance on house extensions in that the first floor is set back over 0.5m from the front elevation and the form matches that of the original dwelling. It will appear relatively tight to number 3 because the application property is turned slightly towards this home, however, the proximity is not considered to cause such harm to justify refusal of the application.

#### Parking and Highway safety.

4.10 The revised submitted plans indicate that two car parking spaces will be created on the existing grassed area of the front garden and the existing space in front of the garage will be retained. The use of the space in front of the garage would normally block at least one of the other proposed spaces and as such would be more suited for short term parking or would need to be used in co-ordination with the other occupants' of the home.

4.11 The maximum car parking standards for HMOs contained with the Local Plan is 1 per 2 bedrooms. As the property is proposed to have 5 or 6 bedrooms and would provide 2 to 3 car parking spaces it is considered to be in line with this standard. It is noted that the street is close to a primary school and would be expected to have much short term on street parking during the start and end of the school day. The condition of the verges on the eastern side of the street would also indicate that these are much used for car parking. It is considered, however, subject to the provision and retention of car parking at the application property that the impact of the scheme on levels of on-street parking would not be expected to be significantly different than the impact of the existing home or that of family dwellings in the area.

4.12 The garage is proposed to be retained for cycle parking. Bins can be stored in the garage.

#### Impact on neighbouring living conditions.

4.13 Number 3 has been extended with a 2m single storey extension to the rear. The front part of the garage has been converted to a bedroom and the rear is used as the home's utility area. The extensions to number 2 will project a little past the rear of this home, however, because the nearest openings serve a utility area and kitchen and the extension is to the north it is not considered undue harm would be caused to living conditions. The only side opening in number 3 serves a landing.

4.14 Number 1 Hambleton Avenue is attached. The single storey rear extension would have relatively little impact on openings as the lounge of number 1 is screened from the proposed development by an offshoot. There were concerns regarding the impact that the first floor rear extension would have had on the small rear yard of number 1 and the privacy of the property to the rear - this element has now been deleted.

#### Increased number of occupants in HMO.

4.15 The submitted drawings indicate that the existing home has 4 bedrooms, however, this level of occupancy is based on the small kitchen and first floor study being the only communal accommodation. The proposed changes are shown to create 5 bedrooms. It may also be possible to create an additional bedroom if the second bathroom on the first floor were used as sleeping accommodation.

4.16 It is noted that normally between 3 and 6 people can live in an existing small HMO and that the Planning Authority can not control the number of occupants, providing it does not exceed 6. It is considered that subject to the provision and retention of the car parking spaces and garage the proposal is not overdevelopment. The property has a small rear garden, however, it is adequate for the needs of the occupiers.

4.17 In considering the merits of the application it is considered that some regard should be given to permitted development rights for extensions to existing properties and that if the level of occupation were increased by using permitted development rights the Council would have no controls over the retention of the garage or provision of car parking within the front garden.

## **5.0 CONCLUSION**

5.1 It is considered that the design of the extension complies with the Council's guidance on house extensions. Information submitted by the applicant indicates that the property is an existing HMO.

The changes will increase the number of occupants, however, subject to implementing improvements to off-street car parking and the retention of the garage for storage it is not considered to have an unacceptable impact. It is noted that works could be undertaken to enlarge the property without needing planning permission, however, through controlling the form of development through a planning application, the Local Planning Authority are better able to manage the impacts of the enlargement.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Revised drawing 280.001 Revision 'B' received by the Local Planning Authority on 21 June 2016.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ1 Matching materials

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking, re-enacting or modifying that Order) the garage at the property shall not be converted to living accommodation and shall remain available for the storage of bins and cycles.

Reason: To protect the streetscene and support the use of cycles.

5 Prior to the occupation of the extended home 6 individual secure fixings for cycles shall be installed within the garage suitable for cycle parking and these shall be retained.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 Any additional hard surfaced areas in the front garden shall be made of porous materials, or provision shall be made to direct run-off water from the hard surfaced areas to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: To avoid increasing flood risk to the street and adjoining properties.

7 The extension shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

## **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 order to achieve an acceptable outcome:

Revised plans sought to remove first floor rear extension.

#### 2. Informative

#### THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996.

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

#### 3. For Information regarding HMO use.

This permission does not grant or infer consent to use the property as a house in multiple occupation (use class C4).

### **Contact details:**

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