

## COMMITTEE REPORT

**Date:** 8 September 2016      **Ward:** Fulford and Heslington  
**Team:** Major and                      **Parish:** Fulford Parish Council  
                    Commercial Team

**Reference:** 16/01047/FUL  
**Application at:** 15 Heslington Lane York YO10 4HN  
**For:** Conversion of existing dwelling into 3no. flats with single storey side extension (part-retrospective) (resubmission)  
**By:** Mr Andre Trepel  
**Application Type:** Full Application  
**Target Date:** 24 June 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is a former 4 bedroom dwelling located on a narrow lane off Heslington Lane (Fulfordgate WMC is located at the junction). The site is within Fulford Conservation area.

1.2 The property has previously been extended with a single storey flat roof extension to the rear. The property has a very large rear garden. There are a small number of other dwellings located on the narrow lane. At the end of the lane and opposite the application property is a garage court.

1.3 The application is part retrospective to change the building into 3 separate flats. The retrospective application also includes the creation of a single storey side extension to accommodate one of the flats.

1.4 The application was called in to the Area Planning Sub- Committee decision at the request of Cllr Aspden. At the meeting of the Committee held on 4 August, the application was deferred for the following reasons:

- to seek the comments of the Council's Conservation Officer
- to investigate the build quality of the development
- to seek more information on the standard of amenity of the flats

1.5 Following the 4 August Committee meeting, the applicant submitted revised plans indicating that the side extension that houses the studio flat (which has been built without planning permission) will be partly re-built to include a pitched, tiled roof.

1.6 The scheme to be assessed is to convert the building to 3 flats including the erection of a single storey side extension to house a studio flat. The first floor flat has three bedrooms. The larger flat on the ground floor has two bedrooms. The occupiers of the flats would share the rear garden and have access to the existing garage for storage. The two larger flats, between them, have access to three off-street parking spaces (two of these are in tandem formation). The studio flat has no off-street car parking.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Conservation Area: Fulford

2.2 Policies:

### Draft Local Plan 2005

CYGP1	Design
CYH8	Conversion to flats/HMO/student accom
CYHE3	Conservation Areas
CYHE4	Listed Buildings

### Emerging Local Plan

2.3 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.

### Fulford Village Conservation Area Appraisal 2008.

2.4 The appraisal was approved in 2008 and is material to the application.

## **3.0 CONSULTATIONS**

### Highway Network Management

3.1 Access to the property from the highway will utilise the existing access from Heslington Lane. Additional traffic generated by the development will be minimal. There will be no material impact on the use of the access from that generated by the current users of the access.

3.2 Car parking provision meets CYC Appendix E Standards and reflects the mixture of units.

## Planning and Environmental Management - Landscape Architect

3.3 The adjacent tree is sizeable and appears to be in reasonable condition. However given its location some distance away from Heslington Lane and set back from the building frontage, it does not make such a significant contribution to public amenity to warrant a tree preservation order (TPO). The side of the extension appears to have been built on the top of an existing brick boundary wall. Similarly the extended ground floor appears to be sitting upon a concrete slab of some age. Therefore the assumption is that no additional excavations have been made to implement the development. Consequently, it is likely that no significant root damage resulted from the extension.

3.4 It is not considered that the tree conflicts with the occupation of the units including light levels and maintenance.

## Planning and Environmental Management - Conservation Architect

3.5 The conservation architect was not consulted in respect to the original proposals. His comments are summarised below:

3.6 The prevailing construction material in the area is pinkish-brown brick, with pitched roofs of indigenous slate or clay tiles.

3.7 The scale of the extension sits comfortably with the host building. The materials of the roof coverings are visually poor, and are distinctly modern, contrasting unfavourably with the natural materials which are characteristic of the area. The use of the two materials draws attention to the unusual roof arrangement, the complexity of which is at odds with the traditional rectangular plan, dual pitched form of the host building. The materials and execution of the extension amount to poor design and combine to make the building detrimental to the character and appearance of the area. In terms of the setting of the listed church, the development is of small scale and separated from the church by both distance and other structures, including the row of garages referred to above. It is not overly intrusive in views to or from the church, and preserves its setting.

3.8 The degree of harm to the character and appearance of the conservation area is less than substantial, and consequently the harm should be weighed against the public benefits of the proposal (para.134, NPPF), although it is not clear what benefit would derive from this scheme. Bearing in mind the duties set out in Section 72 of the act, and the great weight which should be given to the conservation of designated heritage assets, we would not support the granting of planning permission.

3.9 Following the receipt of the conservation architect's comments a revised scheme was submitted showing a pitched, tiled roof extension to replace the one that has been erected.

The conservation architect does not object to this scheme.

### Neighbour Notification and Publicity.

3.10 On 23 August neighbours, the parish and previous objectors were re-notified in respect to the revised scheme that showed a pitched roof to the side extension. The consultation period expires on the Tuesday prior to the committee meeting. Any comments received will be reported to Committee.

3.11 The comments from the Parish Council and neighbours summarised below relate to the original application.

### Fulford Parish Council

3.12 Object due to:

- **Harm to Fulford Village Conservation Area**  
The impact of the extension is harmful to the character and appearance of the conservation area due to its very poor design, shoddy construction and a mismatch of materials. The dwelling is located directly to the rear of St Oswald's Church a Grade II listed building and therefore lies within its immediate setting.
- **Inadequate plans:**  
The only plan available of the first floor flat is not drawn to scale and is clearly inaccurate. For example the staircase is not shown and a large bathroom appears to occupy the space where the stairwell is located?
- **Insufficient information on drainage:**  
No information has been provided in order to determine the impact the proposals on the existing drainage systems and how the foul and surface water will be dealt with, taking into account the provision of two additional kitchens and two additional bathrooms.
- **Impact on neighbour amenity:**  
The increase in vehicle movements directly adjacent to the front door of no 11 Heslington Lane will adversely affect the amenity of this property. Also question whether the existing access onto Heslington Lane is suitable for increased vehicle usage.
- **Building Regulations:**  
We assume that building regulations have not been obtained and question whether the extensions provide a safe environment for the occupants.

### Neighbours

3.13 Objections were received from 5 neighbours.

The issues raised were:

- The flats have inadequate car parking. It will lead/leads to cars parking in front of adjacent garages. The garages are in regular use. The owner of some of the garages has concerns re the loss of letting income.
- The lane is narrow and unsuitable for the increase in traffic. The junction with the main road has poor visibility. Concerns in respect to the safety of passing pedestrians, including school children.
- There is inadequate access to the site for emergency vehicles.
- The extension is poorly built and does not have building regulations consent.
- Concerns regarding the recent loss of Poplar trees in the garden (case officer comment - consent was granted in 2014 for the removal of 3 - ref 14/00699/TCA).
- The extension is an eyesore and detracts from the conservation area.

## **4.0 APPRAISAL**

### **KEY ISSUES**

4.1 The key issues in assessing the proposal are:

- Whether the change would lead to an unacceptable impact on the City's housing stock.
- Whether the accommodation is of an appropriate standard.
- Impact on the appearance and character of the conservation area.
- Impact on neighbours' living conditions.
- Parking and highway safety
- Impact on trees

### **POLICY BACKGROUND**

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the overarching roles for the planning system.

4.3 Paragraph 7 advises that there are three dimensions to sustainable development, which gives rise to the need for the planning system to perform the following roles:

- economic - contributing to building a strong, responsive and competitive economy
- social - supporting strong, vibrant and healthy communities
- environmental - contributing to protecting and enhancing the natural, built and historic environment

4.4 Paragraphs 186 and 187 advise of the need for local planning authorities to adopt a positive approach towards sustainable development in their decision-taking and to look for solutions in order to approve applications where possible.

4.5 Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 50 states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities the local planning authority should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.6 The Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Policy H8 states that planning permission will only be granted for the conversion of a dwelling to flats where the dwelling is of a sufficient size (i.e. minimum 4 bedrooms) and the internal layout is shown to be suitable for the proposed number of households or occupants. The policy also states that external alterations should not cause harm to the character or appearance of the building or area, adequate off and on street parking and cycle parking and storage and collection of refuse and recycling should be incorporated and there should be no adverse impact on neighbouring residential amenity.

4.7 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.

4.8 The Fulford Village Conservation Area Appraisal 2008 indicates that the application property has a neutral value to the conservation area. The adjoining garage court is considered to be detrimental to the area. The line of trees to the north of the application property is mapped as being visually prominent

4.9 The Council's Subdivision of Dwellings Supplementary Planning Document (SPD) was approved on 4th December 2012. In Paragraph 1.8 it advises that the SPD aims to ensure that where the subdivision of dwellings are proposed, they:

- provide adequate internal space;
- are of a suitable layout;
- have acceptable amounts of internal and external storage space;
- have acceptable levels of facilities;
- do not have an adverse impact on the amenity of neighbouring residents;

- are designed and built to a high standard of sustainability

4.10 In terms of space standards, Paragraph 3.11 advises that studio flats should have a minimum 'habitable' floor space of 32.5 sqm, 72sqm being the minimum for a 2 bedroom flat and 93sqm for a 3 bedroom flat. Paragraph 3.13 advises that the standards are intended to help ensure that subdivided homes are comfortable, convenient and able to accommodate the appropriate amount and level of furniture and fittings in line with the number of people resident in the property.

## **ASSESSMENT**

### Whether the change would lead to an unacceptable impact on the City's housing stock

4.11 The property when a single dwelling contained 4 bedrooms. The Council's Draft Local Plan (policy H8) states that homes of 4 bedrooms or more are considered appropriate for conversion subject to other relevant criteria.

### Whether the accommodation is of an appropriate standard

4.12 The approximate floor area of the 3 flats is as stated below. It should be noted that the space does not include bathroom space or hallways:

- Ground Studio flat - 25sqm.
- Ground floor 2 bedroom flat - 75sqm.
- First floor 3 bedroom flat - 43 sqm.

4.13 The ground floor 2 bedroom flat is in line with advice in the Council's SPD on floor sizes, however, the other two flats do not meet these standards.

4.14 The property was visited internally. It would be difficult to sustain an argument that the first floor flat is substandard and although it is described as having three bedrooms, it is not necessarily the case that all bedrooms will be occupied as sleeping accommodation. If the first floor flat were shared by 3 or more non-family members consent would also be required for its use as a House in Multiple Occupation.

4.15 The studio flat is more modest, although comfortably accommodates a double bed and daytime furniture. It has a separate kitchen and shower room. It would provide an acceptable standard of accommodation for a single adult.

4.16 Following the meeting of the Committee, the applicant was contacted in relation to the quality of the accommodation with particular regard to the building works and living conditions.

The applicant brought the Council's attention to the coloured floor plans that indicate the position of furniture within the flats. It is considered that the key assessment is the quality of the studio flat. The case officer has visited the studio flat. Although the furniture was not laid out in the way shown on the plan, the plan does put into context the space available to the occupier(s).

4.17 In respect to build quality the agent has indicated that should planning permission be granted, approval under the Building Regulations will be sought. As the revised scheme includes significant modification of the studio flat, Building Regulation approval will be required for the changes.

#### Impact on the appearance and character of the conservation area.

4.18 The site is within the Fulford Village Conservation Area. Section 72 of the Town and Country Planning Act 1990 requires the local planning authority, when determining planning applications for development within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a conservation area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to preserving the Conservation Area.

4.19 The statutory duty under Section 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the conservation area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.20 The legislative requirements of Section 72 are in addition to the government policy contained in Section 12 of the NPPF. The NPPF classes Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes the following:

- Paragraph 132 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 133 advises that "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve



substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

- Paragraph 134 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."

4.21 The main positive visual characteristic of the locality relates to the generous gardens and tree planting. The existing building (prior to the extensions) is considered in the Fulford Village Conservation Area Appraisal 2008 to have a neutral impact.

4.22 The Council's Conservation Architect considers that the side extension as built has a detrimental impact on the character and appearance of the area. However, it is considered that revised pitched roof scheme would have a neutral impact.

4.23 The application property is set partly within a relatively dilapidated garage court and the extension sits beside a garage and not forward of the building. The front boundary is also relatively high. Although the northern section of the lane currently has a very informal character, were it to be re-developed it is not considered that the proposed revised extension would undermine the resulting appearance.

4.24 The applicant has indicated that the extension will be constructed of materials that match the main house. It has also been indicated that all of the section built on top of the existing boundary wall will be re-constructed with materials that provide a better match. Elements of detailing can be covered by condition.

4.25 It is not considered that the use of the building as 3 flats has a significant impact on the appearance or character of the conservation area.

4.26 The small scale of the extension and separation to the church is such that it will not affect on the setting of the listed building.

#### Impact on trees

4.27 A key consideration is the impact of the side extension and its use as living accommodation on the adjacent mature trees. The nearest tree is one of a group providing plentiful tree coverage to the north of the house. It is considered that the form of construction has had little impact on the roots of the adjacent trees. The canopy of the adjacent tree is in close proximity to the house and extension and there is the potential for some conflict in respect to seasonal leaf drop and perceived safety concerns.

However, it is not considered that the importance of the adjacent tree to the streetscene and wider conservation area is such as to justify a tree preservation order.

#### Impact on neighbours living conditions.

4.28 Draft Local Plan policies GP1 and H8 relate to the protection of neighbour amenity. The extension has no significant impact on neighbours. It is not considered that the potential increase in traffic past the front of properties on the access would be significantly harmful to amenity. It is noted that vehicles entering the parking area do not need to manoeuvre immediately in front of the openings on the home located slightly to the south (number 11).

#### Parking and highway safety

4.29 The two larger flats have space to park one car and two cars respectively. The parking for two cars requires a tandem parking formation. The studio flat has no off-street car parking. There is space within the front garden to park a motorbike. Parking for cycles is also available in the existing garage.

4.30 The overall level of off-street parking is within the parameters of the maximum standards set out in the Local Plan. These seek a maximum of 1 space for 1 or 2 bed dwellings and 2 spaces for dwellings with 3 or more bedrooms. Concerns in respect to possible parking in front of the communal garages is noted, however, this is a private matter and could occur irrespective of the outcome of this planning application.

4.31 The likely level of additional traffic associated with the scheme is sufficiently modest so as not to raise concerns regarding the poor quality access with Heslington Lane. The constrained access to the development was discussed with the Fire Safety Officer for York. As the building was already in residential use he did not object to the scheme.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed flats would provide reasonable to good quality living accommodation in a quiet landscaped setting within the urban area. The levels of off-street car parking are considered acceptable for the scale and location of the accommodation. Although vehicular access is along a narrow lane, it is not considered that the likely small increase in vehicle movement would raise significant neighbour amenity or highway safety concerns.

5.2 Following deferral at committee the applicant has submitted a revised plan amending the design of the side extension to include a sloping tiled roof and the removal of the polycarbonate section of the roof.

The design of the revised extension and relationship to the host dwelling is not considered to harm the character or appearance of the conservation area. The extension could co-exist with the adjacent tree, however, if there were a desire and means to secure the removal of the closest tree, it is not considered its loss would be unacceptable.

## **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:-

Block plan received by the Local Planning Authority on 1 July 2016.

Proposed first floor layout on plan received by the Local Planning Authority on 28 April 2016.

Proposed ground floor layout on plan received by the Local Planning Authority on 1 July 2016.

Proposed elevation SC215-05A (rev 1) received by the Local Planning Authority on 23 August 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 Prior to the erection of the approved side extension the following details shall be submitted to the Local Planning Authority for approval:

- Sample of roofing materials.
- Samples of facing bricks.
- Details of rooflight and fitting.
- Section showing eaves and ridge details

The extension shall be built in accordance with the agreed details/materials.

Reason: To protect the character and appearance of the conservation area.

4 The areas shown on the approved plans for parking and manoeuvring of vehicles and cycles shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Within 2 months of the date of this permission, three secure fixings for cycles shall be installed within the garage suitable for cycle parking and these shall henceforth be retained.

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

## **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:

Additional details sought clarifying layout of flats and revised plans for the side extension.

#### **2 BUILDING REGULATIONS**

Building Regulations consent is required for the proposed works. Building Regulations control issues such as noise insulation between flats, thermal insulation, structural stability and fire safety. This permission does not grant or infer that Building Regulation consent will be granted. Should building works be required to comply with Building Regulations, it should be established whether planning permission is required for the works and an application submitted if required.

#### **Contact details:**

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