

## DELEGATED REPORT

**Date:** 6 October 2016      **Ward:** Hull Road  
**Team:** Householder and    **Parish:** Hull Road Planning  
          Small Scale Team                     Panel

**Reference:** 16/01892/FUL  
**Application at:** 4 Heathfield Road York YO10 3AE  
**For:** Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear  
**By:** Mr D Rose  
**Application Type:** Full Application  
**Target Date:** 12 October 2016  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

1.1 The application property is a two storey semi-detached property located within a predominantly residential area in the eastern suburbs just to the north of Hull Road.

1.2 This application seeks permission for a two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear. The existing property is being used as an HMO and the submitted plans show that house has 4 bedrooms. This includes 3 on the first floor and 1 (originally a lounge) on the ground floor. However, it is understood that the small bedroom on the first floor is presently only used for storage purposes. The proposal would result in there being 2 bedrooms at ground floor level, 3 at first floor (with the small bedroom being converted to a bathroom) and a further bedroom in the roof space; thereby creating a 6 bed HMO.

1.3 The application has been called-in for determination by Councillor Barnes on the grounds of the high level of objections from residents, the impact on the street setting and the impact on a neighbouring property.

### 2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design  
CYH7 Residential extensions

### 3.0 CONSULTATIONS

Hull Road Planning Panel

### 3.1 No response received

#### Neil Barnes, Ward Councillor

3.2 Object on grounds of an overdevelopment of the plot that will adversely impact on a neighbouring property and have a negative impact on the street scene. Also:

- 50% of the residents of Heathfield Road have written in objection, which is a significant percentage and should be taken into account during the determination of the planning application.
- Even though the Article 4 Direction on HMOs will not apply (as the 3 bed roomed is already a HMO), doubling the number of bedrooms in the property will have as much impact as if an entire new HMO were built in the street. There will be much increased potential for greater noise, greater litter produced and also more likelihood of traffic issues.
- Heathfield Road is a very narrow street where any on-street parking causes immediate safety issues. The plot at 4 Heathfield Road only caters for two parking spots currently, with no extra provision being suggested. Therefore doubling the number of bedrooms for adults of legal driving age means running the risk is extra parking negatively impacting on the street scene.
- There has been no consideration of the shadow impact on 3 Heathfield Road, whose garden lies west-north-west of no.4. Any two storey extension could reduce much light throughout the morning and midday - this should be assessed. 3 Heathfield Road also has a number of side windows, which will see walls being built much closer and could produce an overbearing impact.
- It should also be noted that the houses on this side of Heathfield Road do not have similar extensions - Numbers 2 to 7 have largely retained their original setting (with the exception of No. 5) and so this extension will be out of the character and setting of these houses, thus having a negative impact on the street scene.

#### Publicity and Neighbour Notifications

3.3 Comments have been received from 12 local residents; 10 in Heathfield Road and 2 in Millfield Lane. Their concerns can be outlined as follows:

- proposals will result in loss of daylight to lounge and garden of no.3 Heathfield Road
- extension is out of proportion to host dwelling
- need to leave space between extension and side boundary to allow movement of bins etc. from front to back
- there are too many HMOs in the street

- will create 6 bedrooms and potentially 6 cars on site which will cause parking problems and create dangers for children and difficulty of access for emergency/refuse vehicles
- drains already block - this will add to problem
- design is not in keeping with the street
- hedge between nos. 3 and 4 should remain untouched
- extensions will create a wind tunnel effect

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact of the proposed extensions on the character of the host building and area and 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. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. 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 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 The relevant City of York Council Local Plan Policies are H7 'Residential Extensions' and GP1 'Design'. 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.

4.8 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. Paragraph 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.

4.9 Paragraph 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. In Paragraph 12.8 it outlines that it is often good practice to try and retain a 0.9m gap to the rear garden to ensure that access remains for cycle storage and so forth. In relation to the assessment of single storey rear extensions, Paragraph 13.2 advises that 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.

4.10 Paragraph 13.6 advises that when deciding the acceptable projection of two-storey extensions a starting point will be the '45 degrees rule', which is established by drawing a line on a floor plan from the centre point of the nearest ground floor habitable room window towards the proposed extension. Extensions that project beyond a 45 degrees line will normally be unacceptable unless it can be clearly shown they will not unduly harm the living conditions of the affected property. This rule does not take account of the extension's impact on direct sunlight.

4.11 In Paragraph 14.1 it states that the roof of a building is an important and prominent element of its design. Unsympathetic roof extensions can have a dramatic affect on a building's visual appearance. When integral to a dwelling or located on a steep roof slope dormers can add visual interest and rhythm to a street. However, if poorly located or designed, dormers can make a building appear 'top-heavy', cluttered and harm its balance, or symmetry. Paragraph 14.2 advises that dormers can also detract from the living conditions of neighbours. The loss of privacy can be of concern, particularly where they overlook previously sheltered areas of nearby gardens.

## ASSESSMENT

### Proposals and Context

Application Reference Number: 16/01892/FUL

Page 4 of 8

4.12 There is currently circa 4m between the side elevations of nos. 3 and 4 Heathfield Road and the eaves of no.4 is slightly higher than the eaves to no.3 (circa 400mm). The proposed two storey side/rear extension would be set back 4.9m from the front elevation and would project 2.9m from the rear elevation. It would extend 0.9m out from the side elevation and would therefore come within 3.1m of the side elevation of no.3.

4.13 No.3 has a single storey mono pitch roof rear extension that projects circa 3m from its rear elevation. This provides a kitchen/dining/lounge area for the property. There is a part glazed door on the side elevation of no.3 that provides the main entrance to the property. Adjacent to this is a ground floor window, which with the part glazed door provides natural light into the lounge area of the rear extension. Natural light is also available to this rear extension from a pair of full height glazed doors on the rear elevation.

4.14 There is a small opaque glazed window to a toilet area on the side elevation of the rear extension facing no.4 and there is also an opaque glazed window to a bathroom and a landing window at first floor level on the side elevation of no.3.

#### Impact on Daylight and Amenity

4.15 The applicants have provided a shadow diagram study to outline the impact of the proposal on the immediate neighbours, in particular no.3. The study covers the impact for early morning, noon and late afternoon (3pm) for mid January, March, June, September and December.

4.16 The occupant of no.3 has indicated that her main concern is loss of light to her lounge and rear garden. The main periods for consideration in planning terms are March, June and September. The study indicates that although there will be some slight additional loss of light to first floor side windows and ground floor toilet window on the rear extension, the change in level of light to the ground floor side door and window in these periods will be marginal and involves partial shading of the window at midday in March and some slight additional loss of light the door and window at morning in June. The study also indicates that there would be no impact on the garden.

4.17 In terms of size, scale and massing it is considered that the proposed two storey extension is acceptable. Being set back 5m from the front elevation and projecting only 0.9m out from the side elevation its impact on the streetscene will be marginal and it is not considered that it will have an overbearing impact on the amenities of the adjoining neighbour at no.5 nor will it breach the '45 degrees rule' referred to in Paragraph 13.6 of the SPD.

4.18 The hip to gable extension will alter the roof profile but this could be undertaken under PD rights and the rear dormer has considerable areas of tiles between its bottom edge and the eaves and to both sides and, as a result, sits fairly comfortable within the roofscape. It is not considered that it would cause loss of privacy to neighbours and in general design terms it satisfies the SPD.

4.19 The single storey mono-pitch roof rear extension projects 2.9m from the rear elevation. It could be erected, on its own, under PD rights and it is not considered that it would have any adverse impact on the adjoining neighbours at no.5 Heathfield Road and it would not be seen by the occupants of no.3 from within their property.

### HMO Issues

4.20 Although the property does not benefit from either planning permission or certificate of lawful use as an HMO, both local residents and the applicant's agent have advised that it is being used as an HMO. The applicants have provided tenancy documents, which indicate that the property has been occupied as a 3 person HMO since March 2012 until the present date with a further tenancy agreement taking HMO use up till June 2017. In this respect it seems likely that the use is lawful.

4.21 The question arises, however, what the impact would be of changing the host building from a 3 bed HMO to a 6 bed HMO. In this respect it is important to note that as this is not an application for a change of use from a dwellinghouse to an HMO, the principle of the HMO use is not in question. The main issues therefore revolve around a potential increase in comings and goings and whether there is adequate provision for car and cycle parking and bin storage.

4.22 With regard to comings and goings it is not considered that there would be grounds to refuse this application on the basis that a change from a 3 bed to a 6 bed HMO would increase such activities to a level whereby they would have an unacceptable impact of the amenities of nearby residents or have an adverse impact on the character of the area. It should also be borne in mind that the property could very easily be changed to a 5 bed HMO without the need for planning permission by using the small first floor storage room as a bedroom and installing a hip to gable extension and side dormer under PD rights to enable use of the roofspace as an additional bedroom.

4.23 With regard to parking, the applicants have provided a plan which shows 2 parking spaces at the front of the property with a low front wall being removed to facilitate access to and egress from the parking area. The Council's parking standards can require up to 3 parking spaces for a 6 bed HMO, however, the Council's parking standards are a maximum and the standards were prepared a considerable time ago when HMOs were of a different nature; being more bedsits

with some separate facilities rather than households living together and sharing all communal facilities. Also their imposition has to be undertaken in the light of the thrust of both local and national planning policy to reduce reliance on the private car. In this respect the proposal includes a 6 space cycle store in the rear garden, which will promote the use of a sustainable transport mode. In this respect it is considered that the car parking proposals are satisfactory and it is not considered that a change from a 3 bed HMO to a 6 bed HMO would create vehicular dangers for pedestrians or difficulty of access for emergency/refuse vehicles

4.24 The proposed cycle store also includes bin storage section so there is adequate provision for this aspect. Furthermore, it is not considered that the occasional blocking of drains, which is referred to by objectors, is likely to be adversely affected by the proposals.

### Side Access and Boundary Hedge

4.25 The applicant's agent has confirmed that there will be at least 0.9m between the side of the two storey extension and the shared boundary with no.3 without the need to cut back the boundary hedge between the two properties. This would leave sufficient space between to allow movement of bins etc. from front to back and is in line with guidance in the SPD.

## **5.0 CONCLUSION**

5.1 The proposed extensions will respect the general character of the building and area and will not have an unacceptable impact on the amenity of neighbouring residents. They are considered to be acceptable and comply with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

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

308.001B

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

Application Reference Number: 16/01892/FUL

Page 7 of 8

## **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 a positive outcome:

A shadow effect study was secured from the applicants which indicates the effect that the proposal would have upon daylight reaching neighbours. The submitted plan was also updated to establish the width of access that would be left at the side of the proposed extension and that two cars would be able to access and egress the on site parking independently.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

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