

## COMMITTEE REPORT

**Date:** 30 November 2017      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 17/02222/FUL  
**Application at:** 31 Gillygate York YO31 7EA  
**For:** Conversion of large House in Multiple Occupation to dwelling (use class C3) and 2no. holiday letting bedrooms within basement. Alterations to rear elevation including extension to rear balcony  
**By:** Mrs Tina Gavin  
**Application Type:** Full Application  
**Target Date:** 22 November 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Permission is sought for a conversion of 31 Gillygate from House in Multiple Occupation (Sui Generis) to dwelling with 2no. holiday letting bedrooms at basement level. The works are partly retrospective, with work ongoing. The only alterations to the external elevations is an extension to the rear balcony serving the ground floor and the installation of bi-fold doors to rear serving the newly formed open-plan ground floor living/kitchen/dining areas. The letting bedrooms have their own entrances and have no internal connection to the upper floors. Parking is provided for the main dwelling by way of the existing garage (1 no. parking space), however no parking is offered for the holiday lets.

1.2 The application has been called to committee by Cllr. Flinders due to impact of the proposed balcony, which would not be in keeping with the surrounding properties 31-37 Gillygate.

### RELEVANT PLANNING HISTORY

1.3 Change of use to 7 bedroom HMO - 11/03070/FUL approved January 2012.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Central Historic Core CONF

## 2.2 Policies:

### Draft Development Control Local Plan

CYGP1	Design
CYH7	Residential extensions
CYHE3	Conservation Areas
CYV1	Criteria for visitor related devt

## 3.0 CONSULTATIONS

### INTERNAL

#### Public Protection

3.1 Experience of dealing with other applications on this road has shown noise to be an issue. It is likely that to address the noise from traffic on Gillygate, upgraded glazing would be required, this glazing should be adequate to attenuate the road traffic noise to a satisfactory level. In order to determine what level of glazing is required we would expect a noise report on the existing noise climate with a proposal for a scheme of glazing to address the noise levels.

#### Design, Conservation and Sustainable Development

3.2 The development lies in an area of archaeological importance. An operation notice informative is required to be added re. any works required for the installation of the basement bathrooms.

### EXTERNAL

#### Guildhall Planning Panel

3.3 Object to the balcony which is considered to disrupt the balance of the building and does not use the lintels.

#### Publicity and Neighbour Notification

3.4 One objection has been received from the owner of both neighbouring dwellings, 29 and 33 Gillygate. The following issues have been raised:

- work is ongoing without consent
- the open plan structure has resulted in a change to the acoustics with noise being heard through the walls
- the external alteration to the door and window are out of character and the lintel doesn't line up with the soldier courses.

- parking issues relating to use of basement as holiday lets. No parking provision for these properties.
- the balcony could cause a loss of privacy to the raised garden of no. 29

## 4.0 APPRAISAL

### KEY ISSUES:-

- Principle of use
- Visual impact on the dwelling and the conservation area
- Impact on residential amenity

### RELEVANT PLANNING POLICY

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here 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. 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. 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.

4.2 Paragraph 132 of the NPPF states that 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. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.3 The draft 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. Policies GP1 (Design) and H7 (Residential Extensions) require that residential extensions appear subservient to the main dwelling, do not detract from the street scene and do not cause significant harm to residential amenity with regards to loss of light, privacy or outlook. Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area. Policy V1 states that visitor related developments will be encouraged. Account

will be taken of whether the proposal has made adequate servicing arrangements; is accessible to public transport routes; will result in increased traffic, parking, cycles and pedestrian movement on the public highway and pedestrian/cycle routes; is likely to improve the prosperity of the tourism industry and the City's economy; will adversely impact on the reasonable use and enjoyment of adjacent buildings and land; and adversely impact on the countryside setting of the City.

4.4 The Council have an approved Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic types of development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3, 4, 5, 7 and 13 are relevant to the determination of the application.

## THE SITE

4.5 The host building is a four storey (including basement) mid terraced dwelling situated just outside of the City Walls in a busy street comprising a mix of residential and commercial premises. The property has been operating as a large house in multiple occupation under a planning permission granted in 2012. There is a detached rear garage and pedestrian access via St Giles Court.

## APPRAISAL

### Principle of Use

4.6 It is considered that the proposed use as a single dwellinghouse with 2no. holiday letting bedrooms would be likely result in a similar, or possibly lower residential occupancy of the site than the present HMO use. The holiday lets would be would be small with limited facilities suggesting that occupiers would be most likely to be short stay visitors. It is not considered that the turnover of short-stay visitors in this location would be harmful to residential amenity. Concerns have been raised by the neighbouring property owner regarding a lack of proposed parking and whilst there would be no parking available on site for the letting rooms, the city centre location would provides public transport links and parking is available in near-by public car parks. The property has previously been occupied by up to 7no. individuals with only one car parking space.

4.7 Gillygate is a street with high levels of traffic noise. Public Protection have recommended that the applicant provide a noise report and if necessary a noise mitigation scheme. It is noted that the property has been in residential use for a number of years, and was originally constructed as a dwelling. The proposed change of use would not be significantly different from the current use as a house in multiple occupation and would not increase the number of residents in the property exposed to traffic noise. As such it is not considered necessary to request that such matters are addressed in this instance.

#### Visual Impact on the Dwelling and Conservation Area

4.8 The application site is within the Central Historic Core Conservation Area where section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

4.9 Proposed external alterations include the insertion of bi-fold doors to the rear to replace the existing back door and ground floor window and the replacement and extension of the existing balcony. The new balcony would be glazed with stainless steel balustrades and would extend the width of the property. It would project an additional 600mm from the rear wall having a total projection of 1600mm. The adjacent property, no. 33 has a similar scaled balcony, albeit constructed from railings as per the existing balcony belonging to the host.

4.10 Concerns have been raised that the bi-fold doors do not sit well with the existing brick arches and are not in keeping with the existing property. It is noted that the bi-fold doors are not shown to sit centrally on the drawing supplied, however from the site visit it would appear as though they have been inserted centrally under the arched headers which gives them a better aesthetic appearance. Whilst the materials of the balcony are more contemporary than the additions to neighbouring properties, the bi-fold doors are similar to those in the extension to no. 29 adjacent and also to the scale of the balcony at no. 33. As such it is not considered that they appear out of keeping with neighbouring development.

4.11 Whilst the site can be accessed from St Giles Court, the ground floor of the host property is hidden from view by the existing garage structures. The proposed alterations are not visible in the wider conservation area and the impact is therefore considered to be neutral.

#### Impact on residential amenity

4.12 The garden of no. 29 is raised above the yard of the host building being at roughly the same level as the proposed balcony. The owner of no. 29 has stated the balcony would result in a loss of privacy to their garden, however the balcony would be situated adjacent to the existing extension belonging to no. 29 on a similar

level to their garden which overlooks the rear yard of the host dwelling. No. 33 has a similar balcony which extends across the full width of the dwelling resulting in both neighbouring properties overlooking the rear yard of the host property. Given the level differences and the existence of an existing neighbouring balcony, the addition of the proposed balcony is not considered to cause significant harm to residential amenity. It is not considered that the bi-folding doors would result in unacceptable noise impact from the normal residential use of proposed dwelling.

### Archaeology

4.13 The site is located within an Area of Archaeological Importance. An operation notice under s.35 of the Ancient Monuments and Archaeological Areas Act 1979 for any ground works associated with the installation of the second basement bathroom is required to be submitted prior to ground works being undertaken. The applicant has confirmed that no ground works have taken place to date.

## **5.0 CONCLUSION**

5.1 The proposal is considered to have a neutral impact on the character and appearance of the conservation area and would not result in significant harm to residential amenity. The application complies with the policies of the draft local plan and the NPPF.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Proposed Floor Plans - Drg. No: SW0047-002 Rev. A  
Existing and Proposed Elevations - Drg. No: SW0047-003 Rev. A  
Proposed side elevation of balcony staircase

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

## **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:

Officers requested further information regarding parking provision for the holiday lets.

## 2. OPERATIONS NOTICE

This development lies within the Area of Archaeological Importance designated under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act. The owner must serve an Operations Notice on the City of York Council under Section 35 of the 1979 Ancient Monuments and Archaeological Areas Act at least 6 weeks prior to development commencing. The Operations Notice can be downloaded from [https://www.york.gov.uk/downloads/download/3360/operations\\_notice](https://www.york.gov.uk/downloads/download/3360/operations_notice)

## 3. INF11 - Control of Pollution Act 1974

## 4. INF9 - Party Wall Act 1996

### **Contact details:**

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