

## COMMITTEE REPORT

**Date:** 25 November 2020      **Ward:** Osbaldwick And Derwent

**Team:** East Area      **Parish:** Osbaldwick Parish Council

**Reference:** 20/00338/FUL  
**Application at:** 44 Tranby Avenue Osbaldwick York YO10 3NJ  
**For:** Two storey side extension  
**By:** Mr Nicolai Krasnov  
**Application Type:** Full Application  
**Target Date:** 30 November 2020  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

1.1 This application seeks permission for the erection of a two storey extension to the side of a two storey detached dwelling in Osbaldwick.

1.2 This application has been called in by Cllr. Warters for consideration by the planning committee on the grounds of impact upon neighbour amenity and issues arising from the use of the plot as a HMO.

1.3 Property History:

- 17/02432/FUL – Permission was granted for the change of use of the dwelling from use class C3 to a House in Multiple Occupation (use class C4).
- 17/01949/OUT – An outline application was made for the erection of 1no. dwelling in the same part of the curtilage that the proposed side extension would occupy. This application was refused and the decision was upheld on appeal.

### 2.0 POLICY CONTEXT

City of York Publication Draft Local Plan 2018

D1 – Placemaking

D11 – Extensions and Alterations to Existing Buildings

2.1 The 2018 Draft Plan was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

### Draft Development Control Local Plan 2005

GP1 – Design

H7 – Residential Extensions

2.2 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. For decision making, its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

## **3.0 CONSULTATIONS**

### Osballdwick Parish Council

3.2 Object to the proposals on the following grounds:

- Visual amenity – the proposal would unbalance the existing semi-detached property and detract from the spatial characteristics of the host corner plot.
- Neighbour amenity – the scheme would lead to a loss of light and privacy for the neighbour at no.19 Bedale Avenue.
- HMO use – the scheme would have a detrimental impact on the surrounding area in terms of noise disturbance, waste storage, and parking issues.

## **4.0 REPRESENTATIONS**

Application Reference Number: 20/00338/FUL

Item No:

## Councillor Warters

3.1 Councillor Warters objects on the following grounds:

- Visual amenity – the proposal would have a harmful impact on the spatial relationship of the host corner property with other corner plots in the area.
- Neighbour amenity – the scheme would cause an undue loss of privacy by overlooking neighbouring properties, as well as having an undue impact on levels of light and outlook.
- HMO use – the additional bedrooms at the property would lead to detrimental effects on the wider area including noise, waste storage and disposal and parking.

## Neighbours and Publicity

4.1 One letter of objection was received. The following concerns were raised:

- HMO use – the proposals would escalate existing issues associated with the use of the property as an HMO, including noise disturbance and waste storage.

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

### POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) February 2019 sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. It is a material consideration in the determination of this planning application.

5.3 Paragraph 38 of the NPPF (Chapter 4, 'Decision-Making') decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- that they will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- that they will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- that they are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- that they will help create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

### 2018 Draft Local Plan

5.6 Policy D1 (Placemaking) of the 2018 Draft Plan seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.7 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the

Application Reference Number: 20/00338/FUL

Item No:

design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

### 2005 Development Control Local Plan

5.8 DCLP policy GP1 states that, with respect to Design, development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.9 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

### House Extensions and Alterations SPD (2012)

5.10 The Supplementary Planning Document provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. 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/street-scene it is located on.

Application Reference Number: 20/00338/FUL

Item No:

Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

## ASSESSMENT

### Impact on the dwelling and character of the surrounding area

5.11 The proposed addition has been reduced in width so as to not extend significantly beyond the building line of Baydale Avenue. The extension is set down from the existing roof-line and set back from the existing front elevation as required by paragraph 12.3 and 12.5 of the SPD. As amended, it would not be considered to have an undue impact on the visual amenity of the surrounding streetscene, being set well back from the boundaries with either highway. The extension would be of a reasonable width and clearly subservient to the main house, and would therefore not be considered to have any undue impact on the visual amenity of the host dwelling.

### Impact on neighbour amenity

5.12 It is not considered that the proposed extension would have any undue impact on the amenity of any nearby neighbours. The addition would be well distanced from the side boundary of no.19 Baysdale Avenue and would not be considered to have any undue impact on sunlight/daylight or outlook enjoyed to the front, side or rear of the neighbouring house. The new bedroom windows on the rear elevation would look towards onto the side elevation of no.19 and would have little additional impact in terms of privacy and overlooking.

### HMO issues

5.13 The property is in use as a HMO (use class C4), having been granted permission for change of use in 2017. The “as existing” drawings show 4 bedrooms. Use class C4 would allow up to 6 residents. The current application is for an extension and shows 5 rooms titled “bedroom.” Other rooms could potentially be used as bedrooms subject to the limitation of the use class.

5.14 The 2017 change of use report referenced the “long front drive, which could easily accommodate 3.no vehicles” and the unrestricted off-road parking on both Tranby Avenue and Baysdale Avenue. The proposal would retain 2 car parking

Application Reference Number: 20/00338/FUL

Item No:

spaces on site. Car parking standards set a maximum of 3 spaces for a 6 bed HMO. It is not considered that the proposed extension would unacceptably reduce the available space for car parking that currently exists at the site, however a condition is recommended to require the submission of details demonstrating the provision of an additional car parking space. Adequate space is available for refuse storage and cycle storage. It should be noted that separate planning permission would have to be sought for a change of use from Class C4 to Sui Generis, should the applicant intend for the occupancy of the dwelling to exceed the maximum threshold for a C4 HMO' (7 or more people).

## **6.0 CONCLUSION**

6.1 The proposal is considered to be acceptable in terms of its impact on the streetscene and residential amenity. It would comply with National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

## **7.0 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:-

Drawing No. Tranby EL5 (Received 30th October 2020) - Proposed Elevations & Floor Plans

Drawing No. Tranby BL4 (Received 17th July 2020) - Block Plan

Drawing No. Tranby RF2 (Received 17th July 2020) - Proposed Roof Plan

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 Prior to the occupation of the extension details of a secure and enclosed cycle parking area to provide a total of 6 cycles at the premises shall be submitted to and approved in writing by the Local Planning Authority. The extension shall not be occupied until the cycle parking area has been provided within the site in

Application Reference Number: 20/00338/FUL

Item No:

accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

5 Before the commencement of the development a scale drawing showing an additional on-site car parking space accessed from the existing driveway shall be submitted for the approval of the local planning authority. The additional car parking space shall be provided in accordance with the approved drawing before the occupation of any part of the extension.

Reason: In the interests of residential amenity and highway safety.

## **8.0 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 (paragraph 38) 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:

Sought reductions to the size of the proposed side extension, to protect visual amenity.

#### **Contact details:**

**Case Officer:** Sam Baker  
**Tel No:** 01904 551718