

COMMITTEE REPORT

Date: 26 September 2024 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 24/00060/FUL
Application at: 20 Upper Price Street York YO23 1BJ
For: Two storey rear extension and 2no. rooflights to front roof slope
By: John Christensen
Application Type: Full Application
Target Date: 27 September 2024
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for erection of a two-storey rear extension and 2no. rooflights to the front at No.20 Upper Price Street. The host dwelling is a two-storey mid-terrace property.

1.2 Following officer concern in relation to the design and appearance of the dormer enlargements proposed, these were omitted from the scheme, with the front addition replaced by 2no. rooflights. Alterations were also made to the two-storey addition, to set its rear elevation in from the existing two-storey rear outrigger to improve subservience to the existing projection. Floor plans were also updated to denote the intended function of each internal space.

Ward Councillor Call-in

1.3 This application was called into Committee by Councillor J Burton on the grounds of the potential increase in disturbance caused by the dwelling's prospective use, given its overall provision of accommodation.

2.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

2.1 The National Planning Policy Framework, December 2023 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. The NPPF forms a material consideration in planning decisions.

2.2 Paragraph 135 states that planning policies and decisions should ensure that developments will achieve a number of aims, including - function well and add to the overall quality of the area; be visually attractive as a result of good architecture; be

sympathetic to local character and history, including the surrounding built environment; 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.

2.3 The NPPF also places great importance on good design. Paragraph 139 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Draft Local Plan 2018

2.4 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. The plan has been subject to examination. Proposed modifications regarding policy H5 Gypsies and Travellers have recently been subject to consultation. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.5 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the 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 protects and incorporates trees. This policy, and the associated Householder SPD, are not subject to modifications and therefore carry significant weight.

House Extensions and Alterations Supplementary Planning Document (SPD)

2.6 The Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 referred to in Draft Local Plan Policy D11 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/street scene 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. The character of spacing within the street should be considered, and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

3.0 CONSULTATIONS

EXTERNAL

Micklegate Planning Panel

3.1 No objections raised, although concern considered with respect to the impact upon the neighbouring properties.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Objections were received from 18 parties, with the concerns as summarised below.

4.2 Comments in relation to siting of the extensions:

- Front and rear dormers would be out of keeping with the overall character and aesthetics of the area.
- The rear extension would result in a loss of light and outlook, and privacy, including provision of sunlight to adjacent openings and amenity spaces.
- The works would not be in-keeping with character of the area.
- New openings would result in an increase to overlooking/lost privacy to the adjacent dwellings.
- 'Matching materials' to comprise UPVC fenestration would not present sympathetically with the original timber vernacular seen across the streetscene more widely.

4.3 Comments in relation to the building's existing/prospective use:

- Prospective use of the dwelling as a holiday let or House in Multiple Occupation (HMO) use.
- The property's existing use as an HMO causes noise and waste disruption, with an increase in size only increasing the potential for this disruption to increase.
- The nature of the work proposed does not appear to be in-line with a C3 household planning application and therefore may be changed in the future.
- The immediate area is already densely populated with HMOs/holiday lets, which generate low-level nuisance, with the internal configuration as presented considered to be designed for this kind of use.
- Potential for anti-social behaviour as being shared accommodation.
- Impact upon the provision of parking in the area, being already under significant pressure.

4.4 Other matters raised:

- Concern of significant disruption during construction.

- Queries with respect to the accuracy of the existing and proposed internal layout, so far as the number of bedrooms, bathrooms, and general living space.

Rachael Maskell MP

4.5 The application was subject to correspondence from Rachael Maskell MP, in reiteration of the concerns set out by some of the residents from Upper Price Street in respect of the enlargement of the house, overlooking, the use of the house as an HMO, car parking, access to properties during construction.

5.0 APPRAISAL

KEY ISSUES:

- Visual Impact on the Dwelling and Surrounding Area;
- Impact on Neighbouring Amenity;
- HMO use.

ASSESSMENT:

The Application Property

5.1 No.20 Upper Price Street is a traditional mid-terraced property located in an established residential area off Scarcroft Road. The vicinity is characterised largely by dwellings of a comparative overall style and form, however which have come to vary somewhat in appearance by virtue of a number of historic additions and adaptations, particularly to the rear, although which retain a largely period character and vernacular with an established traditional form as fronting the street. The site does not lie within a Flood Risk Area or Conservation Area.

Visual Impact on the Dwelling and Surrounding Area

5.2 The application seeks consent for the erection of a two-storey rear extension, and siting of 2no. rooflights to the front roofscape. The rear extension would develop off the side elevation of the existing two-storey rear outrigger, infilling a narrow yard, to subsequently abut the adjacent outrigger form at No.18 to the northeast. The addition would develop by a total depth of approximately 4.5 metres off the main rear elevation, finishing approximately 0.2 metres shallower than the existing outrigger. The addition would comprise a flat roof form with rear parapet, shown to finish approximately 1 metre below the main eaves. Formation of dormers to the front and rear roof slopes have subsequently been omitted from the scheme.

5.3 It is noted, as set out within supplementary information put forward by the applicant, that the dwelling has operated for a number of years as a House in

Multiple Occupation, although with the intention for the dwelling to now revert to a use as a residential dwelling under Use Class C3. The internal layout indicates a net reduction of 2no. bedrooms overall at the host, with the former living room returned to this function, and an externally accessed bedroom now labelled as a store (with separate independent access from the rear yard).

5.4 Development of the works would form acceptable alterations to the host dwelling within its context. The rear extension would comprise a proportionate scale in relation to the host and would reflect a design and character in-keeping with the appearance of and not considered to unduly dominate the existing dwelling, in compliance with paragraph 7.1 of the SPD which states that extensions should not dominate the existing house or clash with its appearance. The extension would infill a gap between the outrigger forms to the rear of the terrace. This gap does contribute to the regular pattern of development across this terrace and the wider area, with some definition to the rear being lost so far as the ability to read the full form of each rear outrigger along the terrace. Although, within this particular context, its loss would not be significant due to the host's position to a shorter terrace with more visual variety in scales/forms. Subsequent to revisions, the addition is now set partially in from the existing outrigger. Coupled with its flat roof form being set down from the eaves, it is considered that this addition would not contribute towards any significant harm when read across the rear more widely. The extension would be largely limited in views from longer distances, and therefore would not present as a dominant or incongruous feature. Materials indicated would match in appearance to the existing property, with the arrangement of openings appropriate with those as existing. Siting of the 2no. rooflights to the front would not result in any harm to the streetscene. The arrangement overall is considered acceptable in design terms.

5.5 The material finish of windows proposed, claimed to match in appearance to the existing dwelling, would have a UPVC finish. Whilst a timber finish would have formally been the prevailing window material of the area, numerous surrounding properties do have UPVC windows in part or totality. Under Permitted Development rights, with the dwelling not listed or within a Conservation Area, openings may be replaced in this manner. As such, it is therefore not considered reasonable to request that this is amended within this application.

Impact on Neighbouring Amenity

5.6 The mass of the rear extension would be entirely shielded from the neighbouring dwellings, due to its position as set between the blank side elevation of No.18's rear outrigger and that at the host, overall being set against the form of the main house, and therefore would not result in any loss of direct sunlight or outlook. It would develop outwards to sit in closer proximity to the rear boundary (akin to the rear elevation of the existing outrigger), although with new openings proposed that are not considered to result in any significant new or additional overlooking considering the closely knit residential setting. Siting of the rooflights to the front would not see

any harmful overlooking caused, with all other nearest dwellings appropriately distanced from the development works.

5.7 Pedestrian access to the rear would be maintained from an existing access off the rear alley, to which a small area of amenity space would be retained along with access to an external store for the provision of sensitive storage. The resultant yard area would be limited in size however, which would not be uncharacteristic with the area. The Household SPD stipulates in paragraph 9.2 that “*homes should, as a minimum, retain sufficient land for drying clothes and space that is suitable and welcoming to sit out in.*” It is viewed in this instance that an adequate amount of amenity space for the property would be retained overall, being similar to the arrangement of other properties within the area, given its terraced urban setting. Further, the portion of amenity space lost was already largely enclosed with limited light and outlook, and so is therefore not viewed to contribute towards an undue loss at the host.

5.8 Provision for parking is an acknowledged constraint, with the property to the edge of the city centre and providing no off-street parking. The property is within a residents parking zone. With a reduction to the number of bedrooms overall at the host from 7no. to 5no., there would be no material impact on parking from the proposed development.

HMO Use

5.9 Neighbour concerns around the dwelling’s current/former use as a House in Multiple Occupation are noted. Clarification was sought from the applicant in relation to the proposed internal layout, which sets out the intention for the property to function as a 5no. bed dwelling. The planning statement submitted as part of this application states that it is now intended for the address to return to a C3 residential use.

5.10 City of York Council has an imposed Article 4 Direction prevents development consisting of a change of use from Class C3 (dwellinghouses) to Class C4 (HMOs) without planning permission. However, the property appears to have been in use as an HMO for some time and may lawfully continue in this use subject to any break in the use creating a material change to another use. As claimed within the application, the applicant intends to revert the dwelling’s use back to a dwellinghouse within use class C3, which remains available for the applicant to carry out under permitted development rights.

5.11 In the event that the dwelling was to be retained in use as a House in Multiple Occupation, its provision of accommodation would provide a suitable level of amenity for future occupants, with provision to the rear for the storage of bins and cycles. Remaining within this use, as extended, the use would not result in any

material additional impacts in terms of parking or noise and disturbance over and above its recent use with 7no. bedrooms.

5.12 Objectors also suggest that the property may be used as a holiday-let. No details have been advanced within the application to suggest it will become a future holiday let. The application is therefore determined on the basis of the plans and details as submitted. It is considered that further planning permission would be required to use the property as a commercial holiday let.

5.13 There would likely be some noise and disruption as a result of the building works, although it is not expected that it would be more than that which would normally be associated with a householder type development. This would not be a material planning consideration in the determination of the application, with other control legislation measures in place to deal with this if necessary.

6.0 CONCLUSION

6.1 The proposed works will respect the general character of the building and area and the impact on the amenity of neighbouring residents would be acceptable. It is considered it complies with national planning guidance, as contained in the National Planning Policy Framework, City of York Council Draft Local Plan 2018, and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

7.0 RECOMMENDATION: Householder Approval

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Existing and Proposed Plans, Elevations & Section - Dwg. No: JC01/01 Rev A

Existing & Proposed Site Plan & Block Plan - Dwg. No: JC01/02 Rev A

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

3 The materials to be used externally shall match those of the existing building's in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

8.0 INFORMATIVES:

Notes to Applicant

Application Reference Number: 24/00060/FUL

Item No: 4e

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: Following officer concern in relation to the design and appearance of the dormer enlargements proposed, these were omitted from the scheme, however with the front intervention as replaced by 2no. rooflights. Alterations were also made to the two-storey addition, to set its rear elevation in from the form of the existing two-storey rear outrigger to ensure it reads subserviently from the existing projection. Floor plans were also updated to denote the intended function of each internal space.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

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).

Contact details:

Case Officer: Owen Richards

Tel No: 01904 552275