

COMMITTEE REPORT

Date: 12 August 2010
Team: East Area

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 10/01306/FUL
Application at: 34 Thief Lane York YO10 3HU
For: Change of use from dwelling house to house in multiple occupation and erection of two storey side and single storey rear extension.
By: Mr Iain Bates
Application Type: Full Application
Target Date: 31 August 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application consists of two parts; the erection of a two storey side and single storey rear extension, and the conversion of the dwelling house into a seven bedroom House in Multiple Occupation (HMO). The house sits on a corner plot adjacent to Newland Park Drive and Thief Lane and currently contains three bedrooms. To the side of the house is a single storey extension containing a workshop and garage. It is proposed to demolish this make way for the two storey side extension.

1.2 As the proposal is for a seven bedroom HMO it does not fall into the new C4 use class; this only applies if there are six bedrooms or less. Therefore, the proposed change in legislation to allow a change of use without planning permission from a C3 dwelling house to a C4 HMO is not material to the determination of this application.

1.3 This application is being heard before the Committee at the request of Cllr. Brian Watson due to concerns about over studentification in this area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - Two on-site car parking spaces are proposed, while this number complies with local standards, they are not considered to be practical as they are not independent of each other. This could discourage their use and create additional on-street car parking at the detriment to the free flow of traffic and the highway verge and footpath. The proposal only creates a cycle store large enough for around 3 bicycles, this is significantly below the local standards which is one space per bedroom. Bicycles should be individually accessible.

3.2 City Development - The provisions of Policy H8 'Conversions', particularly the last three bullet points should be taken into account when determining a planning application. Consideration should be given to the impacts of the proposal on the streetscape with regard to visual amenity, alongside the impact additional residents may have on parking provision. Adequate provision should be made for the storage and collection of refuse and recycling. This is in response to increasing concerns of the negative impacts that concentrations of HMOs are having on the surrounding environment and local amenity for existing residents.

External

3.3 Hull Road Planning Panel - No response received at the time of writing the report. (Consultation period expired 29th July 2010)

3.4 Third Parties - No correspondence received at the time of writing the report. (Consultation period expired 29th July 2010)

4.0 APPRAISAL

4.1 Key issues:-

- Impact on the character and appearance of the area;
- Car parking;
- Cycle and bin storage; and
- Impact on the amenities of local residents.

4.2 Both the proposed extension and change of use to a HMO were submitted as part of one application, therefore if either of these elements of the application are considered unacceptable the application should be refused. However, for simplicity of analysis this report breaks down the two elements of the application into separate parts where possible.

PROPOSED EXTENSION

4.3 Development Control Local Plan Policies GP1 and H7 are the most relevant in assessing the proposed house extension. GP1 'Design' states that development proposals will be expected to respect the local environment and be of a layout scale and design which is compatible with neighbouring buildings and the character of the area. Policy H7 'Residential Extensions' states that applications shall: be of a design which is sympathetic to the main dwelling and the locality; be of an appropriate design and scale in relation to the main building; have no adverse effect on neighbouring amenity; respect spaces between dwellings; and maintain an acceptable level of private amenity space. The Household Guide to extensions offers more specific advice on extensions, these points are brought out in the main body of the report below.

4.4 The existing property is a traditional semi-detached house of a design and scale which is common in the area. The original house frontage is around 5.7m in width. The proposed extension angles away from the front of the house following the curtilage shape on this corner plot. The first element of the two storey side extension protrudes approximately 2.8m from the side of the house, the extension then turns and extends towards the property curtilage side boundary, this elements measures around 7.3m in length. It is considered that the proposed two storey element of the extension visually dominates the host dwelling. Paragraph 1.12 of the 'Guide to Extensions and Alterations to Private Dwelling Houses' SPG states 'The basic shape and size of the extension should be sympathetic to the design of the original house. The scale of the new extension should not dominate the original building'. Paragraph 1.26 states that side extensions should appear subservient to the main house. It is considered that the proposed two storey side extension does not conform with this guidance. Whilst there are a number of two storey side extensions in the area, it is considered that the proposal would be harmful to the character and appearance of the area given the extensions design and scale.

4.5 The proposed extension is built up to the property curtilage boundary at two storey level. Local design guidance states that this should be avoided where possible to avoid a terracing effect and to respect the spaces between dwellings. It is considered that an extension is possible on the host house which would conform with the principle of maintaining space between dwellings. The proposed extension would appear as a significant overdevelopment of the plot, the whole frontage of the site would be taken up by two storey development. It is considered that the proposal fails to take account of the house extension design guide and local plan policies GP1 and H7 and would therefore be harmful to the appearance of the house and the character of the area.

PROPOSED CHANGE OF USE TO HMO

4.6 Policy H8 sets out the current criteria by which conversions of houses to HMO's should be assessed. Policy H8 states that planning permission will only be granted for the conversion of a house to a HMO where:

- the dwelling is of sufficient size and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses;
- adequate provision is made for the storage and collection of refuse and recycling.

4.7 It is considered that the proposed internal layout would provide a reasonable level of amenity for future occupiers. The extension and layout creates reasonable sized bedrooms and there is a communal kitchen/dining room, a lounge, a laundry room, and three bathroom/shower rooms. The level of external space is considered to be relatively low. The back garden area is triangular in shape and is around 20 sq m in size. However, given that the proposed internal layout includes a laundry room it is considered that the outdoor area is sufficient in size to meet the basic needs of future occupiers of the property.

4.8 A seven bedroom HMO is likely to create significantly more activity and general comings and goings than that of a three bedroom house. The occupation levels of the property would increase significantly as a result of the change of use and extension. It is considered that this level of occupation with the associated activity and vehicle movements has the potential to cause significant harm to the living conditions of neighbouring residents. The small scale of the rear garden area and the fact that it borders two neighbouring gardens also has the potential to cause nuisance.

4.9 Currently available information shows that there are 26 student lets on Thief Lane which contains around 130 dwellings in total. The Council does not have any guidance on what constitutes an over concentration of such uses. Properties which are not occupied by the owner and are let for short periods are often less likely to be regularly maintained and appropriately managed. As with other applications of this type, a management plan could be conditioned whereby an agreement is drawn up for the regular maintenance and management of the house.

4.10 The level of occupation of the dwelling is likely to result in a need for a number of large refuse and recycling bins. These are proposed to be stored at the front of the property as there is no access to the rear garden without going through the house. It is considered that the bin storage area could harm the visual amenity of the area.

4.11 The proposal incorporates two off road car parking spaces; however these are not independent of each other. One car cannot enter or leave unless the other moves. This is likely to discourage any future residents from using the second car parking space which could lead to on street car parking. There are no parking restrictions on the street. However, the application site sits adjacent to a set of traffic control bollards. This reduces available car parking areas for any future residents and it is considered that this could encourage indiscriminate car parking which would be to the detriment of the amenity of local residents and the free flow of traffic. Whilst the site is within a sustainable location, the level of occupation plus potential

visitor numbers means that there are likely to be times of significant demand for on street car parking.

4.12 A secure cycle store is proposed within the extension at the front of the house. Local standards require one space to be provided per bedroom and these should be enclosed and secure. Whilst the proposed cycle parking area is accessible and enclosed and secure it is not considered that it is large enough to accommodate seven bicycles that could be accessed independently. The layout of the proposed cycle parking area is such that it would result in bikes being leant against each other making accessing some bicycles problematic, this would discourage their usage.

5.0 CONCLUSION

5.1 It is considered that the proposed side extension by virtue of its overall size, location and design would adversely affect the appearance of the existing dwelling and harm the character and appearance of the area. The proposal is therefore considered contrary to Policies GP1, H7 and H8 of the Development Control Local Plan and supplementary planning guidance on the design of house extensions, which, inter alia, seek to ensure new development including extensions are sympathetic to the locality.

5.2 The enlargement of the property together with the change of use intensification of the use of the site would lead to additional visual impact considerations such as refuse storage and unacceptable level of disturbance of the neighbours.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed two storey extension would, by virtue of its size, scale, and design, harm the appearance of the host dwelling and the character of the area. The proposed extension would appear as an incongruous form of development which would dominate the appearance of the host dwelling. Overall, therefore, the extensions are considered to be an overdevelopment of the site, to the detriment to the space between buildings and the character of the area. As such the proposal is considered contrary to Development Control Local Plan Policies GP1, H7, and H8 and advice contained within 'Guide to Extensions and Alterations to Private Dwelling Houses'.

2 It is considered that the proposal makes inadequate provision for off-street car parking, therefore would be highly likely to result in vehicles being parked on the highway, to the detriment of the amenity of neighbours and the free flow of traffic. Additionally the level and layout of bicycle parking is considered to be inadequate and would not encourage their use. As such the proposal fails to comply with Development Control Local Plan Policies H7 and H8, which require maintenance of nearby residential amenity and adequate car and cycle parking to be provided for such development.

3 The proposed increase of a three bedroom house to a seven bedroom House in Multiple Occupation is likely to significantly increase the comings and goings associated with the property, and would have only a modest outdoor amenity space for the number of prospective occupants. It is considered that the level of comings and goings and general activity associated with the application proposal would be likely to create noise and disturbance beyond which the adjacent residents could reasonably expect to enjoy. As such the proposal fails to comply with Development Control Local Planning Policies GP1, H7, and H8 which seek to ensure the living conditions of neighbouring residents are not significantly adversely affected by new development.

4 The increased level of occupation proposed would significantly increase the demand for refuse and recycling bin storage which at the extended property would need to be housed within the front garden. The proposed location within the front garden would be harmful to the appearance of the dwelling, and would weaken the Council's case for resisting further development of this type, which cumulatively would be significantly harmful to the residential character and quality of the area. The proposal is therefore contrary to Development Control Local Plan Policy H8, which requires adequate provision for the storage and collection of refuse and recycling.

7.0 INFORMATIVES:

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