

## COMMITTEE REPORT

**Date:** 9 September 2010                      **Ward:** Hull Road  
**Team:** East Area                                      **Parish:** Hull Road Planning Panel

**Reference:** 10/01101/FUL  
**Application at:** 2 Heathfield Road York YO10 3AE  
**For:** Two storey side extension and single storey rear extension  
**By:** Mr Mark Hutchinson  
**Application Type:** Full Application  
**Target Date:** 11 August 2010  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The applicant seeks permission to erect a 3.1m deep single storey rear extension and a 4.1m wide part two-storey and part single-storey side extension. The single storey element tapers down to 3.0m in width at the rear. The side extension would be set back 0.5m from the existing front elevation of the house and 2.2m from the rear extension. The scheme has been reduced in scale from that which was originally submitted in June 2010.

1.2 The application property is a three bedroom hipped roof semi-detached house. The house is located towards the entrance of a narrow cul-de-sac that contains 16 houses.

1.3 There is no relevant planning history for the site, nor are there any site-specific policies or proposals relating to the site. The cul-de-sac contains one other two storey side extension - this was approved in 2004 (04/0771/FUL).

1.4 The application has been brought to committee at the request of a local Member and because of the level of local interest in the application.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYH7  
Residential extensions

CYGP1  
Design

CYH8

Conversion to flats/HMO/student accommodation

### **3.0 CONSULTATIONS**

#### 3.1 Internal

Highway Network Management - No objections subject to details of surfacing.

#### 3.2 External

Hull Road Planning Panel - No objections though raise the following concerns:

- the scale of the extension is overbearing and disproportionate to the original dwelling
- impact on privacy of neighbours
- increase in vehicles will add to existing parking problems

#### Neighbours

Letters of objections have been received from eleven addresses in Heathfield Road and three nearby properties in Millfield Lane. A local councillor has also expressed concerns.

Following the receipt of amended drawings only the occupier of 1 Heathfield Close was re-consulted as it was considered important that an opportunity was provided to the occupier to comment on the effect that the changes would have on light and privacy. The occupier still objects to the proposal and other neighbours also wrote to state that they still had objections to the development.

The issues that have been raised by neighbours are:

The proposal will clearly increase the number of students.

The cul-de-sac is a tight knit community of families and older people - student's lifestyles are incompatible with this.

The proposal will make worse the already poor parking situation caused by the narrowness of Heathfield Road.

Heathfield Road is an unadopted private road.

Occupiers drive up Heathfield Road to use the turning head, this is a hazard to young people playing there.

The proposal is an overdevelopment and an unduly large increase in the footprint of the building.

There will be the loss of privacy to the side and rear.

The development will cut out light to the property to the side (number1) and be oppressive in scale (a sunlight calculation from a private consultant acting on behalf of the occupiers of number 1 was included).

The proposal would be a precedent to other similar proposals.

There would be more rubbish left in the garden - this would be an eye sore and detract from fire access.

The rear extension would be constructed over a public sewer.

Party wall issues.

The development may harm a local bat colony.

The immediate neighbour has suffered from noise for a long time. If the proposal is approved the party walls should have noise insulation installed and buffers added to doors to stop them slamming.

## **4.0 APPRAISAL**

### **4.1 Key Issues:-**

- Impact on streetscene
- Impact on neighbours
- Car parking
- " Studentification"

4.2 Development Control Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft 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.

4.4 Policy H8 relates to the conversion of dwellings to houses in multiple occupation. The relevance of this policy to the proposal is considered below.

### **IMPACT ON THE STREETSCENE**

4.5 The extension is set back from the front elevation and set down from the ridge. The materials and fenestration is sensitive to the house. The extension is relatively wide in relation to the original house, however, the spacing to the side garden boundary is such that it is not considered that the site would appear overdeveloped.

### **IMPACT ON NEIGHBOURS**

4.6 There is adequate separation to the front and rear. The attached property (number 3) has a conservatory to the rear. It is not considered that the 3.1m deep single storey rear extension would have an unreasonable impact in respect to light or outlook.

4.7 The main neighbour affected is number 1. This property was visited. This property has kitchen and living room windows on the rear of the ground floor and bathroom and bedroom windows on the first floor. Because of concerns raised in respect to the impact on this property the applicant amended the scheme by moving the forward most part of the side extension away from the boundary and reducing the depth of the two-storey element. It is considered that these changes are sufficient to overcome concerns in respect to the impact on the rear openings of the house. It is still considered, however, that the proposal will have an unduly harmful impact on the very small rear garden of the property. There will still be single-storey development close to much of the boundary and the two-storey element will still be very oppressive; its south facing location will also be such that it will cut out sunlight during the midday period.

#### CAR PARKING

4.8 The property has a wide front garden. There is space for off-street car parking for two or three vehicles (depending on the size of the cars) and also the potential to increase the car parking area further. It is considered that this is sufficient to meet the needs of the extended property. If permission were granted it is considered that a condition should be included requiring suitable surfacing and landscaping of the front garden. There is access to the rear for cycle parking.

#### 'STUDENTIFICATION'

4.9 From information contained in letters from neighbours it would appear that the property has been occupied by 3 or 4 students for several years, thus as from 6 April 2010 the property would automatically fall within the new C4 Use Class as a House in Multiple Occupation (HMO). Properties that were HMO's prior to 6 April 2010 do not require consent to continue in such a use. The C4 use class allows up to 6 unrelated people to occupy a dwelling house.

4.10 The applicant has stated that if permission is granted for the extensions, the property will be used as a family house. However, should it be decided instead to house up to 6 students (or other unrelated individuals) a further planning permission would not be required. It is also the case that if the existing rooms were let as double rooms, or the property extended using permitted development rights, then the number of people occupying the property (as an HMO) could increase up to a maximum of 6 without the need for planning permission.

4.11 Policy H8 (conversions) of the Local Plan relates to the conversion of houses to HMO's rather than their extension. Given that it would be relatively easy to add two ground floor bedrooms to the property using permitted development rights it is not considered that concerns in respect to the increase in occupant numbers would justify refusal. Nor is it considered that an increase in occupants from 3/4 to 6 would constitute an unacceptable intensification of the use, given the lawful status of the property as a House in Multiple Occupation. Some neighbours have expressed concerns that up to 12 people could occupy the extended house. However, planning permission would be needed if it remained as a HMO and there were more than 6 people occupants.

4.12 A number of neighbours have expressed concerns in respect to alleged existing and possible future noise and disturbance from its use as a 'student house'. From comments made by neighbours it would appear that the property is the only HMO in the cul-de-sac. It would be difficult to argue as such that there is an over concentration of such uses. It would seem that complaints relate to the alleged noisy behaviour of some occupants rather than there being an undue concentration. Although there is sympathy for any neighbours who may suffer from 'noisy neighbours', in planning terms this is not considered grounds to refuse the application for an extension, particularly bearing in mind the lawful status of the property as an HMO.

## **5.0 CONCLUSION**

5.1 A large proportion of neighbours living in the vicinity have expressed the view that the extended property will still be occupied as a House in Multiple Occupation and have concerns in respect to the impact that this will have on the character and living conditions of people living in the cul-de-sac. It is not considered however, that the material impact of the possible increase in occupants from 3 or 4 to 6 is such to justify refusal. In considering this regard is given to the current opinion that such properties can typically be modified or extended to house 6 unrelated people without requiring planning permission.

5.2 However, although the proposed side extensions have been reduced in size from the original application it is considered that their length and scale along the side of the rear garden of 1 Heathfield Drive is still excessive. 1 Heathfield Drive has a very small rear garden and the resultant change in its character and the sun light levels within it go beyond that which would be considered reasonable.

5.3 It is recommended that the application be refused on the grounds of harm to the living conditions of 1 Heathfield Drive.

## **COMMITTEE TO VISIT**

## **6.0 RECOMMENDATION: Refuse**

1 The proposed one and two-storey side extensions would be located in close proximity to much of the rear garden of 1 Heathfield Road. It is considered that if approved the development would leave the small space unduly enclosed by development and also result in excessive overshadowing. As such the proposal conflicts with policy GP1 (criterion I) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and advice contained within paragraph 1.33 of the City of York Council's Guide to extensions and alterations to private dwellings March 2001.

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