

## COMMITTEE REPORT

**Date:** 9 June 2011 **Ward:** Clifton  
**Team:** Major and Commercial Team **Parish:** Clifton Planning Panel

**Reference:** 11/00586/FUL  
**Application at:** 12 Feversham Crescent York YO31 8HQ  
**For:** Change of use from residential dwelling (use class C3) to house in multiple occupation with single storey rear extension and external alterations  
**By:** Mr David Race  
**Application Type:** Full Application  
**Target Date:** 20 May 2011  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 This application site lies off Wigginton Road on Feversham Crescent in Clifton. This large Victorian two and a half storey building forms part of the existing terrace along Feversham Crescent.

1.2 It is proposed to change the use of the existing 6 bedroom dwelling to a House in Multiple Occupation comprising 7 bedrooms. Consent has also been sought to erect a single storey rear extension and to carry out external alterations to the frontage of the building. The extension would measure 2.4m x 2.8m with an overall height of 3.9m.

1.3 A material change of use would take place in this instance by virtue of the number of bedrooms proposed to be used for HMO purposes (7 in total). As such the proposed change of use requires planning permission.

1.4 The application has been called into committee by Cllr King due to the loss of a family home and the car parking implications.

### RELEVANT PLANNING HISTORY

1.5 No relevant planning history.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYH8  
Conversion to flats/HMO/student accom

CYT4  
Cycle parking standards

CYGP1  
Design

### **3.0 CONSULTATIONS**

3.1 Neighbours consulted and site notice posted. Consultation expired on 19 May 2011. 7 letters of objections received expressing the following concerns:

- Of the 22 properties along Feversham Crescent 14 of which are already in multiple occupancy. This application would bring the total to 15.
- the high proportion of multiple occupation properties along Feversham Crescent would further undermine the residential nature of the area.
- there is already a severe shortage of parking spaces for an already oversupply of permits. The proposal would exacerbate the situation further.
- the proposal would add additional pressure on the parking enforcement service
- the proposal would result in the loss of another large family dwelling.
- works relating to the proposal has already begun.
- the introduction of another House in Multiple Occupation along Feversham Crescent would cause many difficulties and problems with uncollected waste and general litter, parking problems, noise and nuisance, and other amenity issues.
- the proposal would compromise the visual appearance and amenity of the area.
- the proposal would result in the loss of tax revenue for the Council.
- the proposed UPVC and plastic mullion windows and over proportioned trickle vents are out of character with the existing properties in the area which is largely of traditional Victorian character.
- there is a lack of provision for the storage and collection of refuse and recycling.

3.2 Clifton Planning Panel consulted. Response received on 9 May 2011:

- A number of concerns have been raised locally in respect of its effect on the character of the street to the detriment of existing residents and that it would be in conflict with the principles set out in the Council's Draft Development Plan.
- The reservations of Highway Network Management are also noted.
- Under these circumstances this application should be refused.

3.3 Highway Network Management consulted. Response received on 26 April 2011:

- The Resident Parking Zone at 12 Feversham Crescent is oversubscribed;
- the proposed change of use would result in further unacceptable pressure;
- There are limited community parking bays available for houses of multiple occupation and it would therefore be appropriate to remove this site from qualification for inclusion within that zone.
- This will mean that the occupants of the dwelling will not be eligible to apply for permits for either personal or visitor use and thus the parking scheme will not be placed under further pressure.

- If approval is given amendment to the zone will be processed under The Road Traffic Regulation Act 1984. The associated costs of undertaking such amendments will be sought from the applicant.
- As such confirmation should be received in writing from the applicant confirming they will fund the removal of the property from the Residents Parking Zone. This is likely to cost £1,500.
- The proposed plans do not show any cycle parking.
- The City of York Council's Parking Standards stipulate that a minimum of 1 cycle parking space per unit should be provided for a house of multiply occupation.
- It is therefore considered necessary for the applicant to provide 7 cycle parking spaces, which are covered and secure.
- It would be difficult for highway officers to support this application if cycle parking is not provided.

## **4.0 APPRAISAL**

4.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area, in particular whether the proposal would create conditions prejudicial to highway safety.

4.2 Policy H8 of the City of York Draft Local Plan states, amongst a list of criteria, that planning permission will only be granted for the conversion of a dwelling to House in Multiple Occupation (HMO) where there are adequate off and on street parking and cycle parking is incorporated, and that the proposed conversion would not create an adverse impact on neighbouring residential amenity particularly through noise disturbance or residential character of the area by virtue of the conversion alone or cumulatively with a concentration of such uses.

4.3 12 Feversham Crescent is a large Victorian two-and-a-half storey terraced property containing 6 bedrooms. Most of the properties along Feversham Crescent were built in the same period. Given the overall size of the internal floor space within the property and the spaciousness of the habitable rooms it is considered that this terraced property can be reasonably converted to a House in Multiple Occupation consisting of 7 bedrooms without compromising the living conditions and amenity of the future occupiers.

4.4 Notwithstanding the above, it is noted that Feversham Crescent is situated within Residential Parking Zone R28, which is currently oversubscribed. Given the number of individual occupants relating to this HMO proposal (7 in total) it is considered that the proposed change of use would further exacerbate the demand for parking spaces within the Residential Parking Zone to an unacceptable level. Whilst this can be addressed by removing the application site from the parking zone, and thereby future occupiers will not be eligible to apply for permits, it is not considered that a large HMO property without any parking space is neither realistic nor acceptable, albeit the site is situated within walking distance from York City Centre. Furthermore a large HMO property capable of accommodating 7 individual occupants without parking provision is likely to give rise to unauthorised parking which would be difficult to enforce against especially during the evenings. It would also require constant monitoring, which would be difficult to carry out especially during the weekends and Bank Holidays. Equally a permission which relies heavily on the landlord to control

unauthorised parking (given the risk associated with having the HMO licence revoked) is unsustainable in the long term. In any case such action is outside planning control and cannot be secured by planning condition.

4.5 Given the above it is not considered that the recommendation put forward by both Highway Network Management and the applicant's agent is feasible in this instance. This application must therefore be assessed based on the existing arrangement, which is that the property is situated within Residential Parking Zone R28 and that by allowing the development the proposal would unacceptably prejudice the parking availability within Residential Parking Zone R28 to the detriment of the living conditions and amenities of local residents, contrary to policy H8 of the City of York Draft Local Plan.

4.6 The second concern relates to the lack of cycle parking proposed as part of the scheme. Policy T4 of the City of York Draft Local Plan, which refers to Appendix E "Car and Cycle Parking Standards" sets out the minimum cycle parking standards for different types of development. Appendix E stipulates that a minimum of 1 cycle parking space per unit should be provided for a house in multiple occupation. It is therefore necessary for the applicant to provide 7 cycle parking spaces, which are covered and secured. The above requirement accords with the national planning policies set out under criterion 7, paragraph 50 of Planning Policy Guidance no.13 "Transport".

4.7 The submitted plans do not show any cycle parking. Whilst normally in this situation the cycle parking requirement can be imposed by condition it is not considered, having taken into account of the size of the enclosed yard area, the proposed internal floor space within the building, and the gaps required between cycle stands that a total of 7no. covered and secured cycle parking spaces can be provided within the site without harming the living conditions and amenity of future occupiers. As such, and having taken into account of the above, it is considered that the development proposal is contrary to Policy T4 of the City of York Draft Local Plan and criterion 7, paragraph 50 of Planning Policy Guidance no.13 "Transport".

4.8 On the subject of the disproportionate level of HMOs along Feversham Crescent, there is no direction or guidance published by the Central Government regarding the upper limit of HMOs that should be allowed on a particular street or within a locality. Furthermore, until the Article 4 Direction relating to HMOs in York comes into force next year, the use of a dwelling-house for multiple occupation may not, in some cases, require planning permission under current 'permitted development' rights. In view of the above, limited weight can be attached to the issue concerning disproportionate number of HMOs as a reason for refusal (for HMOs which require planning permission). For the same reason issues concerning the loss of a family home carries limited weight.

4.9 Given the nature of the proposed change of use and the fact that this property can revert back to a dwellinghouse at any time it is not considered that the proposal constitutes the loss of a dwelling-house, and as such Policy H9 of the Draft Local Plan carries limited weight in this instance.

## OTHER MATERIAL CONSIDERATIONS

4.10 SINGLE STOREY EXTENSION – a single storey extension is proposed within the yard area. Given its scale and positioning in relation to the adjoining properties it is considered that the proposed extension would not be unduly harmful. The design and appearance of the extension is considered to be acceptable.

4.11 FENESTRATION DETAILS - The application site is outside the conservation area and the property in question is not a listed building. As such it is not considered that a condition requiring conservation style windows to be used can be imposed if planning permission is granted.

4.12 For the purpose of assessing the merits of a planning application issues concerning Council tax revenue is not a material consideration.

4.13 STATUTORY NUISANCES – Whilst issues concerning noise, litter and other statutory nuisances are a cause for concern in areas with high concentration of HMOs, it is not appropriate to assume that these concerns would necessarily materialise by virtue of the proposed change of use. It is considered that the yard area is sufficiently large for refuse and recycling waste to be stored within the application site.

## 5.0 CONCLUSION

Due to the concerns in relation to car and cycle parking as outlined above, this application is recommended for refusal.

## 6.0 RECOMMENDATION: Refuse

1 The application site is situated within Residential Parking Zone R28, which is currently oversubscribed in terms of the number of parking, permit holders. Given the number of occupants associated with the proposed House in Multiple Occupation (7 in total) it is considered that the proposal would unacceptably prejudice the availability of parking within Residential Parking Zone R28 to the detriment of the amenity of local residents, contrary to Policy H8 of the City of York Draft Local Plan.

2 The plans submitted with the application do not show any provision for cycle parking. Having taken into account the size of the enclosed yard area, the proposed internal floor space within the building, and the gaps required between cycle stands, it is not considered that a total of 7no. covered and secured cycle parking spaces can be provided within the site without harming the living conditions and amenity of future occupiers. As such, the proposal is contrary to Policy T4 of the City of York Draft Local Plan and criterion 7, paragraph 50 of Planning Policy Guidance no.13 “Transport”.

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