



submitted with a petition from local residents. The Housing Act 2004 deals with the registration of HMOs, though has a different definition of this form of accommodation to that in planning legislation. It includes an entire house which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom and toilet, as well as properties that have been converted into bedsits and flats.

1.6 The Council agreed in February 2006 to implement a mandatory scheme of licensing which is nationwide and is aimed at high risk HMOs, which are: properties three or more storeys high; and have five or more people in more than one household; and share amenities. This ensures that the licence holder is a fit and proper person, that accommodation meets standard requirements, and covers details of property management including cleanliness internally and externally. However, the application property would not fall within the definition of a high risk HMO. An additional discretionary licensing scheme could be adopted to extend cover to smaller types of properties if demonstrated to the Government that there was a particular need for such a scheme. Given the limited planning control over the use of dwellings occupied by 6 or fewer residents sharing the facilities, further discussion of this matter would fall largely outside the remit of this Planning Sub-Committee.

## **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:

CYH8

Conversion to flats/HMO/student accom

CYT4

Cycle parking standards

## **3.0 CONSULTATIONS**

3.1 Internal

Highways - No objections, subject to standard condition HWAY18 (Cycle parking).

3.2 External

Hull Road Planning Panel - Object:

1. When the application was first submitted the panel pointed out that the design was intended for use as a multi occupancy dwelling and therefore objected..., this is

now in effect a student hostel rather than a domestic dwelling and has no place in a locality that consists of family housing.

2. This is a commercial venture, the deeds for the property contain a recorded covenant which forbids commercial use. The Council has the necessary powers to oppose this kind of venture...and [should do so] to protect the interests of residents in adjacent properties.
3. There is no legal access from the highway to the rear garden for parking.
4. There is not sufficient space for the parking of a number of vehicles for a multi occupancy building.
5. Applicant is not a resident in York and therefore have no concern for Badger Hill or York residents.

Four letters of objection from Badger Hill residents:

1. Already a HMO at no.45. The creation of another will result in too high a concentration of students living in a small area, leading to a change in the character of the street and problems with noise and parking. Increased noise levels and extra congestion.
2. Next door is empty and there is currently an application to extend it in a similar way, probably for student let. There could potentially be in excess of 20 students living in 3 adjacent houses. (Officer comment - application at 43 was refused April 2007).
3. If Council allows former family houses to be converted to HMO's, it becomes more worthwhile for developers to buy up these family houses that are in such short supply. Once converted, it is unlikely that they will revert back.
4. Student houses should be integrated into community, not allowed to overwhelm.
5. This is a retrospective application. Local residents were denied the chance to protest before the building work took place as the plans looked like a domestic residential extension. If approved, it might encourage other developers to circumvent the planning process. If applicant had applied for change of use at time of extension likely would have been refused as contravened Local Plan policies H7 and H8.
6. Did not object to retrospective application for a garage as did not realize it would turned into a practice studio for a rock band.
7. Example of overdevelopment of a dwelling house.
8. Extension led to loss of existing garage and shortening of driveway. Garage erected in rear garden reducing private amenity space. There is no access to the garage from public highway, thus eliminating its use to garage motor vehicles.
9. Concerned that no site notice was posted (Officer comment - letters were sent to neighbours and the Planning Panel notified).
10. Introduction of student hostel would be detrimental to residential amenity and the interests of indigenous residents.
11. Set precedent for such hostels through estate. Incremental changes would result in erosion of local character and distinctiveness of the estate and demographic balance. Concern about acceleration of this as consequence of university expansion.
12. Conversion of family houses to HMO result in general and progressive decline of whole suburbs. Decay and neglect quickly become evident.

## 4.0 APPRAISAL

4.1 The key issues are:

- Suitability of property;
- Effect upon neighbouring residential amenity and residential character of area;
- Provision of adequate parking and refuse facilities.

4.2 PLANNING POLICY: The relevant planning policy is contained in Planning Policy Statement 3: Housing (PPS3) and in the City of York Draft Local Plan. PPS3 (Housing) outlines the Government's key housing goals, including the aim to create sustainable, inclusive, mixed communities in all areas. The Draft Local Plan policies are set out in Section 2.2. In particular, Policy H8 states that planning permission will only be granted for conversion of a dwelling to multi occupation where:

- the dwelling is of sufficient size (min 4 bedrooms) and with a suitable internal layout for the proposed number of occupants and will protect residential amenity for future occupiers;
- external alterations would not harm the character or appearance of the building or area;
- there is adequate car and cycle parking;
- it would not create an adverse impact on neighbouring residential amenity, particularly through noise disturbance or the residential character of the area 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/recycling.

4.3 DWELLING SIZE AND LAYOUT: The property has been previously extended and prior to its conversion to a HMO had 5 bedrooms. Following conversion there remains a kitchen, two reception rooms and three bathrooms. The internal layout would not result in a poor level of amenity for present or future occupiers. There is a private amenity space provided at the rear of the property, though this has been reduced by the erection of the garage, approved under the 2006 application (06/00128/FUL).

4.4 EXTERNAL ALTERATIONS: No external alterations are proposed as part of this application. The property has already been extended and the garage erected at the rear without harming residential amenity or the character of the area.

4.3 AFFECT ON RESIDENTIAL AMENITY AND CHARACTER OF AREA: Concerns have been raised by local residents and the Planning Panel about the use as a student hostel and the impact of this on the character of the residential area. They refer to the use of the neighbouring two properties, 43 and 45 as student houses. Whilst this concern is acknowledged and the desire to preserve the character and appearance of the area understandable, it needs to be balanced against the circumstances of the property and proposed use. These are that:

- The property will remain in residential use, with seven single bedrooms.
- The property is currently occupied by students and this form of occupation is expected to remain.
- It is considered that there is little difference to the residential character of the area between occupancy by seven people as proposed, or by six people, which, providing

they were living together as a single household, would be classed as a dwellinghouse (as defined by the Use Classes Order (2005)).

- The property is a detached building, which has already been extended to accommodate the increased numbers of occupants without harming the character or appearance of the area.

- The use of the property as an HMO will not harm the character or appearance of the building, or the area. This is because the property is located on the edge of the Badger Hill estate, next to a parade of shops and backing onto Hull Road, which is a dual carriageway and a main arterial route into the City. It is in a mixed use area on the edge of the residential estate.

- This would be the only HMO (house with more than six persons living together) in the immediate vicinity.

**4.5 PARKING AND REFUSE PROVISION:** The layout plan shows two vehicle spaces - one on the front drive and one at the rear. The agent has confirmed that there is a right of way for access to the rear of the property via the service area to the shops. However, there is space at the front of the property on the hardstanding area for two vehicles to park. The Highway Officer considers that this is sufficient given the proximity of the site to public transport and providing cycle parking is available - this could be provided in the rear garage. Further details of this are required. A refuse area is shown at the front of the site, though this should be relocated to the rear where there is more space and so that it would be more in-keeping with the residential character and appearance of the area. There is room at the side of the property that provides access to through the rear garden.

## **5.0 CONCLUSION**

5.1 In light of the above, and notwithstanding the decision made on 43 Yarrow Way, the proposal to retain the use of the property as a House in Multiple Occupation is considered to be acceptable. It is therefore recommended for approval.

## **6.0 RECOMMENDATION:** Approve

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

Drawing no. 2504/SLP/01, undated, received 31 January 2007;

Drawing no. 2504/SP/02 dated Feb 2007 and received 7 February 2007;

Drawing no. 2504/P/01 dated March 2005 and received 13 February 2007;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

- 2 Notwithstanding the details on the approved plans, details of cycle parking facilities, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and subsequently provided on site

within two months from the date of approval. These facilities shall be retained at all times and 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.

- 3 Notwithstanding the details on the approved plans, details of a refuse storage area at the rear of the property, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and subsequently provided on site within two months from the date of approval. This area shall be retained at all times and shall not be used for any purpose other than the storage of refuse.

Reason: In the interests of visual amenity.

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, the effect on residential amenity, the impact on the character of the area, parking and highway safety and refuse provision. As such the proposal complies with Policies H8 and T4 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005).

#### **Contact details:**

**Author:** Hannah Blackburn Development Control Officer

**Tel No:** 01904 551477