

COMMITTEE REPORT

Committee: East Area
Date: 9 August 2007

Ward: Hull Road
Parish: Hull Road Planning Panel

Reference: 07/01100/FUL
Application at: 219 Melrosegate York YO10 3SX
For: Two storey side and single storey rear extensions
By: Mr Don Lamb
Application Type: Full Application
Target Date: 17 July 2007

1.0 PROPOSAL

1.1 Planning permission is sought for a two storey side extension with single storey rear 'sunroom' to this end house of a group of four on Melrosegate. The applicant has stated that it will be student accommodation with six bedrooms, two on the ground floor and four on the first floor.

1.2 The application is before the Committee as Cllr Simpson Laing has requested that it brought before members because of concerns that it represents a change of use from a dwelling house to a house in multiple occupancy. The applicant described the proposal on the application form as a house in multiple occupation (HMO) and it was advertised accordingly. However the officers have concluded that the development does not represent a change of use to a HMO for reasons explained in para. 4.5 of the report. The agent has also confirmed that they are not specifically applying for a HMO with regard to any future intended use, simply accommodation for 6 students under a single tenancy. The reference on the form was because of a lack of understanding on their part as to what constitutes an HMO under the planning Act. Therefore it is officers opinion that the proposal is simply for a two storey side extension and single storey rear extension and the description has been amended accordingly.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYH7

Residential extensions

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

Car parking is provided in accordance with CYC standards. The cycle store should be widened to 3 metres (interior) in order to accommodate 6 cycles. Recommend condition HWAY18

3.3 EXTERNAL.

3.4 Hull Road Planning Panel.

No objection in principal to a development on this plot. The panel are of the opinion that it would be sensible to extend to the rear rather than the side as this would allow for vehicles access to the rear thus making provision of parking facilities easier.

3.5 Neighbours / Third parties.

2 letters of objection received from the occupiers of 215 and 182 Melrosegate.
Comments as follows:

i) Melrosegate is overrun with cars. They park on the road and also on the grass verges. To put a house holding eight students with only one off street parking area would cause conflict and trouble with local car owners. Where will they park if half of them own cars.

ii) There will be noise and bother associated with the development. Melrosegate has its fair share of these houses and is being overrun. What about the people who have lived there for a long time. Most of the residents down here are middle aged or pensioners and do not want to have to put up with students coming and going at all hours which is quite frightening.

iii) The placing of the shed in the front garden will be an eyesore and a magnet to thieves.

iv) Area was built for family houses and was not meant to become a University campus. Already have students in the street and this is affecting family life and community spirit.

v) Extension is over large. Should be scaled down to be in keeping with the area.

vi) applicant does not even live in the area.

4.0 APPRAISAL

4.1 Key Issues.

- design and impact of the extension.
- House in Multiple Occupation.

4.2 Design and impact of the extension.

The application property is the end house of a group of four terrace houses, a common characteristic of the street scene in this part of the city. Policy H7 of the draft local plan refers to extensions to houses and this states that the design and scale of the extension should be appropriate in relation to the main building, there should be no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy and the proposal should respect the spaces between the dwellings. This guidance is consolidated in the Council's Supplementary planning guidance on house extensions.

4.3 Whilst there are not a significant number of two storey side extensions in the area there are some examples of such developments, including one projecting off the side of no.225 which is the other end of the terrace within which this property stands. It is of similar proportions and design to that proposed here, the main difference being that the proposal here does not incorporate a garage. Although the proposed extension projects up to the side boundary of the property, it is set back slightly from the front of the house and set down from the ridge level of the roof so as to ensure a degree of separation between the extension and the house, an accepted design requirement of such developments. Whilst in many cases, some separation is preferred, in this case the closing of the gap between the houses does not have such a materially significant impact on the streetscene. The gaps between the houses do allow some views through to the rear gardens and beyond that through to the gardens and houses of Burlington Avenue. However, given that the general character of the area is quite high density, the significant number of mature trees along the side of the road and the almost identical extension to the other end of this block of four houses, officers raise no objection to the size and scale of this particular extension in this particular location. The comments of the objectors regarding the cycle and bin store are acknowledged and officers agree that this will appear an incongruous and dominant feature to the front. The front gardens of these houses are relatively open with hedging defining the boundary with Melrosegate. There are no examples of similar size stores immediately adjacent to front boundaries and officers are in negotiation over this matter with the agent with a view to moving this to the rear.

4.4 With regard to neighbour amenity the only impact will be on no. 217 Melrosegate and planning permission has recently been granted on the property for a single storey side extension for a new garage. Two existing ground floor windows will consequently be removed from the side of no. 217 leaving only a first floor bathroom window and side roof dormer facing the proposed extension. The bathroom window is frosted glass and the dormer window is above the eaves height of the proposed extension. Its footprint is on a gable to gable relationship and will not appear overly visually dominating from the house or curtilage of no. 217 as the extension does not extend beyond the rear elevation of no. 217. The single storey sunroom is modest in size and is not considered harmful. Given this, it is considered that there is no material impact on the living conditions of the occupiers of 219 as a result of the proposed two storey extension.

House in multiple occupancy.

4.5 The application forms describe the development as a conversion of a dwelling into multiple occupancy and it for this reason that it was called in by a Councillor. However, the agent has confirmed that they are not specifically applying for a house in multiple occupancy. It is confirmed that the house is to be used as student accommodation and because the extension was creating a six bedroom house, the agent has thus described it as a HMO on the forms. In purely planning terms officers consider that this represents a development under Class C3 of the Use Classes Order (same as a dwelling house) and is not therefore a change of use into a HMO. Case Law has established that Use Class C3 includes groups of people who though not related to each other, choose to live as a single household. There are several appeal decisions to endorse the view that occupation by more than six persons need not necessarily constitute a material change of use, the key issue being to identify whether or not the group in question has ceased to operate as a single household. In this case the applicant has confirmed that the house will operate on a single tenancy, all occupants will have responsibility for the upkeep of the house rather than simply their own rooms, facilities such as lounge, kitchen and bathroom are shared and where possible will be known to one another. The house is no larger than a standard family home and will be home to six people (all bedrooms are single rooms). Officers consider that this does not constitute an HMO and that the use has not intensified or changed to a degree where a material change of use has occurred.

5.0 CONCLUSION

5.1 Despite applying for a change of use to a HMO on the application form, officers are of the opinion that in planning terms, what is sought is not an HMO. This is based on the number of people likely to be living in the property (six) and that the occupiers will be living together as a single household on a single tenancy. The applicant has confirmed that this is the long term arrangement and that they have no plan to want an HMO in the future. The reference to it on the application form was down to a misunderstanding of the definition of an HMO in the Use Classes Order rather than the requirements of the applicant. Therefore the application is essentially only for a two storey side and single storey rear extension and officers raise no objections to this.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing no:

- L126/4

- L126/6

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.

3 VISQ1

4 HWAY18

**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 the design and appearance of the extension and the impact on neighbours. As such the proposal complies with Policy H7 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

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