

COMMITTEE REPORT

Committee: West/Centre Area
Date: 16 August 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/01601/FUL
Application at: 6 Ovington Terrace York YO23 1DJ
For: Conversion of dwelling into 2no. flats
By: M J Holmes
Application Type: Full Application
Target Date: 31 August 2007

1.0 PROPOSAL

1.1 The application seeks permission for the change of use of 6 Ovington Terrace to two one bedroomed flats. Planning permission was granted in May 2007 for the erection of a part two and part single storey rear extension to create a kitchen and bathroom to ground floor and a third bedroom to the first floor. It was also noted at the time that the applicant was to convert the attic under permitted development rights to create a fourth bedroom.

1.2 The property is a two storey end of terrace property, which lies at the junction on Ovington Terrace and Windsor Street. The ground floor flat would be accessed through the rear yard and would comprise of a bedroom facing onto Windsor Street and a livingroom with kitchen and separate bathroom to the rear. The first floor flat would be accessed through the existing main door fronting onto Ovington Terrace and would have a similar layout to the ground floor flat. No rooms are now proposed within the roof. Cycle parking for the flats would be provided to the rear yard along with bin storage and a small amount of amenity space. There would be no parking on site for vehicles.

1.3 This application is referred to the West/ Centre Planning Sub-Committee at the request of Councillor Tracey Simpson-Laing as the proposal would result in the sub division of an existing dwelling.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYH4
Housing devp in existing settlements

CYH8
Conversion to flats/HMO/student accom

CYL1
Open spaces in new residential devts

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections

3.2 External

Micklegate Planning Panel - Expires 31st July - No reply at time of writing report

Neighbours - Expires 31st July - No letters received

4.0 APPRAISAL

4.1 Key Issues

- Principle of Proposed use
- Impact on adjacent residents
- Impact on character of the area/ Visual amenity
- Highway issues

Additional planning policy-

Policy H9, North Yorkshire County Structure Plan

Planning Policy Statement 1 " Delivering Sustainable Development "

Planning Policy Statement 3 " Housing "

4.2 The North Yorkshire County Structure Plan (Alteration No.3) was approved in November 1995. Policy H9 states that provision will be made for the maintenance and, where appropriate, the extension of residential use of property in and around town centres and particularly in and around the historic core of the City of York, through permitting suitable new development and through the conversion of suitable

existing property and vacant upper floorspace. This policy is still pertinent. Policy T4 requires adequate on-site provision for cycle parking. Policy H8 relates specifically to conversions and states that planning permission will only be granted for the conversion of a dwelling to flats... where the dwelling concerned has a minimum of four bedrooms. The Local Plan states that in considering the impact of such proposals, attention will be given to the character of the street, the effect on the amount of available amenity space, parking requirements, traffic generation and any other material planning considerations particular to the case. Policy H4a states that proposals for residential development on land not already allocated on the Proposals Map will be granted permission where the site is within the urban area and involves the conversion of an existing building; the site has good access to jobs, shops and services by non-car modes and where it is of an appropriate scale and density to surrounding development.

4.3 Planning Policy Statement 3 (PPS3), published in November 2006 replaces Planning Policy Guidance Note No. 3 and becomes a material consideration in the determination of planning application from 1st April 2007. This new policy amongst other things, increases the opportunity for local planning authorities to set important areas of policy locally, is more prescriptive in terms of detailing housing mix, and retains the emphasis upon developing sustainable brownfield sites, and the need to create mixed and inclusive communities which offer a choice of housing and lifestyle through the avoidance of social exclusion. Paragraph 31 of the PPS restates the principle that was included in PPG3 that the "Conversions of existing housing can provide an important source of new housing."

4.4 In principle, the development would comply with Local Plan Policy H4, as the housing development lies within the settlement limits of the city and involves the conversion of an existing building located within an established residential area in relatively close proximity to the centre of York. The dwelling to which the application relates as originally built had only two bedrooms. A recent approval gave permission for an additional bedroom at first floor. The proposal would therefore conflict with Policy H8 of the local plan in terms of the property not having 4 bedrooms. This proposal would accord with Policy H9 of the North Yorkshire County Structure Plan, which has a general presumption in favour of expansion of residential use in and around town centres through the conversion of suitable existing property, irrespective of the size of the property concerned. To date and until September 2007 when the plan period expires, the Structure Plan remains the most relevant formally adopted document in the City of York's administrative area and forms the statutory development plan for the area. Recent appeal decisions have generally concluded that as the Structure Plan policy is adopted and forms part of the statutory Development Plan for the area, and that the Local Plan forms part of an emerging document, then greater weight should be afforded to Policy H9 of the Structure Plan than Local Plan policy H8.

4.5 Planning Policy Statement 3 recognises that the conversion of dwellings can provide an important source of additional housing. Clearly, the proposal would provide accommodation suited to smaller households (which may not necessarily be younger persons) in a convenient and sustainable location close to the City Centre. It is considered that the proposal would not conflict with the spirit of Central Government advice in PPS 3, and recent appeal decisions have suggested that the

size of the dwelling should not be a material consideration in determining individual applications. It is therefore concluded that the principle of converting this particular dwelling into two flats would not be contrary to adopted planning policy and guidance.

4.6 The Council has recently commissioned a Housing Needs Assessment Survey and the initial results add some credence to the need to retain small family -sized properties and to combat an apparent over-supply of flats/ apartments in York. In a recent appeal for the conversion of a similar terrace property to two flat the Inspector noted that the survey 'may bring about a significant alteration to the principles guiding Policy H8 in the Councils future housing policies within the emerging LDF. However, although the loss of a family dwelling may be regrettable in the face of this identified shortfall, for the moment, the terms of Policy H8 would allow for its conversion to flats, provided that all of the other relevant criteria are met.'

4.7 In terms of possible disturbance of neighbours it is considered that the creation of a living room to first floor which would abut the adjoining neighbours bedroom would not be reason for refusal. Recent appeal decisions have concluded that it would be unduly cautious to assume that such a situation would regularly result in excessive noise nuisance. Sound attenuation measures between properties would generally be a matter, which would be dealt with under the Building Regulations. With regard to the provision of off street parking it is considered that as there are no on street parking restrictions and the number of bedrooms within the property has not increased no objections are raised.

4.8 The proposed development would result in 2 No. one-bedroom units being formed from what was previously a 2 No. bedroomed house, with no net increase in the number of bedrooms being created. As the Council's draft supplementary guidance on the provision of open space associated with new developments is based on the number of bedrooms that would be created and there would be no increase in the number of bedrooms as a result of the development, it is considered that no commuted payment for this provision would be required if Members are minded to approve the application.

5.0 CONCLUSION

5.1 Clearly, if planning permission is to be refused, it would be necessary to identify specific harm which would arise if the development was to proceed. Members will be aware that a number of appeals in relation to similar proposals to subdivide existing dwellings have recently been allowed. Recent appeal decisions have suggested that the size of the dwelling to be subdivided should not be the determining issue and that Policy H9 of the Approved North Yorkshire Structure Plan, with which there is no obvious conflict, should carry more weight than Policy H8 of the Local Plan. There would be no conflict with Central Government Guidance in PPS3 relating to the provision of a mix of housing and the need to avoid social exclusion. It is concluded, therefore, that the balance weighs in favour of granting of planning permission in this case.

6.0 RECOMMENDATION: Approve

1 TIME2

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

Drawing number 2007:01 received 6th July 2007

Drawing number 2007:02 received 6th July 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 The building shall not be occupied until the areas shown on the approved plans for parking of cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7.0 INFORMATIVES:

Notes to Applicant

1. 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 the residential amenity of the neighbours, the visual amenity of the dwelling and the locality, and highway safety. As such, the proposal complies with Policy H9 of the North Yorkshire County Structure Plan; Policies GP4a, H4, H8, T4 and L1c of the City of York Draft Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development and No. 3 " Housing "

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