

1.5 The application is brought to Committee at the request of Cllr Warters because of concerns in respect to the loss of a family dwelling, the cumulative impact of HMO's, concerns in respect to the proximity of small gardens and because of parking issues.

2.0 POLICY CONTEXT

CYGP1 Design

CYH7 Residential extensions

CYH8 Conversion to flats/HMO/student accomm

3.0 CONSULTATIONS

Integrated Strategy Unit

3.1 40 Tranby Avenue falls within a neighbourhood area where 8.33% of properties are shared houses and within 100m of the property the proportion of shared houses is 1.96%. As such, in accordance with the provisions of the Draft HMO Supplementary Planning Document (SPD) neighbourhood and street level thresholds have not been breached and further change of use to HMO is likely to be acceptable. Albeit an assessment of residential amenity (bin storage, parking etc.) and the ability of the area to absorb further change of use should also be undertaken.

Osballdwick Parish Council

3.2 Object for the following reasons:

- If the HMO is occupied by students it will be a business property exempt from paying council tax.
- The plot is too small to avoid problems to neighbours and the streetscene.
- There is insufficient off-street car parking.
- Do not have confidence in the accuracy of the Council's HMO figures.

Neighbours.

3.3 Four Objections were received. The following concerns were raised:

- There are already too many HMO's in the area.

- There are many HMO's nearby but outside the 100m 'zone' that will not be included.
- The HMO figures are out of date.
- Students create problems such as noise, poor management of properties and car parking congestion.
- The property has inadequate car parking. As the home is on a corner it will create road safety problems.
- Students do not pay Council Tax.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Whether the accommodation is an appropriate standard and has an adverse impact on neighbours.
- Whether the change would lead to an unacceptable concentration of HMO's in a single location.

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.3 Policy H8 relates to conversions including changes to Houses in Multiple Occupation. The specific requirements of the policy are that:

- the dwelling is of sufficient size (min 4 bedrooms) (case officer - it is considered that the size criteria are not applicable to small HMO's) and the internal layout is shown to be suitable for the proposed number of households or occupants and will protect residential amenity for future residents;
- external alterations would not harm the appearance of the area;
- adequate on and off road parking and cycle parking is incorporated;
- it would not create an adverse impact on neighbouring amenity through noise disturbance or residential character 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 and recycling.

4.4 A supplementary planning document (SPD) entitled 'Controlling the concentration of Houses in Multiple Occupancy' was approved by the Council on 15th April 2012. The document expands upon policy for assessing applications for new small and large HMO's. The new SPD states that the change of use from dwellings to HMO's will be permitted where:

a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and

b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and

c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

WHETHER THE ACCOMMODATION IS AN APPROPRIATE STANDARD AND HAS AN ADVERSE IMPACT ON NEIGHBOURS

Impact of the extension on streetscene.

4.5 A similar extension of the scale and location to that proposed has been erected at number 27 across the street. It is considered that the scale and appearance is sensitive to the house. It would not overdevelop the site.

Impact of the extension on neighbours.

4.6 The extension and cycle shed would have little impact on neighbours as the side elevation of number 38 has no openings. The rear garden is relatively small; however, it is not considered that this is unacceptable for a shared house that would typically be occupied by 4 adults. There is space to sit out and also to dry washing. If the property were occupied by students it would normally be expected that the house would be empty, or have fewer people living in it during the summer months when the use of gardens would be highest.

Parking

4.7 Two off-road car parking spaces are proposed. This is considered acceptable for a 4 bedroom house. Cycle parking is also proposed in the shed to the rear. It is noted that the property is located close to a junction in the road. If at any time the off-street car parking could not accommodate all of the cars of visitors or residents it would be expected that they would park on the road and have regard to highway safety.

Quality of accommodation

4.8 It is considered that the accommodation is of a size and internal layout to comfortably accommodate 4 individuals. The lounge and kitchen are capable of meeting the residents' needs.

4.9 Although 4 adults living in a shared house has the potential to create more noise than many 'typical' families it is not considered that refusal of the proposal could be substantiated on these grounds. Any anti-social behaviour that results would need to be dealt with by the appropriate agencies and/or under the appropriate legislation. It is not considered that any site specific circumstances are such to make the use of the property as a small HMO unacceptable.

WHETHER THE CHANGE WOULD LEAD TO AN UNACCEPTABLE CONCENTRATION OF HMO'S IN A SINGLE LOCATION.

4.10 Paragraph 50 of the National Planning Policy Framework states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on future demographic trends and the need of different people in the community. The principal aim of the Council's SPD is to avoid situations where existing communities become unbalanced by an overconcentration of HMO's within a particular street or the wider area.

4.11 Within 100m of the property only 2% of properties are indicated as being HMO's. Within the neighbourhood the figure is 8.3%. The calculations date from May 2013 and have been updated to take account of any planning consents for HMO's within the immediate vicinity.

4.12 Paragraph 5.7 of the recently approved SPD on HMO's states that the change of use from Class C3 to Class C4 will only be permitted where less than 10% of properties within 100m of street length either side of the application are recorded as shared houses containing 3 or more individuals. The threshold figure for the neighbourhood is 20%. On the basis of these figures the principle of the proposal is considered acceptable and there would not be an undue concentration of HMO's in the vicinity.

5.0 CONCLUSION

5.1 Class C4 HMO's can typically accommodate between 3 and 6 people. The proposed property has 4 bedrooms and it is envisaged that it would accommodate 4 people. Two car parking spaces are considered adequate for the use. The number of existing HMO's within 100m and within the neighbourhood is significantly less than the threshold at which the proposal should be refused. It is recognised that the property has a small rear garden; however, it is considered suitable for a 4 bedroom HMO. The owner feels that the small rear garden has lessened the attractiveness of the house to families who may be considering moving to the area.

5.2 For the reasons set out in this report it is recommended that the application is approved subject to the suggested conditions and informatives.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

3 Notwithstanding the approved drawings, details of the surface of the proposed parking area shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be completed in accordance with the approved details in advance of the occupation of the extension.

Reason: It is considered that the surface shall be porous or drain to a permeable area of the garden.

Gravel is an inappropriate surface in the context; as such materials would be likely to end up on the public highway.

4 Prior to the dwelling being occupied as a House in Multiple Occupancy, a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

5 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been 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.

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

Plans received by the Local Planning Authority on 15 August 2013.

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

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning

Policy Framework (paragraphs 186 and 187) and taken account of all relevant local policies, and considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to identify solutions to problems arising from the proposed development.

2. For Information ASBESTOS

To accommodate the development it will be necessary to remove the garage at the site which is partly constructed of asbestos. The owner should ensure that safety precautions are followed. Advice in respect to removing and disposing of asbestos is contained on the Council's website.

3. For Information - NOISE INSULATION

Neighbours have expressed concerns in respect to the internal transfer of noise between properties. In advance of the use of the property as a HMO it is recommended that the owner consider the benefits to all of upgrading the property's noise insulation along party walls.

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