

**9 DCCE2006/2986/F - DEVELOPMENT OF 8 NOS SELF CONTAINED FLATS FROM EXISTING MULTI-OCCUPANCY DWELLING - EXTENSION AND REBUILDING OF REAR ANNEX. 3 NELSON STREET, HEREFORD, HR1 2NZ**

**For: Mr D Sockett, per Mr P T Gill, 13 Vaughan Street, Hereford, HR1 2HD**

**Date Received: 15th September, 2006 Ward: Central Grid Ref: 51369, 39469**

**Expiry Date: 10th November, 2006**

Local Member: Councillor D. Fleet

## **1. Site Description and Proposal**

- 1.1 This application seeks permission for the conversion of an existing House in Multiple Occupancy (HMO) into eight self-contained flats. The proposal also involves the erection of a two storey rear extension. The existing extended property is a three storey terraced property with cellar located within the Central Conservation Area. The property is currently arranged to provide a total of 9 rooms for the occupancy of this property as a HMO within which shared dining room, kitchen, and bathroom facilities are provided. The property has no off-street parking provision and falls within an Established Residential Area. Permit controlled on-street parking is in operation in the locality.
- 1.2 The proposal involves the creation of eight self-contained flats, all being proposed as one bedroom units. Additionally, a pair of gable ended rear extensions are proposed, one of which replaces the existing rear addition. Though the additions are a 'mirrored' pair, one is 2.65 metres shorter, having regard to the relationship with the neighbouring properties.

## **2. Policies**

### **2.1 National Policy Guidance:**

PPS1	-	Delivering Sustainable Development
PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

### **2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking

H17	-	Sub-division of Existing Housing
H18	-	Alterations and Extensions
HBA6	-	New Development within Conservation Areas

### **3. Planning History**

- 3.1 HC940298/LE - Demolition of rear two storey extension. Non-determination.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water: No objection subject to standard conditions.
- 4.2 Conservation Manager: No objection subject to conditions.
- 4.3 Traffic Manager: No objection subject to conditions.

#### Internal Council Advice

### **5. Representations**

- 5.1 Hereford City Council: No objection.
- 5.2 Conservation Advisory Panel: 'Principle (sic) agreed, but appears overdeveloped in this area, car parking for residents would be an issue. Refusal...'
- 5.3 Local Residents: Seven letters of objection have been received. The points raised can be summarised as follows:

1. Too many properties have been sub-divided in this area, the roads are narrow and are becoming too busy;
2. Highway safety concerns;
3. Inadequate parking provision in this area;
4. Detrimental impact upon the Conservation Area caused by lack of parking and too many sub-divisions;
5. Adverse impact upon property values caused by excessive number of sub-divisions;
6. Occupants of this form of accommodation do not respect the local community and cause disruption and nuisance;
7. Adverse impact upon residential amenities of neighbouring properties caused by intensification of occupancy of this property;
8. Expressions of concern over access requirements to neighbouring properties during the construction phase and boundary issues;
9. Will all flats be allocated parking permits, if so this will cause unacceptable demands upon off-street parking.

It is advised that point 4 above is not a planning matter in this instance.

- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

### **6. Officers Appraisal**

- 6.1 It is considered that the key issues in this instance are:

1. Principle of Development;
2. Parking Provision and Highway Safety;
3. Design, Visual Amenity and Conservation Area Impact;
4. Residential Amenity Impact.

#### Principle of Development

- 6.2 This application seeks the conversion of the existing House in Multiple Occupation into eight independent and self-contained flats. From a planning policy perspective, the sub-division of dwellings into smaller units is supported where the site's specific circumstances are suitable. Policy H17 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) states that the sub-division of houses will be permitted provided that adequate and appropriate car parking and access is available, there is a satisfactory standard of accommodation provided, and the proposal has no undue adverse impact upon the character of the property and its curtilage, the amenity and privacy of neighbouring dwellings, and the amenity and general character of the area. It is therefore considered that the principle of this proposal is acceptable.

#### Parking Provision and Highway Safety

- 6.3 The application site does not provide off-street parking facilities, and the on-site arrangement is such that none can be provided. As discussed above, Policy H17 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) states that the sub-division of houses will be permitted provided that adequate and appropriate car parking and access is available. In this case no such provision is available and the pressure upon on-street space in this location is of note. However, one must consider other issues in this instance. This property was last used as an HMO providing accommodation for, potentially, 9 independent persons. Additionally, this location is characterised by on-street parking where few properties are able to provide off-street parking facilities. The sustainability of this location, having regard to the proximity of facilities and services and the availability of public transport, is also of note in this case. The Traffic Manager comments are as follows:

'...the proposed development may give rise to an increased entitlement to permits for the property, but that unless this will have highway safety implications, it is not grounds for objection...the development may, if the flats became separate council tax payers, have an increased entitlement to permits but I do not see that as being detrimental to highway safety and therefore do not object. The location is sufficiently close to the City centre and on a bus route to be considered as suited to car free development. I would suggest that the development provides some secure cycle parking within the proposals.'

Having regard to the above whilst the concerns raised by local residents are noted, it is considered that there are inadequate grounds to substantiate a refusal on highway safety issues.

#### Design, Visual Amenity and Conservation Area Issues

- 6.4 Although the original character of this property has been somewhat compromised over time, it remains a good quality Victorian Villa dating from 1890. The proposed extensions are considered acceptable in design, however, the prominence of the side elevation will require the use of appropriate materials and mortar to ensure the effective integration of this proposal into the existing property and wider street scene.

Conditioning relating to the boundary treatments and materials will ensure the appropriate appearance of this property. It is considered that the character and appearance of the Conservation Area will be preserved and the visual amenities of the locality maintained through this development.

#### Residential Amenity Impact

- 6.5 Concerns regarding anti-social behaviour has been raised as an issue. Two relatively recent court cases (West Midlands Probation Committee v S.O.S and 7/11/97. R v Broadland D.C. ex parte Dove, Harpley and Wright 26/1/98) consider anti-social behaviour and in these instances it was accepted that such an issue could be considered as a material consideration. Typically such a risk will relate to hazards to health or public safety where a genuine risk can be factually demonstrated and supported by evidence. In this instance it is considered that it is a purely subjective suggestion that the conversion of this property into eight units would result in anti-social behaviour and an associated risk to public health and/or safety. It is of further note that this application would see this property converted from an HMO into private accommodation and as such the occupants would likely be less transitory (students etc) than those occupying an HMO. It is considered that the property in question is suitable for the proposed conversion with the extensions allowing for the creation of eight units offering an acceptable standard of accommodation.
- 6.6 The siting of the property, together with its relationship with the adjoining sites, ensures an acceptable impact upon the amenities of neighbouring properties and the wider surrounding area. It is considered that the occupancy of this property in the format proposed will cause less noise and disturbance compared to the existing arrangement which provides for communal living. The proposed amenity space is intended to serve the ground floor flats only. However, the proximity of public open space, specifically Castle Green and King George's Playing Field is such that this is not considered an issue. A condition is proposed to minimise disturbance during the construction phase. Overall it is concluded that the impact upon residential amenities will be within acceptable limits.

#### Other Issues

- 6.7 Standard informatives will advise of the land ownership implications of a planning permission and the provisions of the Party Wall Act 1996.

### **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1 A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2 B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

- 3 C02 (Approval of details )**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

**4 C04 (Details of window sections, eaves, verges and barge boards )**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

**5 C10 (Details of rooflights )**

**Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.**

**6 C11 (Specification of guttering and downpipes )**

**Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.**

**7 E17 (No windows in side elevation of extension )**

**Reason: In order to protect the residential amenity of adjacent properties.**

**8 F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**

**9 G04 (Landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**

**10 G05 (Implementation of landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**

**11 Notwithstanding the submitted details, the boundary treatments subdividing the two garden areas to the rear shall be through soft landscaping, not through the introduction of a hard boundary treatment.**

**Reason: To safeguard the character and appearance of the Conservation Area.**

**12 H29 (Secure cycle parking provision )**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**INFORMATIVES:**

**1 N01 - Access for all**

**2 N03 - Adjoining property rights**

**3 N07 - Housing Standards**

4 N15 - Reason(s) for the Grant of PP/LBC/CAC

5 N19 - Avoidance of doubt

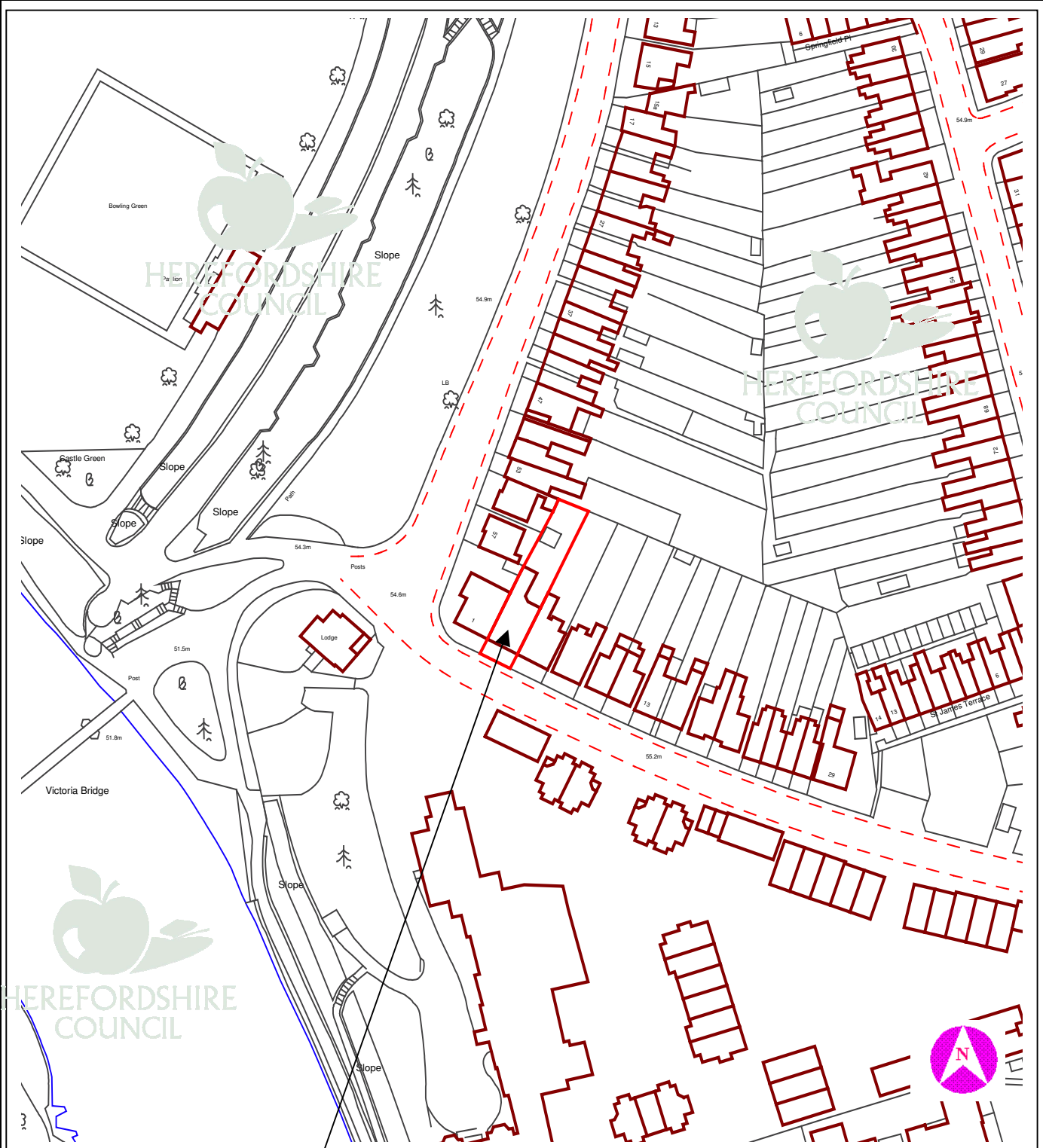
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2006/2986/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 3 Nelson Street, Hereford, Herefordshire, HR1 2NZ

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