

PLANNING COMMITTEE – 5 JUNE 2018

Application No:	18/00591/FUL
Proposal:	Conversion of residential property Use Class (C3 Dwellinghouses) to an 8x bed HMO Use Class Sui Generis (Houses in multiple occupation) & 3 Storey Side Extension & Ground Floor Rear Extension
Location:	7 Bowbridge Road, Newark On Trent, Nottinghamshire, NG24 4BY
Applicant:	Collie Properties Ltd - Rachel Knight
Registered:	3 April 2018
	Target Date: 29 May 2018
	Extension of time: 6 June 2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark Town Council object to the application which differs to the professional officer recommendation.

The Site

The application site relates to an end terraced dwelling and associated curtilage located on the east side of Bowbridge Road within the urban area of Newark. The adjoining terraced properties are located to the south of the site with further terraced properties located on the opposite side of the road to the west of the site. Woods Court Care Home is located immediately to the north and east of the site.

The site is also located outside of but adjacent to Newark Conservation Area.

Vehicle access and off street parking is available to the side of the dwelling.

Relevant Planning History

96/50989/FUL New vehicular access to driveway – permission 06.03.1996

The Proposal

The application seeks full planning permission for the erection of a two storey side extension and the conversion of the existing 3-bed dwelling to an 8 room bedsit house of multiple occupation (HMO). The proposed extension would essentially double the floorspace of the existing dwelling and the extension would have the appearance of an extra terraced dwelling attached to the existing terraced row. Plans indicate that the frontage of the dwelling and ridge height would match the existing dwelling. A total of 8 bedrooms are proposed with communal lounge, dining area, kitchen and bathrooms proposed. A secure cycle park would be provided within an existing outbuilding.

The application is supported by the following document:

- Design and Access Statement

Departure/Public Advertisement Procedure

A site notice was displayed near to the site on 26/04/2018.

A press notice was published 12/04/2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 7 – Sustainable Transport
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 – Sustainable Design
- NAP1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5: Design
- Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance PPG
- Newark and Sherwood Amended Core Strategy DPD 2017
- Householder Development SPD 2014

Consultations

Newark Town Council – It was decided to OBJECT to this application on the grounds that the development would be over intensive for the site and also the potential traffic impact with the property being in close proximity to the traffic lights. This could cause issues with the increased number of cars having to access/egress the property and also cause an issue with parking. Although some cars could be parked within the boundary of the property, there is the potential that other cars would have to be parked on Bowbridge Road which is already a very congested highway.

NCC Highways Authority – This proposal is for the conversion of a residential property, including extensions, to provide an 8 bed house of multiple occupation. At present, vehicles currently park on the driveway adjacent the dwelling. There are parking restrictions along the site frontage (double yellow lines), however, from the adjacent property (No. 9) travelling south along Bowbridge Road there are no restrictions in place and as a result considerable on street parking exists. As such, 4 parking spaces have been provided at the rear of the dwelling.

The existing and proposed site plan (drawing no. 003932) is shown at scale 1:50, however, due to the dimensions on site it is assumed the scale should read 1:100. The construction of a side extension reduces the width of the driveway from 6.4m to 2.9m. This is less than normally required for this number of vehicles. However, having further reviewed the site and its proposed use/occupants, it is considered that in this instance this is not expected to create a significant impact on the public highway.

Therefore, the Highway Authority would not wish to raise objection.

NSDC Conservation Officer – 7 Bowbridge Road is situated close to but just outside of the Newark Conservation Area (CA). Newark CA was originally designated in 1968 and encompasses the historic core of the town. The host property is an end terrace to a 19th century row with characterful margin light sash windows in the front wall and gable which is visible from within the CA.

Pre-application advice was sought (ref PREAPP/00266/17). The design of the extension in terms of scale and form was given a positive response. However, the Council advised that the new gable wall should ideally reflect the fenestration of the existing building in order to preserve the existing contribution made by the end terrace to the setting of the CA. We are pleased to see that this advice has been followed.

Legal and Policy Considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Assessment of Proposal

The proposal seeks permission to extend and alter 7 Bowbridge Road to form 8 bedsits. The extension comprises a two storey addition that mirrors the form and appearance of the existing terrace bays. The general character of the fenestration in the existing gable is carried through into the new gable wall. The new dormer proposed on the rear is not unduly prominent. The proposed materials appear to match in with the existing (precise details should be conditioned in order to ensure that the development takes the form envisaged by the local planning authority).

Conservation therefore has no objection to the proposed development which shall preserve the setting of the CA in accordance with DM9 of the Council's LDF DPD and paragraphs 132 and 137 of the NPPF.

NSDC Environmental Health (Reactive) – The proposed HMO would fall within the current mandatory licensing regime. If the scheme were to progress the property would require a license to operate prior to occupation. The property would need to comply with space and amenity standards plus fire safety measures and the applicant must satisfy a 'fit and proper person' test. Initial assessment of the plans would suggest that space and amenity provision/room sizes and facilities would be adequate. Environmental Health would liaise with the applicant to ensure licence condition compliance prior to the issue of a licence.

NSDC Access Officer – As part of the consideration of access to and use of the building, with particular reference to access and facilities for all people including disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations which contains useful guidance in this regard.

To this end it is recommended that access to, into and around the proposals be carefully examined from the edge of the site together with provision of suitable accessible facilities and features and that consideration be given their incorporation as far as is reasonably practicable to ensure that the proposals are equally convenient to access and use.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Neighbours/Interested Parties –

A total of 6 letters of representation have been received. Main issues raised include:

Character:

- The scale and size is totally inappropriate for the site;
- The property has significant historical value and is the finest residential property on this part of the road;
- The proposed modifications are unsympathetic.

Amenity:

- This property is located in a prominent position at the end of Bowbridge Road - is the authority able to review these materials to verify that they do indeed match the existing building and the neighbouring property?
- Impact of kitchen extractor system exiting adjacent the neighbouring property;
- Increase noise levels from increased use of building. Sound insulation should be added to party walls;

- The style of accommodation is similar to a hostel with a high turnover of occupiers. This type of development being within such close proximity of families with young children and two residential care homes on Bowbridge Road would be highly inappropriate due to the potential of antisocial behaviour, particularly if these rooms were not managed by an agency;
- Natural light that is received on the opposite side of Bowbridge Road would be completely blocked out.

Highways:

- There is insufficient parking at this end of Bowbridge Road. 8 additional people would make this situation worse;
- The possibility of up to 16 people living in a very confined space next to a busy main road would be very detrimental to road safety;
- Parking restrictions towards the crossroads means that there are limited options for the residents of this property to park on the road without inconveniencing neighbours;
- 4 off street parking spaces in insufficient;
- Danger to pedestrians and cyclists.

Other:

- The building should only be used as stated in the proposal;
- Vent should be clearly marked;
- Height of extension should be marked on the plans;
- Can mains services support the proposed occupancy level?
- Construction noise, working hours, dust, mud, parking and traffic;
- Increased litter;
- Reduced property values;
- An approval would set a precedent for future applications;
- This is simply an attempt to make profit on a property;
- Forthcoming Severn Trent Water works alongside this development will exacerbate disruption to residents.

Comments of the Business Manager

The Principle of Development

The site is located within the Newark Urban Area as set out in the Settlement Hierarchy defined by Spatial Policy 1. New housing and employment growth should be focused in this area as it is considered to be a sustainable location for new development.

As such, a house of multiple occupation including its extension in this location is considered acceptable in principle within the urban area of Newark subject to an assessment against site specific criteria set out below.

Impact upon Visual Amenity including the Character and Appearance of the Conservation Area

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

In relation to the site's location adjacent the Conservation Area, the local planning authority must have regard to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Core Policy 14 of the Core Strategy and Policy DM9 of the DPD requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and their setting. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation

This part of Bowbridge Road is a predominantly residential area and contains a distinct style of dwellings in the form of terraced dwellings set along a straight building line close to the highway. The existing dwelling is considered to be a positive building contributing to the setting of the Conservation Area.

Whilst the proposal would not be a householder development as it relates to the change of use to a HMO, it is still considered appropriate to assess the proposal against the principles set out within the Householder SPD. Extensions to dwellings should ordinarily be subordinate to the host dwelling. Extensions must also respect the wider street scene and in this case the setting of the Conservation Area. In this case, the submitted plans do not indicate an extension which would be subordinate to the host building. Rather, it comprises a two storey addition that mirrors the form and appearance of the existing terrace bays. Given the uniformity of the dwellings in the street scene, it is considered in this case that the most appropriate form of addition to this building is to replicate the addition of a further terraced dwelling as the submitted plans indicate. This is also in accordance with the advice received from the Conservation Officer.

The existing end gable of the dwelling in particular is considered to be a positive element of the building. As such, it is important that this gable end be reflected in the new extension. The existing fenestration has been replicated in the extension which preserves the existing contribution made by the end terrace to the setting of the Conservation Area. The Applicant has confirmed that they intend to re-use the existing historic fabric including bricks and window lintels and cils where possible. Otherwise, the proposed materials would match the existing dwelling. **It is recommended that precise details be required by planning condition in order to ensure that the development takes the form envisaged by the local planning authority.**

The use of the site as a HMO does have the potential to impact on visual amenity, particularly as the increased number of occupants may necessitate the need for increased bin storage. However, I note that the submitted plans do include the provision of a wheelie bin storage area to the rear of the site in addition to the provision of a cycle storage shed which would not be prominent in the street scene. The loss of the small outbuilding to the rear of the site to accommodate the bin storage area is also considered to be acceptable in addition to the new dormer proposed on the rear which would be not unduly prominent.

The Conservation Officer therefore has no objection to the proposed development which is considered to preserve the character and appearance of the adjacent Conservation Area.

Overall, I agree with the views of the Conservation Officer and I am satisfied that the proposal would not result in a development which would be detrimental to the visual amenity or character of the area including the setting of the Conservation Area in accordance with Core Policy 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the DPD.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that the vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The site is located in a sustainable location and is walking distance to Newark Town Centre and bus and train links. The future occupiers of the house need not therefore rely on the use of a private car. The Highways Authority note the parking restrictions along Bowbridge Road however, they raise no objection to the proposal on the basis that 4 off-street parking spaces are proposed. **It is considered appropriate to impose a condition requiring the provision and retention of these spaces on this basis. The occupants of this type of development are less likely to be car owners** and are more likely to be users of public transport particularly when taking into consideration of the location of the development which is within walking distance of Newark Town Centre.

It is not therefore considered that the proposal would result in any significant parking or highway safety issues (above and beyond any existing issues). Overall, the proposed development would not result in any adverse impact upon highway safety in accordance with Spatial Policy 7 and Policy DM5.

Impact upon Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

Given the end terrace siting of the proposed extension and separation distances, it is considered unlikely that the amenity of Woods Court would be adversely affected by the proposal.

No. 9 Bowbridge Road is the adjoining terraced property to the south. There is potential for increased levels of overlooking towards the rear garden of No.9 by virtue of the introduction of the rear dormer window. However, it is not considered that the increased levels of overlooking would be significantly worse than existing levels of overlooking experienced from this rear garden area. Nor is it considered that the scale of the proposed ground floor rear extension/cycle store would result in any adverse impact upon the neighbour by virtue of any overbearing impact. I note the concerns raised in relation to the extractor fan being located close to the neighbour. This is also a matter controlled by non-planning legislation and the Environmental Health Officer has raised no objection in this regard. In any event, the fan appears domestic in scale and it is considered unlikely that any adverse noise impact would result.

A further impact of this proposal relates to the increased comings and goings resulting from the potential increase in the number of occupiers of the dwelling resulting from the proposed change of use to a HMO. The size of the building means that 8 bedrooms can be provided. The comments of the Environmental Health Officer are set out in the Consultations section above. They have confirmed that a licence would be required to operate the HMO and the property would need to comply with space and amenity standards plus fire safety measures and the applicant must satisfy a 'fit and proper person' test. Subject to compliance with these requirements, it is considered unlikely that the proposed use would adversely affect the amenity of the occupiers of adjacent dwellings by virtue of any increased noise levels and disturbance beyond existing levels.

Overall, the change of use is unlikely to have a detrimental effect on the occupiers of adjacent properties by virtue of the nature of the use proposed.

A communal paving/lawn/amenity space is provided to the rear of the building albeit I consider it likely that the majority of this space would be used as vehicle manoeuvring space. Whilst the amount of space provided is less than what would ordinarily be considered acceptable for a typical dwelling, I am able to attach weight to the fact that this is for a HMO which means that the units are likely to be occupied by individuals rather than families and the site is located in a sustainable position close to alternative public open space provision within the town centre.

Subject to conditions, I am therefore satisfied that the proposal would comply with the objectives of Policy DM5.

Other Issues

Matters arising from the construction period, developer profits, property values, littering and precedent are not considered to be material planning considerations in this instance.

In addition, matters controlled by non-planning legislation e.g. building control and licensing is also not a material planning consideration. The proposals would also be subject to mandatory HMO licensing by this authority and an informative note advising the Applicant of their requirements would be attached to the decision in this regard.

Conclusion

The application relates to the change of use and extension of a dwelling to form a HMO close to the town centre of Newark. The proposed extension replicates the addition of a further terraced dwelling on the end of the row of existing terraces which is considered to be in keeping with the character of the area and the character and appearance of the adjacent Conservation Area. The proposed use is considered to be compatible with the surrounding uses and would not result in any adverse impact upon visual amenity, residential amenity or highway safety.

The proposal is therefore recommended for approval subject to the conditions outlined below.

RECOMMENDATION

That planning permission is approved subject to the conditions shown below:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference:

003931 Proposed First and Attic Floor Plans

003918 Existing Floor Plans
003934 Existing Elevations
003932 Existing and Proposed Site Plans
003930 Proposed Basement and Ground Floor Plans
003933 Proposed Elevations

Reason: So as to define this permission.

03

No development shall be commenced until details of the re-use of materials and samples of all new materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt, historic fabric including bricks, window lintels and cills should be used where possible.

Facing materials
Bricks
Roofing tiles

Reason: In the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of all window and door heads and cills (including bay window)

Verges and eaves

Reason: In the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

05

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

06

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Once approved in writing the development shall be completed in accordance with the approved details prior to first occupation of the building as a HMO.

Reason: In the interests of visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

Notes to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after 1 December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

03

The Housing Act 2004 introduced a mandatory licensing scheme for larger HMOs to improve controls and conditions within these high risk dwellings. The HMO subject of this application will require a license from the council. As such, I would advise you to contact the Council's Environmental Health team on Tel: 01636 650000 for further advice and to apply for a licence in advance of commencing development.

Background Papers

Application Case File

For further information, please contact Helen Marriott on ext 5793.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager - Growth & Regeneration

Committee Plan - 18/00591/FUL

