

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133060/FO/2022

Date registered valid: 25 February 2022

Proposal: Change of use from C3 dwelling to C4 5-person House in Multiple Occupation, involving elevational alteration to front bay window.

Address: 36 Hall Road, Manchester, M14 5HL

Ward(s): Rusholme Ward

Applicant: Mr Nargis Khan, 8 Park Range, Manchester, M14 5HQ

Agent (if any): Miss Nixie Edwards, HAD & Co Property Consultants Ltd Unit 3 Salisbury House, St Stephen Street, Salford, M3 6AX

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 22 April 2022



Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 5 April 2022

Standard consultations: Printed: 3 March 2022 Expired: 24 March 2022

Neighbour notifications: Printed: 3 March 2022 Expired: 24 March 2022

Site notice: No site notice has been produced

Press advert: No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two storey, semi-detached C3 dwellinghouse of reddish brick, with a hipped roof and bay window. The property features an existing single storey rear extension and the plot includes gardens to the front, side and rear, with a detached garage and driveway to the side, bound by mature hedging.

Description of area

Hall Road is a residential street within Rusholme, which is characterised by a mixture of modest semi-detached properties with well-sized gardens at the south end of the street and red brick bay-fronted terraced properties with small yards at the north end, of which several are HMOs. The area benefits from its proximity to the district centre, regular bus routes and Birchfields Park.

Description of development

The applicant is seeking permission to convert the property into a 5 bed House in Multiple Occupation, along with elevational alterations to the front bay and new cycle storage.

Consultations & Notification Responses

Rusholme, Fallowfield & Moss Side Civic Society – No comments received.

Local residents, as per appendix 1 – 39 objections were received. The issues they raised are summarised below:

- Loss of a family dwellinghouse in an area where smaller, affordable family homes such as this are becoming rare
- Over concentration of HMOs in locality
- Issues with previous tenants of this applicant, including the police raid of a cannabis farm at the property a few years ago
- Lack of space for 5 adults to live comfortably
- Unattractive subdivision of front bay window
- Noise and antisocial behaviour arising from potential student tenants
- Parking issues if all 5 tenants own a car when the driveway only fits 2
- Impacts upon community cohesion and upon the appearance of the street arising from multiple transient tenants
- Landlord does not ensure current tenants use their refuse bins properly
- Inaccuracies within application form and statement
- Applicant has been a poor landlord for previous tenants who have gone without hot water and cooking facilities and endured blocked drains
- Proposal goes against MCC policy H11
- Property has not been kept in good condition for many years under the ownership of the applicant which does not inspire confidence in the submitted Management Statement

Policies

The following policies are considered relevant in the consideration of this application.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- **Policy DM1** - Development Management

- **Policy SP1** - Spatial Principles

- **Policy H5** - Central Manchester:

Central Manchester, over the lifetime of the Core Strategy, will accommodate around 14% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the Regional Centre (Hulme and the Higher Education Precinct) as well as within Hulme, Longsight and Rusholme district centres as part of mixed-use schemes.

- **Policy H11** - Houses in Multiple Occupation:

Change of use from a C3 dwelling house to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site falling within one or more of the following categories:

Exempt from paying Council tax because they are entirely occupied by full time students.

Recorded on Private Sector Housing's database as a licensed HMO.

Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.

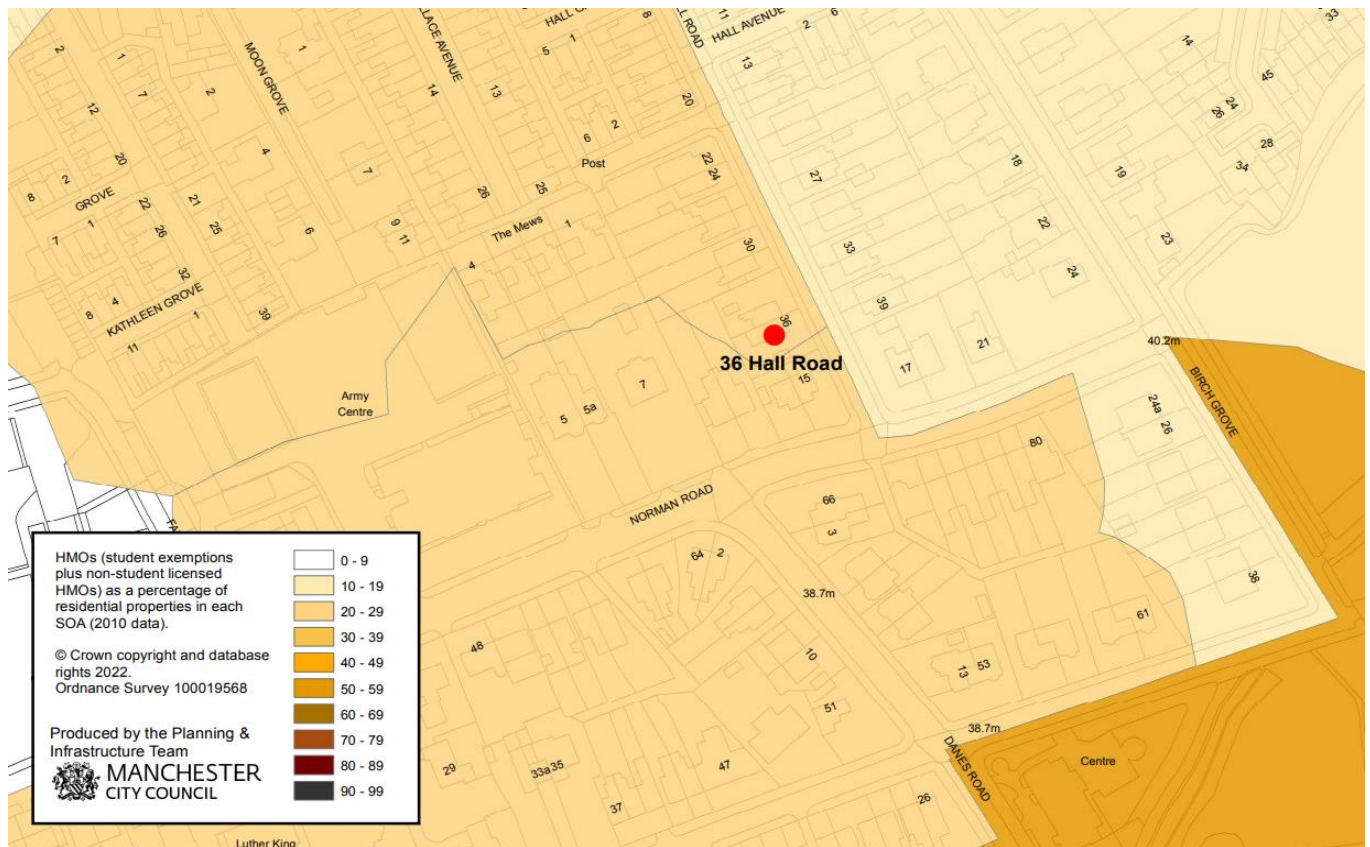
The National Planning Policy Framework (NPPF, 2021), in particular:

- **Chapter 8** - Promoting healthy and safe communities

- **Chapter 12** - Achieving well-designed places

- The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

For reasons to be outlined below, it is considered the proposal conflicts with the principles of these policy documents.



Issues

Principle – The principle of converting a C3 dwellinghouse into a 5-bed House in Multiple Occupation (C4) is unacceptable given the loss of a family home in an area needing more family housing and given the high number of existing HMOs in this area. The principle of development therefore conflicts with policies H5 and H11 of the Core Strategy.

Overconcentration – The property is located on Hall Road, which connects Dickenson Road and Norman Road in Rusholme. This area is popular with students due to its proximity to the main campuses for the University of Manchester and Manchester Metropolitan University as well as the Oxford/Wilmslow Road bus corridor. Based on planning applications and current HMO register data, the approximate concentrations for roads surrounding the site are:

- On Hall Road itself 6 of the 39 houses are HMOs (15%)
- On the adjoining Hall Grove 3 of the 6 houses are HMOs (50%)
- On the adjoining Norman Road 11 of the 36 houses are HMOs (30%)
- On the adjoining Dickenson Road (the M14 part) 9 of the 52 houses are HMOs (17%)
- On Brighton Grove, 100m south of Hall Road, 6 of the 29 houses are HMOs (20%)
- On Danes Road, 40m south-west of Hall Road, 3 of the 15 houses are HMOs (20%)
- On Wallace Avenue, 60m west of Hall Road, 2 of the 28 houses are HMOs (7%)

Based on data from the H11 map (using 2010 data), the property is located in an area with 20-29% HMOs. This far exceeds the 10% threshold stipulated within policy H11, hence the area is deemed to contain an overconcentration, making the addition of another House in Multiple Occupation unacceptable. The transient nature of these residents, often living in the property for as little as 10 months at a time, and long periods when properties are empty between academic terms impacts on the provision of services and leads to unsustainable communities. Yet another conversion to a HMO property in this area would exacerbate the problem. Due to the high rent that can often be charged for HMOs and the loss of social cohesion, additional HMOs in turn contribute to yet more conversions, which is why this policy was created. Many of the objections received from local residents quoted the policy and echoed concerns regarding the sustainability of the local community.

Loss of a family dwellinghouse – This area, close to Rusholme District Centre, has been identified within policy H5 as having a particular need for family homes. One of the most important methods for meeting this objective includes retaining those which already exist, by preventing conversions to other uses where possible. Local residents explain, within the many objections received, that Hall Road still has many families living there and that it still a pleasant place to live currently, but that its vitality as a family area hangs in the balance. Any further losses of 3 bed family dwellinghouses would be detrimental to existing and future residents, hence the desire to keep No.36 a single family dwellinghouse. It is especially pertinent to retain small affordable family dwellinghouses, at a time when many existing homes have been extended, for small families and young couples starting out.

Other matters – 39 objections were received from local residents and although the majority focussed on local overconcentration, loss of a family dwellinghouse, the sustainability and vitality of the area and community cohesion, concerns were also raised regarding the standard of the accommodation. It was often noted that the property does not appear large enough to comfortably house 5 unrelated adults. Part of the internal works to accommodate the additional bedrooms includes the subdivision of the front room at ground floor which entails the removal of a central pane of glass from the original bay window for the partition wall. This would look unsightly from outside and would therefore cause harm to visual amenity of the property and wider street scene. Residents also raised concerns regarding noise and antisocial behaviour, from their experience of living close to existing student HMOs, and their worries relating to the applicant/landlord. Many objections referred to the fact the house was subject of a police raid when the applicant let it to tenants running a cannabis farm and that over the years the house and garden have not been kept to an acceptable standard, with previous tenants going without vital maintenance and repairs. This leads neighbours to worry how the property would be kept with 5 adults, by a landlord who has not proven themselves reliable previously, leading them to doubt the contents of the submitted Management Statement.

Conclusion – In conclusion, the proposal to convert this C3 family dwellinghouse into a 5 bed C4 HMO conflicts with policies H5 and H11 of the Core Strategy as it would lead to further overconcentration of HMOs in the locality and the loss of a family dwellinghouses and thus cannot be supported by the City Council.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

Reasons for recommendation to refuse

1) The conversion of the property into a small house in multiple occupation (Class C4) would result in a high concentration of houses in multiple occupation to the detriment of the sustainability of the area. The proposed development is therefore contrary to the provisions of Core Strategy policy H11.

2) The use of the property as House of Multiple Occupation would result in the loss of family accommodation in an area of the City where there is a demand for family accommodation. The proposed development is therefore contrary to the provisions of Core Strategy policies H1 and H5.

Appendix 1 – List of consultees & neighbours notified

Rusholme, Fallowfield & Moss Side Civic Society

17 Norman Road, Manchester, M14 5JZ
35 Hall Road, Manchester, M14 5HN
33 Hall Road, Manchester, M14 5HN
13 Norman Road, Manchester, M14 5LF
15 Norman Road, Manchester, M14 5LF
11 Norman Road, Manchester, M14 5LF
39 Hall Road, Manchester, M14 5HN
37 Hall Road, Manchester, M14 5HN
34 Hall Road, Manchester, M14 5HL
19 Norman Road, Manchester, M14 5JZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH