

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132315/FO/2021

Date registered valid: 24 November 2021

Proposal: Change of use of dwellinghouse (Class C3) to 5 bedroom house in multiple occupation (Class C4) together with a two storey side and rear extension

Address: 13 Vaughan Avenue, Manchester, M40 9LE

Ward(s): Moston Ward

Applicant: Mr Boruch Zvi Portnoy C/o Agent

Agent (if any): Mr Steve Rowe, Lichfields, 6th Floor Ship Canal House, 96-98 King Street, Manchester, M2 4WU

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 21 February 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 11 December 2021

Standard consultations:

Printed: 26 November 2021

Expired: 17 December 2021

Neighbour notifications

Printed: 26 November 2021

Expired: 17 December 2021

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

The application property relates to a two storey, three bedroom, semi-detached, bay fronted, dwellinghouse (Class C3) incorporating front and rear garden areas, comprising hard-standing, including a driveway for off road parking.

The property incorporates a single storey conservatory and small lean-to extension to the rear and small, single storey, lean-to extension to the side.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated within a predominantly residential area, mainly comprising two storey, semi-detached and terraced dwellings. Opposite the site, on the other side of Vaughan Avenue is two storey, sheltered housing complex.

Description of development

Planning permission is sought for the change of use of an existing dwellinghouse (Class C3) to form a 5 bedroom house in multiple occupation (Class C4), involving the erection of two storey side and rear extension.

The proposed layout indicates two en-suite bedrooms and communal kitchen/dining area to the ground and three en-suite bedrooms to the first floor.

The proposed extension, is set back from the front of the main house and off-set from the neighbouring property at No.11. The extension incorporates a hipped roof to mirror the roof of the main house, albeit at a lower height. To the rear, the extension projects 3 metres.

To the front, it is proposed to widen the existing driveway to enable off road parking for two standard cars.

The application relates to a revised design to that originally submitted.

Following the Council's initial concerns surrounding the design of the proposed extension and impact to neighbouring occupiers in terms of over-dominance, revised drawings were submitted to overcome concerns. Changes have been made to the roof design, siting and footprint of the proposed extension. Neighbours were subsequently re-notified.

The application has been determined on the basis of drawings referenced 002/B and 003/B.

Consultations & Notification Responses

Local Residents/Occupiers – In response to the original application, 10 letters of representation have been received which object to the proposal, including 2 from the same property and petition with 10 signatures. Principal concerns are summarised below:

-It is not clear who is proposed to occupy the accommodation and how many occupants there would be;

-Family homes should be preserved for family homes in this area;

-The proposal will negatively impact the character of the area and will have a harmful impact to residential amenity;

-All the properties on the north side of Vaughan Avenue are currently in use as class C3 family homes and the introduction of a HMO to this quiet stretch of road could negatively impact the character of the road;

-Vaughan Avenue is narrow and there are already problems with traffic congestion on the road with some larger vehicles struggling to drive along the street and issues with parking. Increased occupancy of the property could result in that situation being exacerbated;

-The proposal would lead to increased activity, traffic and parking demand in the area;

-The proposal would lead to a greater level of activity than normal and this would harm the living conditions of neighbours.

-There is concerns that due the narrow nature of Vaughan Avenue, additional on-street parking demand could cause access and congestion issues which could also impact upon emergency services being able to access Dunstan Court opposite – a home for the elderly;

-The proposed extension would create an overly large property which would appear out of place in the area and devalue neighbouring properties;

-There is serious concern as to how the avenue will accommodate the potential for 5 vehicles to be parked outside the property;

-The proposed extension would block sunlight to the neighbouring property at No.11;

-There is no sound insulation between No. 11 and No. 13. If it became a HMO, the noise will seriously increase and be unacceptable.

Following the receipt of revised drawings relating design alterations to the proposed extension, neighbours were subsequently re-notified in writing.

A further 9 letters of representation have been received, including a petition with 11 signatures. The letters repeat the objections relating to the original proposal.

Local Ward Members – All 3 local ward members oppose the application.

Councillor Connolly objects on the basis that the application is totally inappropriate for the area

The area has significant problems with waste, recycling and parking.

The area already provides 300 plus Temporary Accommodation properties and this area is covered by the Landlord Registration Scheme.

Councillor Dar objects to the application and agrees with the concerns of local residents. The application is not supported.

Councillor Appleby – The application for multi occupancy is vigorously opposed

Highway Services - The site is considered to be adequately accessible by sustainable modes and is in close proximity to a number of bus services.

Vaughan Avenue is narrow and the amount of available on-street parking is limited. There is a significant existing demand for on-street parking. Highways have concerns that a change of use from dwelling house to a house in multiple occupation for this development will, in all likelihood, create an additional parking demand which could lead to further parking and access issues.

In the absence of any waste management details we are unable to comment on their adequacy from a highway perspective.

Pedestrian and vehicle access arrangements are acceptable to Highways.

Should the application be approved, a condition is advised with respect to construction management arrangements.

Environmental Health – Conditions are recommended in relation to waste management arrangements, working hours and the requirement for the installation of a gas membrane.

Housing and Residential Growth – A response has been provided by the Council's Housing and Residential Growth team with regard to the lack of availability for family sized homes on the Council's social housing register.

The basic message is that anyone needing a larger social home is going to have to wait a very long time and the vast majority will simply never get one. Demand far outstrips supply. So much so that the council and social landlord partners are having to buy larger homes on the open market in order to house families who have been made homeless and are living in temporary accommodation, including in B&Bs.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

Policy SP1 (Spatial Principle) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H3 (North Manchester) - North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

Policy H11 (Houses in Multiple Occupation) - states that changes 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.

In cases where the concentration of such properties is significant but less high, the Council will examine property type and resident mix in more detail when considering an application for a change of use.

In parts of Manchester which do not have a high concentration of HMO/student housing but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family. Changes to alternative uses, including C4

and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use.

All proposals for change of use of existing properties into houses in multiple occupation, and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Section 12 relates to achieving well-designed Place. Of particular relevance, Paragraph 130 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and 39*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Planning History

There have been no previous planning applications at this property.

Issues

Permitted Development Rights

Ordinarily the change of use from Class C3 to Class C4 would constitute permitted development in accordance with the Town and Country Planning (General Permitted Development) Order 2020 (as amended).

Due to concerns regarding an oversupply of such accommodation and the impact that such accommodation was having on the character of areas throughout the city, as well as upon residential amenity, the City Council introduced an Article 4 GPDO Direction to remove permitted development rights for changes use from C3 to C4. The Direction was adopted on 11th October 2011.

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up to date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed change of use is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed change of use to a house in multiple occupation (Class C4) would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, so to contribute to the Council's housing supply.

Houses in multiple occupancy also often lead to transient occupancy, whereby occupants have little vested interest in the area and can in part, alter the character of an area as a neighbourhood of choice.

HMOs tend to attract people who will live in the property for a comparatively short period of time and consequently they do not have the same interest in the well-being of an area as those who are less transient such as a family. It is believed that this cyclical change in occupiers can have a negative impact upon both residential amenity often due to poor or no management and a general lack of civic pride. As such, the cumulative effects of HMOs can have an adverse impact upon the character and appearance of an area.

It is further maintained that the use coupled with the increase in floorspace arising from the proposed extension would facilitate an over intensive use of the property and would lead to problems associated with increased levels of activity formed by people with different lifestyles and patterns of behaviour, increased noise, disturbance, waste storage demands and car parking requirements.

On this basis, the proposal is considered to conflict with policies DM1, SP1, H3, H11, and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The principal issues are outlined further below.

Loss of Family Accommodation

Policy H11 of the Core Strategy states that in parts of Manchester which do not have a high concentration of HMO/student housing, but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family.

This is endorsed by Policy H3 which states that in north Manchester priority will be given to family housing and other high value, high quality development where this can be sustained.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing for choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The loss of a family house in this area would conflict with this aspiration, undermine the regeneration objectives for the area and increase the threat of existing families being driven out of the area, or from being attracted to the area, due to a shortage of appropriate accommodation.

As can be seen from the consultation response from Housing and Residential Growth, there is huge demand across the city for larger homes, demonstrated by the waiting list for social housing, where demand outstrips supply. The important need for larger, family homes is therefore underlined by Policy H3 of the Core Strategy which seeks to prioritise family housing in north Manchester where this can be sustained.

To permit the conversion of the property to a house in multiple occupation clearly contravenes City Council policy aspirations and would serve to contribute to the imbalance of the housing mix in the area and deviate from the long term housing objectives of the City Council which focuses on diversity and choice in the housing market, as well as the protection of residential amenity. On this basis, the proposed change of use is unacceptable.

Residential Amenity

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents

Paragraph 130(f) of the NPPF also states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

It is considered that the revised design of the proposed extension has overcome the Council's initial concerns surrounding a lack of subservience to the original house and overdominance and overshadowing concerns.

Concerns however remain in relation to the over-intensive use of the property, exacerbated by the increased accommodation that the proposed extension would afford.

Whilst the City Council has no control over who can occupy a property, it can help prevent properties from being over intensively used, by restricting the number of occupants and the creation of certain types of accommodation.

HMO accommodation in particular, can often cause problems in residential neighbourhoods due to the levels of activity associated with unrelated people living together, as opposed to traditional family occupancy, which normally involves the manifestation of different patterns of behaviour and less frequent levels of activity.

A collective group of individuals with different lifestyles and different patterns of behaviour can result in frequent comings and goings, with associated noise and disturbance. This in turn can have an adverse impact upon the living conditions of neighbouring residential occupiers, to the detriment of their amenity.

The principal effects include, noise nuisance, negative impacts upon the physical environment and streetscape due to inadequate management of refuse storage and pressure upon local parking provision.

In this case, the lack of off-road car parking provision also forms a particularly harmful factor.

Notwithstanding the relative accessible location of the property, car ownership by prospective occupants cannot be precluded.

Policy DM1 in particular states, that for all development, regard should be made to parking provision.

The increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces along a narrow section of highway.

The proposed use could quite feasibly generate demand for 5 car spaces and up to 6 by the definition of the Class C4 use class.

This in turn could cause competition for on-street parking spaces along Vaughan Avenue. It is understood on-street parking demand is already at a premium in the immediate area due to visitors associated with the sheltered housing complex opposite.

Whilst the proposal involves the widening of the front driveway to allow up to two cars to be parked off-road, this is still considered deficient in terms of the level of off-road parking provision associated with the proposal, with the added drawback of leading to the substantial loss of the front garden, to the detriment of the street-scene.

It is believed that the lack of off road car parking provision would have a harmful impact upon highway users and neighbouring occupiers – particularly due to the narrow nature of Vaughan Avenue and increased competition for on-street spaces. It is therefore maintained that the lack of off-road parking provision is unacceptable.

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

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed change of use would result in the loss of a family sized dwellinghouse which would reduce the standard and availability of such housing in the area, undermining the provisions of policies H3, H11 and SP1 of the Manchester Core Strategy, which seek to provide an appropriate mix and balance of housing provision in the locality, in order maintain a sustainable neighbourhood and cohesive housing market.

2) The proposed use, in combination with the proposed extension, would result in an over intensive use of the property, with a consequential increase in the levels of activity, noise and disturbance levels, waste generation and demand for parking. This in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

14 Delside Avenue, Manchester, M40 9LF
10 Delside Avenue, Manchester, M40 9LF
17 Vaughan Avenue, Manchester, M40 9LE
11 Vaughan Avenue, Manchester, M40 9LE
12 Vaughan Avenue, Manchester, M40 9LE
10 Vaughan Avenue, Manchester, M40 9LE
8 Vaughan Avenue, Manchester, M40 9LE
6 Vaughan Avenue, Manchester, M40 9LE
4 Vaughan Avenue, Manchester, M40 9LE
2 Vaughan Avenue, Manchester, M40 9LE
Flat 33, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 1, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
7 Vaughan Avenue, Manchester, M40 9LE
19 Vaughan Avenue, Manchester, M40 9LE
Flat 32, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 30, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 27, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 13, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 10, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 8, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 5, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 3, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
8 Delside Avenue, Manchester, M40 9LF
12 Delside Avenue, Manchester, M40 9LF
9 Vaughan Avenue, Manchester, M40 9LE
15 Vaughan Avenue, Manchester, M40 9LE
Flat 31, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 29, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 28, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 26, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 25, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 24, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 23, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
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Flat 12, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 11, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 9, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 7, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 6, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 4, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE
Flat 2, Dunstan Court, 71 Bluestone Road, Manchester, M40 9JE

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH1