

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129433/FO/2021

Date registered valid: 8 March 2021

Proposal: Erection of single storey side extensions to form additional living accommodation for flat in multiple occupation

Address: 11B Amherst Road, Manchester, M14 6UG

Ward(s): Withington Ward

Applicant: Mr J Henry, 11B Amherst Road, Manchester, M14 6UG

Agent (if any): David Ormesher, Holborow & Ormesher Ltd, Station House, Adams Hill, Knutsford, WA16 6DN

Case officer: Constance Phillips
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Recommendation: Refuse

Date of recommendation: 4 May 2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: Photos received with application

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 11 March 2021 Expired: 1 April 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a duplex flat in multiple occupation, across the ground and basement levels of a semi-detached Victorian property of red brick with a slate gable roof, three storey rear outrigger and front facing dormer. The ground floor has been extended in the past to the side and the basement has also been previously extended. The revised floor plans show the existing flat as containing 11 bedrooms. The plot includes a driveway to the front and a generous garden to the rear.

Description of area

The property lies on Amherst Road within the Withington ward, just south of the border with Fallowfield and not far from either district centre. The area contains a mixture of student HMOs, flats in multiple occupation and family dwellinghouses, of varying ages and sizes.

Description of development

The applicant wishes to further extend the flat by building a new entrance to the front and a single storey side extension to provide space to move a bedroom and create an additional bathroom.

Consultations & Notification Responses

Local residents as per appendix 1 – One letter of objection was received from a local resident, citing the following concerns:

There is definitely a basement at this property. The drawings are really misleading and confusing. Another concern with this property is the potential problem with evacuation should a fire take place. There only appears to be one staircase. Should the residents just jump out of the windows if their exit via this one staircase is prevented by smoke, fire?

Yet another bedroom added to this property will result in an increase in more comings and goings, more rubbish and anti-social behaviour. Amherst Road is one of the top 12 streets in Fallowfield with an infamous reputation for large house parties. The residents of number 11a and 11b have hosted numerous parties causing a great deal of upset to local residents. The cumulative effect of these parties and other antisocial behaviour (loud music in gardens, drinking games, poor waste management etc) is extremely stressful for residents.

Additionally this addition will add to the street cleaning problems in this part of Amherst road. Already all of the HMO tenants appears to own a car in this part of Amherst Road so it is extremely difficult for appropriate street cleaning and gulley cleaning to take place.

This part of Amherst Road currently has three families with young babies now living in this road. As full time residents of long standing we are doing all we can to encourage these families to remain here in order to purge this part of Fallowfield of its reputation for being a no-go area for families. Also we have noticed a great increase in quite blatant street-side drug dealing amongst the residents of the HMOs.

Local residents' group – Fallowfield and Withington Community Guardians have objected on the following grounds:

We note that this property is listed on the HMO register with a max occupancy of 4, but is also advertised on student shack as a house for 10. We know this property has a basement as part of 11b because many members of our group live nearby. We completely oppose anything that will lead to an increase in occupancy in large HMOs such as this.

Amherst Road has a notorious reputation for large house parties. The house next door (13) made national news after a floor collapsed during a party. There have been many parties over the years in the large HMO properties on Amherst Road including several at number 11 (photo attached of one of the parties which was held in the adjoining gardens at 9 & 11 which disturbed dozens of households.

Another bedroom will no doubt result in an increase in occupants and lead to more comings and goings, more rubbish and anti-social behaviour. The cumulative effect of these parties and other antisocial behaviour (loud music in gardens, drinking games, poor waste management etc) is stressful for residents who want to live in peace. This extension would undermine policy SP1 to create sustainable neighbourhoods of choice because extensions in our experience always lead to increases in occupancy. We ask you to refuse this application.

Ward Councillor Chris Wills – Objects to the proposal:

I would like to formally object to this application. This is an extension to a property that already has eight bedrooms, and while the proposed plans do not show the addition of further bedrooms, any extension raises a concern that this would happen in the future. This property sits in an area of already high HMO concentration.

In particular, this would go against Policy H11 of the Council's Core Strategy. This states that: "In areas of high concentration, extensions to HMOs would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation".

This would cause additional stress in terms of parking, and also disruption through litter and noise nuisance, for the long-term residents who still live on this section of Amherst Road.

For these reasons, I would ask that the application be refused.

Policies

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

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:

- Policy DC1 - Residential Extensions

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 H11

The National Planning Policy Framework (NPPF, 2019)

- Chapter 12 – Achieving well-designed places

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

Issues

Principle – Extending an already large HMO dwelling within an area with a high concentration of houses or flats in multiple occupation is generally not acceptable in principal, mainly due to the multiple impacts upon residential amenity.

Siting, scale and massing – The new entrance would consist of an external 1.8m high staircase leading up to the front door beneath a canopy style porch extension, which would have a width of 1.4m, a depth of 1.9m, an eaves height of 4.8m and a ridge height of 5.5m. Although tall in height, the entrance is subservient to this large property with a high internal floor level, as the new door would come level with the ground floor bay window. The tapered single storey extension would project 2.6-2.95m to the side at ground floor with a depth of 4.25m, sited over the existing basement extension and in front of the existing side extension. It would have an eaves height of 4.8m, and a ridge height of 8.6m, almost coming level with the eaves of the original house. The extension would be sited along the boundary shared with No.13, and be setback from the principal elevation by 3.7m. The height of the side extension is considered excessive at 8.6m, given it is only to accommodate a ground floor room. Subservience is a key factor for residential extensions as detailed in policies DM1 and SP1 of the Core Strategy and DC1 of the UDP. Therefore the proposal as it stands is not considered to be appropriately scaled nor subservient to the host dwelling, contrary to residential policies DM1, SP1 and DC1.

Intensification – The extension would create an additional room in a very large HMO (floor plans show it as an 11 bed flat) and it is considered that this room could potentially become another bedroom. Policy H11 of the Core Strategy seeks to prevent the extension and consequent intensification of HMOs in areas where there are many already in existence, such as Fallowfield and Withington. When asked about the number of bedrooms the property currently contains the agent avoided the question the first time round and then stated 10, however the revised floorplan shows 11 bedrooms as existing. As two of the objectors pointed out, the property is only currently licensed for 4 occupants (license gained Aug 2020) and the landlord's rental website is listing the property as a '10 bed duplex apartment'. This same site (Student Shack) lists 11A, on the first and second floors of the property, as an 8 bed duplex apartment. This means up to 19 people could be living in this semi-detached property. The potential for an additional resident at the address presents several issues relating to the residential amenity of the neighbouring occupiers and visual amenity of the streetscene. The additional room is labelled on the plans as being a bedroom, with the existing bedroom re-labelled as a bathroom, but it may not remain/become a bathroom and this cannot feasibly be enforced through a condition, therefore the extension cannot be supported. This is because,

where an extension to a HMO can reasonably be expected to lead to an increase in the level of occupation, consideration must be given to the potential effects this increase could have on the levels of amenity that the neighbouring residents currently enjoy. Three objections were received, from a Councillor, a residents group and a local resident, which raised concerns with an increase in occupancy and the resulting increase in issues relating to parking, refuse, noise, comings and goings and anti-social behaviour.

- **Disturbance:** An increase in the number of residents inevitably leads to an increase in the comings and goings at the address, which could lead to an increase in noise and disturbance for the neighbouring occupiers, as well as the existing residents of the HMO, through the closing of doors, starting and parking of multiple cars, noise such as music or loud chatter in the garden and through open windows and party walls. The objectors noted this property and the adjoining No.9 are known for large house parties (see objector's photo) and significant disturbances.
- **Parking:** An increase in the number of people living in a student HMO puts pressure on the on-street parking provision, as they are less likely to share a vehicle, like families and couples do. This issue is amplified on a road where there is already a parking problem for the local residents. The driveway looks to only fit 2 cars, potentially 3 and there is room for one car on the street adjacent to the site's boundary. With potentially up to 19 people sharing this driveway, and the potential for additional visitors, this car parking allocation is insufficient.
- **Visual Amenity:** Residing in a HMO is often a short term living arrangement for students and young professionals who may not remain at the address for longer than a year or two at a time. It is often the case that short term lets, such as student HMOs, assume a run-down appearance due to a lack of investment in the area by transient residents. This could result in bins left out the front of the property, towels and clothing hanging out of windows and untidy garden areas, all of which affect the visual amenity and character of the area, contrary to policies SP1 and DM1.
- **Refuse –** There are currently 2 sets of bins (1 set per flat) along with a large eurobin stored on the front garden/driveway, with no bin store to hide them from view. The proposed side extension and entrance does not affect this existing refuse storage, as the gap to the rear has already been lost due to the historic side extension, however the refuse storage is not currently in accordance with policies DM1 and SP1 and an additional occupant places increased pressure on the storage of waste at this address.

Conclusion – For the reasons explored above, it is considered that the scale and massing of the proposed side extension is unacceptable and the potential increase in occupancy for this large flat in multiple occupation would cause undue harm to the surrounding residents of Amherst Road and the visual amenity of the area, thus acting against policies DM1, SP1 and H11 of the Core Strategy as well as the National Planning Policy Framework, hence the proposal cannot be supported by the City Council and is thus refused.

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 worked with the agent 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 agent during the course of the planning application, but these concerns cannot be overcome. The proposal is considered to be contrary to the development plan and is therefore refused.

Reason(s) for recommendation to refuse

1) The proposed extension, and subsequent additional accommodation on the ground floor, would represent an over intensive use of the property. The additional comings and goings, demand for car parking, associated noise and the disturbance due to an increase in occupation would be detrimental to amenity of residential occupiers in the area. The proposed development is therefore contrary to policies SP1 and DM1 of the Manchester Core Strategy and extant policy DC1 of the Unitary Development Plan for the City of Manchester.

2) The proposed side extension by reason of its scale, massing and excessive height; would not be subservient to the host dwelling and would form a visually obtrusive feature within the street scene, to the detriment of visual amenity and as such is contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Withington Bowling Club, 31A Derby Road, Manchester, M14 6UX
13 Amherst Road, Manchester, M14 6UG
8 Amherst Road, Manchester, M14 6UQ
9A Amherst Road, Manchester, M14 6UG
11A Amherst Road, Manchester, M14 6UG
9 Amherst Road, Manchester, M14 6UG
6 Amherst Road, Manchester, M14 6UQ
10 Amherst Road, Manchester, M14 6UQ

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

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Wilmslow Road/Egerton Road)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH