

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129199/FO/2021

Date registered valid: 24 March 2021

Proposal: Change of use from single dwellinghouse (Class C3) to 6 bedroom HMO (Class C4)

Address: 53 Sandyhill Road, Manchester, M9 8JR

Ward(s): Higher Blackley Ward

Applicant: Mr Kuflik, 53 Sandyhill Road, Manchester, M9 8JR

Agent (if any): Mr Justin Keleghan, JK Technical Services (NW) Ltd 21 Campbell Road, Swinton, Manchester, M27 5QG

Case officer: Steven McCoombe
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Recommendation: Refuse

Date of recommendation: 28 April 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 26 April 2021

Standard consultations:

Printed: 1 April 2021 Expired: 22 April 2021

Neighbour notifications

Printed: 6 April 2021 Expired: 27 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

This application relates to a large, end terraced, two storey property situated in a row of 4 properties, which incorporate a staggered roof line.

The property includes front and rear garden areas. A brick wall partially encloses the property to the front. To the side, is a driveway for off road parking.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated within a predominantly residential area of Higher Blackley in north of Manchester and forms part of an area known as the Riverdale Estate.

The immediate area largely comprises two storey, terraced and semi-detached dwellinghouses.

Description of development

Planning permission is sought to change the use of the property from a 6 bedroom dwellinghouse (Class C3) to a 6 bedroom HMO (Class C4). It is proposed to change the internal configuration to accommodate 2 bedrooms to the ground floor and 4 bedrooms to the first floor.

To the side of the property, the submitted drawings shows that the existing driveway can accommodate 3 vehicles in a stacked arrangement.

The application follows a previously refused application for the change of use of the property to a 9 bedroom HMO (sui generis).

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Local Ward Members - Councillor Farrell objects on behalf of all 3 ward Councillors. The proposed use is considered entirely inappropriate to the surrounding area, which consists of individual family homes.

Individual homes for larger families are in extremely short supply in the local area, and many of the local casework issues concern trying to find appropriately sized homes for families where the bulk of available homes, whether for social rent, private rent or market sale are of no more than three bedrooms.

It is noted that the property at 53 Sandyhill Road was sold at auction in July 2018 with sitting tenants, who according to the agent's details, had expressed a desire to remain in residence. Another large family could be suitably housed in the application property if it was appropriately marketed. The only issue would seem to be that the applicant hopes to squeeze more money out of the property via an inappropriate use as an HMO.

It is noted further that a previous application to change the use of this larger family home to a 9-bedroom HMO, apparently by the same applicant, was refused in 2018. I am unable to find fault with the decision made and would suggest the same issues remain as cited in the Decision Notice dated November 2018.

In addition, it is considered that the Riverdale Estate suffers from poor public transport links, but was also unfortunately designed in a fashion in which failed to take into account increased car ownership. Surrounding streets are unable to cope well with the car ownership of the existing families in the area, and even a 6-bed HMO would likely result in an unacceptable further burden on existing infrastructure.

On the basis that the current application seeks to remove a larger family home from a local housing market in which they are very scarce indeed, seeks to over-intensify a use in an entirely inappropriate location, and also seeks to insert an inappropriate use into a community of individual family homes, it is urged that the application be refused.

Highway Services - The proposed conversion to a HMO is likely to generate a slight increase in trip levels in comparison to a single residential unit.

A local bus connection provides regular services across the surrounding area. Limited opportunity for tram/ rail travel, with no immediate access within a walkable radius of the site.

Three on-site car parking spaces are to be provided to the side of the property via an existing dropped kerb. This is a circa 50% allocation which is low and may result in vehicles that cannot be accommodated within the site adding to existing on street parking demand.

The car parking layout is not supported by Highways. Spaces should all be accessible and not blocked off by other vehicles. Each driveway space should provide a minimum of 3.0m x 6.0m in line with MCCs standard minimum dimensions and vehicles should be able to enter and exit the area in a forward gear.

Our records indicate that the suggested car parking area does not fall under the applicant's ownership. Verification is therefore required. The applicant should confirm that they have a formal written agreement to guarantee rights of access over any land which falls outside of the site's red line.

Cycle storage is noted to be on-site to the rear of the property. Clarification is required to confirm that this will be sheltered, secure and provided for a 100% allocation.

Bins are shown stored at the rear of the property. Further clarification is required regarding the arrangements for the collection of waste from the highway.

There are no boundary treatments noted.

Detail should be sought from the applicant in relation to any proposed construction or fitout arrangements, where there is an impact on the highway.

Environmental Health - The applicant may end up needing more waste & recycling provision. However, there is sufficient space and the landlord or tenants can request more bins in the future, so a condition is probably not required.

Planning History

121471/FO/2018

Change of use from single dwellinghouse (Class C3) to 9 bedroom house in multiple occupation (Sui Generis). *Refused 14 November 2018.*

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. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres as part of mixed-use schemes as well as along high frequency public transport routes.

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.

Of particular relevance, Paragraph 127 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.*

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 2015.

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 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise

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 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.

To permit the conversion of the property to form 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.

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 127(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.

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 level of activity associated with unrelated people living together. A collective group of individuals with different lifestyles and different patterns of behaviour as opposed to traditional family occupancy and 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 increased levels of activity, 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 forms a particularly harmful factor.

Notwithstanding the relative accessible location of the property, car ownership 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, for a proposed use that could quite feasibly generate demand for 6 car spaces. This in turn could cause competition for on-street parking spaces along Sandyhil Road.

Whilst the submitted drawings indicate provision for 3 cars, the stacked arrangement means vehicles would be blocked in and reliant on different occupiers moving vehicles to allow access. This arrangement is not practical and not supported by Highways.

As a result, the lack of off-road car parking provision, as consequence of insufficient provision and an unworkable arrangement, would have a detrimental upon highway users and neighbouring occupiers due to like parking demand and increased on-street parking. It is therefore maintained that the parking provision is unacceptable.

The potential introduction of a number of cars associated with the property with an under provision of off-road parking would lead to further parking on-street parking demand and exacerbate parking problems for existing residents to the detriment of their amenity. This is indicative of the over intensive use of the property and is not therefore considered satisfactory.

Other Matters

Highway Services question whether the proposed car parking area is under the ownership of the applicant.

The application has been accompanied by location plan, with the area in question edged red and supported by ownership certificate A. The applicant has declared the area is within the ownership of the applicant. There is no reason to dispute this arrangement based on the legal declaration.

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 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

Environmental Health
Highway Services

1 Fortrose Avenue, Manchester, M9 8JG
55 Sandyhill Road, Manchester, M9 8JR
51 Sandyhill Road, Manchester, M9 8JQ
3 Fortrose Avenue, Manchester, M9 8JG
2 Fortrose Avenue, Manchester, M9 8JG

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
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1