

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139847/FO/2024

Date registered valid: 22 April 2024

Proposal: Change of use from a Class C4 (house in multiple occupation) to a large 8 bedroom house in multiple occupation (sui generis), including the erection of a rear dormer and installation of two rooflights to the front

Address: 40 Mabfield Road, Manchester, M14 6LW

Ward(s): Fallowfield Ward

Applicant: Messrs Spaenjaers and Van Paesschen VSHF Manchester Ltd

Agent (if any): Mr Darren Ridley, The Planning Station

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 17 June 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: May 2024

Standard consultations:

Printed: 30 April 2024 Expired: 22 May 2024

Neighbour notifications

Printed: 30 April 2024 Expired: 22 May 2024

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 property that is the subject of the change of use application currently under consideration is a 2- storey red brick terraced house. It is identified as 40 Mabfield Road. It sits back of pavement to the front with a small walled yard area to the rear. It has no in curtilage parking, with parking being reliant upon on street availability. There are no TRO's outside of the property. It has a large single storey rear extension, that occupies much of the rear yard area. The bins are stored in the rear yard of the property and brought through for kerb side collection on refuse day.

The property is in use as a maximum six person HMO which was secured via a Certificate of Lawful Use application under reference 130211 on the 16th of June 2021.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The remainder of the area is predominantly residential in nature, with roads comprising of large runs of terraced houses that mirror the age and design of the proposal site. To the east of the site further along Mabfield Road is the large recreational facility of Platt Fields Park.

The property is located within a sustainable area for modes of public transport.

Description of development

The proposal is for the change of use of the property from a Class C4 house in multiple occupation to a large eight- bedroom house in multiple occupation (Sui Generis). This would involve the erection of a rear dormer and installation of two rooflights to the front slope of the property. The dormer would enable use of the attic space and create two additional bedrooms resulting in the change from six bedrooms as existing to eight bedrooms as proposed.

Consultations & Notification Responses

Local residents were informed- one representations have been received. The main points raised are:

Loss of family homes to transient populations consisting primarily of students. With landlords adding more physical extensions to properties in order to squeeze the maximum number of tenants in the houses. The noise and nuisance that is associated with the tenants with late night parties. The waste isn't managed with the rear alley ways overflowing with rubbish, which in turn has resulted in rat and other vermin infestations. There is insufficient space for parking, with multiple cars per property occupying the on- street parking. This is particularly an issue during term times.

Relaxation of the Permitted Development laws have meant large extensions and dormers being added to these properties mainly by landlords to squeeze more occupants in.

The alleyways house Euro bins which are always overflowing and do not have the capacity for the numbers of people now occupying the premises.

Residents have to put up with the noise during construction and post construction by the overdeveloped properties retaining insufficient amenity space for the occupants who subsequently use the rear access alley ways as additional amenity space to party in. The property has increased from a three- bedroom house to an eight bedroom house which is overdevelopment. It is changing the character of the area with family houses becoming HMO's resulting in an imbalanced relationship.

Fallowfield Community Guardians- We write on behalf of Fallowfield Community Guardians and SE Fallowfield Residents Group. We wish to very strongly object to planning application 139847/FO/2024 for the change of use from C4 to a large eight- bedroom sui generis, including the erection of a rear dormer and installation of two rooflights at the front of 40 Mabfield Road.

This is totally contrary to Manchester City Council's policy H11 in the Local Development Framework for intensification of use.

Members of our groups live on Fallowfield Brow and are experiencing many well documented problems which affect residential amenity. There are already many houses in multiple occupation on Mabfield Road and surrounding streets. Residents in our groups wish to see a more sustainable neighbourhood and the intensification and creation of larger HMOs will make matters worse.

These large HMOs put more pressure on services including refuse disposal, increased noise and disturbance by more comings and goings and additional parking problems.

We are aware that there are other HMOs in use as sui generis including 32 Mabfield Road which have been intensified without correct planning permission (currently in appeal process). We therefore urge you to reject this application in full to encourage a more balanced and sustainable community.

Environmental Health- no objections to the proposal subject to the submission of an acceptable scheme relating to residential noise insulation and overheating, there are some concerns with regards to bedroom seven which is only served by a Velux rooflight, should this need to be closed for noise control, there is no other means of ventilation. An acceptable waste management strategy would be required to show how the site can accommodate waste for eight occupants.

Highways- no objections to the proposal subject to the attachment of a condition relating to cycle parking provision.

Issues

National Planning Policy Framework (December 2023) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

Section 4 provides guidance on the decision- making process Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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.

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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents

- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy H1 'Overall Housing Provision' states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors, in particular, the need to diversify housing stock in mono tenure areas by increasing the availability of family housing. High density developments (over 75 units per hectare) are appropriate in both the City Centre and parts of the Regional Centre given the accessible location. 90% of residential development will be on previously developed land. The re-use of vacant housing, including the renewal of areas characterised by poor quality housing, will be prioritised. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works. If this is not possible, development schemes should contribute to renewal of adjacent areas which contain vacant or derelict buildings.

Policy H1 goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. Schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H6 relates to new housing development in South Manchester and states that South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

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:

- o Exempt from paying Council tax because they are entirely occupied by full time students.
- o Recorded on Private Sector Housing's database as a licensed HMO.
- o 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.

The approach above will also be used for change of use to a HMO which is classified as 'sui generis'.

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.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City, proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Whilst this is not a householder application, this is a residential property, in a residential area, so policies relating to house extensions need to be considered.

Saved Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

- a. The general character of the property;
- b. The effect upon the amenity of the neighbouring occupiers;
- c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. The overall appearance of the proposal in the a street scene;
- e. The effect of the loss of any on-site car parking.

DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings);
- b. They do not create undue loss of sunlight, daylight or privacy;
- c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Manchester Residential Quality Guidance 2016 -Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses. In relation to one bedroom, one person, units the minimum standard of accommodation is set at 37 square metres (where a shower room is proposed).

Principle - In the case of this application, the principle of the proposed change of use is not considered acceptable as it is in conflict with the policies and associated guidance indicated above.

It is noted that the premises have an existing Class C4 use, and has previously been occupied by six residents, but it is considered that the increase in floorspace, and associated occupancy arising from the extension works proposed, would facilitate an over intensive use of the property that has unacceptable impacts due to increased levels of activity formed by people with different lifestyles and patterns of behaviour, increased noise, disturbance, waste storage demands and at times car parking requirements.

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. The property has previously been extended to the ground floor, and the proposed dormer extension is not to improve the quality of the living conditions of the existing residents, but instead to increase the capacity of the number of occupants residing at the property.

On this basis, the development is considered to conflict with policies DM1, SP1, H4 and H11 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

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 135(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.

In this case, the Council has concerns in relation to the over-intensive use of the property, as a result of the increase in occupancy.

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. It is considered that a collective group of individuals with different lifestyles and different patterns of behaviour, as opposed to traditional family occupancy, can result in more 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 residential amenity.

The terrace of properties within which number 40 Mabfield Road is located all interrelate and as a result of the close, physical relationship between the properties, the neighbouring residents are left vulnerable to the detrimental impacts of increased noise and disturbance. An increase in current activity would increase the risk of noise and disturbance. The dormer extension would increase in the maximum occupation of the property by two bedrooms which is a third of the current total occupancy. Both the amount of activity and, consequently, the risk of noise and disturbance has significantly increased due to the change of use to a HMO. Furthermore, the HMO would accommodate eight people within a modestly sized property. As such, the potential amount of activity generated by the appeal property would be disproportionate to its size.

In addition, the living conditions of the existing residents would not be improved by the introduction of the additional two bedrooms within the roof space with two additional residents sharing the existing facilities. This together with the unacceptable ventilation situation for bedroom seven would further reiterate that the proposal to increase to eight bedrooms would be overdevelopment.

The property had its start as a three -bedroom terraced family property, this over time has become a six bedroom property which in turn is now proposed as an eight bedroom property. The amenities that previously existed such as family spaces and external amenity space have been reduced, whilst the occupation and built form has increased disproportionately to those amenities. Whilst it is acknowledged that development must be taken into account to meet changing household needs, that is not the case with number 40 Mabfield Road, as the proposed works would not be to improve the residential amenity of the existing occupants, but rather as a way of increasing the occupancy of the property.

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 frequently pressure upon local parking provision.

In this case, the lack of sufficient off-road car parking provision has the potential to exacerbate the existing parking issues, particularly in the evenings and weekends. It is acknowledged that the proposal site is in an accessible location, but this does not preclude the potential for car ownership for up to 8 separate individuals. Thereby exacerbating the existing problems for existing residents.

Visual Amenity- It is noted that the proposed dormer extension would be in materials to match those of the existing property, and whilst resulting in a bulky incongruous feature within the area, the fallback position is that the dormer could be constructed under permitted development rights.

Building works - Whilst Extensions, to residential properties, are often able to be supported, in this case they have led to additional accommodation being provided, at the property, which would facilitate two extra bedrooms being created, which would result in the over occupation of the property and the resulting issues for neighbours and the general surrounding area, as indicated above. For these reasons, the extension cannot be supported.

Overall, taking into account the existing characteristics of the immediate area, it is maintained that the intensification of use would cause harm to the living conditions of neighbouring occupiers with respect to general disturbance, waste management and increased parking pressure in the area. The proposal would therefore conflict with the aforementioned policy and guidance.

It is recommended that the refusal of the application is accompanied by enforcement proceedings with the aim being to reverse the works carried out and revert the property to its former condition, where a maximum of six residents only could be accommodated.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

In this instance the fundamental principle of the proposal could not be amended by way of revisions. In this case the application is seeking consent, for a use, and development, that cannot be supported, and it was not considered that there were alterations that could be made to make the scheme acceptable. 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 increase in occupancy, and proposed dormer 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 potentially demand for parking, which would result in an unacceptable 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

South East Fallowfield Residents Association

25 Mabfield Road, Manchester, M14 6LW

37 Langley Road, Manchester, M14 6LN

36 Mabfield Road, Manchester, M14 6LW

33 Mabfield Road, Manchester, M14 6LW

31 Mabfield Road, Manchester, M14 6LW

27 Mabfield Road, Manchester, M14 6LW

29 Mabfield Road, Manchester, M14 6LW

44 Mabfield Road, Manchester, M14 6LW

39 Langley Road, Manchester, M14 6LN

42 Mabfield Road, Manchester, M14 6LW

38 Mabfield Road, Manchester, M14 6LW

35 Mabfield Road, Manchester, M14 6LW

41 Langley Road, Manchester, M14 6LN

35 Langley Road, Manchester, M14 6LN

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

Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Fallowfield Central)

Area Team Boundary - Name: SOUTH AREA