

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139197/FO/2024

Date registered valid: 21 February 2024

Proposal: Conversion and alteration of existing residential space to create 1No. 2 bedroom apartments and 1No. 1 bedroom apartment including erection of single storey and two storey rear extension and construction of roof dormer to rear of the property

Address: 22 Eston Street, Manchester, M13 0FF

Ward(s): Ardwick Ward

Applicant: Mr Mohammed Syed

Agent (if any): Mr John Albutt, PZvi Architects & Designers Ltd

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 16 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 1st March 2024

Standard consultations:

Printed: 27 February 2024

Expired: 19 March 2024

Neighbour notifications

Printed: 27 February 2024

Expired: 19 March 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 application relates to a traditional red brick mid-terraced dwellinghouse with a rear yard area and frontage abutting the back of the pavement. Within the enclosed rear yard there is an original two storey, lean-to outrigger. An alleyway runs immediately behind the rear boundary wall.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The immediate area is predominantly residential in character, comprising properties predominantly of a similar red brick terraced forms. It is acknowledged that the surrounding area affords a number of properties in C4 use and student residential blocks. The application site lies to the north of the Victoria Park Conservation Area.

Description of development

Planning permission is sought for the change of use of a single, 2 bedroom dwellinghouse into 3 self-contained flats, involving the erection of a large L-shaped rear dormer window and single storey and two storey rear extensions. The proposed accommodation would comprise the following layout:

Ground floor - two-bedroom (3 persons) apartment approx. 39.9m²

First floor - one-bedroom (2 persons) apartment approx. 30.6m²

Second floor/loft conversion - one-bedroom (2 persons) apartment approx. 25.8m²

The proposed two storey rear extension would project 1.2m from the rear building line of the existing outrigger and measure 2.8m in width. This element would accommodate a gable roof form that connects to the proposed rear dormer, which would span the entire rear roof plane.

The proposed single storey rear extension would project 1.7m from the rear building line of the existing dwelling and measure 1.5m in width. This element would accommodate a flat roof and provide the GF apartment access to the rear enclosed yard.

Two rooflights are proposed in the front roof plane, as well as fenestration in the rear elevations of the proposed rear extensions. An additional window is proposed in the north facing side elevation at first floor to serve a bedroom.

Consultations & Notification Responses

Local responses

None received.

Consultee responses

Highways – Concerns raised regarding on-street parking, cycle parking and waste storage management.

Environmental Health – No objections subject to refuse management condition.

Planning History

At the application site –

127542/FH/2020 – Erection of single storey rear extension and front and rear roof dormers. Refused 28.06.2021, on grounds of visual impact of front dormer.

126515/FH/2020 – Erection of single storey rear extension with balcony above and installation of a rear roof dormer to form additional living accommodation. Withdrawn 29.12.2020.

124889/FH/2019 – Proposed erection of a single storey rear extension and creation of a dormer roof extension to the rear. Approved 03.12.2019. *Not implemented.*

History of negotiations

No negotiations were entered into with the agent, given that the scheme was not considered to be policy compliant.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Core Strategy** policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

H6 – South Manchester

The relevant saved **UDP** policies for this application are:

DC1.1 - 1.6 – Residential Extensions

DC 5.1 - 5.4 – Flat conversions

The relevant supplementary planning guidance document for this application are:

- The Guide to Development in Manchester SPD

A relevant material consideration is also:

- Manchester Residential Quality Guidance March 2017 (Manchester's Emerging Space Standards)

National Planning Policy Framework

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

- Section 4 – Decision-making
- Section 12 – Achieving well-designed places

Issues

Principle of development:

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 flat conversion is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed conversion of the property to 3, smaller self-contained flats would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, in order contribute to the Council's housing supply.

It is further maintained that the proposed conversion 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 and car parking requirements, as well as creating an overlooking impact northward as a consequence of the proposed additional window at first floor in the existing outrigger.

In addition, the proposed flat conversion would create an unsatisfactory standard of accommodation in terms of space afforded for future occupants, contrary to National Space Standards.

On this basis, the proposal is considered to conflict with saved policies DC1 and DC5 of the UDP, policies DM1, SP1, H6 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 H6 of the Core Strategy sets out requirements for new housing development in south Manchester, giving priority to family housing and other high value, high quality development. This reflects the findings of the Housing Need and Demand Assessment 2010, which identifies a need for 3-4 bed family housing in the area.

It is apparent from recent figures obtained from the Council's Housing and Residential Growth section, that there are currently very significant shortfalls in the availability of family sized homes across the city based on current demand. Whilst these figures are based on the supply of social housing, there is inevitably a relationship between the availability of family homes for sale or rent in the private sector, and the demand for social housing.

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. Whilst the effect of the loss of a single home on the overall mix and balance of housing in the area would be limited, it would nevertheless contribute to the short fall.

To permit the conversion of the property to smaller sized units, with the consequential loss of family sized accommodation, 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.

On this basis, the proposed conversion is considered unacceptable.

Impact upon residential amenity:

Proposed use

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. Saved policy DC5 of the UDP which specially relates to flat conversions, requires consideration be given the effect on neighbouring occupiers, as well as the adequacy of amenity space, parking, access and waste management arrangements.

Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

In this case, it is believed that the conversion of a decent sized dwellinghouse with private rear garden area into 3 smaller self-contained units, would lead to the over-intensive use of the property. 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 creation of certain types of accommodation.

The creation of multiple households within a property originally intended for a single household, would create a greater propensity for independent activity as opposed to family occupancy. The use by multiple, unrelated occupiers with different lifestyles and different patterns of behaviours is likely to create a greater level of comings and goings, with increased noise and disturbance to neighbouring occupiers. This would include increased activity associated with visitors to those individuals, including noise transfer to internal walls and the movement of bins and vehicles.

Flat accommodation of the type proposed is also usually limited to adults and as the application site is situated within an area where student accommodation and HMOs are prevalent, this would in turn increase the likelihood of activity of up to 7 individuals (as shown by indicative bed spaces on proposed floor plans) extending later into the evenings. The impact to amenity would therefore be far greater than a single household. As the property is attached to similar family dwellinghouses to either side, the impact to neighbouring living conditions as a consequence of levels of activity, waste generation and multiple levels of car ownership and increased vehicular activity and parking requirements, is considered unacceptable.

On balance, it is maintained that the increase in levels of activity and associated noise and disturbance is likely to be unduly felt, undermining the living conditions of neighbouring occupiers. On this basis, the proposal would result in the over intensive use of the application property, contrary to the aforementioned policy and guidance.

Standard of accommodation

The proposed development would create three self-contained apartments within an existing 2-bedroom mid-terraced dwelling, facilitated through rear extensions and rear dormer window extension. The proposed accommodation would comprise the following layout:

- *Ground floor - two-bedroom (3 persons) apartment approx. 39.9m²*
- *First floor - one-bedroom (2 persons) apartment approx. 30.6m²*
- *Second floor/loft conversion - one-bedroom (2 persons) apartment approx. 25.8m²*

The Manchester Residential Quality Guidance sets out Manchester's Emerging Space Standards which provides the recommended minimum gross internal floor area of new dwellings and conversions at a defined level of occupancy. The document has been through the executive and is a material planning consideration. The requirements for 1 storey planning units are as follows:

- *One Bedroom (2 persons) = 50m²*
- *Two Bedrooms (3 persons) = 61m²*

As such, the proposed development falls significantly below the space standards required to meet new suitable accommodation at all floor levels. This in turn clearly evidences over intensive use and overdevelopment of the application property.

On this basis, the proposed development is considered to have a significantly harmful impact to the living conditions of future occupiers, contrary to the aforementioned policy and guidance.

Proposed extensions & alterations

Policy DC1 of the UDP states that in the determination applications for extensions to residential properties, regard should be had to the effect upon the amenity of neighbouring occupiers.

This is echoed by policies DM1 and SP1 of the Manchester Core Strategy which underlines the need to safeguard residential amenity.

The proposed development involves a two storey rear extension, single storey rear extension and rear L-shaped roof dormer.

In this case, due to the position, scale, mass and window positioning of the proposed two storey rear extension, together with its relationship with neighbouring residential properties, the proposed extension would form an overbearing, over-dominant and intrusive feature, whilst leading to the overlooking of the facing property at No.21 Denham Street and adjoining property No.20 Eston Street.

The proposed two storey extension in this case is runs the whole width of the existing outrigger, with a rearward projection of 1.2 metres. The extended projection would form an over-dominant feature to adjoining property at No.20 Eston Street.

At present both the host property and No. 20 Eston Street incorporate a full height recess, which affords natural light to the ground floor rear dining/living rooms and first floor bedrooms. Whilst the proposed two storey rear extension would not infill the recess, the increased

rearward projection to the existing outrigger would create a feeling of enclosure and due its two-storey scale and proximity to the common boundary, would appear overly dominant, and due to its orientation due south of No.20, would lead to the loss of small daylight/sunlight during the day.

In addition, the proposed extension would lead to the creation of a small gap between the rear wall of the proposed extension and the rear boundary wall with the alleyway. The position of the rear wall would leave only a small gap of approximately 5 metres between the nearest elevation of the proposed two storey extension and the rear curtilage boundary of the facing property at No.21 Denham Street. Whilst the relationship between both properties would be particularly intrusive, the positioning of a first-floor rear window to the proposed two storey extension would undoubtedly create an increased perception of overlooking over existing and subsequent loss of privacy to the occupants of No.21 Denham Street. Furthermore, the additional window Inserted Into the north facing side elevation of the existing outrigger, to serve the bedroom to the first floor apartment, would create detrimental overlooking Impacts upon the occupants of the adjoining property No.20 Eston Street.

Account should also be taken of the fallback position, in terms of the proposed single storey rear extension and what would be allowed via permitted development if implemented separately as part of an individual dwellinghouse.

On this basis, the proposed two storey rear extension and additional northern side window proposed at first floor is considered to have a harmful impact to the living conditions of neighbouring occupiers, contrary to the aforementioned policy and guidance.

Highway Safety:

Whilst the proposal would not interfere with the existing on-street parking arrangements on Eston Street, concern is raised with regards to proposed the intensification of the use of the dwelling, which may exacerbate existing parking arrangements on street.

No details of cycle or waste storage have been submitted, notwithstanding this, these matters can be addressed via planning conditions.

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

Officers have worked 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 cannot be overcome, given that the principle of development is unacceptable. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. Loss of family accommodation

The proposed conversion of the host property into 3 separate flats would result in the loss of a family sized accommodation, which would reduce the standard and availability of such housing in the area, undermining the provisions of policies H6, DM1 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. Standard of accommodation

The proposed sub-division of the application property to form three self-contained flats, fails to provide adequate levels of gross internal amenity space afforded per apartment (as recommended in Manchester's Emerging Space Standards), which would give rise to a poor standard of living accommodation for future occupiers and inadequate residential accommodation contrary to policies DM1, SP1, H1, H6 and EN1 of the Manchester Core Strategy, guidance within the Manchester Residential Quality Guidance and Section 12 of the National Planning Policy Framework.

3. Over Intensive Use

The proposed flat conversion would result in an over intensive use of the property, with a consequential increase in the levels of activity, noise, disturbance levels and demand for on-street parking. This in turn would have a detrimental impact upon the amenity of neighbouring residential occupiers, contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

4. Residential amenity

The proposed two storey rear extension would by reason of its position, scale, massing, window orientation and relationship with neighbouring properties, form an unduly dominant structure that would be overbearing and intrusive to the adjoining occupiers,

whilst leading to a loss of privacy to the occupants of the opposite facing property at No.21 Denham Street. In addition, the proposed first floor window inserted in the northern side elevation of the outrigger by reason of its position and orientation, would lead to a loss of privacy to the occupants of the adjoining property at No. 20 Eston Street. This in in turn would have a harmful impact to residential amenity, contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

19 Denham Street, Manchester, M13 0FJ
26 Eston Street, Manchester, M13 0FF
24 Eston Street, Manchester, M13 0FF
25 Denham Street, Manchester, M13 0FJ
21 Denham Street, Manchester, M13 0FJ
23 Eston Street, Manchester, M13 0FF
19 Eston Street, Manchester, M13 0FF
23 Denham Street, Manchester, M13 0FJ
17 Denham Street, Manchester, M13 0FJ
21 Eston Street, Manchester, M13 0FF
20 Eston Street, Manchester, M13 0FF
18 Eston Street, Manchester, M13 0FF
17 Eston Street, Manchester, M13 0FF

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA