

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139848/FO/2024

Date registered valid: 22 April 2024

Proposal: Change of use from a large house in multiple occupation (sui generis) with 10 bedrooms to form: 1no. small House in Multiple Occupation with 6 bedrooms (Use Class C4) and 1 no. large house in multiple occupation with 7 bedrooms (sui generis) together with the erection of two storey side extension following demolition of existing two storey extension

Address: 354 Wilmslow Road, Manchester, M14 6AB

Ward(s): Old Moat Ward

Applicant: Messrs Spaenjaers and Van Paesschen, VSHF Manchester Ltd

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

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

Recommendation: Refuse

Date of recommendation: 17 June 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 8 May 2024

Standard consultations:

Printed: 29 April 2024 Expired: 21 May 2024

Neighbour notifications

Printed: 29 April 2024 Expired: 21 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/area

The application site relates to a three storey brick-built semi-detached Victorian property with converted basement, with off-street parking area to the rear. To the front of the property is a grassed amenity space bound by 5 large trees, low brick walling and black metal railings. The current lawful use of the property is a large House of Multiple Occupation (Sui Generis).



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The application seeks planning permission for the change of use of an existing 10-bedroom house in multiple occupation (Sui Generis) to form 1no. small House in Multiple Occupation with 6 bedrooms (Use Class C4) and 1 no. large house in multiple occupation with 7 bedrooms (Sui Generis) together with the erection of two storey side extension following demolition of existing two storey extension.

The proposed extension would project 3-3.3m to the rear and run 7.2m in length. It would accommodate a flat roof with parapet detail, measuring 7.2m in maximum height. Materials would be matching brickwork. Fenestration is proposed in the side and rear elevations at ground and first floor levels.



Figure 1 – Proposed floor plans



Figure 2 – Proposed northern side elevation facing Latchmere Road

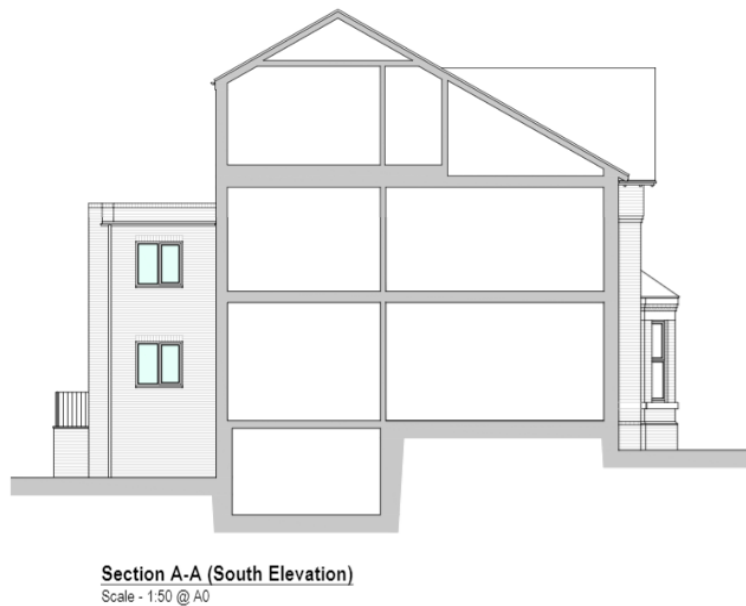


Figure 3 – Proposed southern side elevation

Consultations & Notification Responses

Local responses

None

Consultee responses

Highway Services –

The application seeks consent for the change of use from a large house in multiple occupation (sui generis) with 10 bedrooms to form: 1no. small House in Multiple Occupation (Use Class C4) and 1 no. large house in multiple occupation with 7 bedrooms

(sui generis) together with the erection of two storey side extension following demolition of existing two storey extension at 354 Wilmslow Road, Manchester, M14 6AB.

The site is located adjacent to the adopted highway of Latchmere Road to the north and Wilmslow Road to the east. Latchmere Road has a 20mph speed limit and junction protection in place. Wilmslow Road has a cycle lane, No Waiting at Any Time, No Loading (Mon-Sat 7am-10am and 4pm-7pm) are in place.

HIGHWAYS RESPONSE

It is understood that the existing property provides space for 10 residents.

TRIP GENERATION AND JUNCTION CAPACITY:

The proposed development will split the dwelling into two properties. One property will provide an HMO for 6 people and the second property will provide an HMO for 7 people. Therefore, this is an overall increase of 3 dwellings/residents.

Given that the proposed development is resultant in 3 additional residential dwellings, the number of vehicular trips associated with site is expected to be minimal.

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes. Regular bus services and railway services are available within walking distance of the development.

PARKING AND ACCESS:

There one existing car park in place at the site and this will be retained as part of the development. Vehicular access to the site is gained from Latchmere Road. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access.

It is noted that the combined properties could accommodate a maximum of 13 residents and therefore the limited car parking could contribute to the level of vehicles parked on-street.

It is noted that Latchmere Road has no parking restrictions in place and on-street parking is present.

An existing pedestrian access is in place off Latchmere Road and it is understood that this will be retained as part of the development proposals.

CYCLE PARKING:

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

It is requested that information on the proposed provision and location of a secure and sheltered cycle store is provided.

BOUNDARY TREATMENTS:

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

REFUSE AND SERVICING:

A refuse storage area is noted within the site. This is considered to be appropriate in

ensuring no obstruction on the adjacent highway.

Bins will be presented on Latchmere Road on collection day and returned to the bin store. It is understood that this is the same as the existing arrangement at the site.

CONSTRUCTION MANAGEMENT:

A Construction Management Plan should be provided by the applicant prior to any construction works beginning. The Construction Management Plan should detail the phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway. The document should also consider ongoing construction works and contractor parking in the locality.

It is also requested the applicant provides a dilapidation survey as part of the Construction Management Plan document. The survey should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

It is recommended that the above is conditioned and attached to any planning permission that may be granted.

Environmental Health – Waste management strategy required by condition.

Relevant Planning History

At 354 Wilmslow Road –

133652/LE/2022 – Certificate of lawful use of the property as a large 10 bedroom house in multiple occupation (Sui Generis). Approved 22.06.2022.

History of negotiations

No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle, even in the event of significant revisions.

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.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

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 **Places for Everyone** policies for this application are as follows:

JP-S1 – Sustainable Development
JP-P1 – Sustainable Places

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

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
H 6 – South Manchester
H 11 – Houses in Multiple Occupation
EN 1 – Design Principles and Strategic Character Areas
EN 19 – Waste

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

DC1– Residential Extensions
DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- The Guide to Development in Manchester SPD

National Planning Policy Framework

The NPPF (2023) 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 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, to increase the occupancy of this property proposal by 3 persons, the principle is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

The increase in floorspace and associated occupancy arising from the proposed two storey rear extension would facilitate as 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.

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.

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

Impact on 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 seven properties, 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 unrelated occupants.

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

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

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

It is not considered that the proposed two storey rear extension would adversely impact on the amenity of residents in terms of either overshadowing or overbearing impact, given the siting and orientation of the proposal in relation to neighbouring properties. However, concern is expressed that the positioning of a ground floor southern side window to serve an additional habitable room (Bedroom 3 of Flat 1) within the proposed two storey rear extension, would undoubtedly create a significant degree of mutual overlooking over the existing ground floor habitable room window (Bedroom 4 of Flat 1) within the host property, given the orientation and interface distances involved between these windows which both provide sole outlook to each bedroom – see figures 1 and 3. Furthermore, this additional GF side window would create an increased perception of overlooking impacts upon the neighbouring occupants of the adjoining property due south, given the finished floor levels which are acknowledged as higher than the extent of existing boundary treatment (brick wall with fence panel atop) between these properties.

Further concern is acknowledged with regards to additional residents and the associated activity and coming and goings that would be associated would add to and further detract from the amenity of residents in the wider area. In this case, whilst it is acknowledged that the host property would continue as a HMO, albeit two units rather than one, the number of occupiers would be increased by three. This would result in an increased number of comings and goings compared to the lawful use (ref:133652/LE/2022). However, it is also the frequency and time when these comings and goings arise given that the HMO would be occupied by unrelated individuals leading different lifestyles, which can bring about frequent comings and goings at various times of day and associated noise and disturbance. On balance it is considered that the proposed development wholly conflicts with policy H11.

Impact on visual amenity and the streetscene:

The proposed two storey rear extension would replace an original lean-to outrigger, comprising a greater scale and footprint than existing. The proposed extension would accommodate a contemporary flat roof with parapet detail, which is considered wholly contrary to policy DC1.3 (b) of the Saved UDP which states that the Council will not normally approve “*2-storey extensions with a flat roof, particularly those which would be visible from the public highway;*”. The proposed extension would be simplistic in form and construction detail, as such this design is considered to pose little architectural merit when compared against the characterful host property. The choice of materials would match the existing. Overall, it is deemed that the proposed extension is not sympathetic to the character of the original property.

It is considered the proposal would feature in a prominent position within the local streetscene and therefore contribute to an incongruous development that is out of character for this part of Wilmslow Road and Latchmere Road. Altogether the proposal is not considered to be appropriately designed in relation to the character of the host dwelling, contrary to policy SP1 and DM1 of the Core Strategy and DC1 of the saved UDP.

Conclusion:

For the reasons explained above, it is considered that the proposal would have an unacceptable appearance to the detriment of the neighbouring occupiers. Further, the proposed extension would facilitate an increase in occupancy of this house in multiple occupation, the proposed development conflicts with Council policy and is therefore unacceptable.

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 have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

- 1) The proposed increase in occupancy as a result of the proposed conversion and rear extension, would result in an over intensive use of the host property. The consequential increase in the levels of activity, noise and disturbance, waste generation and demand for parking would have a harmful impact upon the amenity of neighbouring residential occupiers, which would have a detrimental impact on the sustainability and character of an area in which there is a high concentration of houses in multiple occupation and would therefore be contrary to the provisions of policies SP1, H11 and DM1 of the Core Strategy of the Local Development Framework.
- 2) The proposed ground floor window proposed in the southern side elevation of the extension by reason of its position and orientation, would lead to a loss of privacy to the occupants of the existing host property and adjoining property due south. This 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.

- 3) The proposed two storey rear extension by reason of its poor design and relationship to the original property; would form a visually obtrusive feature within the streetscene and would be incongruous with the character of the area in general, to the detriment of visual amenity and as such is contrary to saved policies DC1.1, DC1.2 and DC1.3 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

Highway Services
Environmental Health

Second Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH
Basement Flat, 387 Wilmslow Road, Manchester, M14 6AH
377 - 385 Wilmslow Road, Manchester, M14 6AH
Ground Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH
First Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH
Fallowfield Service Station, 377 - 385 Wilmslow Road, Manchester, M14 6AH
360 Wilmslow Road, Manchester, M14 6AB
The Followfield Loge, 356 - 358 Wilmslow Road, Manchester, M14 6AB
Flat 2, 350 Wilmslow Road, Manchester, M14 6AB
Flat 6, 350 Wilmslow Road, Manchester, M14 6AB
Flat 3, 350 Wilmslow Road, Manchester, M14 6AB
5 Latchmere Road, Manchester, M14 6AL
6 Lorne Road, Manchester, M14 6AW
2 Lorne Road, Manchester, M14 6AW
Flat 1, 350 Wilmslow Road, Manchester, M14 6AB
Flat 4, 350 Wilmslow Road, Manchester, M14 6AB
Flat 5, 350 Wilmslow Road, Manchester, M14 6AB
Flat 7, 350 Wilmslow Road, Manchester, M14 6AB
Flat 8, 350 Wilmslow Road, Manchester, M14 6AB
Flat 9, 350 Wilmslow Road, Manchester, M14 6AB
Flat 10, 350 Wilmslow Road, Manchester, M14 6AB
Flat 11, 350 Wilmslow Road, Manchester, M14 6AB
Flat 12, 350 Wilmslow Road, Manchester, M14 6AB
1 Latchmere Road, Manchester, M14 6AL
6 Latchmere Road, Manchester, M14 6AL
4 Latchmere Road, Manchester, M14 6AL
2 Latchmere Road, Manchester, M14 6AL
4 Lorne Road, Manchester, M14 6AW
8 Latchmere Road, Manchester, M14 6AL
3 Latchmere Road, Manchester, M14 6AL

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 (Wilmslow Road/Wellington Road)
Area Team Boundary - Name: SOUTH AREA