MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139314/FO/2024
Date registered valid:	20 February 2024
Proposal:	Installation of rear dormer to enable two additional beds in the roofspace
Address:	24 Cawdor Road, Manchester, M14 6LQ
Ward(s):	Fallowfield Ward
Applicant:	Walker VSHF - Manchester
Agent (if any):	Mr Mark Abell, Mark Architecture Ltd.
Case officer:	Ellie Knowles Tel: 0161 219 6633 Email: ellie.knowles@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	11 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 15 March 2024

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 6 March 2024 Expired: 27 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 property relates to a two storey, end terraced dwellinghouse, currently is use as a 7-bedroom house in multiple occupation (sui generis).

The property is situated at the corner of Cawdor Road and Riga Road. The application property has been extended at ground and first floor level to the rear.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site is situated within a predominantly residential area, mainly comprising two and three storey, terraced dwellinghouses. Many of the properties in the area have been extended and are in use as houses in multiple accommodation, accommodating students of the nearby universities.

The property is situated just outside the bounds of Fallowfield district centre, which lies a short distance to east. Platt Fields Park is located just to the west. To the other side of Wilmslow Road is Fallowfield campus which contains a number of student halls of residences, operated by the University of Manchester.

Plan showing Fallowfield district centre boundary and the application site indicated by the black dot.

Description of development

Planning permission is sought for the erection of a rear roof dormer. This would facilitate the reconfiguration of the second floor to create 2 additional bedrooms.

The existing property has already been extended and accommodates 7 unrelated people – the level of occupancy being set by the granting of a certificate of lawfulness for the use of the property as a 7-bedroom House in Multiple Occupation (sui generis). Any further increase in occupancy therefore requires permission.

In this case, the proposed dormer would increase the number of bedrooms to 9, comprising 2 on the ground floor, 4 on the first floor and 3 to the second floor.

This application is a resubmission of formerly refused planning application ref: 136021/FO/2023, albeit with an altered internal room configuration.

Consultations & Notification Responses
None received

Planning History

At the application site –
136021/FO/2023 – Erection of a rear roof dormer extension to existing 7-bedroom House in Multiple Occupation (sui generis) to create a 9 bedroom House in Multiple Occupation (sui generis). Refused 23.02.2023, on the grounds of over-intensive use of the host property and amenity concerns.

130153/LE/2021 – Certificate of lawful use of the property as a 7-bedroom House in Multiple Occupation (sui generis) for more than 10 years. Granted 16.06.2021.

082489/FH/2007/S1 – Erection of a part 2 storey part single storey rear extension to form additional living accommodation. Approved 16.05.2007. *Implemented.*

Negotiations

No negotiations were entered into with the agent given that the scheme was considered wholly contrary to policy 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.

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development 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:

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 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.

The relevant supplementary planning guidance documents for this application are:
The Guide to Development in Manchester SPD
Manchester Residential Quality Guidance March 2017

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, which is a resubmission of the previously refused scheme (ref: 136021/FO/2023), 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.

The increase in floorspace and associated occupancy arising from the proposed rear dormer extension 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.

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 in 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 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 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.

In this case, the lack of off-road car parking provision also forms a particularly harmful factor.

Notwithstanding the relatively accessible location of the property, car ownership by prospective occupants 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 on adjacent roads in an area that already suffers with on-street parking demand, due to the levels of occupancy in the area and the lack of off street provision.

The proposed use by definition could quite feasibly generate demand for 9 car parking spaces. This in turn would cause competition for on-street parking spaces along Cawdor Road and nearby roads. On street parking demand is already at a premium in the immediate area which would be exacerbated by the proposed development. This view is endorsed by Highway Services when considering the formerly refused application 136021/FO/2023.

<u>Impact on visual amenity:</u>

The proposed rear dormer window will be faced in vertically hanging rooftiles to match the existing slate roof and will sit largely within the rear facing roof plane.

Whilst Extensions, to residential properties, are often able to be supported, in this case the proposed rear dormer extension would facilitate additional accommodation being provided at the property, with 2 extra bedrooms being proposed at second floor level. The LPA has concern that this intensification of the use would result in over occupation of the property and give rise to

significant amenity issues for neighbours and the general surrounding area, as indicated above, therefore cannot be supported in principle.

Conclusion:

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.

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 polices 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 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, contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

29 Cawdor Road, Manchester, M14 6LS
4 Riga Road, Manchester, M14 6JN
6 Riga Road, Manchester, M14 6JJ
22 Cawdor Road, Manchester, M14 6LQ
15 Mabfield Road, Manchester, M14 6LP
27 Cawdor Road, Manchester, M14 6LG
25 Cawdor Road, Manchester, M14 6LG
13 Mabfield Road, Manchester, M14 6LP

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