

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139348/FO/2024

Date registered valid: 15 March 2024

Proposal: Change of use from dwelling (Class C3) to a House in Multiple Occupation (HMO) and erection of a single storey rear extension to provide additional living accommodation.

Address: 165 Brailsford Road, Manchester, M14 6PZ

Ward(s): Fallowfield Ward

Applicant: Mr Ehab Attisha

Agent (if any): Mr Mark Gordon MGD

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

Recommendation: Refuse

Date of recommendation: 10 May 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 27 March 2024

Standard consultations:

Printed: 18 March 2024 Expired: 10 April 2024

Neighbour notifications

Printed: 18 March 2024 Expired: 10 April 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, two-bedroom, mid-terraced dwellinghouse. The property is of traditional red brick construction and gable roof. The property immediately adjoins the back of pavement to the front, with modest enclosed yard 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 of Fallowfield in the South of Manchester.

The immediate area largely comprises two storey, terraced dwellinghouses in a uniformed street pattern.

Description of development

Planning permission is sought to change the use of the property from a 2 bedroom dwellinghouse (Class C3) to a 4 bedroom HMO (Class C4). To facilitate this a single storey rear extension (2.25m width x 2.9m length x 3.15m height) is proposed which would sit flush and extend to the rear curtilage from the existing single storey outrigger.

Internally the proposal would create a kitchen/dining area and 2 bedrooms to the ground floor and 2 bedrooms with shared bathroom to the first floor.

Each bedroom would feature a wall mounted bike stand. Refuse would be retained in the rear yard area.

Consultations & Notification Responses

Local responses

None

Consultee responses

MCC Highways – The site is located adjacent to the adopted 20mph Brailsford Road with adoption extending to the back of the footway. There is an existing alley to the rear of the property.

There is existing on-street parking along Brailsford Road.

HIGHWAYS RESPONSE:

The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway.

PARKING AND ACCESS:

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

It is noted that there is a high level of on-street parking along Brailsford Road.

CYCLE PARKING:

Should the application be approved, Highways request that at least 4no. (100%) on-site secure and sheltered cycle storage is provided as part of the proposal.

As per the proposed layout plan, 4no cycle parking are to be provided within the site. It is noted that each resident will have a wall mounted cycle rack within their bedroom for 1no. cycle storage.

It is noted that there are constraints onsite to provide external cycle storage therefore for this application Highways will accept wall mounted cycle racks.

REFUSE AND SERVICING:

Waste bins are to be stored in the yard to the rear of the site as per the proposed layouts.

Environmental Health – No objections subject to conditions.

High Speed Rail – We can confirm that the application red line location plan boundary falls within limits of land subject to formal sub-surface safeguarding directions for Phase 2b of HS2. However, as you may be aware, on 4 October 2023 the Prime Minister announced the cancellation of this section of high-speed rail between Crewe - Manchester. The Network North: Transforming British Transport Command Paper also states that safeguarding throughout Phase 2b is to be amended by Summer 2024 to allow for safeguarding needed for Northern Powerhouse Rail, and at this time it is not fully understood what land will remain in safeguarding.

Given the nature of the proposed development HS2 Ltd have no objections in planning terms but in light of the above, should the Council be minded to grant consent it is requested that the following standard informative is included on the decision notice for awareness.

Relevant Planning History

No relevant planning history.

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. The agent was offered to withdraw the scheme but chose to determine the application on the basis of the submitted plans.

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

JP-S1 – Sustainable Development

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 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

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 12 – Achieving well-designed places

Permitted Development Rights

Ordinarily the change of use from Class C3 to Class C4 would constitute permitted development in accordance with the Town and Country Planning (General Permitted Development) Order 2015.

Due to concerns regarding an oversupply of such accommodation and the impact that such accommodation was having on the character of areas throughout the city, as well as upon residential amenity, the City Council introduced an Article 4 GPDO Direction to remove

permitted development rights for changes use from C3 to C4. The Direction was adopted on 11th October 2011.

Issues

Principle of development:

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 considered that the proposed change of use to a house in multiple occupation (Class C4) would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, so to contribute to the Council's housing supply.

Houses in multiple occupancy also often lead to transient occupancy, whereby occupants have little vested interest in the area and can in part, alter the character of an area as a neighbourhood of choice.

HMOs tend to attract people who will live in the property for a comparatively short period of time and consequently they do not have the same interest in the well-being of an area as those who are less transient such as a family. It is believed that this cyclical change in occupiers can have a negative impact upon both residential amenity often due to poor or no management and a general lack of civic pride. As such, the cumulative effects of HMOs can have an adverse impact upon the character and appearance of an area.

It is further maintained that the use would facilitate an over intensive use of the property and would lead to problems associated with increased levels of activity formed by people with different lifestyles and patterns of behaviour, increased noise, disturbance, waste storage demands and car parking requirements.

On this basis, the proposal is considered to conflict with policies DM1, SP1, H6, H11, and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

Loss of family accommodation:

Policy H11 of the Core Strategy states that in parts of Manchester which do not have a high concentration of HMO/student housing, but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family.

This is endorsed by Policy H6 which states that in South Manchester, priority will be given to family housing and other high value, high quality development where this can be sustained.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing for choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The loss of a family house in this area would conflict with this aspiration, undermine the regeneration objectives for the area and increase the threat of existing families being driven out of the area, or from being attracted to the area, due to a shortage of appropriate accommodation.

To permit the conversion of the property to form a house in multiple occupation clearly contravenes City Council policy aspirations and would serve to contribute to the imbalance of the housing mix in the area and deviate from the long-term housing objectives of the City Council which focuses on diversity and choice in the housing market, as well as the protection of residential amenity.

On this basis, the proposed conversion is considered unacceptable.

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.

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

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

Notwithstanding the relative accessible location of the property, car ownership cannot be precluded.

Policy DM1 in particular states, that for all development, regard should be made to parking provision.

The increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces, for a proposed use that could quite feasibly generate demand for 4 car spaces. This in turn could cause competition for on-street parking spaces along Brailsford Road.

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

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

Notwithstanding the concerns relating to over-intensification above, the proposed single storey rear extension is not considered to give rise to undue impacts upon the amenity of occupants within the adjoining properties given the modest scale.

Waste:

Waste bins are to be stored in the yard to the rear of the site as per the proposed layouts.

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 Home

The proposed change of use would result in the loss of a family sized dwellinghouse which would reduce the standard and availability of such housing in the area, undermining the provisions of policies H1, H6, H11 and SP1 of the Manchester Core Strategy, which seek to provide an appropriate mix and balance of housing provision in the locality, in order maintain a sustainable neighbourhood and cohesive housing market.

2) Over-intensive Use

The proposal would result in an over-intensive use of the property resulting in the creation of low quality/substandard living accommodation for the occupants of the development, including the lack of adequate parking arrangements which would create the demand for on street car parking, within the local area. In addition, the proposal would result in a significant intensification of occupation, waste generation and comings and goings at the site above existing, which would increase level of noise, disturbance and activity for proposed and existing residents. The proposal would therefore have an unacceptable detrimental impact upon the residential amenity of neighbouring residential occupiers and would therefore be contrary to the provisions of policies SP1, H11, T2 and DM1 of the Manchester Core Strategy, saved policy DC26 of the Unitary Development Plan for the City of Manchester and guidance in the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
High Speed Two (HS2) Limited

161 Brailsford Road, Manchester, M14 6PZ
178 Brailsford Road, Manchester, M14 6QA
174 Brailsford Road, Manchester, M14 6QA
169 Brailsford Road, Manchester, M14 6PZ
138 Braemar Road, Manchester, M14 6PW
172 Brailsford Road, Manchester, M14 6QA
142 Braemar Road, Manchester, M14 6PW
140 Braemar Road, Manchester, M14 6PW
176 Brailsford Road, Manchester, M14 6QA
163 Brailsford Road, Manchester, M14 6PZ
170 Brailsford Road, Manchester, M14 6QA
167 Brailsford Road, Manchester, M14 6PZ

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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Moseley Road/Ladybarn Lane)
Area Team Boundary - Name: SOUTH AREA