

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138569/FO/2023

Date registered valid: 6 December 2023

Proposal: Change of use from single dwellinghouse into 4no. two bed self-contained flats; erection of porch with associated elevational alterations to front; erection of a dormer and single storey extension to rear, along with associated elevational alterations.

Address: 48 Norman Road, Manchester, M14 5LE

Ward(s): Rusholme Ward

Applicant: Mr Hozan Rahman

Agent (if any): Ms Dawn Cooper, DaC Design

Case officer: Steven McCoombe
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Recommendation: Refuse

Date of recommendation: 23 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 22 December 2023

Standard consultations:

Printed: 15 December 2023

Expired: 8 January 2024

Neighbour notifications

Printed: 15 December 2023

Expired: 8 January 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 single, two storey dwellinghouse situated to the southern side of Norman Road.

To the front, the property includes a garden area and off-road parking area, enclosed by a combination of a brick wall, timber fencing and metal railings. To the rear, the property incorporates a garden area, single storey rear extension and single storey annexe to the back of the rear garden.



View from Norman Road

The front garden has been sub-divided by the creation of a boundary fence to create two separate areas and two front doors have been created.

The applicant has confirmed that whilst works commenced in connection with the sub-division of the property to form 2 no. three bedroom dwellinghouses, pursuant to planning permission referenced 131996/FO/2021, works ceased part way through the works and the building itself remains as a single dwellinghouse.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of an Army reserve centre immediately opposite, the immediate area is predominantly residential in character, comprising a mixture of family dwellinghouse, flat conversions and purpose-built flats involving buildings of various architectural styles and eras.

Description of development

Planning permission is sought for the change of use of a single, 3 bedroom dwellinghouse into 4 x 2 bed self-contained flats, involving the erection of a front porch with associated elevational alterations to front, the erection of a rear roof dormer and single storey, rear extension, along with associated elevational alterations.

The proposed accommodation would involve 2 x 2 bedroom flats to the ground floor and 2 x 2 bedroom duplex flats to the first and second floors, involving use of the roof-space and a rear roof dormer which extends almost the full width of the roof-space.

The front garden area would be entirely hard landscaped to create 4 off road parking spaces, involving the loss of the front garden and existing tree.

Consultations & Notification Responses

Local Residents/Occupiers – 11 representations have been received. 10 objections (2 from the same address) and 1 in support. Comments are summarised below:

-Affirmation of support is provided by 1 local resident.

-The proposal would lead to the loss of a family home.

-There are too many HMOs, Air B&B's and small flats lead to transience, poor quality of environment and decline of community/neighbourhood networks and conviviality.

-The original large house was recently converted into two small houses (if all the plans were carried out internally, as they have been externally). This further application would change one big family house (or two small family houses, if the previous work was completed) into four very small flats - certainly not family size - so essentially converting a family house into an HMO. There are enough of these in this area already.

-There would be increased footfall and increased noise which would be bothersome to neighbours.

-The property is clearly intended to be let to multiple tenants. Hence, there will be increased noise from multiple occupants, who are likely to be of a different character from those living in

near-by family homes. Their living hours may be materially different so that late-night noise may become bothersome.

- The proposed second floor is intended as the living spaces of the two upper flats. The dormer windows would allow direct views into the house and flats at the end of its back garden as well as neighbour's gardens, so there would be two sets of residents using those upper rooms at different times, affecting near-by families wanting privacy in their homes and gardens.

- The proposed dormer would lead to the overshadowing of solar panels on the adjacent semi-detached neighbour's roof (50 Norman Rd).

The proposed dormer is extremely large and out of keeping with other dormer conversions in the area.

The submitted plans are not complete or correct - the current plans are as the property existed before the work arising from application 131996/FO/2021 started - there are already two ground floor extensions at the front and two ground floor extensions at the rear of the property.

The plans do not show how water from the dormer extension will drain away. Due to the increasing occurrence of heavy storms due to climate change, the existing guttering is already at maximum capacity and it is likely that without specific, architect-designed drainage from the dormer's flat roof, the flood waters will inevitably lead to leakage of the applicant's and the semi-detached neighbour's roof.

- The area needs more family homes, not flats.

- The proposed dormer would lead to the overlooking of neighbouring rear gardens.

- The scale of the increase in the overall size of the property is too much.

- The parking provision is inadequate.

- The proposal requests permission to extend the property significantly, both upwards, through the addition of a dormer attic along its full length and by increasing its footprint with the addition of a large rear extension and front porches. The extent of the increase is out of keeping with the nature of the original building and the change to the frontage, extending beyond the original building line is detrimental to its appearance.

- The property plot does not provide adequate capacity for the parking requirements of four dwellings. Even as drawn in the application, the plans show four vehicles in very cramped formation in front of the house. This cannot realistically be expected to work in practice. The drawing shows that access to the street for two of the vehicles can only be achieved when at least one of the other more central vehicles is moved. While this can work for a single dwelling with multiple car ownership, it is inappropriate for what is intended to be independent dwellings that an individual should have to approach their neighbour simply to have access to the street. As a consequence the inadequate provision would lead to additional parking on the street itself

- The proposed parking arrangements would involve removal of a large, mature ornamental Monkey Puzzle tree, contrary to the statement in the application that there are no trees on the site.

- The conversion of the front of the building from a single house to what is effectively a terrace of four front doors is inappropriate and involves changes to windows which will leave the frontage unbalanced.

-The proposal suggests perimeter access from the street covering approximately two thirds of the full frontage, which would result in an appearance that is more industrial rather than something suitable for a residential area.

Environmental Health – Conditions are advised in relation to acoustic insulation, EV charging, working hours and ground conditions, should the application be approved.

Highway Services – The number of vehicle trips associated with the site are not expected to be great, but it is noted that there will be an increase in activity at the development site

Plans show that 4 parking spaces are proposed at the front of the site. Access will be provided via an extended dropped kerb on Norman Road. It is important to note that Highways would not support any greater than a double dropped kerb and therefore the driveway should be positioned at an appropriate point away from the neighbouring driveway.

There concerns regarding the proposed parking area. The parking area appears constrained and the northern and southern most parking spaces will be blocked when all cars are parked up. It is requested that swept path analysis showing that vehicles can enter, manoeuvre and egress safely from the parking spaces is requested. These plans should also show vehicles parked. EVC parking will be provided at the development site.

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit. A secure cycle store is in place at the front of the site and provides 4 cycle parking spaces (100% provision).

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.

A refuse storage area is noted within the site. Bins will be taken to Norman Road on collection day. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Planning History

131996/FO/2021

Elevational alterations together with single storey rear extension in association with the sub-division of the property to form 2 no. three bedroom dwellinghouses. *Approved 11 February 2022.*

126254/PDE/2020

Prior Approval Notification for the erection of single storey rear extension extending beyond rear wall by 6 metres, a maximum height of 3.30 metres and height at eaves of 2.25 metres (following demolition of conservatory). *Approved 2 April 2020.*

125197/FH/2019

Retention of outbuilding to form ancillary accommodation. *Approved 12 December 2019.*

073036/FO/2004/N2

Demolition of existing garage and erection of a single storey one bedroom dwelling in rear garden. *Refused 29 October 2004.*

038104

Erection of new boundary walls to front and side of dwelling. *Approved 1 March 1991.*

F00029

Garage extension at ground floor level of dwelling house with extension over garage to form a bedroom and a new day room. *Approved 24 April 1974.*

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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.

Core Strategy policies

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 H6 (South Manchester) - 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.

UDP policies

Saved policy DC5 (Flat Conversions) – In determining applications for conversions of properties to flats, the Council will have regard to standard of accommodation, effects on adjoining houses in terms of noise transfer, the adequacy of car parking, general effects on the character of the neighbourhood, adequacy of private outdoor amenity space, access for all and the satisfactory provision of refuse storage/collection arrangements.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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.

Issues

Principle

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 4, 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 intrusive and over-dominant impact to neighbouring occupiers as a consequence of the proposed extension necessary to facilitate the proposed flat conversion.

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.

Over Intensive 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 garden areas into 4 smaller 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 8 individuals extending later into the evenings. The impact to amenity would therefore be far greater than a single household. As the property is attached to a similar family dwellinghouse, 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.

Residential Amenity

The proposed development involves a single storey rear extension and rear roof dormer. Whilst concerns have been raised by neighbouring occupiers in terms of the impact of overlooking, the overshadowing of solar panels and the impact to the character and appearance of the property, it is considered that due to the size and design of the proposed additions and their relationship with adjoining properties, no significant harmful impact to neighbouring living conditions would result. Account should also be taken of the fallback position, in terms of the proposed roof dormer and what would be allowed via permitted development if implemented separately as part of an individual dwellinghouse.

Impact to the Highway

Whilst the proposed site layout shows space for 4 vehicles within the front garden - representing 1 space per unit, due to the width of the access gate and lack of space for manoeuvrability, the arrangement is unworkable as it would rely on individual vehicle owners moving their vehicles from spaces to allow access for others. This in turn would likely lead to vehicles being parked on-street due to the inconvenient nature of the arrangement.

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.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed conversion of the host property into 4 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) 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).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)

48A Norman Road, Manchester, M14 5LE
3F Norman Road, Manchester, M14 5LF
Basement Flat, 52 Norman Road, Manchester, M14 5LE
Flat 1, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 7, 35 Brighton Grove, Manchester, M14 5JG
Flat 4, 35 Brighton Grove, Manchester, M14 5JG
Flat 1, 35 Brighton Grove, Manchester, M14 5JG
Flat 4, 52 Norman Road, Manchester, M14 5LE
Flat 1, 52 Norman Road, Manchester, M14 5LE
50 Norman Road, Manchester, M14 5LE
33 Brighton Grove, Manchester, M14 5JG
Langdon House, 3G Norman Road, Manchester, M14 5LH
Flat 9, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 8, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 2, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 7, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 6, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 5, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 4, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 3, Luther King House, Brighton Grove, Manchester, M14 5JG
Flat 6, 35 Brighton Grove, Manchester, M14 5JG
Flat 5, 35 Brighton Grove, Manchester, M14 5JG
Flat 3, 35 Brighton Grove, Manchester, M14 5JG
Flat 2, 35 Brighton Grove, Manchester, M14 5JG
29 Brighton Grove, Manchester, M14 5JG
Flat 5, 52 Norman Road, Manchester, M14 5LE
Flat 3, 52 Norman Road, Manchester, M14 5LE
Flat 2, 52 Norman Road, Manchester, M14 5LE
3E Norman Road, Manchester, M14 5LF
3D Norman Road, Manchester, M14 5LF

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA