

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135794/FO/2022

Date registered valid: 19 December 2022

Proposal: Erection of single storey rear extension, with hip-to-gable conversion and installation of rear dormer

Address: 14 Exbury Street, Manchester, M14 6RF

Ward(s): Withington Ward

Applicant: Gun-Why VSHF - Manchester

Agent (if any): Mr Mark Abell Mark Architecture Ltd

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: REFUSAL

Date of recommendation: 08.02.2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 17 January 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 5 January 2023 Expired: 26 January 2023

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to a two storey end terraced property in a block of 7 houses, with parking to the front of the property and a small communal garden area to the rear. The block of 6 houses are Class C4 Houses of Multiple Occupations for student accommodation.

The remainder of the area is predominantly residential in nature, with a mix of Victorian terraced houses and more modern infill sites such as the block containing the application property.

Description of development

The application seeks planning permission for the erection of a single storey rear extension, hip to gable conversion and installation of rear dormer. The proposed single storey rear extension would involve extending the kitchen/dining room area and become flush with the original rear elevation. A sloping hipped roof would be implemented with a rear elevation door. The dormer would have two windows in the rear elevation overlooking the rear yard and be finished in tiles to match existing.

The conversion would facilitate the creation of an additional two bedrooms and an extended kitchen/dining room area along the ground floor.

Planning History

130201/LE/2021 Certificate of Lawful Existing Use of property as a C4 House in Multiple Occupation. APPLICATION APPROVED 09.06.2021

Consultations & Notification Responses

Councillor Chris Wills Response:

These are large extensions, to properties that sit in the middle of an area of high student density. This proposed development will therefore exacerbate issues of over-saturation and over-occupancy. This runs contrary to Core Policy H11.

In addition, this row of HMO properties is in what is otherwise one of the few streets in the immediate area that is majority owner-occupied and social housing. Many older people live in these properties.

There are long-standing issues with waste management from HMOs in the local area. This necessitated a recent bin cull by local Neighbourhood officers. This bin cull, while welcome, was also time- and resource-consuming. Increasing the number of occupants for these properties would create further pressure on local services.

The extension to 14 Exbury Street would create potential loss of visual amenity for residents in the social housing units at 49-59 Exbury Street.

Fallowfield Community Gardens Response:

Exbury Street falls within an area of very high student occupancy and thus has a very unbalanced demography. Extending these properties will undoubtedly increase occupancy and cause further intensification. This is contrary to sustainable neighbourhoods of choice.

Exbury Street and other surrounding streets already have a high proportion of student HMOs. To bring a better balance to this neighbourhood and peace to long term residents, the balance of demography is very important.

The proposed plans for both properties suggest that the occupancy will increase from 3 to 5 bedrooms, probably 6 as one of the downstairs rooms is not identified for a particular use and is likely to become a bedroom.

The problems of over intensification of HMO properties in this area are very well documented and result in much greater issues of waste management, noise and anti-social behaviour and night disturbances compared to other suburbs with a more settled and less transient population.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, DM1 and H11

Policy SP1 sets down the spatial criteria to be considered in determining application in the City. A principle objective is the creation of neighbourhoods of choice.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development.

Policy H11 says that extensions to HMO's in areas where there is a high concentration of such accommodation will not be acceptable where they will result in an increase in occupancy.

Unitary Development Plan

The relevant saved UDP policy is DC1 which sets down the criteria to be considered in determining residential extensions. Including the need to protect the amenity of residents and the character of an area.

Issues

Principle

The property is currently a three bed HMO and the proposed dormer and extension will facilitate the internal remodelling of the property and enable the creation of additional rooms in the currently vacant roof void. Whilst one of the rooms is annotated as an extended kitchen/living area it could equally be used as an additional bedroom. The proposed development therefore conflicts with policy H11 as it could potentially result in an increase in the occupancy level of the property.

Dormer

In terms of its scale the proposed dormer occupies the majority of the roof slope leaving no distance to the side, it is however slightly set in from the eaves. The design incorporated a small window, and is a simple box structure added to the roof. The choice of materials would match the existing. It is deemed that the dormer is not well sited and its incorporation to the roof profile is unacceptable. Altogether the proposal is not considered to be appropriately sited or scaled to the host dwelling, contrary to residential properties DM1 and DC1.

Rear Extension

The rear extension has a pitched roof rendering it subservient to the original dwelling. In terms of its scale it is considered acceptable, as is the design.

Increase in Accommodation

The proposed extension could result in an 66.67% increase in accommodation within the building. This is an area where a high proportion of properties are let as HMO's predominantly to students and there are issues with anti-social behaviour. To this end the Council's policies seek to prevent the over intensification of HMO's within areas and this includes the enlargement of existing HMO's. The proposal includes an additional 2 bedrooms within the rear dormer and it is considered that the potential of two additional persons living in the property would be a substantial increase given the small size of the property and the number of people already resident there. On balance it is considered that the proposed development conflicts with policy H11.

Residential amenity

It is not considered that either of the proposed extensions would adversely impact on the amenity of residents in terms of either overbearing impact or loss of privacy. However, concern is expressed that an additional resident and the activity and coming and goings that would be associated with the additional room would further detract from the amenity of residents in the wider area.

Visual Amenity

It is considered the proposed rear dormer would feature in a prominent position within the local streetscene and therefore contribute to an incongruous development that is out of character for Exbury Street and Derby Road. The poor design of the proposal exacerbates its excessive bulk, hence it is considered to be overly dominant and would form an unattractive and overbearing feature, visible from the surrounding streetscene. On balance it is considered that the proposed development conflicts with 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 extensions would facilitate an increase in occupancy of this HMO, 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: REFUSAL

Article 35 Declaration

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development.

The concerns of the local planning authority with the proposals have been communicated to the applicants agent. In this instance there are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application.

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

- 1) The proposed extensions to an existing house in multiple occupation, Class C4, would facilitate an increase in occupancy of this small House in Multiple Occupation 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 development by reason of its scale, bulk, massing, design and relationship to the original house; would form an overly dominant and 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

47 Exbury Street, Manchester, M14 6RF
45 Exbury Street, Manchester, M14 6RF
Flat 2, 41 Exbury Street, Manchester, M14 6RF
Flat 1, 41 Exbury Street, Manchester, M14 6RF
Flat 3, 87 Egerton Road, Manchester, M14 6RD
Flat 1, 87 Egerton Road, Manchester, M14 6RD
55 Exbury Street, Manchester, M14 6RF
53 Exbury Street, Manchester, M14 6RF
39 Exbury Street, Manchester, M14 6RF
10 Exbury Street, Manchester, M14 6RF
89 Egerton Road, Manchester, M14 6RD
Flat 2, 87 Egerton Road, Manchester, M14 6RD
59 Exbury Street, Manchester, M14 6RF
57 Exbury Street, Manchester, M14 6RF
51 Exbury Street, Manchester, M14 6RF
49 Exbury Street, Manchester, M14 6RF
43 Exbury Street, Manchester, M14 6RF
41 Exbury Street, Manchester, M14 6RF
12 Exbury Street, Manchester, M14 6RF
91 Egerton Road, Manchester, M14 6RD

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) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA