

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136027/FO/2023

Date registered valid: 27 March 2023

Proposal: Retrospective application for the use of the property as a 8 bedroom House in Multiple Occupation (sui generis use) together with retention of single storey rear extension and rear roof dormer

Address: 32 Mabfield Road, Manchester, M14 6LW

Ward(s): Fallowfield Ward

Applicant: Mr Marc Larsen

Agent (if any): Mr Brian Ratcliffe Building Design Consultant

Case officer: Ian Jarvis
Tel: 0161 234 4079
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Recommendation: Refuse

Date of recommendation: 12 May 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 13 April 2023 Expired: 4 May 2023

Neighbour notifications

Printed: 13 April 2023 Expired: 4 May 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

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to a two-storey mid- terraced property, with a two-storey outrigger, in a mostly residential area. In March 2021 a Certificate of Lawful Development was granted, on the site for an existing Class C4 House in Multiple Occupation (129136/LE/2021). The applicant was able to demonstrate that the use had been in existence since before 8th October 2011, with up to 6 residents being showed to occupy the property over this period.

The premises have subsequently been used as an 8 bedroom House in Multiple Occupation (sui generis use) and retrospective permission is sought to retain this use.

In addition the premises had a single storey rear extension authorised by planning permission ref: 067123/FH/SOUTH1/03. That extension was 'L shaped' projecting approximately 4.9 metres, from the outrigger,, and extending up to the rear boundary wall. The extension was approximately 3.4 metres wide, where it adjoins the outrigger, and approximately 2.2 metres wide, where it adjoins the rear boundary wall, thereby leaving a gap of approximately 3 metres x 1.2 metres, along the common boundary, with no. 30 Mabfield Road and the rear boundary wall.

The extension has recently been extended, to incorporate this gap, so that it now has a fully rectangular shape projecting 4.9 metres from the outrigger, and being 3.4 metres wide.

In addition, a rear dormer extension has been erected, on the main house roof. It is of a typical rectangular shape coming almost up to, but slightly set-away from, the roof edges. The dormer

extension has facilitated the creation of 2 additional bedrooms in the loft area, thereby increasing the number of bedrooms, at the property, from 6 to 8.

The ground floor extension has been constructed in materials to match the existing property, but the dormer extension has been constructed in a white PVC type material.

Consultations & Notification Responses

Local residents - Two objections have been received, from local residents, for the following reasons:

- If this development is granted retrospective planning permission it would surely create a precedent for future developments in the area to take place without having first been granted planning permission. Thus future developers could seek retrospective planning permission based on the presumption that permission would be granted in the light of the precedent created by the granting of retrospective planning permission for 32 Mabfield Road.
- At the time of the construction the development was inconsistent with the then Cumulative Impact Policy of Manchester City Council for the area.
- The area already has a disproportionate and extremely high number of HMO's, which has over the years lead to an increase in anti-social behaviour, notably drunkenness and loud noise late at night and into the early hours of the following morning.
- In addition large HMO's also lead to a disproportionate increase in the demand placed on environmental services and local infrastructure such as water supply and waste collection.
- Also of concern is the size of the development, namely from what was originally a 3 bedroom terraced to an 8 bedroom HMO which appears to be inconsistent with previous HMO's conversions such as 1 Langley Road.
- This proposal is just intended to pack more people into the house, to increase/maximise profit, with no regard to the tenants, who have little rooms to occupy and represents an additional burden on the already broken area.
- Relaxation of the Permitted development rules and regulations have led to extensions/extra stories/dormers on many properties in the area.
- The 2011 Census statistics indicate that over 90% of the housing stock in the "Fallowfield Brow" post-code locations are rented stock, making the area unsustainable & unliveable and the few long-suffering remaining residents should be protected.
- The adjoining streets are already absolutely packed with cars. There is now space now and the introduction of further residents adds to this.
- Residents have had to put up with all the dust, dirt and noise related issues with the building process and, residents are now plagued with noise related issues from these properties where, due to the giant extension and no room in the back yard, the students have spilled into the shared alleys between the Roads, utilising it as an outside amenity space with associated noise issues.

Highways Services - Makes the following comments:

EXTENSION:

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

TRIP GENERATION AND JUNCTION CAPACITY:

In comparison to the former use (6-bedroom let), the HMO (8-bedroom let) is likely to generate a slight increase in trip levels. Highways have some concerns on the level of on-street parking in the immediate area of the property.

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes.

PARKING AND ACCESS:

No off-street parking is being offered as part of the development. The surrounding highway network is subject to on-street car parking demand due to lack of off-street parking. Whilst the sustainable location of the site is acknowledged, the proposed development could generate an additional 2 vehicles requiring parking, which are likely to add to pressures on Mabfield Road and across the surrounding area.

CYCLE PARKING:

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site. It is requested that there is a minimum of two cycle spaces in place at the property.

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:

It is understood that refuse will be stored in the rear of the site and presented on Marbfield Road on collection day. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

South East Fallowfield Residents Association -Make the following comments:

This is clearly intensification of use in what used to be a 3/4 bedroom family house on Mabfield Road which is on the Victorian estate known as 'The Brow'. This type of intensification causes all kinds of harm to the neighbourhood and the problems are magnified for those who live nearby.

Issues include;

Noise Nuisance and Anti Social Behaviour

In HMO rental houses, especially those aimed at the student market like this one, bedrooms are not simply used as somewhere to sleep but they are also used for entertaining friends, smoking, parties (and all the behaviour that goes with them) and this is particularly the case when the communal space is not large enough (or capable of offering privacy) for the numbers of residents. Old terraced housing has poor sound proofing so noise and smells easily flow into adjoining houses, therefore intensification of use is even more of an issue for this style of housing and needs to be taken into account.

The outside space at this house is also woefully inadequate for 8 people and means that outside socialising inevitably spills out into the alleyways and road and even causes problems in the nearby Platt Fields Park. Manchester City Council's Out of Hours' Service and the Neighbourhood are aware about the problems on 'The Brow'.

Litter, Vermin, Crime

The litter problems on these streets are terrible. These, once attractive, terraced houses have been almost entirely bought up by absentee landlords who mainly rent them out to students (and sometimes Airbnb visitors) to maximise their rental yield by adding and chopping up rooms. Transient residents, who are often living away from home for the first time, do not manage their waste properly i.e. recycling is minimal and they also produce a lot more litter than

the average family household; there are a lot more alcohol bottles, more takeaway wrappers and more general waste because 8 individuals have 8 of everything e.g. 8 shampoos, 8 toothpastes.

They believe the lack of safety and the filth in this area is directly related to the sheer density of transient residents and the proliferation of late night premises within metres of these streets. Granting retrospective planning permission to 'max out' the occupancy in this house, will only harm the neighbourhood further, making the lives of local residents intolerable. These issues don't just affect the long term population, transient residents are often negatively impacted too but usually don't know where or how to complain. It is a basic human right that people should be able to peacefully enjoy their property and to allow retrospective planning permission would not support this.

Parking

Mabfield Road and all the other streets on the Brow are absolutely full of parked cars during term times. It is not the case that students don't bring cars to university; a huge number do and allowing 8 occupants at this house exacerbates the problems. Student cars are often left (badly) parked for weeks on end and this causes a huge problem. The streets here are too small and narrow to cope and there is no off road parking available. Moreover, Mabfield Road is the main road into Platt Fields Park - not just to the visitors' car park but also to the main parks' yard, the Market Garden, The Shakespearean Garden and the wardens' office at The Lakeside Centre. This means skip lorries, refuse trucks, vans etc regularly go down Mabfield, as well as ordinary cars. I (Kattie) drive down these streets to the park 2/3 times every week and I rarely have a clear run, I always have to try and pull in somewhere, or reverse, or wait. Several months ago I had my car slightly scraped by a young girl who was driving much too fast down the adjoining street and local residents often mention these issues.

Platt Fields Park

The sheer density of students occupying the houses on the Brow and surrounds and the fact that the houses have little or no back yards (made even worse by extensions) mean that the park has become a magnet for large groups socialising. This shouldn't be a problem per se but the behaviour and numbers involved means that on a sunny evening, Platt Fields is the last place many long term residents (especially those with children) would like to visit. A PSPO for alcohol consumption was recently introduced in the park because of these problems - drunkenness, public urination, noise and rubbish and, of course the ubiquitous use of drugs. These incidents are well documented and checks can be made with the Parks' Department and the police. Again, allowing an increase in numbers in this area, adds to the harm at a time when we should be looking to find ways of reducing it.

Conclusion

The area needs to be more balanced, with a broader age demographic, more families and more long term residents who are vested in the area and can help keep it clean and safe for all. The level of imbalance that we currently have is counter to MCC's desire to create 'well balanced, sustainable neighbourhoods' where people choose to live. They therefore request that policies H11, DM1 and SP1 are upheld.

To allow an applicant to build an extension/dormer and then retrospectively apply for planning permission encourages others to do the same and creates a very poor precedent. It will obviously lead to more people building under the radar and then, if they happen to be caught, they'll simply apply for planning permission at that point. They believe that breaches of this nature must be discouraged at all costs.

There are glimmers of hope and improvement on one of the streets on The Brow; It has fairly recently had a few longer term residents move in and they have been inspired by improvements in the park (at The Market Garden and The Shakespearean Garden) to clear up their alleyway and start planting flowers etc. Just a few long term residents has made a huge difference to this road, residents (transient and non transient) are mixing more and there has been a dramatic reduction in litter. They think this shows that people should never give up on an area and that small changes (encouraged by teams in Planning/Licensing/Parks etc) can make an enormous difference to the quality of all residents' lives.

Issues

National Planning Policy Framework (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

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.

It states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy H1 'Overall Housing Provision' states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors, in particular, the need to diversify housing stock in mono tenure areas by increasing the availability of family housing. High density developments (over 75 units per hectare) are appropriate in both the City Centre and parts of the Regional Centre given the accessible location. 90% of residential development will be on previously developed land. The re-use of vacant housing, including the renewal of areas characterised by poor quality housing, will be prioritised. New developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works. If this is not possible, development schemes should contribute to renewal of adjacent areas which contain vacant or derelict buildings.

Policy H1 goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;

- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. Schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours. .

Policy H6 relates to new housing development in South Manchester and states that 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.

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:

- o Exempt from paying Council tax because they are entirely occupied by full time students.
- o Recorded on Private Sector Housing's database as a licensed HMO.
- o 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.

The approach above will also be used for change of use to a HMO which is classified as 'sui generis'.

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.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Manchester Residential Quality Guidance 2016 -Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this

respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses. In relation to one bedroom, one person, units the minimum standard of accommodation is set at 37 square metres (where a shower room is proposed).

Principle - 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 noted that the premises have an existing Class C4 use, and has previously been occupied by 6 residents, but it is considered that the increase in floorspace, and associated occupancy arising from the extension works carried out, has facilitated an over intensive use of the property that has unacceptable impacts due to 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.

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 development is considered to conflict with policies DM1, SP1, H4 and H11 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

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 130(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 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 sufficient off-road car parking provision forms a particularly harmful factor. It is accepted that the site is in an accessible location, but this does not preclude the potential for car ownership for up to 8 separate individuals.

It is therefore considered that the increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces, in an area which already experiences on-street parking difficulties.

It is considered that the potential introduction of a number of cars associated with the property with no 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.

Building works - Whilst Extensions, to residential properties, are often able to be supported, in this case they have led to additional accommodation being provided, at the property, which has facilitated 2 extra bedrooms being created, which has facilitated the over occupation of the property and the resulting issues for neighbours and the general surrounding area, as indicated above. Also, the materials used, or the dormer extension (white PVC) do not match the existing slate roof, which gives it a striking appearance, that is out of character with the property, and the surrounding area. For these reasons, the extensions carried out cannot be supported.

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.

It is recommended that the refusal of the application is accompanied by enforcement proceedings with the aim being to reverse the works carried out and revert the property to its former condition, where a maximum of 6 residents only could be accommodated.

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. In this case the application is seeking retrospective consent, for a use, and development, that cannot be supported, and it was not considered that there were alterations that could be made to make the scheme acceptable. 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 increase in occupancy, and building extension works, has resulted in an over intensive use of the property, with a consequential increase in the levels of activity, noise and disturbance levels, waste generation and demand for parking, which has an unacceptably detrimental impact upon the amenity of neighbouring residential occupiers, contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy.

2) The dormer extension by reason of the associated materials, appearance and relationship to the original house, forms an overly dominant and visually obtrusive feature, within the streetscene and is 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 the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

South East Fallowfield Residents Association

34 Mabfield Road, Manchester, M14 6LW

31 Langley Road, Manchester, M14 6LN

4 Riga Road, Manchester, M14 6JN

2 Riga Road, Manchester, M14 6JH

30 Mabfield Road, Manchester, M14 6LW

23 Mabfield Road, Manchester, M14 6LW

19 Mabfield Road, Manchester, M14 6LW

29 Langley Road, Manchester, M14 6LN

21 Mabfield Road, Manchester, M14 6LW

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