

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136021/FO/2023

Date registered valid: 19 January 2023

Proposal: Erection of a rear roof dormer extension to existing 7 bedroom House in Multiple Occupation (sui generis) to create a 9 bedroom House in Multiple Occupation (sui generis)

Address: 24 Cawdor Road, Manchester, M14 6LQ

Ward(s): Fallowfield Ward

Applicant: Gun-Why VSHF - Manchester

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

Case officer: Steven McCoombe
Tel: 0161 234 4607
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Recommendation: Refuse

Date of recommendation: 23 February 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 February 2023.

Standard consultations:

Printed: 2 February 2023 Expired: 23 February 2023

Neighbour notifications

Printed: 2 February 2023 Expired: 23 February 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

The application property relates to a two storey, end terraced dwellinghouse, currently is use as a 7 bedroom house in multiple occupation (sui generis).



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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

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

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



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

Description of development

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

The existing property has already been extended and accommodates 7 unrelated people – the level of occupancy being set by the granting of a certificate of lawfulness for the use of the

property as a 7 bedroom House in Multiple Occupation (sui generis). Any further increase in occupancy therefore requires permission.

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

Consultations & Notification Responses

Local Residents/Occupiers – 2 representations of objection have been received from neighbouring occupiers. In summary concerns are raised that further accommodation would over densify the area and would exacerbate litter, vermin, highway safety, on street parking demand, anti-social behaviour and noise/disturbance.

Fallowfield and Withington Community Guardians and SE Fallowfield Residents Group

These family houses were not built for accommodating such high numbers of occupants and there is completely insufficient indoor or exterior amenity space for 9 occupants. One small living/ dining kitchen room is completely inadequate for 7 tenants and is totally unsuitable for 9.

Residents in the group are aware of the harm caused by over intensification of properties in this road and others on the Fallowfield Brow. This is well documented and can be verified by Licensing Out of Hours and Neighbourhoods who will have data to support this.

Noise, litter, overflowing refuse bins, litter and anti-social behaviour is driving permanent residents out of their homes. There are too many students in HMOs on this road and increasing the HMO to a 9 bed is against Manchester's policy H11. Parking is also a major problem on these streets during term time. Many students bring a car to university and this means that permanent residents are often unable to park outside their homes.

There is a huge shortage of family homes in this neighbourhood. We do not feel that these extensions will ever help to return to family home use which is what is needed in this area. Family homes need some amenity space and it is clear that this application is for intensification of use.

Local Ward Members – Councillor Ilyas wishes to push back against any plans that would add more people (student accommodation) to the area, due to the pressure that already exists on all of the services in the area, as well as pushing back where possible on more HMO's being granted to help the drive towards more balanced neighbourhoods.

Highway Services – there are concerns that an increase in the number of units to this property could further increase the demand for on-street parking which is already very high in this residential area. The density of the area is considered to be at saturation point resulting a gross imbalance between students and local residents.

Environmental Health - A condition is recommended in relation to waste management should the application be recommended for approval.

Policy

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.

Policy SP1 (Spatial Principle) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) - states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H11 (Houses in Multiple Occupation) - states that changes of use from a C3 dwelling house to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site falling within one or more of the following categories:

- Exempt from paying Council tax because they are entirely occupied by full time students.
- Recorded on Private Sector Housing's database as a licensed HMO.
- Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.

In cases where the concentration of such properties is significant but less high, the Council will examine property type and resident mix in more detail when considering an application for a change of use.

In parts of Manchester which do not have a high concentration of HMO/student housing but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family. Changes to alternative uses, including C4 and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use.

All proposals for change of use of existing properties into houses in multiple occupation, and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

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 12 relates to achieving well-designed Place. Of particular relevance, Paragraph 130 states:

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 visually 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.*

Planning History

130153/LE/2021

Certificate of lawful use of the property as a 7 bedroom House in Multiple Occupation (sui generis) for more than 10 years. *Approved 15 June 2021.*

082489/FH/2007/S1

Erection of a part 2 storey part single storey rear extension to form additional living accommodation. *Approved 16 May 2007.*

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 change of use is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

The increase in floorspace and associated occupancy arising from the proposed dormer extension would facilitate an over intensive use of the property and would lead to problems associated with increased levels of activity formed by people with different lifestyles and patterns of behaviour, increased noise, disturbance, waste storage demands and car parking requirements.

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

The principal issue is outlined further below.

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 unrelated occupants.

HMO accommodation can often cause problems in residential neighbourhoods, due to the levels of activity associated with unrelated people living together, as opposed to traditional family occupancy, which normally involves the manifestation of different patterns of behaviour and less frequent levels of activity.

A collective group of individuals with different lifestyles and different patterns of behaviour can result in frequent comings and goings, with associated noise and disturbance. This in turn can have an adverse impact upon the living conditions of neighbouring residential occupiers, to the detriment of their amenity.

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

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

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

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

The increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces on adjacent roads in an area that already suffers with on-street parking demand, due to the levels of occupancy in the area and the lack of off street provision.

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

Overall, taking into account the existing characteristics of the immediate area, it is maintained that proposed intensification of use would cause harm to the living conditions of neighbouring occupiers with respect to general disturbance, waste management and increased parking pressure in the area. The proposal would therefore conflict with the aforementioned policy and guidance.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved 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 increase in occupancy would result in an over intensive use of the host property. The consequential increase in the levels of activity, noise and disturbance waste generation and demand for parking would have a harmful impact upon the amenity of neighbouring residential occupiers, contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
South East Fallowfield Residents Association

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

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