

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134098/FO/2022

Date registered valid: 20 June 2022

Proposal: Erection of single storey side and rear extension following demolition of garage to house in multiple occupation to create a new self-contained apartment with associated landscaping and new car parking and installation of rear dormer to existing house in multiple occupation

Address: 14 Abberton Road, Manchester, M20 1HU

Ward(s): Old Moat Ward

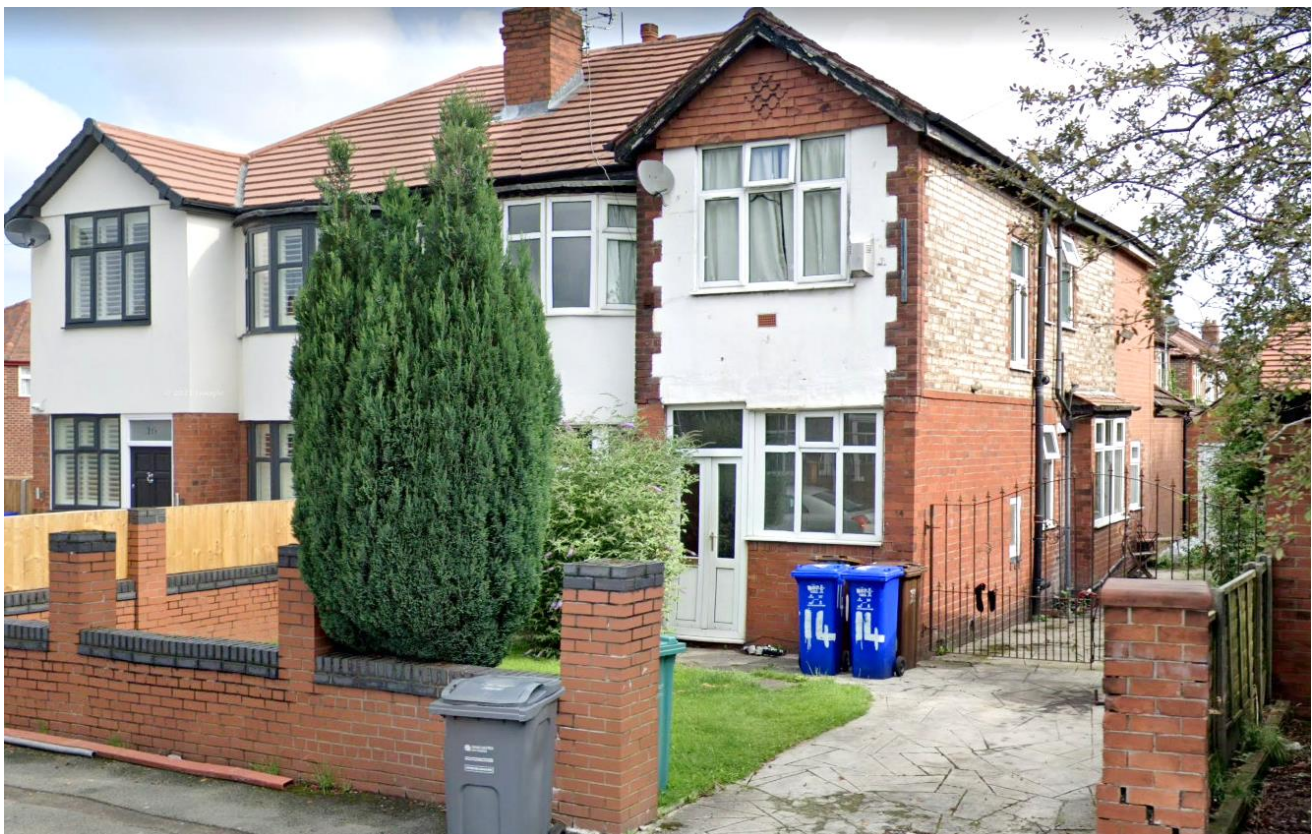
Applicant: Mr Kristian Sparrow, Nests Development Ltd, 115a Lapwing Lane, Manchester, M20 6UR

Agent (if any): Ms Susie Morris, Prospetti, The Studio Moss Lodge, Moss Lane, WA16 0TA

Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 15 August 2022



Application details

Type of application: Full Application Consent
Development type: Change of use
Standard consultations: Printed: 29 June 2022 Expired: 20 July 2022
Neighbour notifications: Printed: 29 June 2022 Expired: 20 July 2022
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: N/A
Tree Preservation Order: N/A

Description of site/building

The application site is an extended 6-bedroom inter-war semi-detached dwelling house situated on the northern side of Abberton Road, close to the junction with Sandhurst Avenue in the Old Moat ward. There are gardens at the front and rear and access along the eastern side to the rear garden where there is a free-standing garage. The property has previously been extended - at ground floor off the original outrigger, and at first floor over the outrigger. Details of the first-floor approval are set out in the Planning History section below.



Description of area

The site is within a residential area comprising of mainly single-family occupied dwellings with evidence of some shared housing tenureship.

Description of development

Erection of single storey side and rear extension following demolition of garage to house in multiple occupation to create a new self-contained apartment with associated landscaping and new car parking and installation of rear dormer to existing house in multiple occupation.

During negotiations, the agent made a written undertaking to amend the scheme to reduce the occupancy within the main dwelling by 1no. occupier.

The Council advised the agent that this did not overcome its concerns as the proposal still represented an increase in the overall number of occupiers and that the extensions in addition to the existing, represented an over-development of the site. The agent was advised of the Council's recommendation and offered the opportunity to withdraw the application but has declined the Council's offer.

Consultations & Notification Responses

Neighbour notifications

6no. neighbours were notified of the proposal; 8no. objections were received. Comments:

I strongly object to the further overdevelopment of this property. The number and size of HMO's on Abberton Road is already too much without this property being added to.

The current property is poorly maintained. The current occupants of the address have noisy and messy parties to all hours of the morning. I've had cause to complain to the council about these before.

There is currently a small driveway that fits one car for the 3 plus cars that are used by the current residents. I'm struggling how a larger property on the current land of this property is going to make more space for parking on site possible?!!

I strongly ask that this application be refused or at very least taken to panel.

Looking at the location plans this map is incorrect. The map shows Albermarle as the road coming off to the right of Abberton not Sandhurst Avenue. Sandhurst Avenue is the road where no 14 Abberton backs onto 2, 4 Sandhurst Avenue!

The property in question is currently a house of multiple occupancy. Extending the house further and creating the self-contained apartment will potentially increase the occupancy and the noise pollution of the residential area. Parties that are held at the property are noisy with noise carrying across the back of the gardens on Sandhurst Avenue. Parties can go on early into the morning with no consideration for local residents attempting to sleep. the opportunity for increased occupancy of the property is a big concern.

I object to the proposal on the basis that there are currently an increasing number of residents housed in HMOs local to Sandhurst Avenue. Sandhurst Avenue is a street where mainly families live and the increase in HMO's and the residents that reside in them is causing increased noise nuisance, an increase in cars parked on the road and the amount of wheelie bins on the pavement along Abberton Road on collection day can make it difficult to pass along the pavement with a pram. I have strong concerns re parking and noise and the continual adding to of hmo on this road. The location map shows the incorrect location with Albermarle being the road to the right of the property and not Sandhurst. The plot that property stands on will no way support an extended footprint and three parking spaces for even three tiny cars!

Abberton Rd has already got several extended properties and consequently a lot more tenants as a result. It is already a busy road that now has buses using this route - often double decker ones. There is limited parking. On bin collection day I've often had to walk in the road due to bins inappropriately placed on the pavement. Obviously, this is dangerous. More tenants would lead to increased parking issues and increased traffic in the area. Allowing this extension would also lead to increased noise & disturbance in this residential area. Having so many tenancies results in the loss of family homes which can have a detrimental effect on the neighbourhood. This extension would lead to loss of light for the neighbours & result in a loss of privacy.

May I first point out that the marking on the map for proposed planning (14 Abberton Road M20 1HU) is wrong and misleading as that address backs up to Sandhurst Avenue and NOT Albemarle Avenue as per plan. In fact, wrong house at wrong address !!!!! I am writing to voice my objection to proposed planning application for 14 Abberton Road. We are a close and caring residential community on Sandhurst Avenue (a large cul-de-sac), with young families with small children, pensioners and a reasonable and sustainable proportion of HMO dwellings. In order to sustain a happy and balanced community it is recommended that only a proportion of that community is HMO and as Abberton Road is the main entrance to Sandhurst Avenue and have a HMO ratio of 90% where the recommended ratio should be no more than 10%, it is already well above the accepted recommendation and the impact compounded. The social impact include antisocial behaviour such as noise nuisance in house and gardens, public drunkenness, parking problems, littered dustbins on the pavement, more people living in a confined space than a normal family house, magnet for burglary and crimes and not to mention the infrastructure that can't cope. We have had numerous electrical cut out, because of overloading. I therefore strongly object and wish this objection to go to panel/committee.

This is currently a HMO where people have parties at weekends causing a lot of disturbance. The one last Saturday finished around 4.30am. The garden of this property backs on to my garden. I am opposed to any further development of this property of any kind. I have the support of the local ward Councillors and "The Friends of Sandhurst Avenue" group.

I have summarised my reasons for objecting below under the appropriate subheadings.

Parking:

Abberton Road, Sandhurst Avenue and Albemarle Avenue currently have severe parking issues caused by multiple issues, such as people parking on these roads to then walk to the tram to commute into the city centre, parking on these roads for access to local amenities, or through the multiple HMO's that have insufficient parking for the number of residents which results in the residents then parking on the street. When there is insufficient parking for residents of theme's to park on Abberton Rd, they naturally park on either Albermarle Ave or Sandhurst Ave. I would implore the council to consider the likelihood that each resident would likely have access to their own vehicle. Therefore, the proposal has three parking bays to serve 8 residents (which is already accepted on the design and access statement as being exceeded with the new apartment being a 2b3p apartment), which is already leniently considering that any cohabiting residents within a single bedroom will share a single vehicle. This proposal would exacerbate existing parking concerns and therefore I would request more consideration be given to the impact that the development would have on the parking availability for other residents of the 3 aforementioned streets.

Waste Management:

The HMO's and converted flats on Abberton Rd typically leave their bins out for multiple days, and due to the amount of bins provided this renders the pavement impossible to manoeuvre for wheelchair users and parents with pushchairs/prams. The Waste Management Strategy leaves the responsibility for taking the bins out with the residents, who are currently failing in that duty. Could consideration be given to either designing in measures where bins could be easily moved aside onto the property by pedestrians (the HMO bin storage area currently appears to be blocked by one of the HMO parking bays), or that the landlord takes responsibility for ensuring bins are taken in after collection.

Fire Safety:

Although fire safety is dealt with via a different statutory instrument, i.e. the Building Regulations, the Government have introduced policies to encourage fire safety to be thought about at the planning stage to mitigate the risk that developers secure planning for a building

that cannot feasibly be made to meet the relevant fire safety objectives of the Building Regulations. From a review of the plans and elevations I would note that the proposal would result in the height to the topmost occupied storey for the HMO to be pushed over 4.5m in height. This would result in the requirement for a 30min protected stairway, FD 30S self-closing doors and compartment floors within the building. The additional height of the building would result in a material alteration of the building which would require these provisions to be implemented; however, on the proposed plans, the works seem to be based on existing partitions remaining in-situ. I would recommend that as a pre-commencement condition, the developer instructs an independent fire surveyor to determine the amount of work required to bring the building up to modern standards to determine whether that work has been accounted for in any cost plan to ultimately determine whether the extension and refurbishment would be viable.

The proposal is a backland development contrary to several aspects of Manchester City Council Development Control Policies and in particular Policy 6 'Housing on Backland Sites'. The proposal will result in a loss of privacy to adjoining dwellings and associated rear gardens; the scale and design of the development is also incompatible with the character of buildings in the surrounding area; there is insufficient space between the proposed and existing dwellings to avoid problems of significant overshadowing; and, the proposed and existing dwellings retain inadequate levels of private amenity space as the majority of the rear garden will be developed. In addition the proposal is contrary to several aspects of Policy 1 'Residential Developments' as the effect upon the amenity of neighbouring occupiers is negative as is the impact of the proposal on the street-scene in particular as it involves the demolition of the front wall and creation of 3 parking spaces on the front garden (which will reduce on street parking on Abberton Road). The development of the front garden for hardstanding car parking will also increase the probability of flooding contrary to National Planning Policy Framework Policy 14 'Meeting the challenge of climate change'. Finally the house is an HMO in a street with a high percentage of HMOs and as the proposed self-contained development is attached to the HMO there is no way of enforcing that it does not become part of an extended HMO. For the above reasons the proposal should not be supported by the Council.

Councillors Gavin White, Suzannah Reeves, Garry Bridges

We object to this application on the basis that it would be an overdevelopment of the current site. It is already a 6 bed HMO and any further extensions and bedrooms will add further to the loss of residential amenity in an area that is a stable community of more family housing.

HMOs already contribute to issues with noise, waste, and parking issues locally in Old Moat and this proposed extension would add further to these issues locally on Abberton Road and surrounding streets such as Sandhurst Avenue.

Environmental Health Officer

DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

REF*

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health.

The Waste Management Strategy submitted with the application is acceptable.

AIR QUALITY 2* (EVC & Boilers etc)

a) Prior to commencement of the development, a scheme for electric vehicle charging and any other considerations, for example boiler emissions, shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

*The developer should refer to MCC's AQ Guidance Note and also IAQM guidance for further information re boilers etc if relevant.

Information for Developers guidance documents can be downloaded using the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Highway Services

The site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of public transport facilities including bus and tram.

It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.

The on-site car parking arrangements are being modified with an increase from one to three spaces. Whilst this amount of on-site car parking is acceptable in principle, we seek confirmation that the bays are a minimum of 2.4 x 4.8m with sufficient space between them to allow for pedestrian and bin transportation movements. The apartment parking bay should be provisioned with electric vehicle charging (minimum 7kW).

It will be necessary to extend the existing vehicle crossover to the highway which can be undertaken by the applicant through a S184 online application.

We would recommend that provision is also made for secure and sheltered cycle storage. Two separate external bin stores are proposed with intended collection from the north side of Abberton Road and this arrangement is acceptable to Highways.

Should the planning application be approved it is required that a Construction

Management Plan be conditioned which shall include, where appropriate the following details:

- o The routing of construction traffic;
 - o Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
 - o Details of the location and arrangements for contractor parking;
 - o The identification of the vehicular access points into the site;
 - o Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
 - o The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
 - o For large schemes a highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.
- The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

SUGGESTED PLANNING CONDITION(S): -

1. Construction Management Plan.

Planning History

There has been one previous application at the site as detailed below:

079542/FH/2006/S1 - Erection of a first-floor rear extension to form additional living accommodation.

Approved: 10.07.2006

Policy

The following policies within the Development Plan are material considerations in the assessment of this proposal:

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, however the following relevant policies are extant:

Policy DC1 - Residential Extensions

Policy DC26 – Noise

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

Policy DM1 - Development Management

Policy SP1 - Spatial Principles

Policy H11 – Houses in Multiple Occupancy

The National Planning Policy Framework (NPPF, 2021)

Chapter 12 – Achieving well-designed places

For reasons to be outlined below, it is considered the proposal conflicts with the principles of these policy documents.

Issues

Principle

The proposal is for extensions to an existing 6-bedroom house in multiple occupancy, including an extension to create separate accommodation in a proposed 2-bedroom self-contained apartment at the rear. During negotiations, the agent provided a written amendment in which the 6-bedrooms in the main dwelling would be reduced to 5no (all single occupancy) and the separate apartment would continue as 2-bedroom accommodation that is proposed to function independent of the HMO. The amendment reduces the total occupancy from the original proposal by -1 person. However, the addition of the 2-bedroom apartment still increases the net gain in occupiers overall. The agent has stated that the owner's intention is to invest in the property to address a number of issues with the standard of internal and external space, and to offer a higher quality HMO to a more mature, professional clientele. The applicant expects that this will avoid many of the concerns that have been reported with respect to the current arrangement. The proposal however still presents a number of concerns. As such, the principle of the proposal is not supported.

Amenity

Any increase in the number of occupiers will lead to an increase in the number of comings and goings to and from the site, both from occupiers themselves and any visitors to the property leading to a loss of existing levels of residential amenity. This would be exacerbated by the proposal to turn over the front garden area to 3no. parking spaces with all HMO bins alongside. This will give rise to additional disturbances from car engine noise, doors slamming, in-car stereo systems and headlights as well as odours and would offer particularly poor accommodation for the occupier of the ground floor front bedroom whose window would be adjacent to two of the parking spaces and bins.

The Council acknowledges the agent's comments with regards to attracting a more discerning clientele, however, it has no means of ensuring that this is the case and that the problems reported on public notification will not continue. Eight residents and all three local Councillors object to the proposal citing the several HMO's in the area and amenity concerns with the application dwelling. These include antisocial behaviour, public drunkenness, parties into the early hours of the morning, noise nuisance in the house and garden, parking and litter issues including bins left on the pavement. An increase in the number of occupiers can reasonably suggest an exacerbation in the problems for existing residents and could still be an issue with a more mature clientele and for residents living in the HMO. Use of the rear garden by all occupiers and visitors could also create noise and disturbance as well as privacy concerns for the occupier of the proposed apartment where all habitable room windows and door, including 2no. bedrooms are located adjacent to the shared garden. The occupier(s) of this element of the proposal could be subject to a loss of amenity due to noise when windows are open and would lead to windows needing to be permanently covered and windows closed. This could reasonably lead to conflicts in maintaining this element of the proposal as separate which would result in it becoming an extension to the HMO. The Council also has no powers to ensure that this accommodation is occupied separately. Furthermore, the Council has no means by which to manage who lives in the property and any lack of demand from the intended clientele will inevitably lead to pressure to accommodate students and any other occupiers whose transience could lead to a continuation of existing problems.

Parking

The proposal seeks to formalise parking arrangements at the front of the property to provide 3no. parking spaces. Although the application site is an existing HMO and the proposal includes

1no. space for the 2-bed apartment and 2no. for the HMO, the intended clientele are more likely to be car owners and each demand a space within the site curtilage. On-street parking pressures have been reported by residents and any revision to the proposal would need to address the attendant amenity problems noted above to avoid parking in front of occupier's bedroom windows.

Over-Development

The proposal seeks the approval of the local planning authority for extensions to the dwelling to create additional living accommodation within the existing multi-occupied dwelling together with a separate 2-bed (3-person) self-contained apartment at the rear. The extension to create the apartment would infill part of the existing extended outrigger leaving a very small amount of external amenity space (6.10 metres long to the rear boundary x 9.24 metres wide) for all occupiers within the dwelling. The extended outrigger gives a total rearward projection of 6.9 metres at ground floor, with the extended first floor projecting off the rear wall by 3.54 metres.



The proposal extends the ground floor by a further 3 metres in depth following demolition of the garage and extends to the gap at the side by a further 2.4 metres leaving a 1 metre gap to the boundary with No.16. Development also comes off the side elevation towards the boundary with No.12 by 3 metres. The footprint of the apartment extensions appears larger than that of the original dwelling house representing development that is not subservient to the main dwelling. As such, it is contrary to the general provisions within saved UDP policy DC1. For comparison, development at No.16, the adjoining half of the semi, has extended the rear elevation at ground and first floor, including taking the ground floor extension close to the boundary with No.14. The scale of development in the present application goes beyond that at No.16, taking the extension to the opposite boundary also and extending further back following demolition of the garage. It also includes a rear dormer which in total, amounts to an over-development of the site. This

effect is compounded by the fact that the plot at the application site is approximately 1/3rd narrower than No.16 and so the extensions appear shoe-horned onto the site.

Space Standards

Notwithstanding the above, when consideration is given to the proposed apartment extension, the gross internal floorspace for the apartment equates to 49m² which falls short of the Nationally Described Space Standards. This requires that 2-bed / 3-person accommodation offers a minimum of 61m² plus 2m² of internal storage space. The inadequacy of the internal floorspace underlines the shortcomings in the approach to the proposal which seeks to fund refurbishment of the dwelling through a separate let of the apartment. In addition to the problems this raises as noted above, the apartment would not function as a separate planning unit as there is no proposal to sub-divide the curtilage of the site.

Other matters

Among the various concerns raised on public notification which have been addressed above, a comment has been made that the proposal represents backland development and will lead to an increase in flood risk.

For the reason set out above, the Council does not agree that the proposal forms backland development. In terms of flood risk, the acknowledges that paving over front garden areas removes soakaway opportunities which can lead to greater surface water run-off. However, the Council again does not share the view that the development would lead to any increased risk as it is not within either Flood Risk Zone 2 or 3 for the purposes of requiring flood mitigation measures.

One objector has also referred to the proposal presenting a fire safety risk. There are no external proposals which give rise to a concern on this basis and any internal arrangements would be covered by different regulations relating to Building Control which is outside the Planning remit.

Conclusion

For the reasons set out above, the amount of development, reduced levels of amenity and continuing potential for an intensification of use with attendant issues of noise and disturbance, loss of privacy and inadequate space standards in the separate living accommodation would cause undue harm to the future occupiers of the site and neighbouring residents. The proposal cannot be adequately managed through the use of planning conditions and represents development that is contrary to policies DM1, SP1 and H11 of the Manchester Core Strategy, Chapter 1 of the National Planning Policy Framework and saved UDP policies DC1 and DC26.1. As such, the recommendation is to refuse the application.

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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has refused the application for the reasons outlined in the delegated report. Concerns were raised with regards to the intensification of the use with attendant comings and goings, noise and disturbance, together with the size and scale of the extension which represents an over-development of the site. The Council brought these concerns to the attention of the agent who responded by reducing the occupancy of the HMO by 1no. occupier. The Council contended that this would not adequately overcome its concerns given the extension increases the level of occupancy and is itself grounds for refusal owing to the amount of additional development in addition to the existing extensions on the site. The issues in this case could not be satisfactorily overcome and the application is recommended for refusal. The option to withdraw the application was not taken in this instance.

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

- 1) The proposed extension to the existing house in multiple occupancy would result in an over intensive use of the property leading to an increase in the levels of comings and goings to and from the site with attendant issues of noise and disturbance, parking demand and waste generation, to the detriment of the amenity of neighbouring residential occupiers. As such, the proposal is contrary to policies H11, DM1 and SP1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.
- 2) The proposed extensions to the ground floor and roof, by reason of the amount of development in addition to the existing extensions at the site, represents an over-development of the site and development that is not subservient to the footprint of the original dwelling house. The proposal is therefore contrary to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.
- 3) The proposed ground floor extension to create a separate apartment includes a living room and 2no. bedroom windows on the ground floor overlooking the shared garden that is available to all occupiers at the site. The position of the windows and door would give rise to unacceptable and intrusive breaches of privacy for the future occupiers of the apartment as well as the potential for noise and disturbance from use of the garden area by occupiers of the main dwelling house, contrary to saved policy DC26 and policies H11, DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

16 Abberton Road, Manchester, M20 1HU
4 Albemarle Avenue, Manchester, M20 1HX
2 Albemarle Avenue, Manchester, M20 1HX
12 Abberton Road, Manchester, M20 1HU
9 Abberton Road, Manchester, M20 1HQ
2 Sandhurst Avenue, Manchester, M20 1ED

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
Area Team Boundary - Name: SOUTH AREA