

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135267/FO/2022

Date registered valid: 7 November 2022

Proposal: Conversion of basement to form 1 no. self contained flat together with installation of front and rear lightwells

Address: 9 Brook Road, Manchester, M14 6UE

Ward(s): Withington Ward

Applicant: Mr M Akhtar 9 Brook Road, Manchester, M14 6UE

Agent (if any): Mr T Prideaux RBA Town Planning City West Business Park, Building 3, Gelderd Road, Leeds, LS12 6LN

Case officer: Adam Mitchell
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Recommendation: REFUSAL

Date of recommendation: 19.12.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 06 December 2022

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 21 November 2022 Expired: 12 December 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

Description of site/building

The application site relates to non-listed large detached two storey Victorian or Georgian villa property located on Brook Road within the ward of Withington. The property is painted grey and black with a slate tiled roof.

The properties have seen a reduction in curtilage over the years with construction of Brook Court which occupies an area that used to be a garden to the villa and can be seen on the site photograph.

The dwellinghouse has been converted into five flats (planning reference: 123184/LE/2019).

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is located within a predominantly residential area although there are some commercial uses particularly along Wilmslow Road.

The area is close to the further education campuses and is therefore popular with students and the area therefore has a high percentage of houses in multiple occupation (HMO's).

Description of development

The applicant is seeking planning permission to convert basement to form a self-contained 1 bedroom flat to increase the number of flats within the building to six in total, with installation of front and rear lightwells.

Planning History

123184/LE/2019 Certificate of Lawful Existing Use - Use of property as five self-contained apartments. APPROVED 01.04.2019

133436/FO/2022 Conversion of basement to form two self-contained flats. REFUSED 04.04.2022 (APPEAL IN PROGRESS)

Consultations & Notification Responses

Local residents- No comments were received

Environmental Health- Had no objections to the proposal and recommended the following conditions be attached to any approval; Construction Hours, and Waste Management Strategy.

Councillor Chris Wills (Withington Ward) – Objects to the proposed development based on the following:

- Brook Road is already a high-density area for HMOs. This proposed development will therefore exacerbate issues of over-saturation and over-occupancy.
- There are precious few families and long-term residents left on Brook Road. It is therefore not desirable to further increase the size of an existing HMO.

South East Fallowfield Residents Group- Objects to the proposed development based on the following:

- Overdevelopment of this site.
- Visual amenity harm caused by the introduction of additional waste refuse to the front of the property which is a real issue within the local area.
- Management of refuse storage within the site is a problem.
- Insufficient car parking provision: additional flat would exacerbate on street parking problems in the area.
- In addition 2 residents will increase the level of noise, ASB and litter issues. MCC identified that Brook Road is in the top 12 streets for noise/ASB complaints.

Fallowfield Community Guardians- Objects to the proposed development based on the following:

- Application would represent an over intensive use of the property.
- The standard of accommodation, demand for car parking, associated noise and disturbance of additional occupiers would be detrimental to the amenity of residential occupiers in the area.

Highway Services

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.

Highways note that there is limited off-street parking and therefore on-street parking

demands are present.

The site is well accessed by sustainable models include regular bus, train and tram routes.

There will be no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

Whilst the lack of in-curtilage car parking is not ideally preferred, Highways acknowledge that this is a similar arrangement to neighbouring properties which also rely on parking onstreet.

Three cycle spaces are in place at the rear of the site in the form of secure and sheltered cycle store. This arrangement is acceptable to Highways.

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

A refuse storage area is noted at the front of the site. Bins will be taken to/from the bin store to the collection point on Brook Road. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Policy

Local Policy

Manchester Core Strategy Development Plan Document (2012)- The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995)- The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Cor Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1- Spatial Principles
DM1- Development Management 1
T2- 'Accessible area of opportunity and need'

The relevant UDP policies for this application are:

DC1- Residential Extension
DC5- Flat Conversions
DC26- Development and Noise

Manchester Residential Quality Guidance

Issues

Principle

The application is seeking permission to change the use of basement to form an additional self-contained 1 bedroom flat with associated elevational alterations and lightwells to front and rear.

The elevational alterations for the main dwellinghouse will be considered under saved policy DC1 of the UDP and DM1 of the Core Strategy.

As the surrounding area is residential, the principle of residential accommodation is acceptable, in order to assess the basement conversion to a separate flat consideration needs to be given to the provisions of policy DC5.2. These issues are as follows:

The standard of accommodation/residential amenity including car parking and refuse storage.

Furthermore, consideration should be given to the residential amenity of the existing and future occupants of the main dwellinghouse.

Standard of Accommodation

Policy DC5 states that in determining planning applications to convert property to flats, the Council will have regard to:

- a) The standard of accommodation for the intended occupiers of the premises;
- b) Effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c) Adequacy of car parking
- d) General effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established features of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
- e) Adequate private outdoor amenity space;

a) The standard of accommodation

The proposal indicates that the flat would exceed the expected space standards for a 1 bedroom flat in accordance with the emerging space standards set by Manchester Residential Quality Guidance and the national space standards. The proposal would measure 64 square meters. This is considered acceptable against Core Strategy Policy DM1 and saved policy DC5.

There are other aspects of the proposal that raise concerns regarding the quality of accommodation that would be provided for future occupiers. This relates to the effect on the proposed front elevation bedroom window. The area, directly outside the proposed window, which currently comprises a hardstanding front yard adjacent to the main access point into the building. It is highly likely that the future occupiers would experience some form of loss of privacy and noise and disturbance outside their bedroom window, from potential comings and goings into the residence.

b) Effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;

Although there is residential accommodation on the upper floors above the proposal and the proposal would intensify the use of the building through the provision of an additional flat it is considered that the comings and goings of an additional household would not have an impact on the amenities of residents of other nearby properties.

c) Adequacy of car parking

Whilst Highways have not objected to the proposal as they do not foresee any network capacity concerns. Highways have noted there is limited off-street parking and therefore on-street parking demands are present. Further, the site is sustainably located close to shops, services and alternative methods transport, including bus, tram and rail services, as well as opportunities for cycling and walking. The proposal does include additional cycle storage units to the rear of the property.

However, it is also likely that the occupiers could choose to have access to their own vehicle which would possibly require an additional vehicle to be parked on the road. Comments received from SEFRG, Fallowfield Guardians and Highway Services suggests that there are existing pressures on street car parking. Therefore, whilst the car parking demand generated by the proposal would be limited, the development could result in further parking pressures on Brook Road and the surrounding network to the detriments of the existing and future occupiers of no.9 Brook Road and the occupiers of the other neighbouring dwellings in the surrounding area.

d) General effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established features of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;

A large portion of dwellings in the area are either purpose built or converted flats.

The applicant is proposing elevation alterations in the form of lightwells to provide light to the lounge and bedroom area and rear dining area, this is considered acceptable. There is already separate access from the front of the building at the front of the property.

e) Adequate private outdoor amenity space;

There is limited space at the rear of the property for any meaningful amenity space. This space is overlooked by the existing properties at Brook Court (see Figure 1.) and therefore it cannot be considered to be private.



Figure 1: Rear amenity space (note front door to one of the flats at first floor), source: Case Officer Site Photographs

The existing bins are stored at the side of the building (Figure 2) and it is proposed that the new flat bins will also be stored at the side. The existing bins are detrimental to the visual amenity of the streetscene and additional bins for the new flat is likely to further exacerbate the problem rather than solving it. Highways have not raised an objection to the waste collection which will take place at the front of the property. Secondly, the number of bins in use would likely create noise and disturbance that would have a negative impact on the amenity of the proposed flat especially on collection day.



Figure 2: Existing bin storage, source: Case Officer Photographs

The proposal is therefore not in accordance with saved UDP policy DC 5.3C and policy DM1 of the Core Strategy.

Conclusion

It is acknowledged that national and local policies seek to boost the supply of housing significantly and the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. However, as explained above the factors in favour of the development do not outweigh the harm. In this case the proposal would be contrary to saved policy DC5 and policies DM1 and SP1 of the Core Strategy.

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 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 proposal basement flat conversion would represent an over intensive use of the property. The standard of accommodation, demand for car parking, associated noise and disturbance of additional occupiers would be detrimental to the amenity of future occupants of the development proposed and the residential occupiers in the area. The proposed development is therefore contrary to Policies SP1 and DM1 of the Manchester Core Strategy and extant Policies DC5 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environmental Health

21 Clifton Avenue, Manchester, M14 6UD
2 Raveley Avenue, Manchester, M14 6WA
1 Raveley Avenue, Manchester, M14 6WA
7 Brook Road, Manchester, M14 6UE
Flat 12, Brook Court, Brook Road, Manchester, M14 6UE
Flat 9, 30 Brook Road, Manchester, M14 6UF
Flat 4, 9 Brook Road, Manchester, M14 6UE
Flat 1, 9 Brook Road, Manchester, M14 6UE
Flat 4, 30 Brook Road, Manchester, M14 6UF
Flat 1, 30 Brook Road, Manchester, M14 6UF
Flat 8, Brook Court, Brook Road, Manchester, M14 6UE
Flat 4, Brook Court, Brook Road, Manchester, M14 6UE
Flat 10, Brook Court, Brook Road, Manchester, M14 6UE
Flat 11, Brook Court, Brook Road, Manchester, M14 6UE
Flat 8, 30 Brook Road, Manchester, M14 6UF
Flat 7, 30 Brook Road, Manchester, M14 6UF
Flat 6, 30 Brook Road, Manchester, M14 6UF
Flat 5, 9 Brook Road, Manchester, M14 6UE
Flat 3, 9 Brook Road, Manchester, M14 6UE
Flat 2, 9 Brook Road, Manchester, M14 6UE
30 Brook Road, Manchester, M14 6UF
Flat 5, 30 Brook Road, Manchester, M14 6UF
Flat 3, 30 Brook Road, Manchester, M14 6UF
Flat 2, 30 Brook Road, Manchester, M14 6UF
Flat 9, Brook Court, Brook Road, Manchester, M14 6UE
Flat 6, Brook Court, Brook Road, Manchester, M14 6UE
Flat 5, Brook Court, Brook Road, Manchester, M14 6UE
Flat 3, Brook Court, Brook Road, Manchester, M14 6UE
Flat 2, Brook Court, Brook Road, Manchester, M14 6UE
Flat 1, Brook Court, Brook Road, Manchester, M14 6UE
Flat 7, Brook Court, Brook Road, Manchester, M14 6UE
7A Brook Road, Manchester, M14 6UE

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 (Wilmslow Road/Egerton Road)
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA