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<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
086914/FO/2008/S1	19th Jun 2008	11 <sup>th</sup> Sept 2008	Withington Ward

**Proposal** Change of use from self contained flats to 12 bed house in multiple occupation and construction of 2 dormer windows to north elevation

**Location** 7 Egerton Road, Withington, Manchester, M14 6YD

**Applicant** Mr Myles Leahy, 17 Henwood Road, Didsbury, Manchester, M20 4XQ

**Agent** Street Design Partnership 16 Brewery Yard, Deva Centre, Trinity Way, Salford, M3 7BB

### **Description**

The application site lies on Egerton Road, which is at the northernmost boundary of Withington Ward just south of Fallowfield District Centre.

This is an application for the change of use from self contained flats to 12 bed house in multiple occupation and construction of 2 dormer windows to north elevation at No. 7 Egerton Road, which lies within a predominantly residential area of Withington.

The property adjoins the rear of No. 9 Egerton Road, which has been subdivided, having permission to convert a house let into 7 bedsits into 5 flats in 1994 under the cover of application 045135/FO/SOUTH1/94.

The site previously obtained planning permission under the cover of application 082731/FO/2007/S1 for change of use from dwelling house to 4 self-contained flats, erection of 2 dormers to front elevation and creation of 5 parking spaces on 9 June 2007.

Following that approval, a further permission was granted for the creation of sunken terrace to basement flat under application 084929/FO/2007/S1 on 21 December 2007.

An application for the installation of balconies to second floor self contained flats on north elevation was refused under application 084928/FO/2007/S1 on 21 December 2007 on the grounds that,

“The position of the proposed development, in relation to adjoining residential property, would result in an unacceptable reduction in the level of privacy presently enjoyed by the occupiers of that adjoining property by reason of overlooking contrary to policy DC1.1, DC1.2 and H2.2 of the Unitary Development Plan for Manchester.”

The 2007 consent for conversion to 4 self contained flats was never implemented. In fact, the building has been vacant for some time. However, it must be noted that the property has not been used as a family home for some time, having been utilised as a shared house under permitted development rights, prior to falling into disuse.

A resident refers in their objection to the property being subdivided into 2 separate flats and states that these should be renovated. There is no planning history that authorised the use of the premises for 2 self contained flats and the HMO team have been aware of the operation of the premises as a shared house under permitted development rights.

### **Consultations**

Letters of objection have been received from residents at No.'s 6, 12 and 15 Clifton Avenue, 15 (Clifton Road Residents Group) and 20 Egerton Road and 3 Amherst Road objecting on the grounds that:

- The area is saturated with HMO's and smaller properties packed with tenants, mainly students –anti social behaviour associated with students listed
- The development would be contrary to the aims of the South Manchester Strategic Regeneration Framework
- Quality of accommodation will be cramped, poorly ventilated and unhealthy for habitants
- No consideration given to the siting and screening of waste and recycling bins

**Withington Ward Councillors** have made representations, stating that they consider the development to be contrary to the aims of the South Manchester Strategic Regeneration Framework in that it would create another HMO on a road where there are already a number. That the proposal would increase occupancy from 8-12 impacting detrimentally on a local community with an imbalance between family accommodation and HMO's. That the proposal would constitute overdevelopment, using cellars and partitions to the detriment of quality of living. Members were also concerned about siting and screening of waste and recycling bins.

**Private Sector Housing – HMO Team** will provide comment as a late representation.

**South Manchester Regeneration** will provide comment as a late representation.

**Environmental Health** have no objection to the application subject to the imposition of a condition relating to refuse storage.

**Greater Manchester Police Architectural Liaison** have no comment to make.

**Engineering Services** have no specific objections from a highways perspective.

**Landscape Practice** have no comment to make.

### **Issues**

**Unitary Development Plan** - There are no site specific policies relating to the application site. However the following city wide policies are relevant to this proposal:

DC3.1 In determining planning applications for Houses in Multiple Occupation (HMOs), that is to say, the housing of unrelated persons living in a single property where no board or care is provided, the Council will have regard to:

- a. the standard of accommodation for the intended occupiers of the premises;
- b. the availability and suitability of outdoor amenity space;
- c. the availability of adequate, safe and convenient arrangements for car parking and servicing; and
- d. ease of access for all, including disabled people.

DC3.2 There will be a general presumption in favour of HMO's within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan.

DC3.3 Notwithstanding policy DC3.2, the Council will require developments in this category to provide:

- a. an adequate standard of internal accommodation for intended residents;
- b. adequate private outdoor amenity space;
- c. satisfactory refuse storage and collection facilities.

DC1.1 In determining planning applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
- b. the effect upon the amenity of neighbouring occupiers;
- c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. the overall appearance of the proposal in the street-scene;
- e. the effect of the loss of any on-site carparking.

H2.2 The Council will not allow development which will have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution. Reason: To protect residential areas from inappropriate development so as to ensure that the quality of these areas is maintained.

**Principle** - Policy DC3 of the Unitary Development Plan states that there will be a general presumption in favour of HMO's within residential areas. The application site lies within a residential area.

The dormer extensions have had permission previously, in association with the application to change the building into 4 self contained flats, however, this permission was not implemented. It is still considered that the scale of the dormer extensions is acceptable in design terms, respecting the character of the existing property. They would have no adverse impact upon the residential amenity of any surrounding property.

**Character of the Area** – Residents and Ward Members refer to concerns about the change in the character of the area, this concern has been expressed

previously in the locality with regards to the phenomena of studentification. The Head of Planning would refer members to the case at 17 Clifton Avenue, where the inspector allowed an appeal stating that:

“Clifton Avenue is not homogenous and some older houses have already been converted into flats, including the neighbouring property.... Consequently, whilst there is likely to be some increase in comings and goings....I am not persuaded that the impact of the increased activity would be so significant as to cause unacceptable harm to the character of the locality or to the amenities enjoyed by future residents of the proposed... or existing residents in the locality.”

Whilst each case must be assessed on its own merits, the application under appeal in this instance being for a change of use from a single dwelling to four flats, the area is the same in character, the application property being some c. 120m from the appeal property. The abovementioned Inspectors decision is therefore material to the consideration of this planning application.

**Standard of Accommodation** – The Head of Planning has had verbal confirmation from the HMO team that the standard of accommodation internally is acceptable with regards to standard of living, this will be confirmed in writing and reported in the late representation.

**Amenity Space** – The property currently has a large area of hardstanding without any soft landscaping. The landscaping scheme submitted shows an area of soft landscaping to the north west corner of the site. This would be sufficient for the needs of the occupiers of the House in Multiple Occupation.

**Car Parking** – The access to the property is difficult to traverse at present, being overgrown. The car parking available is informally laid out. It is anticipated that were the Committee minded to approve the application that we could secure a more formal car parking arrangement to suit the purposes of the House in Multiple Occupation through a more detailed landscaping scheme.

It is not anticipated that a great amount of parking would be required, the property is in a highly sustainable location, lying immediately to the south of Fallowfield District Centre. However, the site can comfortably accommodate adequate levels of car parking.

**Refuse storage** – The Head of Planning has received revised plans from the applicant that show external and internal storage areas for segregated waste. These have not been approved by Environmental Health at this time, hence the suggested condition.

## **CONCLUSION**

The Head of Planning believes that the proposed development would bring a vacant building back into use and that approving the development would not harm the character of the area. He considers, on the basis of consultation responses, that the proposed room sizes and living conditions would be acceptable and that there would be adequate amenity space and refuse storage facilities associated with the House in Multiple Occupation.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

**Recommendation** **APPROVE** on the basis that the development would bring a vacant building back into use and would not harm the character of the area, in accordance with policies DC1, DC3 and H2.2 of the Unitary Development Plan for Manchester (1995)

### Conditions and/or Reasons

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the drawings and documents stamped as received on .... unless otherwise agreed in writing by the City Council.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3. No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2; of the Unitary Development Plan for the City of Manchester.

4. A landscaping scheme should be submitted to and approved in writing by the City Council as local planning authority within 6 months of the date of decision. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy H2.2 of the Unitary Development Plan for the City of Manchester.

5. New developments should have refuse and storage space for segregated waste collection and recycling. Internal and external storage areas are required and all new developments should comply with the detailed guidance available from the council. Please see [www.manchester.gov.uk/opservices/rubbish/developers.htm](http://www.manchester.gov.uk/opservices/rubbish/developers.htm) for more information.

Reason – In the interests of amenity and public health.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 086914/FO/2008/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

### **The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Chief Executive's Landscape Practice Group  
Engineering Services  
Private Sector Housing (HMO Team)  
Greater Manchester Police  
Steve Hobson, Crime Reduction Officer  
Clifton Avenue Residents Association  
Environmental Health  
5, 8-13, 15 Egerton Road, Manchester, M14 6YB  
2, 4, 6 -10, 12, 14, 16 Lees Hall Crescent, Manchester, M14 6XZ  
Flat 1 - 12, 3-5, Lees Hall Crescent, Manchester, M14 6XZ  
1, 3, 5, 7 Ashlyn Grove, Manchester, M14 6YG  
1, 1a-c Lees Hall Crescent, Manchester, M14 6XZ

### **Representations were received from the following third parties:**

**Relevant Contact Officer** : Jennifer Connor  
**Telephone number** : 0161 234 4545  
**Email** : [j.connor3@manchester.gov.uk](mailto:j.connor3@manchester.gov.uk)