

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 12/12/2023	Ref: 70187/FUL
Registration: 20/10/2023	LDFC: 22/11/2023	Expiry Date: 15/12/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 10	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from residential dwelling(Class C3) to 9 bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis), loft conversion with front/rear dormers, enlargement of existing basement lightwell and external works

Location: 193 Walmersley Road, Bury, BL9 5DF

Description

The application relates to a mid-terraced property, currently a 3 bed residential dwelling, which is located on Walmersley Road . Similar to the existing row of properties, the site has a small front garden and low boundary wall and at the rear is a detached flat roof garage/store with an up and over door which opens directly onto the back street.

The application seeks the change of use to a 9 bed (single occupancy) HMO. External alterations would comprise front and rear dormers to facilitate a loft conversion and the enlargement of an existing basement lightwell.

There would be one bedroom located in the basement which would be lit by an extended lightwell, two bedrooms and a communal kitchen/dining room at ground floor, four bedrooms at first floor and two bedrooms in the roofspace.

The existing outbuilding would be used for bike storage and the rear yard would provide bins.

Relevant Planning History

N/a

Publicity

Letters sent to 36 properties on 1/11/23.

Ten objections received.

- Too many HMO's all in the name of making profit for landlords, while at the same time there is not enough housing for families, the size of the house would mean that the space for 9 people would be very small, I'm not completely against HMOs in the right type of building (ie where not suitable to be a family home), but there is a housing crisis in this country of not enough houses for families and all applications to convert a house to a HMO should be objected
- The community is already poorly maintained, lack of parking, bins not emptied. That in addition to 'absent' landlords who have no interest in the local community or maintaining their property.
- A disproportionate number of applications for these properties have been approved within the Walmersley area, compared to other areas within the borough. This is having a negative impact on the community, the safety of people as well as impacting on the value of people's property.
- Although not all, HMO's generally attract more anti social behaviour, police presence and community disruption than normal residential properties. We have children growing

up in this area that we want to remain safe and should this trend continue Walmersley will be far from that.

- These developments have detrimental impact on our property prices in the area and we have worked hard to become home owners, we feel this is unfair.
- There would be uproar should this happen in more affluent areas like Ramsbottom, why is it permitted for Walmersley.
- Don't believe another HMO or flats will help to improve the area.
- Increase in refuse collection and littering
- Very disappointed and concerned that yet another HMO is being considered for this road and area.
- Housing individuals who show no interest in the area
- Properties are unkempt. No investment by those seeking planning to maintain their properties and gardens. This costs money landlords won't spend.
- A house with 9 rooms is unspeakable. How inhumane is it to put people in such small living spaces for financial gain?
- Waste management at the property. Rubbish is never cleared and left, degrading the area and inviting vermin. Again, I see this every day. It's a fact.
- There is not enough parking for 9 residents in one house .
- Noise issues - the walls are not sound proof you can hear normal conversations from next door so what it will be like with 9 or more potential residents
- Genuine concern regarding living space standards and the amount of potential inhabitants. Given the poor layout and lack of amenity space, such gives rise to propensity for negative impact on proposed residential amenity.
- The established building line of the property makes up a prominent building within the street scene. Both the change of use and the operational development by way of dormers would result in an unacceptable impact on the neighbouring area and should be firmly refused.

One support - no comment made.

Statutory/Non-Statutory Consultations

Adult Care Services - No response.

Traffic Section - Object on lack of parking and highway safety.

Environmental Health - Pollution Control - No comments to make

Greater Manchester Police - designforsecurity - No comments received.

Waste Management - No response received.

Housing - Public Protection - No objection subject to compliance with HMO licensing regime

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
- No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle

The site is located in an urban area within a residential setting. The proposed development would continue to provide residential accommodation and as such the use would not conflict with the character of the surrounding area in principle. The property could also operate under permitted development as an HMO for up to 6 persons under Class C4.

The conversion of houses to HMO's can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on the amount of accommodation provided, put demands on parking and have an adverse effect on residential amenity and the character of an area.

As such the main issue is what impact the additional accommodation would have in planning terms and in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

Policy H2/4 - Conversions specifically has regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements.

These issues are discussed in more detail below and in light of policies H1/2, H2/1, H2/2 and H2/4.

Layout

In terms of the existing accommodation, the property provides living areas at the ground floor and 3 bedrooms and bathroom at first floor, generally accommodation commensurate of an average family household.

In terms of the proposed internal arrangements, it is proposed to provide a 9 bed HMO with one communal kitchen/dining room which would serve as the shared facility. The basement would be converted to a bedroom and the basement lightwell would be extended to the front elevation of this room. Two bedrooms and the shared living space would be at the ground floor, 4 bedrooms would be located at the first floor and 2 bedrooms would be within the loft space with the proposal to add a front and rear dormer.

The applicant states that the size of the 9 no. bedrooms would exceed the minimum for single occupancy set out in the Council's HMO licensing standards and that the communal facilities would provide an appropriate and functional layout to cater for nine residents in accordance with standards.

Although some of the bedrooms are just below the space standards required for a double bedroom, as single occupancy, the size of the bedrooms would be acceptable.

That said, it is proposed to convert the basement into 1 no. bedroom which has a small lightwell at basement level in the front elevation. It is proposed to enlarge the size of the lightwell to provide an escape route and increase the amount of light to this room. The lightwell however would not only provide a poor outlook at this basement level but also limited light, especially as the room is east facing and in the afternoon and evening at winter time in particular, light to the room would be poor. In addition, it is proposed to locate the utility and plant room at basement level directly adjacent to this bedroom and as such there would be comings and goings from 8 other occupiers using this facility at various times of the day which could include the nighttime, and as such this would result in disturbance and noise which is considered harmful to the amenity of a future occupier.

Whilst the loft area could be converted to living space without requiring planning permission and a dormer could be added under permitted development, the conversion of the loft for 2 no. bedrooms added to the basement conversion and use of all the other rooms as bedrooms apart from the one communal room, would further intensify the use of the building and put pressure on facilities which could be provided for occupiers to what is considered to be an unacceptable level.

There would only be a single communal room in the form of a kitchen/dining area of 18.10sqm. This is a relatively small space for 9 separate occupiers to cook food, relax and spend time outside of their bedroom areas, would provide inadequate facilities and space and is therefore considered to be deficient for the level of proposed occupancy.

In terms of the external space, the rear yard would provide bin storage, a seat with cycles stored in the existing outbuilding. The proposed plan shows there would be 4 bins, the same as that provided for a family. As the occupancy of the property would be increased to a significant degree, 4 standard bins would likely be insufficient to serve the number of residents proposed. Notwithstanding the likelihood that more bins would be required, there

would be a very small amount of amenity space for 9 no occupiers where it would be expected that suitable levels of sitting outside and/or areas to dry clothes should be provided.

National Design Guide requires new housing to have adequate space for refuse storage provision and outside amenity and in this case, the significant increase in occupation would exert unacceptable pressure on a property to provide for future occupiers in these respects.

Whilst it is acknowledged that the property could be extended to increase family occupation under permitted development, and that the property could be used as a 6 bed HMO under permitted development, seeking to facilitate occupation for 9 people by extending at both at the 2nd floor level and into the basement would result in a poor standard of communal facilities and room away from the bedrooms and provide inadequate levels of outdoor space for bin and amenity space.

Seeking to 'cram' in as many people as possible into this particular property would be neither good planning nor considers the well being of future occupiers. An HMO should provide no lesser standards of accommodation or amenity than would be expected of similar types of development.

As such, the proposed development would be contrary to Policies H1/2, H2/1, H2/2 and H2/4 and SPD13.

Design and appearance

It is proposed to add dormers to both the front and rear roofs and extend the area of the front lightwell to the basement.

The front dormer would have a pitched roof and would be located above the main front window. The dormer would be similar in scale and proportion to other dormers which have been added to this row of properties and that of other terraced houses which characterise the area and as such is considered to be an acceptable addition.

At the rear, a dormer is proposed to extend the full length of the rear roof plane but would be set in from the side elevations, below the ridge height and above eaves level. Whilst there are no other dormers to the rear of houses on this row, the dormer would be permitted development if carried out to a residential property.

The extension of the basement lightwell would not be highly visible to the streetscene and considered to have little if any impact.

As such it is considered the design and appearance of the proposed external alterations would not have a detrimental impact on the visual amenity of the area and would comply with H2/1 and SPD6.

Impact on residential amenity

In terms of the nature of the surrounding area, this is predominantly residential and characterised by similar sized terraced houses for family living. It would therefore be more unusual for a terraced property of this size to accommodate 9 people.

That said, in terms of additional noise, disturbance and activity likely created by 9 occupiers, this is considered to be relatively minimal and not significant to a harmful degree to those living nearby.

A condition could be included for the installation of soundproofing between party walls and between each individual room in the property.

Highway and Parking

There is no specific car parking standards for HMO's in SPD11 Parking Standards in Bury, but SPD 13 The Conversion of Buildings to Houses in Multiple Occupation gives some general advice. It states that parking and road safety issues will be important considerations

when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted. Car parking provision should meet the requirements of the likely occupants and, where possible, should be provided off-street.

There is no parking proposed for the development and the applicant states that the requirement for car parking is expected to be low due to the sustainable and accessible nature of the area and the close links to a variety of public transport options.

It is generally recognised that car ownership tends to be lower for those who occupy HMO compared to other households. Whilst some residents of the HMO may not require access to a car, there is however no means to secure this and any cars associated with the use would have to park on street.

There is restricted parking on the main road in front of the property but there is on street parking on the side streets and visitors would also rely on the street to park. Although 6 people could reside in the property without requiring permission, an additional 3 people would increase the likelihood of an occupant/s owning a car plus any visitors to the site and as such this would add pressure to the already heavily parked streets in the area.

The Highway Section have been consulted and would not support the application due to the inadequate parking provision and likelihood for cars to therefore carry out manoeuvres on the highway which would be detrimental to highway safety.

It is therefore considered the proposed development would be unacceptable and contrary to policies H2/2, H2/4 and SPD13.

The Housing Section (HMO Licensing) are broadly accepting of the proposed development but have the following observations to make -

- This property falls within the scope of the HMO licensing regime and a licence will need to be applied for due to there being 5 or more occupants.
- A fire risk assessment will need to be undertaken for the property as this is a requirement of the HMO licence and the Fire Safety Order 2005 for HMOs. The assessment should include the units of accommodation and communal areas and should inform the required fire detection, compartmentation and means of escape for the building. This is best undertaken in the early stages of development.
- The basement light well needs to provide sufficient natural daylight, ventilation and be large enough to provide a secondary means of escape in the event of a fire.
- The size of room 8, at 9.5m² is acceptable as the combined kitchen & dining area is suitably large enough, given all other rooms are 10m² or above. However, in the event there is a review on the room sizes, which is due, this may not be accepted in the future. Therefore, an additional seating room to offset the smaller room, would future proof in the event we no longer accept rooms of less than 10m², without a communal lounge.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the increased occupation and intensified use of the building would result in sub-standard and unacceptable levels of accommodation and facilities, shared facilities, external amenity space and refuse provision for the future occupiers of the property and as such would have a detrimental impact on residential amenity of the future occupiers. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New residential development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions.
- 2 The proposed car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety.
the proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, H2/4 - Conversions, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	12/12/23		