

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 04/06/2025	Ref: 71849/FUL
Registration: 10/04/2025	LDfC: 22/05/2025	Expiry Date: 05/06/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Variation of condition 2 (approved drawings) of planning permission 71449 to remove basement living space

Location: 31 Hilton Crescent, Prestwich, Manchester, M25 9NQ

Description

The application relates to a 2 storey semi-detached property which is located with an established residential estate and close to Sedgley Park District shopping Centre.

The property currently operates as a House in Multiple Occupation (HMO) for 6 people (under permitted development) and accommodation comprises a communal kitchen and 2 bedrooms at ground floor and 3 bedrooms at the first floor, one of which is in double occupancy and all of which are en-suite.

The property has a small front garden where bins are stored and a rear garden which extends approximately 6m to the rear boundary. There is unrestricted parking on both sides of Hilton Crescent where residents on this street park.

Planning permission was granted on 19/3/25 for the change of use from a 5 bed/6 person House in Multiple Occupation (HMO) to a 7 bed/7 person HMO and loft conversion with rear dormer.

In the rear garden would be a cycle store for each resident plus an additional bin at the front.

Internally, the existing 5 bedrooms are provided with a kitchenette (for storage, small fridge, sink and kettle) and a work station. The proposed dormer would be located on the rear roof slope and accommodate the 2 additional bedrooms with en-suite, kitchenette and work station facilities

Each room would be single occupancy.

Additional facilities and equipment would be added to the communal kitchen. It was also proposed to utilise the basement to provide a communal lounge and a utility room.

This application seeks a variation of condition (condition 2 - approved plans) to remove the basement living space.

Relevant Planning History

71449 - Change of use from 5 bed/ 6 person House in Multiple Occupation (Class C4) to 7 bed/ 7 person House in Multiple Occupation (HMO) (Sui Generis) and loft conversion with rear dormer - Approve with Conditions 19/03/2025

20/0326 - Change of use of property into apartments - 02/10/2020

Publicity

Letters sent to 36 properties on 29/4/25.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to a condition to provide bin storage

Housing - Public Protection - No objection

Adult Care Services - No response received

Greater Manchester Police - Design for security - No comments to make

Waste Management - No response received

Pre-start Conditions - Not relevant

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
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-P1	Sustainable Places

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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 applicant originally proposed to increase the number of occupiers from a 5 bed 6 occupancy to a 7 bed 7 occupancy HMO but did not propose to provide any additional communal space other than the one kitchen/diner.

Policy H2/4 has regard to the amenity of occupants and SPD 13 - The Conversion of Buildings to Houses in Multiple Occupation seeks to ensure that properties are of a sufficient size and large enough to offer satisfactory levels of accommodation for future residents.

The LPA considered that for 7 occupiers, the kitchen/diner had limited room and seating for the residents to cook and eat and spend time away from their bedrooms and therefore to enable support of the application, advised the applicant to provide an additional communal room should be provided, given the already limited shared space and the added pressure of another occupier.

The basement was therefore proposed as a communal lounge with a seating area and television, together with a separate utility room.

Because of this additional communal room, the application was recommended to approve by the Planning Committee (due to objections received) and the outcome of the meeting was positive for the applicant.

The applicant now states that conversion of the basement is not possible due to the following reasons -

- Having consulted with builders, the ceiling height of the basement would be insufficient to allow for comfortable living space and the cost of the works to achieve the necessary height would not be feasible or environmentally friendly.
- The basement would not provide adequate headroom to meet Nationally Described Space Standards.
- The staircase would not accord with Building Regulations to provide a 2m height.
- The HMO Licensing would not accept a room with a ceiling height of less than 2m.

Whilst the basement may not accord with HMO licensing requirements, Building

Regulations does not require a minimum head height for basement rooms, providing there is a minimum 2m staircase height.

Nationally Described Space Standards requires a minimum floor to ceiling height of 2.3m for at least 75% of the gross internal floor area and **not** the total floor area of the property or total area of that room.

The applicant has also stated that the property as a whole would comply with Bury Council's Houses in Multiple Occupation Guidance and Amenity Standards' Document (Uploaded April 2025 Short HMO guidance for landlords v5 24). Regardless of Licensing requirements, Planning Policies are a separate matter with different considerations.

The communal kitchen/diner, whilst compliant with an HMO license in terms of its facilities and equipment, is limited in space and should 7 persons be using this space at one time, either to cook, eat or relax, it would feel very cramped, with space in the kitchen area limited and only 3 seats to sit and eat.

The proposed occupancy level would significantly restrict the functionality of this communal room, to the detriment of the living conditions of occupiers and there would be nowhere to relax away from bedrooms.

In this regard, if it is no longer possible to bring forward the basement which was the reason the application was supported, then either an additional communal room should be provided for the 7 occupiers or the applicant reverts back to an HMO for 6 persons only.

Ultimately the issue is the quality of shared facilities and resulting standard of living and facilities provided for residents of an HMO and in this case, removal of the basement accommodation would result in sub-standard living conditions.

Not only that, but the original application would not have been recommended for approval to planning committee had the basement not come forward given the increased occupation.

Accordingly, the proposal would fail to provide satisfactory living conditions for occupiers of the property and thus would conflict with Policies H2/1 and H2/4 of the Bury Unitary Development Plan and SPD13. Together, these policies aim to ensure that developments consider the impact on residential amenity of existing and future occupiers.

Conclusion

The basement living accommodation was considered important in providing acceptable levels of space for residents to use and relax away from their bedrooms particularly given the only other communal area would be a kitchen/diner with limited space to cook and eat.

It is therefore considered that the proposal would not be acceptable and would be contrary to policies H2/4 and H2/2.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the increased occupation would result in the significant intensification of the use of the building which would provide poor and sub-standard living conditions and shared facilities by the removal of the basement accommodation. The proposed development would therefore be contrary to H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation, Policy JP-H3: Type, Size and Design of New Housing of the Places for Everyone Joint Development Plan, and the National Planning Policy

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Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	4/6/25		