

DELEGATED REPORT

Report by Claire Booth	Date of report: 23/07/2024	Ref: 70680/FUL
Registration: 24/05/2024	LDfC: 20/06/2024	Expiry Date: 19/07/2024
Site Visit: 06/06/2024	Site Notice: 06/06/2024	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: Proposed conversion of basement to an existing 6 bedroom House in Multiple Occupation (HMO) to form a 7-bed HMO

Location: 521 Manchester Road, Bury, BL9 9SH

Description

The application relates to an end-terrace property located on Manchester Road, Bury. The property forms the northern end of the 5 property terrace.

The property is currently in use as a 6 person House in Multiple Occupation (HMO) which is permitted under Use Class C4. Use Class C3(b) and C3(c) allows up to 6 unrelated persons to live together as a single household where care is, or is not provided respectively, who share basic amenities to live together as a single household. 7 and above unrelated persons living together as a single household falls outside the use classes C3(b), C3(c) and C4 and is a Sui Generis use requiring planning permission.

The existing internal arrangements are such that the property is currently occupied at an occupancy of 6 no persons occupying what was a traditionally 3 bed terrace with the bedrooms historically being on the first floor property only. In this property, the ground floor former front room is in use as an ensuite bedroom and the Loft space has been made into 2 bedrooms.

Permission is therefore sought to change the basement of a property into a bedroom, with a kitchen and seating area. Access to the Basement area would be through the main house.

Relevant Planning History

69894 - Lawful development certificate for proposed basement conversion to increase in no. of tenants from 6 to 7 in a HMO - Withdrawn - Invalid 12/01/2024.

Publicity

Neighbours notified: 29/05/2024

Site Notice erected: 06/06/2024

No public representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections

Environmental Health - Pollution Control - No objections

Waste Management - Verbally advised on what off-highway refuse storage provision

should be provided for 7 occupants.

Property & Technical Services - Estates Consultancy - No comments or observations received.

Adult Care Services - No comments or observations received.

Housing - Public Protection - No comments or observations received.

Greater Manchester Police - designforsecurity - No comments or observations received.

Pre-start Conditions - Applicant/Agent - Not applicable

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
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD13	Conversion of Buildings to Houses in Multiple Occupation
JP-C8	Transport Requirements of New Development

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 property is currently a 6 person House in Multiple Occupation (HMO) which is permitted under Use Class C4.

This application seeks permission to change an existing Basement room to an additional bedroom to allow accommodation for a further resident, thereby seeking to create a 7 Bed HMO.

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 matters for consideration are 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 and surrounding land uses and whether there are any highway issues as result of the proposal.

UDP 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 UDP policies H1/2, H2/1, H2/2 and H2/4.

Internal Layout

In terms of the internal arrangements, it is proposed to convert the Basement area of the property into a bedroom.

Notwithstanding compliance with the Council's HMO Licensing Standards for bedrooms, it is considered that the proposed development needs to accord with the National Space Standards set out by Government, in compliance with the requirements of PpE Policy JP-H3: Type, Size and Design of New Housing. The proposed new bedroom would be 10.22sq.m in size. The bedroom would also be served by basement window which whilst an occupant would have no direct outlook from that window the bedroom would receive natural light through it and enable a degree of outlook when occupants are stood at the window. The Basement area would also contain a kitchen and lounge area and a shower bathroom for this occupant to use, thus effectively creating a self-contained unit, however this proposal obviously would not have a separate access with occupants using the front

door of the property to access and egress the property and the rear door through the shared conservatory attached to both the shared Lounge and Kitchen.

Externally, there would be little change to the existing arrangements and facilities outside of the introduction of a larger bin discussed above. This would see very little amount of amenity space for 7 no occupiers where it would be expected that suitable levels for sitting outside and/or areas to dry clothes should be provided.

Amenity of Future Occupant

The NPPF requires a suitable standard of living is secured for both existing and future occupiers. The proposed Basement bedroom would have a basement window. This window is located below external ground level.

The LPA gave the applicant pre-application advice and stated All habitable rooms (dining rooms/ areas, lounges/ communal spaces and bedrooms) are, and would be, served by natural light and would have openable windows. Any plans for the basement would need to include a cross section of the basement, to show the height of the window in relation to internal and external floor levels. The cross section is required to determine an occupants outlook and to assess the amount of light a room would receive. This information has not been received.

As stated above, the window serving the proposed bedroom is below ground level. The area in front of the window is open and has a lightwell grid over it. This area is not shown on the submitted floor plans, or on the proposed elevations drawings. However, it is clear that the occupant of the proposed bedroom would have no outlook, to the detriment of their amenity. In terms of natural daylight/ sunlight, the frontage of the property faces west and will therefore receive afternoon and evening sunlight, however, due to the below ground position of the window any sunlight will be indirect and due to the narrowness of he lightwell, the bedroom would not receive a satisfactory amount of daylight or sunlight. Due to this and the lack of outlook an occupant of the basement would receive, the proposal would result in unsatisfactory living conditions for the occupant. This particular arrangement would result in very poor living standards for the ground floor resident(s) and would represent poor design.

In terms of the window at the rear serving the Basement, this would serve a kitchen and lounge area. The rear of the property faces east. It is clear from the submitted proposed elevations, that the window arrangement serving the rear of the Basement would likely be the same arrangement as at the front of the property. Therefore, for the same reasons given above, due to the subterranean nature of the proposed development the amenity of future occupants would be compromised, compounding the LPA's views that the amenity of future occupants would be unsatisfactory.

For the above reasons, it is therefore recommended that the application be refused.

Amenity of neighbouring occupiers

In terms of the nature of the surrounding area, this is predominantly residential and characterised by similar sized terraced houses for family living. That said, in terms of additional noise, disturbance and activity likely created by one additional occupier, is considered to be relatively minimal and not significant to a harmful degree to those living nearby. The proposal would therefore cause no demonstrable harm to any neighbouring residential occupiers.

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.

This property has no off-highway parking provision. There is some on-street parking provision available on Hampson Mill Lane adjacent to the south of the terrace.

The application site is considered to be well located in relation to nearby shops and services and is on a bus route into the town centre. Given the sites accessibility to Bury Town Centre, and proximity to local services it is considered that the HMO is located within a sustainable location.

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. The proposal would be located within an established residential area on one of the boroughs key transport corridors, meaning a number of buses run past the front door of this property. The Local Highway Authority, the Traffic Section, consider that the addition of one more occupant in this property and location would not cause demonstrable harm to highway safety.

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 Basement windows to a habitable room being below ground floor level and their enclosure, would have a lack of outlook and sunlight and daylight, leading to a poor standard of accommodation and an unsatisfactory level of amenity for future occupiers, to the detriment of their amenity and would thus fail to constitute good design. The proposed development therefore conflicts with Policy H2/4 - 'Conversions' of the Bury Unitary Development Plan, Supplementary Planning Document 13 - 'Conversion of Buildings to Houses in Multiple Occupation' and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 23/07/2024		HL - 23/07/24	