



Appeal Decision

Site visit made on 7 May 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/B4215/W/23/3333653

32 Mabfield Road, Fallowfield, Manchester, Lancashire M14 6LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Marc Larsen against the decision of Manchester City Council.
 - The application Ref is 136027/FO/2023.
 - The development is retrospective change of use of existing property (HMO) from a six-bedroom let to an eight-bedroom let (Sui Generis) including part ground floor kitchen extension & rear 2nd floor dormer conversion.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use to an 8-bedroom property and the construction of a dormer extension.
2. The appeal is allowed insofar as it relates to the ground floor kitchen extension and the removal of the chimney stack and breast from study/bedrooms 1, 2, 3, 5 and 6, and lounge/dining area, as shown on the Proposed Extensions & Alterations to Existing Property drawing¹, and planning permission is granted at 32 Mabfield Road, Fallowfield, Manchester, Lancashire M14 6LW in accordance with the terms of the application, Ref 136027/FO/2023, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Preliminary Matters

3. The application form states that the development has been completed. During my site visit, I observed a development which appeared to be in accordance with the application plans. Moreover, the Council determined the application on the basis that it was for retrospective development. I have therefore considered the appeal as retrospective development.
4. Following the deadline for final comments, the Places for Everyone Joint Development Plan (JDP) was adopted. Both parties were consulted on the adoption of the JDP. The Council responded to indicate that the wording of Policy SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document, July 2012 (CS) had been amended to reflect the wording in the JDP. I have considered the amended wording when determining whether the appeal proposal complies with CS Policy SP1.
5. In March 2003, planning permission² was granted for a single storey extension to the appeal property's kitchen. This created a small void between the kitchen

¹ Drawing No ML/7574/1

² Planning permission Ref. 067123/FH/SOUTH1/03

wall and the neighbouring property, which has been infilled by the appeal proposal. Also, in March 2021 a certificate of lawfulness³ was granted for the use of the appeal property as a House in Multiple Occupation (HMO) for up to six people.

Main Issues

6. The main issues are:

- the effect of the development on the living conditions of neighbouring residents, with regard to noise and disturbance, refuse storage and the availability of on-street parking; and,
- the effect of the dormer extension on the character and appearance of the area.

Reasons

Living conditions

7. 32 Mabfield Road is a modestly-sized, mid-terrace property and has a close, physical relationship with the properties either side. It does not benefit from off-street parking, nor do other properties along the road. To the rear of the property is a service alleyway where there is communal refuse storage.
8. The appeal proposal includes a dormer extension, which has facilitated the expansion of the appeal property from a 6-bedroom house to an 8-bedroom property. Although, some of the bedrooms could accommodate two people, the occupation of the property could be restricted to a maximum of 8 people by condition.
9. Due to the close, physical relationship between properties, neighbouring residents are vulnerable to increased noise and disturbance. Any increase in activity would increase the risk of noise and disturbance. The dormer extension has facilitated an increase in the maximum occupation of the property by a third. Both the amount of activity and, consequently, the risk of noise and disturbance has significantly increased due to the change of use. Furthermore, the HMO can now accommodate 8 people within a modestly-sized property. As such, the potential amount of activity generated by the appeal property would be disproportionate to its size.
10. I note that there are several HMOs in proximity to the appeal site, and that residents of HMOs may be more accepting of increased activity levels. However, this does not justify the significantly increased risk of noise and disturbance. Likewise, although there is no evidence of any complaints following the completion of the works, this does not indicate that there is not a problem or that a problem would not exist in the future.
11. For the reasons given above, the change of use to an 8-bedroom property has had an unacceptable effect on the living conditions of neighbouring residents, with regard to noise and disturbance.
12. The proposal does not include any changes to the refuse storage. Based on the evidence there is an issue with littering and fly tipping in the surrounding area. However, there is no substantive evidence to indicate that this problem arises

³ Application Ref. 129136/LE/2021

from the use of the appeal property or that it does not include appropriate refuse storage. Whilst there could be a small increase in demand for refuse storage, resulting from an increased occupation, there is no evidence to suggest that it could not be accommodated by the existing facilities. I conclude that the proposal does not have a harmful effect on the living conditions of neighbouring residents, with regard to the provision of refuse storage.

13. There is a high demand for parking in the area. Nonetheless, the appeal property is highly accessible by public transport and is in proximity to cycle infrastructure. This decreases the demand for the use of private motor vehicles. Given the lack of substantive evidence that the area is close to, or has reached, saturation, with regard to on-street parking, I am satisfied that the proposal would not lead to significantly more dispersed parking. Therefore, I conclude that the proposal does not materially harm the living conditions of neighbouring residents, with regard to parking.
14. The appeal proposal also includes the extension to the kitchen and the removal of the chimney breast and stack within internal areas. These works did not directly facilitate the change of use of the property. Given these aspects alone have not facilitated the increased occupation of the property, I conclude that they do not have a harmful effect on neighbouring residents' living conditions.
15. Overall, I conclude that the rear dormer and, consequent, change in use to an 8-bedroom property has a harmful effect on the living conditions of neighbouring residents. This aspect of the proposal is contrary to CS Policies H11, DM1 and SP1 which indicate that proposals for change of use would be permitted where it will not materially harm the character of the area, and all development should have regard to the effects on amenity, amongst other factors.
16. Conversely, I conclude that the kitchen extension and removal of the chimney breast and stack does not have a harmful effect on the living conditions of neighbouring residents. This aspect of the proposal complies with CS Policies H11, DM1 and SP1.

Character and appearance

17. The area is largely characterised by terraced houses which include numerous extensions and alterations. There are several dormer extensions in proximity to the appeal site, most of which include external finishes which match or assimilate with the host property.
18. The dormer extension is sited on the rear pitch of the roof, over the main section of the house. The scale, form and bulk of the dormer is similar to others in the area. Nonetheless, the white uPVC finish makes it appear discordant to the appeal property. It is visually prominent in views from Riga Road and neighbouring properties. The dormer extension appears incongruous within the roofscape due to the external finish not assimilating with the appeal property.
19. It has been suggested that the dormer extension could be permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015, if the external materials matched the appeal property. Nevertheless, they do not. As such, the suggested fallback position is materially different to the appeal proposal and does not set a precedent.

20. I note that the appellant highlighted one nearby property that has a dormer extension clad in white uPVC. The presence of a similar example nearby does not justify development which is harmful to the character and appearance of the area. In any event, the appeal proposal is assessed on its own planning merit.
21. Overall, the dormer extension has a harmful effect on the character and appearance of the area. It is contrary to CS Policies SP1 and DM1, and saved Policies DC1.1 and DC1.2 of the City of Manchester Unitary Development Plan (UDP). These policies indicate that in determining planning applications for extensions the Council will have regard to the general character of the property, and extensions will be allowed where they are not out of character with the style of development in the area, amongst other factors.
22. Within the second reason for refusal the Council indicated that the proposal was contrary to UDP saved Policy DC1.3. The proposal does not represent one of the forms of development that the Council would not support, specified within the policy. Therefore, the proposal is not contrary to this saved policy.

Other Matters

23. The proposal helps meet the demand for student accommodation generated by the nearby university. However, the appeal proposal is not the only means through which the demand could be met. Therefore, little weight is attributed to this as a benefit of the scheme.

Conditions

24. As the construction of the ground floor kitchen extension has already taken place, conditions relating to a time limit for construction, compliance with plans and materials are not necessary. As I have dismissed the dormer extension, it is not necessary to attach a condition requiring details of its external finish to be submitted to and approved by the Council.

Conclusion

25. The appeal proposal includes several different elements. I have concluded that the addition of the rear dormer, which facilitated the conversion of the property to an 8-bedroom property, has a harmful effect on neighbouring residents' living conditions and the character and appearance of the area. However, I have concluded that the extension to the kitchen and removal of the chimney breast and stack, does not have a harmful effect.
26. Having regard to the development plan as a whole and all other matters raised, the appeal should be allowed, in respect of the ground floor kitchen extension and removal of the chimney breast and stack, and dismissed, in respect of the dormer extension and change of use.

J Hobbs

INSPECTOR