

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/01029/FUL	Sam Yuen	11 December 2023

Address: 92 Featherstall Road, Littleborough, Rochdale, OL15 8NY

Proposal: Change of use from dwellinghouse (Use Class C3) to maximum 8 person 8 bedroom HMO (House in Multiple Occupation) (Sui Generis), alteration to fenestration on front elevation, installation of 2 no. cycle sheds to the rear

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: RK

DATE: 23/01/2024

SITE

The application relates to no. 92 Featherstall Road, a two-storey terraced dwelling located west of Littleborough town centre. The dwelling is adjoined by no. 90 Featherstall Road to the east, adjoined by no. 94 Featherstall Road to the west and faces the highway to the south. The rear boundary of the curtilage borders the rear curtilage of no. 1 Whittle Street to the north. To the north-west of the property lies in multiple industrial and commercial units along Foxcroft Road. The property is sited in a prominent junction between Foxcroft Street, Whittle Street and Featherstall Road (A58), a high-trafficked classified road connecting Littleborough with Wardle and Central Rochdale. It is also close to the junction of Whitelees Road (C0006), a classified road providing access to Shore and North Littleborough.

The property comprises a front porch extension and a small rear yard which can only be accessed via the rear curtilage of no. 94.

PROPOSAL

Planning permission is sought for the change of use from a dwellinghouse (Class C3) to a House in Multiple Occupation (HMO) for up to eight person in eight bedrooms (Sui Generis)

The proposed plans also indicate the alteration to fenestration on the front elevation, and the installation of two cycle sheds to the rear yard.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
 SO3	 Improving design, image and quality of place
P3	Improving design of new development
 SO4	 Promoting a Greener Environment
G6	Enhancing Green Infrastructure
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
 SO5	 Improving accessibility and delivering sustainable transport
T2	Improving accessibility
 DM1	 General development requirements

SD1 Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area
EM/7 Development and Flood Risk
EM/8 Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

03/D41767 - Porch Extension To Front Of Dwelling (Retrospective) - Grant subject to conditions

CONSULTATION RESPONSES

Highways and Engineering

There are a number of highway concerns regarding this application.

The application site is located on Featherstall Road which is a classified road (A58) and between two junction Foxcroft Street and Whittle Street and close to the junction of Whitelees Road. The highway network in this location is very busy with conflicting turning movements around the junctions so any impact of the proposed development must be given careful consideration.

The application does not include any parking provision and Highways would expect that the proposed development would generate the provision of four parking spaces. There are concerns that the on-street parking generated by the development would have a detrimental impact on road safety and the free movement of traffic around the busy junctions with the A58.

Additional concerns are had regarding the storage of bins to the front of the application site promoting collection from the A58 which will again create road safety and access issues on the existing junctions.

At this stage Highways cannot support this application because of the highway issues outlined above.

Env Health - Noise/Odours

The Environmental Officer cannot support the application. The increased number of people residing in no. 92 would likely lead to complaints of noise nuisance and general disturbance from the occupiers of the existing residential units.

Conservation and Design

The site is not in a Conservation Area and is not a listed building. While there is some built form present on the first edition OS map, it is clear that the existing buildings have been much altered and may have been rebuilt at a later date.

Given the degree of alteration, it would not be considered as a non-designated heritage asset. There are no heritage objections to the application.

Lead Local Flood Authority/Drainage

No comments received at the time of writing.

Environment Agency

The proposed site location is within 8m of a designated statutory main river. The Environmental Agency have no objection in principle to the proposal but advises the applicant to obtain an Environmental Permit for any relevant activities that will take place within 8m of a main river.

Strategic Housing - HMO

All bedrooms meet the minimum bedroom size of at least 6.5m².

At present, a combined kitchen/living/dining measuring 34.5m² is proposed. From the plans, the kitchen itself would be approximately 11.5m² therefore the shared living/dining space would offer itself 23m² communal space. As per the HMO Space Standards the minimum requirement for a combined kitchen, living, dining would be 43.6m², which would mean the current provision proposed is around 20% undersized.

However, as the kitchen is offset from the living/dining area, I have calculated the measurements separately against our HMO standards. By doing this, the kitchen would be required to meet the minimum standard of 10.2m² and the living/dining area would need to be a minimum of 27.4m², a total of 37.6m² which would mean the current proposal of 34.5m² is around 8% undersized.

The Housing Standards Officer confirms that Strategic Housing would be able to accept, although undersized, this is no more than 10%, and all the bedrooms are over the minimum requirement, some of which offer a double bedroom size with the option for a small chair/seating area within these rooms.

Furthermore, the plans also show that the personal washing provision requirements for an 8 to 10 bed HMO have been met.

With the above in mind, the Housing Standards Officer raises no objection to the proposal.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties alongside a general site notice posted in the vicinity of the host property. Four objection letters were received with the following concerns:

- The proposal does not provide provisions for off-street parking and would add pressure to existing limited on-street parking in the immediate vicinity, to the detriment of the character of the neighbourhood;
- The proposal does not comprise adequate space for cycle sheds;
- The proposed cycle sheds would encroach onto neighbouring curtilages;
- Concerns relating to residential amenity impacts by means of noise, disturbance and overlooking for neighbouring occupiers;
- Concerns relating to devaluation of neighbouring properties.

Officer's Comments:

- Concerns relating to parking provisions and highway safety are addressed under the 'Highways' heading of the report.
- Concerns relating to amenity impacts to neighbouring occupiers including noise impacts are addressed under the 'Residential Amenity' and 'Noise' heading of the report.
- Issues relating to loss of value of properties are not material considerations in the determination of planning applications.

ANALYSIS

Principle of Development

The proposal relates to a HMO for eight unrelated individuals in eight rooms, which is a 'sui generis' use not falling within any use class defined in the Town and Country Planning (Use Classes) Order 1987 amended (only HMO's for up to six individuals encompassing shared facilities, fall within Use Class C4 (Houses in Multiple Occupations)) and the development proposal is a material change of use of the building.

The site is located within the Define Urban Area under Policy G/D/1 and is sustainability located close to Littleborough Town Centre. The development may be considered acceptable principle, subject to the scheme being acceptable by way of the following development management requirements.

Impact on Character and Appearance

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, Paragraphs 131 and 135 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually

attractive as a result of good architecture, layout and appropriate and effective landscaping.

Whilst it is noted the works necessary for the conversion of the property into a HMO predominately relate to internal works, the proposal also seeks to replace the existing front elevation windows alongside the installation of central mullions to facilitate the subdivision of the existing bedroom and lounge. Given the existing openings do not feature mullions as original design features, the division of the front fenestration would appear incongruous and disproportionate with the host dwelling. This effect is intensified when read with the adjoining dwellings, where the appearance of the front fenestration would be distinctly understood to be a subdivided dwelling.

Additional concerns are had with proposed arrangements of refuse bin storage, which is proposed to be stored in the front yard of the property. It is accepted that the existing available space for the property is limited, and that storage of refuse bins to the rear amenity space would not be practicable in the absence of a direct access. Notwithstanding, the conversion of a dwelling of one household to one of eight individuals is likely to result in the proliferation of refuse bins, the siting of which would appear unsightly in the context of the immediate street scene.

The proposed fenestration would fail to comprise a satisfactory standard of design and would be unduly harmful to the character and visual appearance of the host dwelling and surrounding street scene. The design of the proposal is therefore unacceptable and fail to accord with Policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Heritage

The Council's Conservation Officer was consulted as part of the application and noted that whilst some built forms appear on the first edition 1851 OS map, the dwelling and adjoining buildings have since been substantially altered and potentially rebuilt at a later date. The property is not within the setting of a listed building and is not sited within a Conservation Area. Given this, the host dwelling is not considered as a non-designated heritage asset. The Conservation Officer raised no objections. Consequently, no concerns are had regarding any potential heritage impact of the proposal.

Housing Standards and Occupier Amenity

The Housing Act 2004 introduced a licensing requirement for larger HMOs. The proposal falls within the Act's definition of an HMO by way of the intention of it to be occupied by more than one household and in which more than one household shares an amenity, and is: the household's only or main residence; a refuge by persons escaping domestic violence; during term-time by students; or some other purpose prescribed by regulations.

The proposed kitchen space measures 11.5m² and the living/dining space measures 23m², with a total combined floor area of 34.5m². The Council accepts that whilst the proposed combined space falls below the minimum HMO standards of 37.6m², this is

no more than 10% and thus the resultant amenity harm would not be so significant as to warrant refusal. It is also noted all bedrooms would meet the minimum floor space of at least 6.5m², with some comprising sufficient space for a double bedroom and small seating area. The Housing Standards Officer was consulted on the proposed plans and raises no objection. On this basis, the proposal is considered to comprise a satisfactory level of residential amenity for its occupants and would be acceptable.

Residential Amenity

Protection of residential amenity is considered under Paragraph 135 of the NPPF which states developments should ensure a high standard of amenity for existing and future users. Policy DM1 of the adopted Rochdale Core Strategy also states development proposals should ensure they *“do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.”*

With regard to the proposal, the following minimum space standards from Section 4.1 of the SPD is relevant:

- (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room.”*

The proposed internal layouts indicate three bedrooms towards the rear outrigger, each with a single principal window directly facing the side elevation of the single-storey outrigger of adjoined no. 94 at a distance of 3.54m. Bedroom 3 and 7 of the proposed plans would fall significantly short of the required 14m separation distance. Whilst it is accepted the rearmost Bedroom 8 forms part of the existing layout and established relationship, the remaining additional bedrooms would suffer from a lack of outlook and access to natural light, to the detriment to the amenities of the occupants.

The proposed plans indicate bench seating to the rear amenity space, which comprises a narrow paved yard. Whilst this would not form sufficient function amenity space for its occupants, the proposal is assessed as a HMO and not a single household dwelling and as such, the amount of amenity space would not be a relevant consideration in this instance.

Notwithstanding the above, the proposed plans would result in undue harm to the amenity of the occupants, and would not comply with Policies P3 and DM1 of the adopted Rochdale Core Strategy, the SPD, and the NPPF.

Noise and Disturbance

Further to the general requirements of Core Strategy Policy DM1 and Paragraph 135 of the NPPF to ensure a generally high standard of amenity for residential occupiers, paragraph 191 of the NPPF seeks to ensure that new development is appropriate for its location taking account the likely effects of pollution on health, living conditions and the natural environment. In this context, planning decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life. Policy G9 of the adopted

Core Strategy also requires new development does not have impacts that lead to an unacceptable in noise (*inter alia*) pollution.

With regard to the subdivision of dwellings, Section 4.12 of the SPD states the following:

“The subdivision of a property to create additional dwellings or Houses in Multiple Occupation (HMO) can intensify the level of occupation and may give rise to additional noise and disturbance. Neighbouring residents may be affected adversely, either directly, through party walls, or indirectly, as a result of increased traffic movements and parking problems. Large detached dwellings are generally more suitable for sub-division into smaller units; terraced properties, unless large, are less suited to this form of development because of noise transmission through party walls and the likelihood that any on-street parking problems which may exist will be compounded.”

The application property comprises a 3-bedroom C3(a) dwellinghouse, and adjoins to two other dwellinghouses to either side. The proposed change of use would constitute an intensification of the site, not only by virtue of an increase of a number of occupants, but also as a consequence of the occupants’ way of life likely contributing the situation; the site at present is considered to constitute a family dwelling, with familial existence constituting a consistent use profile whereby activity typically peaks during the morning and evenings, and dips throughout the day and eventually settles overnight.

In a HMO for 8 occupants, it is expected that there would be a discernible, near permanent acoustic presence at the site, as individual occupants are less likely to draw parallels in their daily schedules; occupants are less likely to eat, clean, work and relax at the same time. Furthermore, it is considered that the social aspect of a HMO is a key characteristic of the use, with each room comprising adult occupants, each with their own social connections, it would be expected that the frequency of visitors to the property would exceed what would be typical for a residential dwelling.

As such, it is expected that the proposal would result in the frequent comings and goings of people to the site, with movement through the common corridors, traversing the central stairwell, the opening and closing of doors, and other general noise associated with such use, all at various times which would have a greater chance at extending into late evening or the early hours. Such pattern of behaviour and activity is not considered to be compatible with the adjoining residential use, and whilst the level of noise may not amount to a statutory nuisance, it nevertheless has a demonstrable impact on the amenity of the adjoining residents at nos. 90 and 94 Featherstall Rd. A response has also been received from the Council’s Environmental Health Officer which outlines similar concerns over the intensification of use of the building.

Highways

Policy DM1 of the adopted Rochdale Core Strategy requires development proposals to *“provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.”*

It was noted by the Officer conducting a site visit that the intersection surrounding the host property of Featherstall Road, Whittle Street and Foxcroft Street already suffers from a proliferation of on-street parking. In the absence of any parking provisions, given the classified and highly trafficked status of Featherstall Road, the potential intensification of parked vehicles brought on by the increased number of occupants of the proposal is likely to be detrimental to highway safety.

The proposal would result in undue harm to highway safety and would fail to accord with Policy T2 of the adopted Rochdale Core Strategy and the NPPF.

Drainage

Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment.

The application property is sited within an area of Development and Flood Risk, identified under Policy EM/7 of the UDP. Given the proposal does not comprise an enlargement of the existing dwelling, it is considered the flood risk to the proposed development would be acceptable and would comply with Policy G8 of the adopted Rochdale Core Strategy and the NPPF.

RECOMMENDATION

Refuse:

1. By virtue of its internal arrangements, the proposed bedrooms would not comprise a satisfactory levels of natural light and outlook for the occupiers with particular regard to bedrooms 3 and 7, and would result in an unacceptable standard of accommodation for future occupiers. The development therefore fails to comply with the Guidelines and Standards for Residential Development SPD, Policy DM1 of the adopted Core Strategy and the National Planning Policy Framework.
2. The proposed House in Multiple Occupation use would result in the increased internal transmission of noise through the party walls shared with nos.90 and 94 Featherstall Road through an increase in comings and goings of occupants and visitors to the site, and general activities associated with day-to-day living which are likely to extend throughout the daytime and into the late evening. The proposal is therefore contrary to the residential amenity aims of policies G9 and

DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework

3. The proposed development would result in an increase in on-street parking and would increase the risk to the safety of pedestrians on the footway and road users on Featherstall Road. The proposal is therefore detrimental to highway safety, contrary to policies DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.
4. The installation of central transoms in the front facing windows and the storage of an increased number of refuse containers to the front of the property would introduce visually harmful components at a prominent location which would have an unacceptable impact on the character and appearance of the host property and wider street scene. The development would not be well-designed and therefore fails to comply with the requirements of Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

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.

Notes for Applicant:

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- Location Plan and Proposed Site Plan – Drawing No. 92FR/200/BR – dated 09/2022
- Existing Site Plan – Drawing No. 92FR/199/BR – dated 09/2022
- Existing Floor Plans and Elevations – Drawing No. 92FR/201/BR Rev. C1 dated 09/2022
- Proposed Floor Plans – Drawing No. 92FR/202/BR dated 09/2022
- Proposed Elevations – Drawing No. 92FR/203/BR Rev. C1 dated 09/2022