

**APPLICATION No:** 21/77566/FUL

**APPLICANT:** Harry Lewis

**LOCATION:** 40 Kennedy Road, Salford, M5 5FT

**PROPOSAL:** Change of use from C3 dwelling to C4 5 Bed, 5 person HMO, with single storey rear extension with flat roof over

**WARD:** Waste and Seedley



### **Description of Site and Surrounding Area**

The application relates to a residential terraced dwelling on 40 Kennedy Road, Salford. The existing dwelling is in use as a dwelling house (C3). The terrace comprises of 27 dwellings which are set on the back edge of the pavement. The property is two storey and is constructed out of brick with a tiled roof. The dwelling is located in within a residential area.

There are no parking restrictions along Kennedy Road. The rear of the site is accessed via an access passageway.

### **Description of Proposal**

#### *Background*

The change of use of a typical dwellinghouse occupied by a single household in use class C3, to a property used as a 'small' House in Multiple Occupation (HMO) that is shared by between three and six unrelated people in use class C4, could previously have been undertaken without the need for planning permission under permitted development rights.

On Tuesday 14 November 2017 the City Council decided that an application for planning permission is required for the change of use of dwellinghouses to small HMOs. This applies in all of the Central Salford wards (Broughton, Claremont, Pendleton & Charlestown, Kersal & Broughton Park, Ordsall, The Quays, Blackfriars & Trinity, Weaste and Seedley), and the wards of Barton & Winton and Eccles from 25 November 2018, and is secured by what is known as an article 4 direction.

This application is a result of the implementation of that Article 4 direction.

Planning permission is sought for the change of use from C3 dwelling to C4, 5 bed, 5 person HMO, with a proposed single storey extension with flat roof over. The accommodation would be split over two levels with two bedrooms located on the ground floor and three bedrooms located on the first floor. Communal space is provided within the property by way of a kitchen/dining room at ground floor level.

The schedule of accommodation is as follows (approx. and exc. floor space of en-suites where appropriate.):-

Ground Floor

Bedroom 1 = 10.5m<sup>2</sup>

Bedroom 2 = 10.4m<sup>2</sup>

First floor

Bedroom 3 = 10.3m<sup>2</sup>

Bedroom 4 = 10.2m<sup>2</sup>

Bedroom 5 = 10.4m<sup>2</sup>

Communal kitchen/dining = 16m<sup>2</sup>

In order to accommodate the development a single storey rear extension would be constructed. This would project 3.5m from the rear elevation of the existing outrigger and would be 2.74m wide. It would have a finished height of approximately 2.8m and would have a flat roof. The extension would be constructed out of red brick with a single ply rubber EPDM finish to the flat roof.

An area would be available to store bins within the rear yard area.

There is no on-site parking provision within the curtilage of the dwelling.

### **Publicity**

**Site Notice:** Not Applicable

**Press Advert:** Not Applicable

### **Neighbour Notification**

Eight letters of objection (including one from Councillor Wade) have been received in response to the application publicity, raising the following concerns:-

- There are already too many HMO within the immediate area;
- Lack of Car Parking resulting in double parking;
- A further HMO will result in the character of the area being further eroded;
- Increase in noise and disturbance;
- Increase in rubbish and fly tipping;
- Increase risk of anti-social behaviour;
- Inadequate refuse provision;
- Negative impact on the culture, appearance and character of the area;
- The owners of these properties are only interested in economic gain;
- There is an article 4 direction in this area which restrict further HMO's.

### **Relevant Site History**

No relevant site history.

### **Consultations**

Air Quality, Noise, Contaminated Land – No objections.

Highways - No objections.

Senior Drainage Engineer - No objections.

### **Planning Policy**

#### **Development Plan Policy**

Unitary Development Plan - Policy A2 Cyclists, Pedestrians and the Disabled  
Unitary Development Plan - Policy A8 Impact of Development on Highway Network  
Unitary Development Plan - Policy A10 Provision of Car, Cycle and Motorcycle Parking in New Developments  
Unitary Development Plan - Policy DES1 Respecting Context  
Unitary Development Plan - Policy DES7 Amenity of Users and Neighbours  
Unitary Development Plan - Policy DES8 Alterations and Extensions  
Unitary Development Plan - Policy DES10 Design and Crime  
Unitary Development Plan - Policy H1 Provision of New Housing Development  
Unitary Development Plan - Policy EN17 Pollution Control  
Unitary Development Plan - Policy EN19 Flood Risk and Surface Water  
Unitary Development Plan - Policy ST1 Sustainable Urban Neighbourhoods

### **Other Material Planning Considerations**

#### **National Planning Policy**

National Planning Policy Framework

#### **Local Planning Policy**

Supplementary Planning Document Design (Shaping Salford)  
Supplementary Planning Document Design and Crime  
Planning Guidance - Housing  
Planning Guidance - Flood Risk and Development  
Planning Guidance - Claremont and Weaste Neighbourhood Plan

## **Appraisal**

### Principle

Following the implementation of the City's Article 4 Direction, changes of use of single family dwellings to HMO now requires planning permission (in certain areas, including the application site). This was required in order to positively manage amenity and character impacts associated with HMOs and their concentrations, together with the need to maintain balanced communities within the City.

By definition a HMO provides tenanted living accommodation that is occupied by persons as their only or main residence, who are not related, and who share one or more basic amenities e.g. bathroom, kitchen, living room etc. Therefore it is considered that the principle of introducing a HMO into a predominantly residential area is acceptable as the proposed HMO and the surrounding residential properties share common characteristics by virtue of the fact that they are providing living accommodation. The site is located within an area where residential uses are considered to be wholly appropriate.

### *Character of the area*

Policy H1 (1) states that all properties would be required to contribute towards the provision of a balanced mix of dwellings within the local area in terms of size, type, tenure and affordability; In determining whether the proposed mix and density of dwellings on a site is appropriate and acceptable, regard will be had to effect on the character of the area.

There are also other material considerations arising from the impact of the proposal which are to be assessed. These include: "the intensification of use, highway safety, and residential amenity of future and existing occupiers". The City Council does not have a 'threshold limit' on the number of HMO within an area, however, policy H1 is clear that regard has to be had to maintaining a balanced mix of dwellings within the area. An initial record check would suggest that there is one mandatory HMO licence (No.53) and no selective HMO licences along the whole of Kennedy Road, which consists of circa 73 dwellings. Planning permission was granted in March 2020 for the conversion of 43 Kennedy Road into a 4-bed, 4-person HMO (ref: 20/74717/COU).

On this basis it is considered that the proposed change of use would not lead to a material change in character for the immediate area and therefore the proposed use would not warrant a refusal of the application on these grounds. It is therefore considered that the change of use is acceptable in principle subject to compliance with other relevant policies.

### Physical Development

The proposed single storey extension would project 3.5m beyond the rear elevation of the single storey outrigger and would be sited adjacent to the common boundary wall with No.42 and set in approx. 1.5m from No.38 Kennedy Road. There are no ground-floor windows positioned on the rear of No.42's outrigger and it is noted that extensions of a similar projection are already present along the rear of this terrace. Given the finished height of the proposal (2.8m) with a flat roof, the 1.8m (approx.) height of the existing side/rear common boundary walls, it is considered that the proposal would not result in any unacceptable impact in terms of loss of light or be overbearing on No's 38 and 42 Kennedy Road

In respect of privacy, there would be a ground-floor window introduced into the side elevation of the proposed extension facing the common boundary with No.38. However adequate screening would be provided the existing 1.8m high common boundary wall. At first floor level an existing window, which previously served a bathroom, would now form a secondary window to bed 5. A condition has been attached to ensure obscure glazing is provided and maintained to this window. The proposed extension would therefore not result in any unacceptable impact in terms of loss of light or being overbearing.

### Future Occupiers

The proposed change of use would retain a small area of rear yard for the storage of waste. With respect to outdoor amenity space, it is noted that the development is approximately 400m from Buile Hill Park, and as such the level of outdoor amenity space is considered to be acceptable in this case.

The proposed bedrooms range in size from approximately 10m<sup>2</sup> to 10.5m<sup>2</sup>. Each of the bedrooms has a window on either the front, side or rear elevation and are provided with an adequate level of outlook and light. The only source of outlook for bedroom 2 would be by way of a window in the side elevation, which would be approximately 1.5m away from the 1.8m high common boundary wall with 38 Kennedy Road. Whilst not entirely desirable, this relationship is considered to be acceptable, given the rest of the rooms are adequately served and that there is a communal area for use by the occupier of this room.

All the bedrooms are generally of regular shape, with adequate circulation routes and space for wardrobes/cupboards and other incidental furniture. In view of the above, given the internal layout and space, it is considered that the proposed HMO will provide sufficient space, outlook and natural light to provide adequate amenity for the future occupants.

### Parking and Highway Safety

The site is located on Kennedy Road, within a residential neighbourhood with local amenities. There are bus stops located within 200m walk of the site on Tootal Drive, which provide regular connections to Eccles, Pendleton and Cheetham Hill. Additionally, there is the Weaste Tram Stop which provides regular connections to The Trafford Centre, Media city, Eccles and Manchester City Centre. Therefore the LPA considers the development to be located in a sustainable area.

It is noted that no details of parking are provided within this planning application. Therefore, it is anticipated that parking associated with the property is likely to take place on the surrounding streets. Car ownership levels in the area are anticipated to be low, however even if the development were to result in an additional one or two cars parking on-street, the Local

Highway Authority are of the view that this would not have an unacceptable impact on the local highway network.

The proposal is in accordance with policies A2, A8 and A10 of the adopted UDP.

### Drainage/Flood Risk

The Council's Drainage Engineer has been consulted and has advised that there are no objections to the proposal subject to an informative being attached to advise that all drainage works should be undertaken in accordance with Building Regulations Approved Document H.

### Waste/Refuse

At present the property's refuse bins are located in the rear garden and this will continue to be the case. There is sufficient remaining space within the rear yard area to store the required number of refuse bins clear of the highway prior to their collection dates.

### Recommendation

#### **Approve**

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The external materials used shall match those of the existing building so far as practicable.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policies DES1 and DES8 of the City of Salford Unitary Development Plan and the requirements of the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

40KR/200/BR - Site Location Plan and Proposed Site Plan.

40KR/201/BR - Existing Layouts.

40KR/202/BR - Proposed Plan Layouts.

40KR/203/BR - Proposed Elevations and Sections.

Reason: For the avoidance of doubt and in the interest of proper planning.

4. The development hereby permitted shall not be occupied by more than five (5) residents.

Reason: To safeguard the amenity of the future occupants of the development in accordance with policy DES 7 of the City of Salford Unitary Development Plan.

5. The first floor window (serving bed 5) in the southern side elevation facing the common boundary with 38 Kennedy Road shall be fitted with, and permanently glazed, in textured

glass whose obscuration level is at least 3 on the Pilkington scale of 1-5 (where 1 is clear and 5 is completely obscure).

Reason: In the interest of the amenity of residents in accordance with policy DES7 of the City of Salford Unitary Development Plan and the National Planning Policy Framework.

**Notes to Applicant**

1. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
2. All drainage works should be undertaken in accordance with Building Regulations Approved Document H.

3. **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Standing Advice valid from 1st January 2021 until 31st December 2022

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