

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
127017/LO/2020	3rd Jun 2020	3 <sup>rd</sup> June 2021	Withington Ward

**Proposal** Listed building consent for the erection of two storey rear extension to create 9no. self contained flats together with various other works including internal alterations, the rebuilding of gate piers, the laying out of car parking area and the provision of a cycle store and refuse store

**Location** 363 Wilmslow Road, Manchester, M14 6XU

**Applicant** Feltham Management Limited , 20 Aldwych Avenue, Manchester, M14 5NL,

**Agent** Alyn Nicholls, Alyn Nicholls & Associates, 40 Denby Lane, Upper Denby, Huddersfield, HD8 8UN

### **Executive Summary**

This listed building consent application relates to an end of terrace Grade II Listed Building which was formerly used as GP Surgery from the late 1970s until 2010. Listed building consent was granted in 2015 to facilitate the conversion and extension of the property to form 9 no. self-contained apartments. Works were subsequently undertaken to convert the property, but these did not conform to the planning or listed building consents granted. Whilst those unauthorised works are subject to Enforcement action following the dismissal of planning appeals for their retention, the applicant has submitted further applications subject of this report. The proposals seek the erection of a basement plus two storey rear extension with associated works subject to the buildings conversion to form 9 no apartments. This report accompanies that also appearing on this committee agenda in relation to planning application reference 127016/FO/2020.

**Public Interest** – Withington ward members have written to object to the proposals and to support the residents objections. 3 objections from residents have been received and a further objections have been received from Withington Civic Society, South East Fallowfield Residents Group and the Fallowfield Community Guardians. The concerns raised relate to the proposals not improving the social and environmental conditions of the area, and, that the two storey rear extension fails to preserve the Grade II designated heritage asset, causing harm that does not benefit the neighbourhood.

**Principle** – The Council has previously determined that the conversion and extension of the Grade II Listed property to form self-contained apartments is acceptable through the granting of planning and listed building consent references 107448/FO/2014/S1 and 107449/LO/2014/S1. The adopted local planning policies these previous applications were determined under remain up-to-date and unchanged. As set out within this report and that accompanying the planning application the principle of the development is considered acceptable and in

accordance with the adopted local plan policies and the National Planning Policy Framework.

A full report is attached for Members consideration.

### **Background information**

The applicant has undertaken works to convert and extended the application property to form ten residential apartments. As will be set out in the planning history section below, whilst planning and listed building consent was granted in 2015 for the conversion and extension of the property to form nine apartments (application references 107448/FO/2014/S1 and 107449/LO/2014/S1), the works subsequently undertaken were not in accordance with those approvals. The works undertaken increased the number of apartments at the property to 10 in total (a net gain of one apartment), the rear extension constructed is larger and works, to both the interior and exterior of the listed building went beyond that approved in 2015. In addition, alterations and removal of original listed fabric was undertaken which is more significant and intrusive than was envisaged as part of the 2015 permissions.

As such the use and the extensions undertaken are unauthorised and are subject to an enforcement notice seeking the use of the property as apartments to cease and the rear extension to be removed and the rear of the listed building to be reinstated in its original condition.

In order to regularise the unauthorised development that had been undertaken the applicant submitted planning and listed building consent applications in July 2018 references 120505/FO/2018 and 120506/LO/2018. These applications were refused in October 2018 for the following reasons:

*The extension the subject of this application by reason of its excessive size, design and detailing fails to preserve the Grade II designated heritage asset causing harm that cannot and has not been justified by public benefit, and is therefore considered to be contrary to Government Guidance contained in Sections 16(2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12(Achieving well designed places ) and 16 (Conserving and Enhancing the Historic Environment)of the National Planning Policy Framework, The Core Strategy for the City of Manchester, in particular Policy EN3 (Heritage) and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.*

*The installation of in total 11 roof lights on the front and rear elevations fails to preserve the Grade II designated heritage asset causing harm that cannot and has not been justified by public benefit, and is therefore considered to be contrary to Government Guidance contained in Sections 16(2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12(Achieving well designed places ) and 16 (Conserving and Enhancing the Historic Environment)of the National Planning Policy Framework, The Core Strategy for the City of Manchester, in particular Policy EN3 (Heritage) and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.*

*The removal of original fabric to facilitate the conversion of the property fails to preserve the Grade II designated heritage asset causing harm that cannot and has not been justified by public benefit, and is therefore considered to be contrary to Government Guidance contained in Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12 (Achieving well designed places ) and 16 (Conserving and enhancing the Historic Environment) of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Policy EN3 (Heritage) and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City Of Manchester.*

*The use of unsympathetic materials in the construction of the extension and the conversion of the property fails to preserve the Grade II designated heritage asset causing harm that cannot and has not been justified by public benefit, and is therefore considered to be contrary to Government Guidance contained in Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12 (Achieving well designed places ) and 16 (Conserving and enhancing the Historic Environment) of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Policy EN3 (Heritage) and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City Of Manchester.*

An appeal into those decisions was subsequently made by the applicant and these appeals were subject to a Public Inquiry held in May 2019 with the appeals being subsequently dismissed by an independent Planning Inspector in July 2019.

The current application proposals set out below seek to overcome the previous reasons for refusal and reinstate internal features that were lost as part of the unauthorised works.

## **Enforcement**

An Enforcement Notice and Listed Building Enforcement Notice were issued on 14 August 2017; these notices required the cessation of the use of the property as flats and removal of the unauthorised rear extension and remain extant. The recommendation of this application would have no effect on these notices.

The notices were amended to allow for an alternate period for compliance to that originally imposed, this requiring the flats use to cease by 2 February 2020 and then for the demolition of the rear extension by 17 July 2020. All evidence suggests that the property owner complied with the first stage of the notice by the deadline. However, the secondary element was impacted by the Covid-19 pandemic and to allow for the application process to continue without unnecessary hindrance. Officers have taken that further opportunity to continue to work with the applicant and secure a proposal that can now be supported.

The proposal the subject of this application, if granted, would allow the applicant to either implement this scheme or under the terms of the Enforcement Notice and Listed Building Enforcement Notice, restore the land and building to its condition before the breach took place, namely, to demolish the currently unauthorised extension and reinstate the original elevations.

The Council is mindful that Covid-19 measures have not yet fully eased and that in the event of this application being granted it would take time for the applicant to begin its implementation, the Enforcement Notice and Listed Building Enforcement Notice would be amended to allow until 31 March 2022 to achieve compliance with those outstanding elements.

## Description

The application property is a grade II listed building, having been formally designated in 1974, and forms an end property of a short terrace row of three buildings known as 'Norton Place'. The property was originally constructed as a dwellinghouse, along with the other two buildings in the row. Predominately two storey in height, the property benefited from a basement area, two-storey outrigger to the rear and attic accommodation.



**View of the front of 363 Wilmslow Road**

The front of the property has two ground floor bay windows with central entrance doorway and steps. The bays and doorway have distinctive decorative detailing as do the eaves of the property. The upper floor windows have vertical sash windows, with vertical glazing bars, and a more simple stone surround.

The side gable wall to the property has a similar bay window as the front elevation with decorative features and an upper floor window, which again follows the same style and features as the front elevation.

The rear elevation of the property was once characterised by a two-storey outrigger. This was similar to the outriggers, which remain evident within the remainder of the terrace row at properties 359 and 361 Wilmslow Road known as 'Norton Place'.

A low boundary wall and gate post mark the entrance to the front curtilage of the property which once formed the front garden and now consists of hardstanding for car parking. To the rear of the property is a landscaped garden area with cycle store and bin store.

The list description for the property indicates it was in use in 1974 as offices and the planning history for the property indicates it was used as a medical centre from 1979 to 2010, there appears to have been an education use in the building subsequently prior to it becoming vacant.

The surrounding area is mixed use in nature. The application property, together with the other properties in the terrace that form Norton Place, retain their residential character.

### **Development Proposals**

The applicant seeks listed building consent permission for the erection of basement and two storey rear extension to create 9no. self-contained flats together with other works including internal alterations, the rebuilding of gate piers, the laying out of car parking area and the provision of a cycle store and refuse store. The applicants supporting statements indicate that the proposals subject of this application conform closely to the proposals for the conversion and extension of the property to form 9 no. apartments granted planning and listed building consent in 2015.

The application proposals are for 4 no. one-bed duplex apartments on the ground level and basement, 2no. one-bed flats on the first floor, 1 no. two-bed flat in the attic and 2 no. two-bed flats in the extension to create a total of nine apartments. The applicants submitted information indicates that each duplex apartment would occupy one of the original rooms on the ground level and the corresponding space in the lower ground floor. The first floor apartments would each occupy two rooms, front to back, while the two-bed apartment would occupy the three existing rooms on the upper level. The rooms located towards the front of the building on the ground and first floor have been refurbished and returned to close to their original size. The applicant indicates that the number of partition walls introduced have been kept to a minimum throughout the existing building. The extension has two storeys and a floorplate of about 60m<sup>2</sup> per floor. The extension would be constructed traditionally, with loadbearing brick-faced cavity using salvaged bricks, slate roof. Windows and doors are to be of painted timber.

A separate planning application (reference 127016/FO/2020) has also been submitted and is subject to a separate report appearing on the Committee agenda.

### **Relevant Planning History**

March 2001 - Application for Planning permission 061665/FO/SOUTH1/01, Part single part two storey rear extension, new entrance at side of property with access ramp and parking at rear. Approved June 2001.

March 2001- Application for Listed Building Consent 061666/LO/SOUTH1/01, LISTED BUILDING CONSENT Part single part two storey rear extension, new

entrance at side of property with access ramp and parking at rear and internal alterations. Approved June 2001.

May 2008 -Planning application 086507/FO/2008/S1 Erection of a part single/part 2 storey extension at rear of property and entrance ramp and new entrance at side of property. Provision of parking spaces in rear garden with associated landscaping. Approved July 2008.

May 2008 - Application for Listed Building Consent 086581/LO/2008/S1 LISTED BUILDING CONSENT for the erection of a part single/part 2 storey rear extension, new access ramp and side entrance, car parking in rear garden and associated landscaping Approved July 2008.

July 2014 - Planning application 106424/FO/2014/S1 Erection of part single, part two-storey rear extension to existing building together with excavation of rear garden to create nine flats, with landscaping and parking Approved September 2014.

July 2014 - Application for Listed Building Consent 106425/LO/2014/S1 Listed Building Consent for the erection of part single, part two-storey rear extension to existing building together with excavation of rear garden and internal alterations in association with the creation of nine flats, Approved September 2014.

March 2015 -Planning application 107448/FO/2014/S1 Erection of part single, part two-storey rear extension to existing building together with excavation of rear garden to create 9no. self contained flats with landscaping and parking, Approved May 2015.

March 2015- Application for Listed Building Consent 107449/LO/2014/S1 Listed Building Consent for the erection of part single, part two-storey rear extension to existing building together with excavation of rear garden and internal alterations in association with the creation of 9no. flats, Approved May 2015.

June 2017 Planning application 116773/FO/2017, Change of Use from doctors surgery to create 10no. self contained flats including the erection of a basement and two storey rear extension to existing building together with excavation of rear garden with associated landscaping and parking, Refused August 2017

June 2017 -Application for Listed Building Consent 116774/LO/2017, Listed Building Consent for the erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking ,Refused August 2017

July 2018 - Planning application 120505/FO/2018, Erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking, Refused October 2018.

July 2018 - Application for Listed Building Consent 120506/LO/2018, Listed Building Consent for the erection of basement and two storey rear extension to existing

building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking. Refused October 2018.

Appeal against refusal of Planning permission 120505/FO/2018 and 120506/LO/2018 dismissed following Public Enquiry in July 2019.

## **Consultations**

The application was subject to notification letters sent to neighbouring properties and statutory consultees, and also by way of notice posted at the site, and advertisement in the Manchester Evening News as an application affecting a Listed Building. The following responses to these notifications were received:

Councillor Chris Wills – Has written to object. This is a listed building which has recently been subject to a planning inquiry for building a two storey rear extension which was not built according to planning permission. The appeal was dismissed. This was a positive outcome for both local residents and Councillors.

The proposed application does not improve the social and environmental conditions of the area, nor comply with the development plan. Therefore, it does not comprise sustainable development. The two storey rear extension fails to preserve the Grade II designated heritage asset, causing harm that does not benefit the neighbourhood.

Planning permission for a rear extension at 359 Wilmslow Road (part of Norton Place Listed Building) was refused in July 2017. The large rear extension proposed at 363 Wilmslow Road is out of keeping due to its size and bulk and proximity to family gardens in Besford Close at the rear. The proposed extension is very large, almost as large as the footprint of the original building.

If an extension at the rear of 359 Wilmslow Road which forms part of the Norton Place listed building, then equally the proposed extension at 363 Wilmslow Road should be refused for the same reasons.

There is loss of amenity caused by the loss of the front garden to car parking spaces, and at the rear due to the large extension. There is only a proposed small lawn, and an absence of soft landscaping. Residents are especially concerned at the trend for developers in the local area to concrete over front gardens, and this would exacerbate that trend.

This is an important listed building and adding a large rear extension and more flats in the basement is not considered appropriate especially considering former planning breaches and all the expense this has caused for the Council. I would therefore ask that this application be refused.

Councillor Rebecca Moore – Has written to support the objections of residents.

3 Letters of objection were received from residents, a summary of the comments made is set out below:

- The proposals constitute a totally disproportionate and ugly addition to a fine listed building;

- The revised plans only differ from the originals by a couple of metres and the top storey off the extension.
- The previous reasons for refusal remain valid.
- The refused extension at number 359 was much smaller than that proposed.
- The application has nothing to do with desperately needed housing otherwise it would be aimed at those who currently can not afford to buy their own house, it is purely a commercial enterprise.
- The application is a direct challenge to the Planning Inspectorate (and therefore Central Government) and our local authority. The developer, his architect and his advisors on planning law knew perfectly well that in going ahead with the building of the extension he was breaking the original planning guidelines. Since the Inspectors ruling the developer has refused to comply with that ruling.
- The impertinence of a further application, greatly increasing both tenants and income, is a direct challenge to the authority of local government and the planning system and to the residents who live here.
- The timing of the application at a time of great social upheaval which distracts from the original condition that has not complied with the appeal ruling. The application must be refused and the Inspectors decision implemented.
- There is no further need for residential flats in this area.
- The developer removed a beech hedge which has created a loss of privacy to the residents on Besford Close. Residents of the flats are able to view over the gardens at the rear of Besford Close.

Withington Civic Society – Much store is now placed by the applicant in seeking approval to the present applications on the 2015 approval and the similarity between the approval now sought and what was granted in 2015. This similarity may be correct, though clearly there are differences and the WCS would urge these to be considered carefully.

South East Fallowfield Residents Group - The refusal of listed building consent at the public enquiry found that the extension was too dominant in relation to the main building. The extension was completely out of character with UPVC windows, plastic drainpipes, additional roof lights and the original front steps had been removed from the front of the building etc. Internally the 'restoration' also involved the removal of period cornicing, skirting boards and picture rails and a general loss of spaciousness which would have typified a Victorian villa of these proportions and design.

The new plans that have been submitted appear to address many of the concerns that were raised but we still strongly believe that this application represents an overdevelopment of this site and that the new extension is much too large for this plot. This building is the only listed building in our area, it is in a very prominent position on the South Manchester corridor and objections from community groups and neighbours illustrate how important - and valued - it is by the local community.

The current application seems to attach weight to the fact that these plans for the extension works are similar in scale to the plans submitted in 2015 which were approved. We would like it noted that our community group (and other local groups we have spoken to) were not informed about the 2015 application and had we been notified (as is normally the case), we would definitely have objected at that time.



We are now 6 years on and the local - and national - situation is quite different. There is no need for extra accommodation in the area, and especially in light of Covid 19, there is likely to be surplus accommodation available in the months and years ahead.

The developers may argue that the size of this development is necessary for the viability of the project however we would maintain that a simple and good quality development of the main building would have yielded a large enough return and that the extra costs accrued in the previous applications and enquiry should not be factored in, in any assessment.

Car Parking - The application is for 9 flats and yet there are only 7 car parking spaces (including 1 disabled parking space). This is wholly insufficient bearing in mind that around 20+ people could potentially live here and that it isn't possible to park on Wilmslow Road. To provide extra spaces would take up valuable outside amenity and again shows this is an overdevelopment of the site. MCC's core strategy makes mention that developments should have 'appropriate parking facilities'.

Garden - The communal garden area seems very small relative to the number of flats and this is mainly because of the size of the extension. The lay out of the garden with steps leading up from the area around flat 6 mean that it is likely that the remaining flat dwellers will be left with the small area of top lawn. Moreover the garden itself is completely devoid of soft landscaping, this barren and exposed landscape would make it an unattractive place for residents to use and there would be very limited wildlife. In light of Covid 19, we think that garden areas are more important than ever to local people and those with children, in particular, will find this extremely difficult.

Size of the flats - Many of the very small flats are unusually arranged over two floors and although they just about conform to the nationally described space standards (37m<sup>2</sup> for a one bedroom), it looks like the stairways have been included, if we remove this from the equation they are very small indeed.

Bin storage - Is this sufficient bearing in mind the potential numbers living in this block and the need for recycling.

Fencing or hedging - We are unclear what plans, if any, have been made for the boundaries, especially those along the back which adjoin other housing. This is necessary from both a noise and privacy point of view to all residents and neighbours and anything which would further help buffer sound and aid privacy would be welcomed.

We would like to request that if planning permission is granted for this new development (and we hope that it will not be) that a condition of any consent should be that the flats should not be let as short term Airbnb accommodation, or similar. We would like to encourage long term residents to this area and we believe this is in line with the council's strategy to create 'sustainable neighbourhoods of choice'.

Fallowfield Community Guardians - Strongly feel that the planning process needs to protect the amenity of the local area and the creation of more flats in the basement and the addition of a large two storey rear extension would create more bedspaces in an area which is already oversaturated with flats. The proposed application does not improve the social and environmental conditions of the area nor comply with the development plan and therefore does not comprise sustainable development. The two storey rear extension fails to preserve the Grade II designated heritage asset causing harm that does not benefit the neighbourhood. The amenity space is considerably reduced by the loss of front garden to car parking spaces and the rear because of the large extension. The loss of this amenity space is considered inadequate for nine flats with twelve bedrooms.

## **Policy**

The development plan consists of the:

- Manchester Core Strategy Development Plan Document (Adopted July 2012); and
- The extant Unitary Development for the City of Manchester (Adopted 1995)

*The Manchester Core Strategy Development Plan Document 2012 -2027* ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP). The Core Strategy sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the development plan unless material considerations indicate otherwise.

The relevant policies to in considering this application are as follows:

Policy SP1 '*Spatial Principles*' states that one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice all in a distinct environment. The proposals would allow the conversion and occupation of a designated heritage asset in the form of flats contributing towards the provision of a range of as residential dwellings in a distinct environment.

Policy EN1 '*Design principles and strategic character areas*' . The proposals have taken into account the sites location on a major radial route and have had regard to the character of the area in which the development is located.

Policy EN3 '*Heritage*'. The proposals have been presented as, enhancing the historic environment, the character, setting and accessibility of the listed building.

Policy DM1 '*Development Management*' consideration has been given by the applicant to the siting design and scale of the development together with the

proposed materials and detailing to reflect the designated heritage asset that it relates to.

For the reasons set out within the main body of this report, it is considered that the proposal is consistent with the policies contained within the Core Strategy

*The Unitary Development Plan for the City of Manchester* was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which remain part of the development plan and the starting point for decision making pursuant to section 38 (6) of the Planning and Compulsory Purchase Act. The below saved policies are considered relevant.

Saved policy DC5 '*Flat conversions*' states at DC5.2 that there will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock. The application proposals seek the re-use of an old property that had been previously vacant for some time for residential use.

Saved policy DC19 '*Listed Buildings*' states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The application proposals would secure a permanent long term residential use of the listed building.

For the reasons set out within the main body of the report, it is considered that the development is consistent with the policies contained within the UDP.

#### The National Planning Policy Framework (February 2019)

*The National Planning Policy Framework (NPPF)* sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 192 in Section 16 (Conserving and enhancing the historic environment) states that in determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

## **Legislative Requirements**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Issues**

**Principle** – As set out within the preceding parts of this report listed building consent approval has previously been granted for the conversion of the application property to 9 no. self-contained apartments facilitated by the erection of a rear extension. In granting the planning approvals in 2015 this established that the principle for residential use and extension of the building was acceptable. These decisions were made in the context of the same local planning policy context as the current applications presented in this and the accompanying listed building consent report. As such, the principle for the conversion and extension to this property to provide self-contained apartment residential accommodation is considered to be acceptable.

**Effects on the listed building** - The frontage of Norton Place presents a grand and broadly symmetrical Italianate style elevation to Wilmslow Road. The stucco rendering, deep eaves with ornate bracketing, central feature gable, Corinthian pilaster doorways, canted bay windows and stone quoining at either end, serve to create a visually prominent and distinctive local landmark. Whilst the side gables are less detailed, they are considered to have been designed as part of the overall aesthetic of the terrace of properties that forms Norton Place. The rear elevations of the properties on Norton Place are more subservient of stock brick construction and considered utilitarian in appearance, and were more modest in terms of materials and of windows openings but together demonstrate the historic development of the area and the age in which they were built. The principle significance of the Grade II listed building at 363 Wilmslow Road are the front and side elevations with the rear elevation reflecting the character of more modest detailing and finishes.

The Historic England (HE) Listing of Norton Place indicates that an interior inspection of the property was not undertaken at the time of its listing in 1974. The guidance of HE is that listing descriptions were not intended to be a comprehensive or exclusive record of the special interest or significance of a building. It is fact that the whole of a listed building is covered by its designation, including its interior. In this instance the internal configuration of the building was previously compromised by small scale unsympathetic alterations and additions that were undertaken in association with its previous usage over a period of time. However, evidence available indicates that prior to the unauthorised works having taken place, there were present within the interior of the building decoration and finishes that contributed towards the appreciation of the original construction of the building. These included flagstones, decorative plasterwork, skirtings and architraves, timber panelling and shutters to bay windows and original doors. It is considered therefore that the interior of the building did contribute to the special interest and significance of the building and the proposals impacts on the significance of the interior is required.

*The proposed extension* - In terms of the proposed extension, it is located to the rear of the building behind the more distinctive front and side of the building, this does result in a less prominent appearance of the proposal which is further reduced from the extension constructed given the full reduction of a storey in height. The reduction in height and inclusion of a more traditional roof profile to the extension would assist in reducing its bulk and visual dominance that was apparent in the built extension previously refused and upheld at public inquiry. In addition, the inclusion within the application proposals of window sizes and styles more reflective of the original rear elevation, together with segmental arch features more closely reflect the rear elevations of the group of properties forming the listed Norton Place. As such it is considered that the proposed rear extension does reflect the hierarchy of significance of the listed building in continuing to reflect a more modest and subservient built form to the more significant front and side elevations. It is considered that the proposed extension would result in harm to the listed building, as the front and side elevations of the application property would remain largely intact as a result of the proposal the level of harm is considered to be of less than substantial harm.

*Internal works* – A number of internal alterations were undertaken to the property to facilitate its conversion to residential flats. The removal of original fabric included flagstones, decorative plasterwork, skirtings and architraves, timber panelling and shutters to bay windows and original doors. Reconfiguration included the insertion of staircases between the basement and ground floors of the duplex flats, some removal of previous partitions and the insertion of new partitions, including those to create lobbies at the flat entrances, the insertion of suspended ceilings on the ground and first floors and the raising of the ground floor. Some of these works have had a beneficial impact on the property through the removal of later additions or interventions.

Whilst the listed building consent of 2015 envisaged some internal alterations to facilitate its conversion, the works undertaken including removal of original fabric were not granted consent. The applicant has indicated that many of these works such as the installation of false ceilings and vestibules at flat entrances were introduced for fire safety purposes and to assist in acoustic and thermal insulation. At the time of the appeal inquiry into the refusal of application 120506/LO/2018 the Inspector noted that “there is no evidence in this case that the alterations undertaken were necessary to meet building regulations”. The provision of these false ceilings was identified as having hidden both original lathe and plaster ceilings and original cornice detailing whilst diminishing the character and proportion of the higher status ground floor rooms in the property.

As part of consideration of this application the applicant has provided further evidence and specialist advice including options appraisals with regards to the provision of the false ceilings to the ground floor rooms to ensure that they meet fire standards and building regulations whilst improving the appreciation of the ground floor rooms. As such the option considered to be most acceptable would see the suspended ceiling raised by approximately 80mm to the bottom of the existing cornice. This would enable the development achieving Building Regulations compliant fire separation and Building Regulations acoustic separation; and the opportunity to record and preserve in-situ the existing lathe and plaster ceiling (the

suspended ceiling is reversible and can be removed in the future). Whilst this option would still not allow the existing ceiling and cornice to be visible it would allow the reproduction of a cornice below. These works would give rise to some loss of appreciation of the proportions of the ground floor rooms which have been considered to be of a higher status in the building and contained original fabric and features. However, the raising of the false ceiling together with the incorporation of a recreated cornicing detail would assist in reducing the impact of the works to convert the property.

In addition to the above the proposals also seek:

- the re-instatement of timber panelling to the bay windows to the ground floor rooms
- detailed drawings of these features have been submitted as part of the application.
- The provision of replacement picture rails and moulded skirting boards;
- Re-instatement of acanthus design console brackets within hall.



**Cornice and Hallway console brackets to be reinstated**



## **Wooden panelling to ground floor bay windows that were removed and are to be replaced with replica panels and shutters**

The programme and full details for these works would be secured via appropriately worded conditions.

The current proposals seek to resolve and replace the lost original fabric in the form of faithful recreations. The Council does have evidence available through previous applications, together with the supporting information for this application of the features and fabric lost through the unauthorised works undertaken such as wooden panelling and shutters to the principle ground floor rooms. This information and evidence provides a reasonable basis in which to have a degree of confidence that any works approved could be successfully undertaken and whilst not being of original fabric would help to set an appreciation of the character and proportions of the higher status rooms which have been identified on the ground floor and had been previously lost.

It is considered that these works, whilst acknowledging that they correct previous unauthorised works, would benefit the building and that these together with other works, would have modest heritage benefits.

*Other works* - In addition to the rear extension the proposals incorporate a number of other works to the building that would replace elements installed as part of the unauthorised works to the property these include:

- The replacement of uPVC windows and doors with timber sliding sash windows;
- The installation of three no. rooflights to the front roof plane (instead of the 6 installed) and 4 no rooflights to the rear roof plane (instead of 5 installed)
- The replacement of uPVC rainwater goods with heritage cast iron downpipes and guttering
- Removal of boiler vents and alarm boxes from the side gable wall
- Reinstatement of stone gateposts
- Reinstatement of stone flight of steps to front entrance

The re-introduction of traditional timber framed windows to the existing building together with more appropriately sized timber windows to the proposed extension and rear elevation are considered to reduce the degree of harm of the loss of the original windows from the building.

The installation of 3 no. rooflights reflects the position approved under the 2015 consent, they have been sited to balance and line through the first floor front windows. The installation of the roof lights in the rear roof slope are not prominent. It is considered that these elements are less harmful additions and would allow the conversion of the property to residential use.

The de-cluttering of the side gable of unauthorised flues/vents and alarm boxes would improve the visual appearance of this element of the building.

When considering the overall harm to the listed building, the proposal would not lead to 'substantial harm' or the total loss of the significance of the designated heritage



asset, that being number 363 Wilmslow Road and the group of Grade II Listed Buildings identified as 'Norton Place'. However, the erection of the extension is considered to lead to less than substantial harm to the significance of a designated heritage asset. Therefore in accordance with Paragraph 196 of the NPPF '*where a development proposal will lead to a less than significant harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use*'.

*Implementation of any scheme approved* – The proposals subject of this listed building consent application would require the removal of an unauthorised extension and repair/refurbishment works to the interior of the designated heritage asset in order that they are implemented. The Council is cognisant of the requirement and potential impacts of these works on the building. Whilst these are subject to separate enforcement action, as detailed elsewhere, it is considered essential that these matters are also addressed. It is considered that works to remove those elements that have been identified as harmful through the previous appeal process will need to be undertaken carefully to avoid further harm or damage to the designated heritage asset. Whilst some details have been provided with the application further detailed method statements for those works will be required and conditions of any approval would deal with these matters.

*Public Benefit* - The improvements to the front and side elevation of the property together with the proposed works to replace the stone steps and gate posts, together with the renewal of the front forecourt parking area would derive a direct and visible public benefit given the significance of these elevations within the immediate area.

The proposals would result in the re-use of an designated heritage asset and secure its long term use whilst contributing to the overall stock of residential dwellings in a highly sustainable location. This is considered to be of a major public benefit, difficult to convert older buildings are at more risk of deterioration and neglect if not in use. A residential use would secure the longer-term future of this designated heritage asset.

The key features of the heritage asset, that being the front and side elevations of number 363 Wilmslow Road would remain broadly unchanged, although alterations are to be made to the internal fabric of the application property. Any potential identified harm to the building therefore, is to the rear elevation and the proposed internal works required to facilitate the conversion of the property.

In this instance it is considered that the public benefits deriving from the proposals and allowing the re-use and occupation of the designated heritage asset in residential use outweigh the identified less than substantial harm.

It is also considered that the principles established through the 2015 planning permission in terms of scale, footprint and height of the rear extension in terms of harm are still relevant and were taken at a time when the tests of harm in heritage terms had been established in the National Planning Policy Framework (2012). Whilst the NPPF has been refreshed since 2012 most recently in February 2019 it is considered that the conclusions reached in approving that scheme are material to the conclusions set out above.

**Conclusion** – As set out within this report, the current applications are the culmination of an unhappy period for this designated heritage asset. The scheme now presented whilst following the general principles of that granted approval in 2015 in terms of the scale, height and footprint of the rear extension does provide further improvements including to the sizes and design of the windows to be incorporated into the extension together with further internal works to replicate some of the historic features lost as part of the unauthorised works, including timber panelling and shutters to the ground floor front rooms. As such the proposals are considered to be acceptable and the public benefit of the residential use of the building together with the other improvements outlined outweigh the less than substantial harm identified.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation**      APPROVE

### **Article 35 Declaration**

The application has been considered in a positive and proactive manner as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any problems arising in relation to dealing with the application has been communicated to the applicant.

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

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

363-OD-0102 01 Proposed and Existing site plan - as received on the 28th May 2020

363-OD-0110 Rev 02 Cross Section (As Proposed)  
363-OD-0111 Rev 02 Interior Details (Sheet 1)  
363-OD-0112 Rev 02 Interior Details (Sheet 2)  
363-OD-0113 Rev 02 Window Details (Sheet 1)  
363-OD-0114 Rev 02 Window Details (Sheet 2)  
363-OD-0115 Rev 02 Front Steps Details  
363-OD-0116 Rev 02 External Works Details  
363-OD-0117 Rev 01 Window Details (Sheet 3)  
363-OD-0119 Rev 01 Replacement Window Shutters  
363-OD-0120 Rev 01 Window Shutters (View)  
363-OD-0121 Rev 01 Suspended Ceiling Datasheets  
All as received via email on the 14th September 2020

363-OD-0109 Rev 03 Elevations (As Proposed)  
363-OD-0118 Rev 02 Roof Details – both as received via email on the 17th October 2020

363-OD-0108 Rev 04 Floor Plans (As Proposed)- as received via email on the 20th May 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) No development shall commence (including any demolition or site set up works) until a method statement for the construction works to be undertaken to implement the approval have been submitted to and approved in writing by the City Council as local planning authority. The submitted statement shall include methods to protect the listed building whilst works are being carried out on the building and at the site. The development shall be subsequently carried out in accordance with the agreed details.

Reason - To ensure works are undertaken to protect designated heritage assets, pursuant to policy EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

4) No development that is hereby approved shall commence unless and until samples and specifications of all materials including mortar specification to be used on all external elevations of the development and including: gate posts; front steps; and, all hard landscaping materials have been submitted to and approved in writing by the City Council as local planning authority. The development shall be subsequently carried out in accordance with the agreed materials.

Reason - To ensure that the appearance of the extension to this Grade II Listed Building is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in

policies EN3, SP1 and DM1 of the Core Strategy and saved Unitary Development Plan policy DC19.

5) Prior to the installation of the new false ceiling to the ground floor of the property, a detailed method statement for its installation including: details of the types, fixing method and position of supporting structures and ceiling in relation to existing heritage features; materials and finishes of the ceiling; details of the refurbishment and repair of original fabric to be concealed by the ceiling including a full record of the original fabric to be concealed; together with the details of the new cornicing to be installed to the new ceiling including moulding specifications and design, shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be installed in accordance with the agreed details prior to the first occupation of the development hereby approved.

Reason - In the interests of visual amenity, and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

6) No rainwater goods nor pipes shall be installed nor affixed other than rainwater goods and pipes constructed of cast iron and coloured black. All such goods shall kept coloured and be in situ prior to the first occupation of the development hereby approved.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building in accordance with saved policy DC19.1; of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

7) No works, to install the timber panelling and shutters to ground floor windows as shown on the approved drawings shall commence until details of the work has been submitted to and approved in writing by the City Council as local planning authority. The details shall include method statements for installation; details of materials and finishes; and fixtures and fittings required for installations. The development shall be subsequently carried out in accordance with the agreed details prior to the first occupation of the development hereby approved.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building in accordance with saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

8) The details of the picture rails, moulded skirting boards, acanthus design console brackets within hall, as indicated on the approved drawings shall be installed prior to the first occupation of the development hereby approved.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building in accordance with saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 127017/LO/2020 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

**Rusholme, Fallowfield & Moss Side Civic Society**

**A map showing the neighbours notified of the application is attached at the end of the report.**

**Representations were received from the following third parties:**

South East Fallowfield Residents Group  
Fallowfield Community Guardians  
Withington Civic Society  
Councillor Chris Wills  
Councillor Rebecca Moore  
2A Egerton Road, Manchester, M14 6XW

**Relevant Contact Officer :** Robert Griffin  
**Telephone number :** 0161 234 4527  
**Email :** robert.griffin@manchester.gov.uk

