

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
124320/FH/2019	24 <sup>th</sup> Jul 2019	14 <sup>th</sup> Nov 2019	Didsbury East

**Proposal** Retrospective application for the reconstruction of external brick work to front and side elevations of dwelling

**Location** 53 Kingston Road, Manchester, M20 2SB

**Applicant** Shaheean Khan, 53 Kingston Road, Manchester, M20 2SB,

**Agent** Mr Richard Lee, Richard Lee Project Planning, 29 Clonners Field, Nantwich, CW5 7GU

## **Description**

This application was placed before the Planning and Highways Committee on 19<sup>th</sup> September 2019 and at that meeting the committee deferred deliberation in order to allow Members to undertake a site visit. The application was then placed before the Planning and Highways Committee on 17<sup>th</sup> October 2019 but the applicant requested that it be deferred in order to allow for a sample panel of the brick tinting to be prepared

53 Kingston Road is a 2 storey detached dwellinghouse located within the Didsbury St. James Conservation Area. 53 Kingston Road is one of seven identical detached dwellings (the *Shirley Houses*), located on the eastern side of Kingston Road, which were constructed as accommodation for staff by the Shirley Institute, now Towers Business Park.

The property sits in spacious grounds, beyond which to the north and south sit nos. 47 and 55 Kingston Road respectively, both 2 storey detached dwellings. To the east of the site there is a thick landscape belt running along the common boundary with The Towers Business Park. To the west of the site, on the opposite side of Kingston Road, stands no. 56 Kingston Road, a part single/part 2 storey detached dwelling.

Planning permission to erect a two storey rear extension and a single storey side extension to the property was approved in January 2018 under reference 117633/FH/2017. This planning permission was conditional upon using matching bricks in the construction of the extensions in order to maintain the uniform look of the *Shirley Houses*. It became apparent during the construction of the extensions that the approved brick (Ibstock Birtley Olde English) had not been used. Furthermore, for structural reasons the applicant removed the outer skin of the front elevation and completely rebuilt the side elevations using instead a Weathered Pre War Common type brick.

Given the use of the non-matching bricks and the fact the rebuilding work was undertaken while the extensions approved under planning approval 117633/FH/2017 were being constructed, the applicant was informed of the need to apply for the rebuilding of the front and side elevations and this forms the basis of the application now before the committee. In addition to applying to retain these rebuilt elevations,

the applicant is also proposing to colour tint them so that they match the remaining *Shirley Houses*. While not part of this proposal the applicant would also be colour tinting the extensions approved under planning permission 117633/FH/2017 to ensure that all the new brick work matches the other *Shirley Houses*.

The applicant has also applied for planning permission to erect a brick garage at the side of the dwelling, along with a front brick boundary wall and gateposts, and this application is also before this committee (Item 7, 121460/FH/2018). As with this application, it is also proposed to colour tint the brickwork used in the construction of the garage.

The difference between the rebuilt elevations of no. 53 Kingston Road (on the left) and the adjoining dwelling (one of the *Shirley Houses*) is shown below:



## Consultations

**Local Residents** – One letter of objection has been received, the comments are outlined below:

- It was always a key condition of the planning consent to retain the appearance of the front and south elevation of the house, as number 53 Kingston Road is one of seven identical 'Shirley Houses' within the conservation area. The front and south walls were to remain original, thereby ensuring that the development maintained the character of a 'Shirley House' as much as possible.
- The application for variation only covers the front and side elevations of the original house (walls that were supposed to remain original and had not been approved for re-construction). Any new walls were to be constructed using approved Ibstock Birtley Olde English bricks. The whole development, including the entire house and the unapproved enclosing walls and garage, has not been constructed using the approved Ibstock Birtley Olde English bricks and have been constructed using the same unapproved bricks as the

re-constructed front and side elevations. The work undertaken at 53 Kingston Road is now effectively a new build, completely in contravention with the approved planning consent.

- The front and side walls were sound, and should any repairs have been necessary, there were thousands of original bricks available, due to the demolition of other walls within the property.
- The windows and doors within the front and south side elevations now have unapproved re-constituted stone mullions, which none of the other 'Shirley Houses' have
- It is accepted by the owner that the bricks used do not harmonise or match the adjacent 'Shirley Houses', hence the application now submitted for approval. To correct this deviation from planning consent, it is proposed that 'Bricks to be tinted to match adjacent 'Shirley Houses''". However, the datasheet supplied with the application of the treatment to be used states that it is clear and does not tint bricks.
- Go guarantees or assurances can be given as to the possible colour changes or longevity of the effect of the treatment. The treatment is intended to give the bricks an 'aged' appearance, it is not intended to change the colour. It is not possible for the manufacturer to determine how long the treatment will last, so it can therefore only be considered as a temporary measure. Even if the treatment was effective in significantly changing the appearance of the bricks so that they matched, or at least harmonized with, the adjacent 'Shirley Houses', how can it be effectively managed by Manchester Planning throughout the lifetime of the building that planning consent is maintained?
- How can this application be approved when it is not possible to know what effect the treatment will have and therefore, it is not possible to know if the treatment will be effective in addressing the issue?

**Didsbury Civic Society** – No comments received.

## **Policies**

**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:

- a) Approving development proposals that accord with an up-to-date development plan without delay; or
- b) 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.

Paragraph 201 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

Paragraph 202 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

**Core Strategy Development Plan Document** – The 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) as the document that 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 Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled

ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which are:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

**Saved UDP Policies** – Policy DC18 is considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
  - i. the relationship of new structures to neighbouring buildings and spaces;
  - ii. the effect of major changes to the appearance of existing buildings;
  - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
  - iv. street trees);
  - v. the effect of signs and advertisements;
  - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment

and where the Council has been furnished with evidence that the development will be undertaken.

- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

**The Manchester Green and Blue Infrastructure Strategy (G&BIS)** – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

**Manchester Residential Quality Guidance 2016** – Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016).

The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of

emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

**Issues**

**Design** – The design of the rebuilt elevations is considered acceptable. The front elevation still incorporates the same ratio of brickwork to windows, has a bay on the ground floor and a decorative arch over the door. The side elevations still incorporate a number of windows to avoid a completely blank elevation and rather than use brick headers and cills the applicant has used a reconstituted stone material, which is considered acceptable in this instance.

The roof remains as approved, i.e. constructed from slate, again this is considered acceptable.

The original and proposed front elevations are shown below.



While the design of the elevations is acceptable, what is of concern is the brick that has been used in their construction, namely the Weathered Pre-War Common, as they do not match the colour of the remaining *Shirley Houses*. To overcome these concerns the applicant is proposing to colour tint these elevations (along with the extensions approved under application 117633/FH/2017 and the garage proposed under application 121460/FH/2018) to ensure that they resembles the colour of the other *Shirley Houses*. As the rear elevation is not visible from the public highway or



from the adjoining business park there would not be a requirement to colour tint that elevation.

The tinting would be undertaken by hand by Bebbington Brick Services, recognised experts in this field, with each brick being treated individually and guaranteed for 40 years. To ensure a good match the applicant would be required to provide a sample panel of the tinting, this would be enforced via condition no. 2. The tinting of the bricks is considered to be an acceptable solution to the matter and its implementation would be subject to a condition. An example of the process is shown below.



**Impact on Didsbury St. James Conservation Area –** Policy EN3 of the Core Strategy, along with section 12 of the NPPF, states that consideration must be given to the impact of new developments on heritage assets. In this instance, the application site is located within the Didsbury St. James Conservation Area.

The Didsbury St. James Conservation Area, which lies nine kilometres south of the city centre, was designated in November 1970. It is centred on the historical core of Didsbury, at the junction of Wilmslow Road and Stenner Lane, and covers an extensive area. Most of the conservation area is on level ground, but there is a slope down Millgate Lane, Kingston Road and Stenner Lane where the higher land gives way to the lower level of the Mersey flood plain. Architectural styles vary from the Perpendicular of St James's Church to the Classical and Gothic of public buildings and of the more grandiose houses. Remnants of older and more modest houses exist in simple vernacular character.

A great variety of building materials is used in the conservation area. Most common is red brick for walls and blue slate for roofs. Stone dressings, in conjunction with brickwork, are used extensively, and several buildings are built entirely of stone, notably the two churches. The whole of the conservation area, with the exception of playing fields, is well wooded. The trees serve not only to screen one group of buildings from another, but to provide a unifying, leafy backdrop to the whole area.

The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved UDP policy DC18, along with the

objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials. In terms of informing the character and form of new development in the area, it is considered that careful consideration should be given to the existing character of the area including the size, mass and appearance (including materials) of the older buildings.

If no. 53 Kingston Road was an individually designed property the use of the Weathered Pre-War Common brick in its construction would not be contentious. However, this property is one of a series of identically designed properties built for a specific client in the 1920's, i.e. The Shirley Institute, and the remaining dwellings have all retained their original brickwork and on the whole remain unchanged, resulting in a recognised feature of this part of the conservation area.

It is believed that without the colour tinting referred to earlier the appearance of the proposal would have a detrimental impact upon character of the conservation area. However, it is considered that the proposed colour tinting would ensure that the proposed elevations would more closely resemble the original *Shirley Houses* and for this reason it is considered that the proposal results in "less than substantial harm" upon the character and setting of the Didsbury St. James Conservation Area.

**Public Benefit of the Proposal** – Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, in this case the Didsbury St. James Conservation Area, this harm should be weighed against the public benefits of the proposal.

It is acknowledged that if left untreated the bricks used in the construction of the front and side elevations would have a detrimental impact upon the character of this conservation area and upon the levels of visual amenity enjoyed along Kingston Road. In treating these elevations it is recognised that no. 53 Kingston Road would more closely resemble the remaining *Shirley Houses*, which would be of a positive benefit to the character of the conservation area. The proposed scheme also has the public benefit of overcoming the harm caused by the inappropriate materials without the need for future disruption from the demolition of the outer walls of the main house and the additional impacts from the construction process.

**Impact upon the nearby Listed Building** – The proposal would have no physical or visual impact upon the nearby listed building, namely The Towers and no. 40 Kingston Road, given that they are both approximately 95 metres away.

**Visual Amenity** – Currently no. 53 Kingston Road does form an incongruous feature in this part of the conservation area, given that it no longer matches the other the *Shirley Houses*.

However, as it is acknowledged that the colour tinting would remedy this issue and ensure that the property would resemble the remaining matching dwellings, it is considered that proposal would not have a detrimental impact upon the levels of visual amenity enjoyed in the vicinity of the site.

**Pedestrian and Highway Safety** – The proposal would have no impact upon current levels of pedestrian and highway safety enjoyed along Kingston Road.

**Ecological Impact of the Tinting Solution** – Concerns have been raised about the impact of the brick tinting process and the chemicals to be used. The tinting solution would be applied by brush, rather than by spraying, and this would ensure that its dissipation throughout the atmosphere is limited. In addition, it should be noted that when diluted the soluble silicates in the tinting solution are indistinguishable from naturally dissolved silica. Given this, it is acknowledged that the tinting solution would not have any far reaching effects on the wider environment.

## **Conclusion**

It is recognised that the *Shirley Houses* are a feature of the conservation area and that they offer a unified frontage on this section of Kingston Road. It is also acknowledged that if the bricks were left untreated the proposal would have a detrimental impact upon the character of the conservation area. However, given that the bricks used in the construction of the rebuilt elevations are to be colour tinted to match the neighbouring dwellings, it is considered that this proposal does not compromise the setting of the *Shirley Houses* nor impact upon the overall character of the Didsbury St. James Conservation Area and as such the development results in “less than substantial harm”.

**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 polices 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 approval of the application is proportionate to the wider benefits of approval 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**

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to the planning application.

**Conditions to be attached to the decision**

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

- a) Drawing no. 9321/001E and 120E, stamped as received on 24<sup>th</sup> July 2019.
- b) The Brick, Masonry and Mortar Weathering Tint Product Data Sheet (Bebbington Brick Services), stamped as received on 24<sup>th</sup> July 2019.

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

2) a) Within two months of the date of this permission a sample panel of treated brickwork shall be prepared on site and shall be inspected by the Local Planning Authority.

b) Any required changes following the inspection shall then be carried out within a further one Month period and again inspected by the Local Planning Authority.

c) The agreed final finish shall then be approved in writing by the Local Planning Authority and the remainder of the house shall then be finished in accordance with the agreed details within a further three month period. The finish shall then be retained at all times thereafter.

Reason – In the interests of visual amenity and to protect the character of the Didsbury St. James Conservation Area, pursuant to Policies DM1 and EN3 in the Manchester 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: 124320/FH/2019 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.

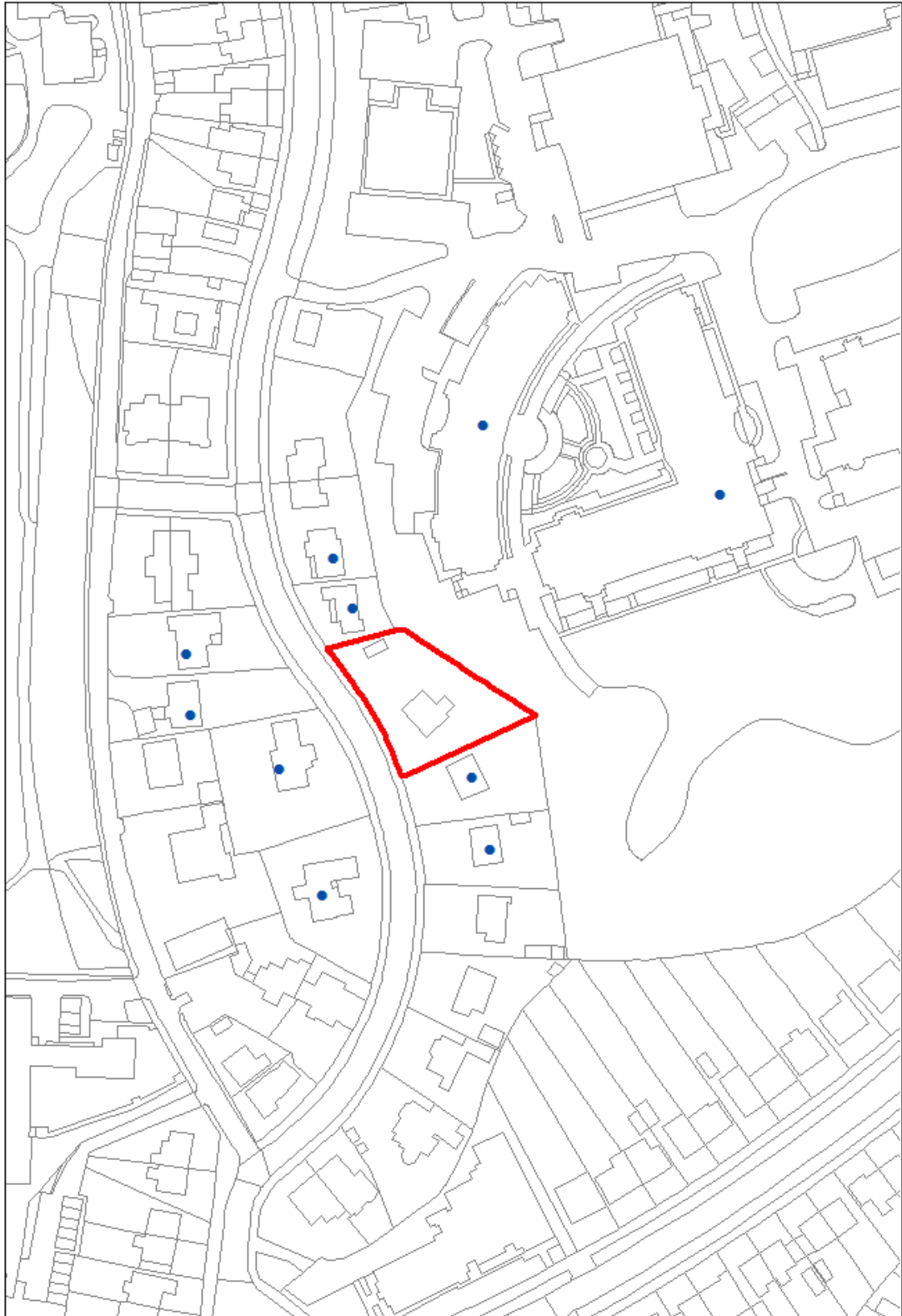
**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Didsbury 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:**

<b>Relevant Contact Officer :</b>	David Lawless
<b>Telephone number :</b>	0161 234 4543
<b>Email :</b>	d.lawless@manchester.gov.uk



 Application site boundary  Neighbour notification  
© Crown copyright and database rights 2019. Ordnance Survey 100019568