

44 KINGSTON ROAD,
DIDSBURY,
MANCHESTER

BUILT HERITAGE STATEMENT

PREPARED BY PEGASUS GROUP ON
BEHALF OF Mr I WEINSTOCK

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

BUILT HERITAGE STATEMENT

ADDRESS: 44 KINGSTON ROAD, DIDSBURY.

ON BEHALF OF: MR I WEINSTOCK

Prepared by: Simon Britt MRTPI IHBC

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1. Introduction

- 1.1 Pegasus Group have been commissioned by Mr Ian Weinstock to prepare a Heritage Statement to support an application for Planning Permission at 44 Kingston Road, Didsbury (the site) as shown at Plate 1.

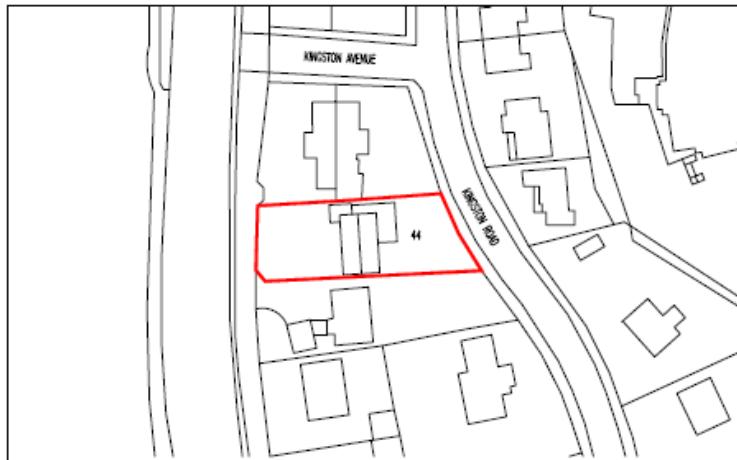


Plate 1: Site location.

- 1.2 The site comprises a house that was built in 1970 and is within the Didsbury St James Conservation Area.
- 1.3 This Statement of Heritage Significance provides information with regards to the significance of the historic environment to

¹ NPPF, MHCLG, 2019

fulfil the requirement given in paragraph 194 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

- 1.4 As required by paragraph 194 of the NPPF, the detail and assessment in this Report is considered to be *"proportionate to the asset's importance"*.

Methodology

- 1.5 Full details of methodology utilised in the preparation of this Heritage Statement is set out in Appendix 1.

APPENDIX 1: METHODOLOGY

- 1.6 For clarity, however, it is confirmed that the guidance provided in the following key documents has been taken into account:

- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment²;
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets

² Historic England, Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (2nd edition, Swindon, July 2015)

(Second Edition)³, the key guidance of assessing setting;

- Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1 Swindon. Historic England;
- Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12⁴; and
- Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment.⁵

1.7 In terms of sources, the assessments have been informed by:

- The National Heritage List for England for information on designated heritage assets.
- Online archival sources, including historic mapping.
- Census returns data.
- Aerial photographs available from Historic England.
- A site visit.

³ Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition, Swindon, December 2017)

⁴ Historic England, Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12 (Swindon, October 2019)

Legislation and Planning Policy

1.8 Legislation and Planning Policy pertinent to the consideration of this applications, is set out in Appendix 2.

APPENDIX 2: PLANNING POLICY FRAMEWORK

⁵ English Heritage, Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (London, April 2008)

2. Site Development and Planning History

Map Regression



Plate 2: Tithe Plan for the township of Didsbury, 1845.



Plate 3: Ordnance Survey, 1848

- 2.1 The 1848 Ordnance Survey plan and the Tithe plan of 1845 show the site as an enclosed field as Kingston Road had not yet been laid out. The application site occupies plot 421 on the plan which the tithe apportionment described as arable land called 'Moor Side' and owned by William Wood Esq and tenanted to Samuel Walker.

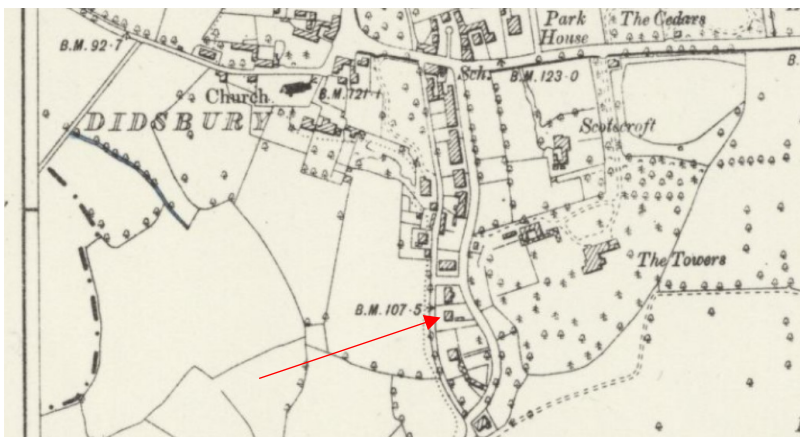


Plate 4: Ordnance Survey, 1895.

- 2.3 Kingston Road was first laid out in 1852 as part of project in which the British Freehold Land Society aimed to sell 131 house plots.⁶ The project never materialised, and the street was developed with a series of later Victorian villas, some of which occupied sizeable plots, such as Kingston House, - the house that occupied the plot prior to the extant property.
- 2.4 The Ordnance Survey plans from 1895 and 1911 (Plate 4 & 5) show Kingston House as a square plan building with an associated L-plan building within its curtilage. It is likely that the house was orientated to face Millgate Lane, where gate piers still bare the name of the house.

⁶ Ian Douglas, Maureen Douglas and Nigel Lawson Manchester, 2020. Discovering history and conservation in Didsbury: East Didsbury, Didsbury St. James



Plate 5: Ordnance Survey, 1911.

- 2.5 Kingston House is seen in aerial photographs of the street in 1927. The aerial photograph also shows the extent of 20th-century housing on the east side of Kingston Road (Plate 6).

Conservation Area Geographical Society. Exploring Greater Manchester; a fieldwork guide.

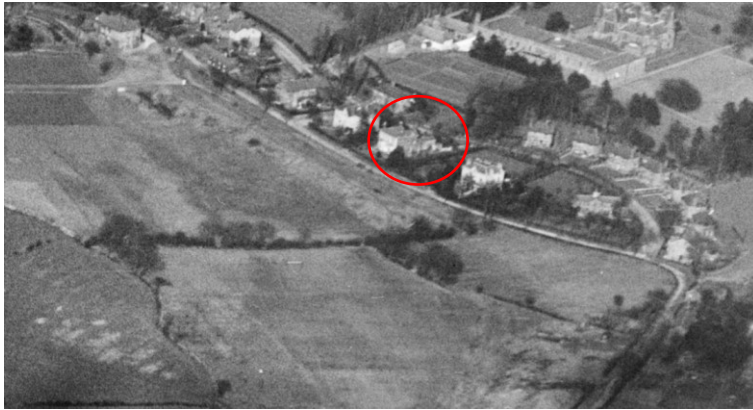


Plate 6: Aerial image, 1927.

(Source: Britain from Above ref: EPW017410)

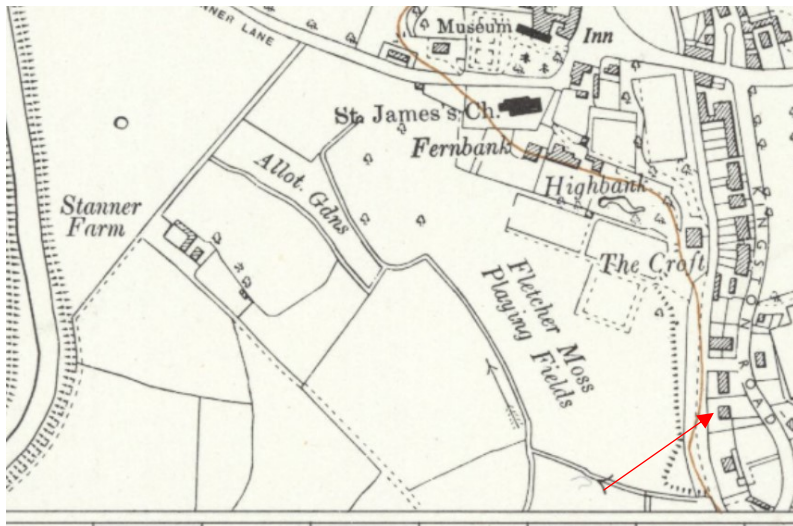


Plate 7: Ordnance Survey, 1955.

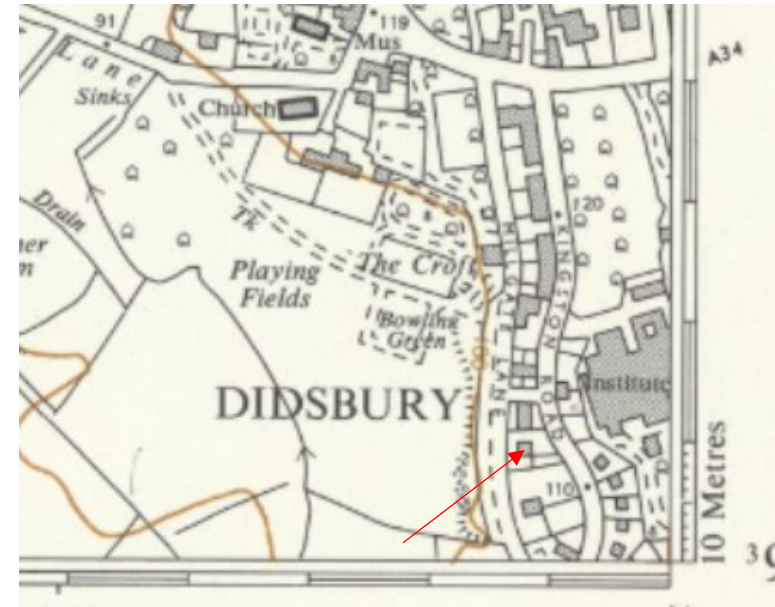


Plate 8: Ordnance Survey, 1966.

- 2.6 In c.1970 Kingston House was demolished, and its grounds were divided to create two plots and redeveloped with two detached houses - No. 44 (the site) and No. 21 Millgate Lane. These houses are typical of the period with shallow roofs, flat roofed garages and large windows.
- 2.7 Since their construction there has been little change at the site, as can be seen in aerial images (Plate 9 and Plate 10).



Plate 9: Aerial photograph of the site, 1985.



Plate 10 Aerial photograph of the site, 2021.

Planning History

2.8 Whilst the historic mapping described above describes the development of the local area, a review of the recent planning history records held online by Manchester City Council has also revealed the following application which is relevant to the current proposals:

- Planning Permission reference 129790/FO/2021: Erection of a two storey dwellinghouse following demolition of existing dwelling. Withdrawn on 1st July 2021.

2.9 The proposals which this Heritage Statement supports addresses comments made by Planning Officers which lead to the application being withdrawn.

3. Proposed Development

- 3.1 The application seeks Planning Permission for the demolition and redevelopment of 44 Kingston Road, Didsbury with a detached dwelling.
- 3.2 The proposals are detailed on the following plans which form the application package and which this assessment considers:

Plan	Drawing No.
Block Plan	ZT19-196-00
Existing Site Plan	ZT19-196-01
Existing Plans	ZT19-196-02
Existing Elevations	ZT19-196-03
Proposed Site Plan	ZT19-196-04
Proposed GF and FF	ZT19-196-05
Proposed Second Floor	ZT19-196-06
Proposed Elevations	ZT19-196-07
Existing and Proposed Street Elevations	ZT19-196-08
Existing Site Plan with Tree Locations	ZT19-196-09

4. The Heritage Asset and Significance

- 4.1 The application site comprises a detached house that was built c.1970 within the Didsbury St James Conservation Area. The following paragraphs describe the site and Conservation Area and summarises their heritage significance.
- 4.2 The application site is not considered to contribute to the special interest or form part of the setting of any Listed Building within the Conservation Area and thereby Listed Buildings are not considered within this Statement.

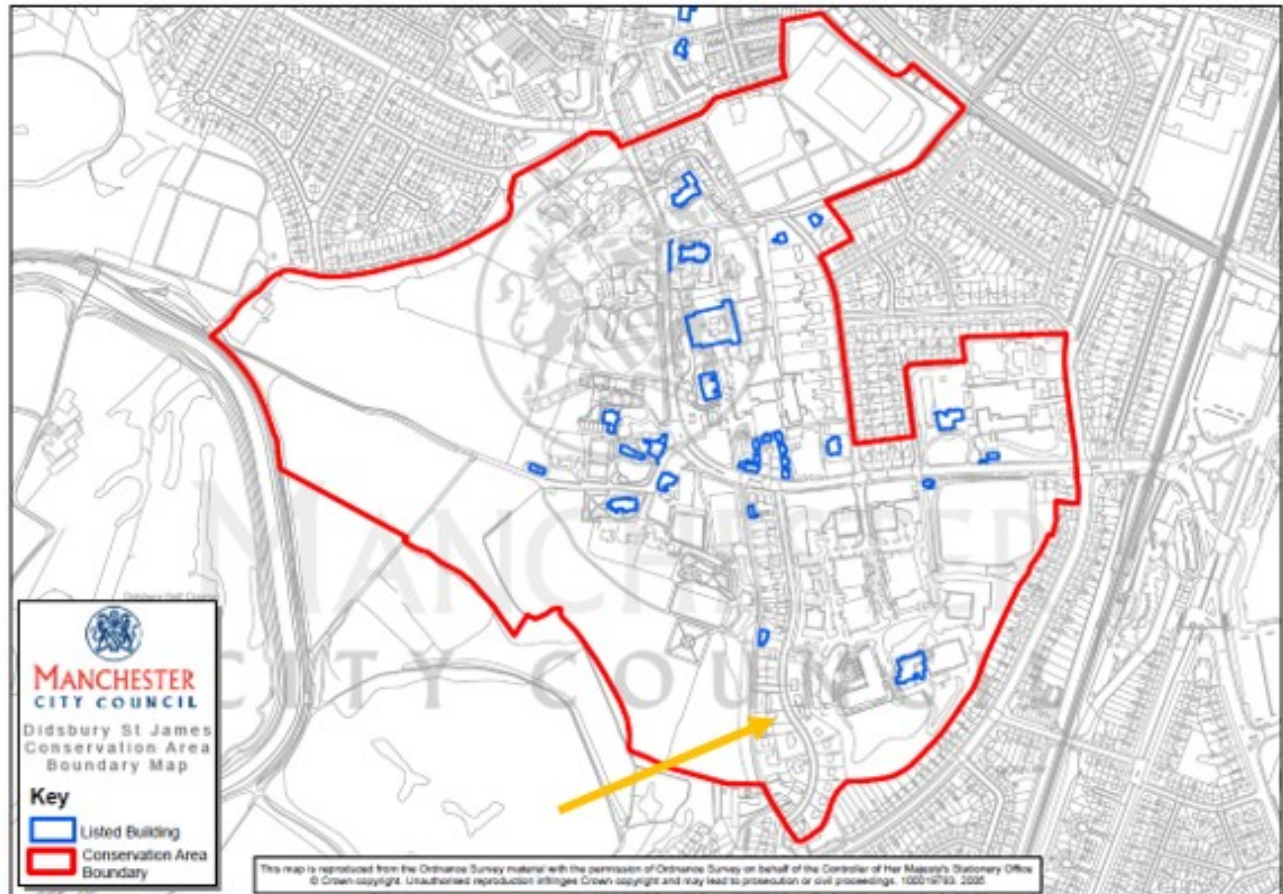


Plate 11: The Didsbury St James Conservation Area – application site highlighted by the arrow.

4.3 The Conservation Area, which is located nine kilometres south of the Manchester city centre, was designated in November 1970.

4.4 It is centred on the historical core of Didsbury, at the junction of Wilmslow Road and Stenner Lane, and covers an extensive area. The boundaries include Ford Lane, Didsbury Park and Sandhurst Road to the north, the backs of properties on Parrs Wood Road to the south-east, a ditch draining the Mersey flood plain to the south-west and the River Mersey to the west.

History

4.5 An appraisal of the Conservation Area is published on Manchester City Council's website. The appraisal summarises the history of the area as follows:

"Prior to the Industrial Revolution, Didsbury was a small agricultural hamlet within the sub-manor of Withington. The earliest recorded reference to it is provided by the granting, in 1235, of land for the building of a chapel. This became the parochial church of St. Oswald, later changing its name to St. James in 1855. Near the church on Stenner Lane was a spring or well which provided water and permitted the growth of the hamlet over the next few hundred years.

The local antiquarian, Alderman Fletcher Moss, described the hamlet as it was at the end of the 18th century in idyllic terms as a collection of half-timbered, thatched cottages, a smithy and handloom-weavers' houses, as well as the church and two inns fronting on to the village green. The point where Stenner Lane leads from the green between the two inns was known as 'The Gates of

Hell' because, as Fletcher Moss explained: "...there are two inns on the roadway, and many there be that go in thereat; and narrow is the way that leadeth to the church, and few there be that find it."

Around the end of the 18th century a few larger houses were built, including Broome House, Didsbury House (also known as Mosley Hall) and the Old Parsonage (the former home of Fletcher Moss). However, the 19th century brought more radical changes and the character of the conservation area as it is today established by businessmen who had acquired their wealth from the Industrial Revolution and who built large villas and country houses among the trees overlooking the River Mersey and on avenues such as Didsbury Park.

The Towers, owned by the proprietor of the Manchester Guardian, John Edward Taylor, was the largest of these residences. It was purchased in 1874 by Daniel Adamson, the engineer who instigated a meeting here at which the decision to construct the Manchester Ship Canal was taken. In 1920 the house was purchased by the British Cotton Industry Research Association, which named it the Shirley Institute after the daughter of a Stockport Member of Parliament, William Greenwood.

The conservation area also contains examples of more modest houses of this period, such as those in Kingston Road and the Grove, which benefit considerably from their fine wooded setting. The latter were built by the Watts family for their farm managers in the 1870s. Another eminent family, the Simons, lived at Lawnhurst, now Rosecroft School, and later at Broomcroft Hall which was donated to the Victoria University. The 19th century also saw the influence of Methodism in the area with the establishment in Didsbury House, and its purpose-built extensions, of The Northern Branch of the

Wesleyan Theological Institution, later Didsbury College, and with the opening of St Paul's Methodist Church in 1877.

With the growth of the railways, Didsbury was absorbed by the resultant urban sprawl, and it became part of the City of Manchester in 1904. The Corporation's influence on the conservation area can be seen in the laying out and maintenance of parks and playing fields, the expansion of Didsbury College after 1945 and in the re-use of other buildings.”

- 4.6 The original house (Kingston House) that occupied the site and built between 1848 and 1895 is likely to have been built by someone with wealth who wanted to benefit from its more rural surrounds at that time, overlooking the fields to the west of the lane (Millgate Lane). Owners at the end of the 19th-century and early 20th-century included a warehouseman (1891); a retired chemist (1891); and a chartered accountant (1901 & 1911)⁸.

Character and appearance

- 4.7 Kingston Road extends southwards from Wilmslow Road and is a residential street. Nineteenth-century houses predominantly occupy the west side of the street with those at the northern end backing onto Millgate Lane.
- 4.8 The southern end of the road is of a lower density than the northern end with houses generally occupying larger plots and are more of a mix in both style and period. Here some of

properties face both Kingston Road and Millgate Lane, overlooking Fletcher Moss Park.

- 4.9 The high number of trees across the area provide a strong sylvan character.
- 4.10 Whilst the southern end of Kingston Road is more mixed in character, architecturally the Conservation Area as whole, including much of Kingston Road is 19th-century in appearance, with several of the modern properties taking design cues and inspiration from the period.
- 4.11 The following paragraphs summarise materials and architectural details that are considered to give the area its built architectural identity and character, especially Kingston Road.

Materials

- The predominant material in the area is brick with a higher quality facing brick often used for the front elevations and laid in a Flemish or English bond. Side elevations are a common brick laid in English Garden Wall bond. The area makes use of polychrome brickwork, where window reveals, or courses are picked out in a contrasting brick colour or shade (see images A & B in Plate 12).
- The use of stone is limited to window sills and lintels.
- Roofs are generally covered with Welsh slate with simple collared ridge tiles. Projecting gables often

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https://secure.manchester.gov.uk/info/511/conservation_areas/924/didsbury_street_james_conservation_area/2 accessed 18th January 2022.

⁸ According to the census returns for these years.

have decorative terracotta ridge tiles and finials.

- Timber is reserved for use for windows, doors, and barge boards.

Architectural details.

- Gables: The majority of the buildings along the street have gables facing the street to accommodate a second floor. Most have barge boards (see images A, C, D, E, F, G, I in Plate 12).
- Roofs: The majority of houses that are 2.5 storeys, i.e., have attic accommodation, have gables to both the front and the side elevations (1, 3, 4, 6, 10 in Plate 12).
- The combination of hipped roofs and gables in some parts of the Conservation Area is influenced by German architecture arising from the influx of German immigrants and merchants in the 19th-century.
- Eaves: Several houses have timber eaves brackets, or make use of decorative brick, or corbelling of the bricks (see images B & F in Plate 12).
- Chimneys - The majority of the houses have chimneys.

Windows and doors

- Windows: These are generally of vertical proportions, being taller than they are wide, and where original survive they are timber sash windows. Ground and first floor windows are usually of identical proportions with the attic floor windows being smaller (see images A, B & F in). Ground and first floor windows are often within a projecting bay, which might be canted or square (see images A, B, C, D, E & F in). Where windows are wider, they usually comprise a pair of sash windows with central brick or stone mullion, or set under a single lintel (see images C, E, F, G & I in Plate 12).
- Doors: Front doors are a principal design feature in the 19th-century houses in the area. They are either a single door with fanlight above (see image D & E in) or have side lights coupled with a fanlight (see image C & F in Plate 12). The door surround is either arched, or has a stone lintel to match the window lintels, where they are stone. Some front doors are recessed within an open porch (see image C & F in Plate 12) or set under an monopitch canopy (image A).



A



B



C



D



E



F



G



H



I

Plate 12: The 19th-century character and appearance that forms the special character of the Conservation Area, especially Kingston Road.

No. 44 Kingston Road



Plate 13: Front elevation (Kingston Road elevation).



Plate 14: Rear, garden elevation (Millgate Lane elevation).

- 4.13 No.44 Kingston Road was built c.1970 alongside neighbouring No. 42 Kingston Road, with no regard to the character and appearance of the surrounding area. Instead, it adopted an architectural style and appearance that was common in the 1960s and 1970s. The building is also in distinct contrast to the predominant style and scale in the surrounding area – this is seen with it adopting a shallow roof; using painted weatherboard instead of brick; being wider than it is tall which creates a strong horizontal emphasis; and using windows of several proportions, some adopting use of large plate glass whilst others have infilled timber panels to the lower sections. The protruding double garage with flat porch roof supporting by a steel column are further features common to the style and period.
- 4.14 No evidence has been identified to suggest that the house was designed and built by a renowned architect or was commissioned by any person of note.
- 4.15 The building is not a rare type. The style was commonly built on plots and estates across England in the period and thereby is not rare or unique.
- 4.16 In assessing the building against the suggested criteria by Historic England for identifying buildings that positively contribute to the character and appearance of a Conservation Area (Table 1) it is not considered a building that positively contributes and might only be considered to offer a neutral contribution to the area at best.

Is it the work of a particular architect or designer of regional or local note?	No
Does it have landmark quality?	No
Does it reflect a substantial number of other elements in the conservation area in age, style, materials, form or other characteristics?	No
Does it relate to adjacent designated heritage assets in age, materials or in any other historically significant way?	No
Does it contribute positively to the setting of adjacent designated heritage assets?	No
Does it contribute to the quality of recognisable spaces including exteriors or open spaces within a complex of public buildings?	No
Is it associated with a designed landscape, e.g., a significant wall, terracing or a garden building?	No
Does it individually, or as part of a group, illustrate the development of the settlement in which it stands?	No
Does it have significant historic associations with features such as the historic road layout, burgage plots, a town park or a landscape feature?	No
Does it have historic associations with local people or past events?	No
Does it reflect the traditional functional character or former uses in the area?	No
Does its use contribute to the character or appearance of the area?	No

Table 1: Consideration of contribution of No. 44 against the checklist table suggested by Historic England to identify positive contributors to the Conservation Area.⁹

⁹ Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1 Swindon. Historic England., p.21.

- 4.17 There is little evidence of the former 19th-century house (Kingston House) remaining at the site other than for the boundary walls between No. 42 Kingston Road which appear to be 19th-century, although altered, and the pedestrian gate piers to Millgate Lane. However, the brick boundary wall to Millgate Lane is modern.



Plate 15: The pedestrian gateway piers that served the original Kingston House but set within a modern wall.

Statement of Significance

- 4.18 There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets.

- 4.19 ICOMOS guidance recognises that in defining significance a degree of professional judgement is involved and states:

*"...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative assessment using professional judgement is inevitably involved."*¹⁰

- 4.20 However, it is widely accepted that not all parts of a Conservation Area will necessarily be of equal significance¹¹. In some cases, certain elements of an area can accommodate substantial changes whilst still preserving its significance. Significance can be derived from many elements, including the historic fabric and appearance of buildings, the layout of space or land use associated with a building or an area.
- 4.21 The significance of the Didsbury St James Conservation Area varies with regard to individual buildings and spaces within it, but when considering the area that would be affected by the proposals, i.e., the site, and Kingston Road, it is clear that the significance and special interest of the Conservation Area in this part lies with its:

¹⁰ International Council on Monuments and Sites (ICOMOS). 2011 Guidance on Heritage Impact Assessment for Cultural World Heritage Properties. Paragraph 4-10

- **Architectural interest:** although it is recognised as a settlement with much earlier origins the area and especially Kingston Road is an area that was radically changed through development in the 19th-century which is still reflected in the high number of dwellings and buildings that survive from this period and retain many of their original materials and architectural details thus ensuring a strong sense of Victorian character. Nineteenth-century style is frequently adopted within new build development thus further preserving the 19th-century character of the area.
- The numerous trees are also of interest in their contribution to the townscape character.
- **Historic Interest:** the area reflects the demographic, economic and social changes over several centuries and especially so following the industrial revolution when the village rapidly developed into a suburb of Manchester with the arrival of new houses, residents, forms of transport and public spaces and buildings.

Contribution of No.44 to the significance of the Conservation Area.

- 4.22 No.44 is considered to not contribute to the significance, interests, or special character and appearance of the Conservation Area, its contribution is considered to be at best neutral only.

¹¹ NPPF paragraph 207.

5. Assessment of Harm and Benefits

5.1 Given that the Site is within the Didsbury St James Conservation Area the proposals have the potential to impact upon the character and appearance of the Conservation Area.

5.2 This Section addresses the heritage planning issues that warrant consideration in the determination of the applications for Planning Permission in line with the proposals set out in Section 3 of this Report.

5.3 The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Sections 72 confirms that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and therefore this needs to be the primary consideration when determining the proposed application.

5.4 The Planning and Compulsory Purchase Act (2004) also requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.

NPPF considerations

5.5 Chapter 16 of the NPPF relates to the historic environment. Paragraph 190 c and d reminds us to take into account:

c. The desirability of new development making a positive contribution to local character and distinctiveness; and

d. Opportunities to draw on the contribution made by the historic environment to the character of a place.

5.6 Chapter 12 relates to well-designed places. Paragraph 130 b and c expects planning decisions to ensure that developments:

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

c. Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Guidance considerations

5.7 Planning Practice Guide: The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. Whilst the proposals are for demolition and new development the PPG makes it clear that it is the degree of harm to the significance of the asset, in this case the Conservation Area, rather than the scale of development which is to be assessed. In addition, it has been clarified in both a

High Court Judgement of 2013¹² that substantial harm would be harm that would “*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*”.

5.8 National Design Guide¹³: Section C2 relates to valuing heritage, local history and culture and states:

- 46 When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.
- 47 Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way. Context 48 Well-designed places and buildings are influenced positively by:
 - the history and heritage of the site, its surroundings and the wider area, including cultural influences;
 - the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;
 - the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of

¹² EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

¹³ MHCLG; 2021. National Design Guide. Planning practice guidance for beautiful, enduring and successful places.

façades, characteristic materials and details – see Identity.

- 49 Today’s new developments extend the history of the context. The best of them will become valued as tomorrow’s heritage, representing the architecture and placemaking of the early 21st century

5.9 Historic England’s Conservation Principles Policies and Guidance¹⁴. Paragraph 138 relates to new work and alteration and, and relates to both small and large heritage assets (i.e., Conservation Areas) and reads as follows:

“New work and alteration

New work or alteration to a significant place should normally be acceptable if:

- there is sufficient information comprehensively to understand the impacts of the proposal on the significance of the place;
- the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed;
- the proposals aspire to a quality of design and execution which may be valued now and in the future;
- the long-term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice

¹⁴ Historic England, 2008. Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment

alternative solutions in the future.”

- 5.10 Manchester City Council Conservation Area Appraisal¹⁵: The section on improvement and enhancement reads as follows:

"A considerable degree of sympathy with older buildings can be achieved in the appropriate siting of a new building, in its massing, scale, proportion, rhythm and materials used in its construction while still allowing it to demonstrate the vitality of the present day.

In comparison with other conservation areas in Manchester, Didsbury St. James covers a large area, and the style and form of its buildings varies, giving great scope for the generation of appropriate architecture for the future. Notice should be taken of these characteristics when preparing new schemes. The features mentioned previously, such as garden walls, hedges, gate posts, porches, styles and colours of window frames and roofing materials should all be taken into consideration, their form analysed and new buildings designed to harmonise with them."

Assessment

- 5.11 When considering potential impacts of the proposed development on the character and appearance of the Conservation Area, it is important to recognise that the Conservation Area covers a large area and includes a wide variety of areas of differing characters, as stated in the Appraisal itself. The site represents an extremely small portion of the total area covered by the Conservation Area and as noted in the NPPF

at paragraph 207, it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole? This matter has been further clarified by the High Court.¹⁶

- 5.12 The contribution of the existing house at the site to the significance of the Conservation Area is discussed in Section 4 above and it is concluded that it offers at best a neutral contribution only. As such its demolition and replacement should be accepted provided the replacement preserves (i.e., does not harm) or enhances the character and appearance of the Conservation Area.
- 5.13 The historical analysis (see Section 2) of the site reveals that the site was originally much larger and occupied by a larger house. However, the site has been subdivided since c.1970 and thereby no influence from the original house that occupied the site could appropriately be taken in either design or scale for any replacement on the plot.
- 5.14 Section 2 and 4 above demonstrates an understanding of the history, development and predominant character and architecture of the area, especially Kingston Road. The design and appearance of the proposed dwelling is not an attempt to directly copy any existing house in the area, nor be a poor

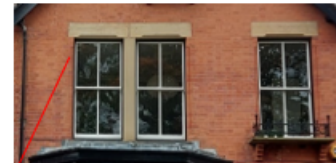
¹⁵https://secure.manchester.gov.uk/info/511/conservation_areas/924/didsbury_st_james_conservation_area/7 accessed 28.01.22

¹⁶ Dorothy Bohm v SSCLG [2017] EWHC 3217

- pastiche. Instead, it is designed to recognise and follow the predominant building materials of the area to ensure its sits in harmony with its surrounds and adopts the rhythm of the roofscape by introducing gables, a chimney and bargeboards.
- 5.15 The elevations are articulated by the use of bays and gables which again are predominant features of the area and enliven the elevations.
- 5.16 The design also fully recognises that both the front and rear elevation are publicly visible. However, due to the topography and the vegetative screening of the garden only the first floor and roof of the dwelling will be visible in public views from Millgate Lane, although all floors and elevations are well designed regardless of whether they well be publicly seen.
- 5.17 In contrast to the existing 1970s dwelling the proposed design adopts a greater vertical emphasis, not only through the increase in height but by utilising the attic spaces for accommodation and using windows of traditional sash window proportions.
- 5.18 Whilst the proportion of the windows reflect 19th-century sash windows they are proposed to be aluminium framed. This will introduce an element of a modern character to the building. This approach has been adopted elsewhere in the Conservation Area to great success, especially in new dwellings which have adopted a strong 19th-century character, as is proposed here.
- 5.19 The existing house includes a double garage and thereby the proposed double garage is not introducing a new element or previously unseen element to this part of the Conservation Area. However, considerable thought has been given to its design to ensure that it does not appear as an overtly modern integrated garage, by reflecting elements of 19th-century small domestic coach houses in the design. This ensure that it harmonises with the design of the house and the wider area. But it must be acknowledged that the proposed house is a modern dwelling and should recognise modern domestic needs in its design.
- 5.20 Plate 16 below highlights some of these character elements that have been incorporated into the design to ensure it suitably respects and reflects the character and appearance of the Conservation Area.
- 5.21 The scale of the house is designed to move away from the low, squat horizontal emphasis of the existing 1970s house and reflect better the taller verticality of the 19th-century houses in the area. The proposed house adopts a height between the adjacent houses and thereby is transitional, and visually sit comfortably with its neighbours. Also, it does not detract or compete in view of or with the 19th century neighbouring house at the corner of Kingston Avenue and Kingston Road. Instead, the scale and design of the proposed house will complement it.



The use of gables and barge boards combined with garret window to attic



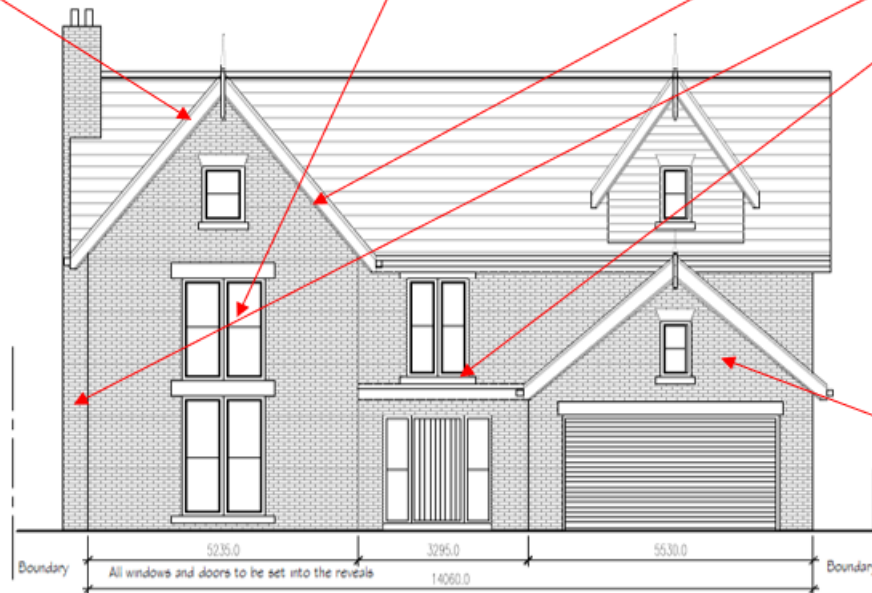
Rectangular sash windows in pairs with stone lintels.



Three-storeys, stone cills, protruding chimney.



Modern housing with 19th-century influence with modern aluminium windows.



19th-century small domestic coach houses - which influenced the front design (examples not taken from the Conservation Area).

Plate 16: Design influenced from within the Conservation Area and beyond.

Policy compliance.

5.22 The following table summarises how the proposals will comply with Local Plan and NPPF heritage policies.

Policy	How the proposals comply
Policy EN3 of the Core Strategy and Development Plan Document	• The proposed design takes distinct historic and heritage features of the area. • The proposals are designed so as to support the Council in preserving or enhancing historic environment, and the character and appearance, of the Conservation Area.
Saved UPD policy DC18.1	• The proposed design and layout carefully consider the relationship to neighbouring buildings and spaces. • The proposals retain existing features at the site – it only seeks to replace the house and not redevelop, or result in the loss of the garden space and boundaries. • The proposals recognise the advice in the Conservation Area Appraisal. • The application is not for Outline Planning Permission. • The replacement house will benefit the character and appearance of the area, the existing building is only of a neutral contribution and the proposed house is a high-quality design that reflects the character of the area.
NPPF PARAGRAPH 130	• The proposals are visually attractive and are sympathetic to local character and history.
NPPF 194	• This Heritage Statement provided a proportionate assessment of the heritage significance of the site to inform decision making.
NPPF190 & 197	• The proposals will result in no harm to the Conservation Area and thereby preserve its significance. • The proposals will make a positive contribution to the local character and distinctiveness through its well-considered design.
NPPF 206	• Through the proposed design being heritage led, the scheme enhances the significance of the Conservation Area.

6. Conclusions

- 6.1 Number 44 Kingston Road is a modern (c.1970) house within the Didsbury St James Conservation Area. The house is not of heritage significance and does not contribute to the special character and appearance of the Conservation Area. The house at best might be considered to offer a neutral contribution at best.
- 6.2 The statutory duty is to preserve or enhance the special character of the Conservation Area. Preservation in heritage terms means to do no harm. It is considered that no harm shall arise to the Conservation Area from demolition of the existing house.
- 6.3 The proposed replacement dwelling recognises the predominant 19th-century character of the area, especially along Kingston Road, through its architectural style. The proposed house does not attempt to be a copy of any 19th-century house in the area but suitably adopts the predominant details to ensure that the replacement dwelling is in harmony with the area, whilst recognising it is a modern dwelling to suit modern needs.
- 6.4 The proposed house will have no harmful impact on the character and appearance of the Conservation Area and thereby ensure it is preserved. It is reasonable to also conclude that through its well thought out design and appearance it will enhance this part of the Conservation Area.
- 6.5 Overall, it is considered that when considered against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan policies; the NPPF; and guidance, the proposals are acceptable in heritage terms.

Appendix 1: Methodology

Assessment of significance

In the NPPF, heritage significance is defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."¹⁷

Historic England's *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning*: 2¹⁸ (hereafter GPA 2) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.

In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.¹⁹ These essentially cover the heritage

'interests' given in the glossary of the NPPF²⁰ and the online Planning Practice Guidance on the Historic Environment²¹ (hereafter 'PPG') which are **archaeological, architectural and artistic** and **historic**.

The PPG provides further information on the interests it identifies:

Archaeological interest: "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."

Architectural and artistic interest: "These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."

Historic interest: "An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets

¹⁷ MHCLG, *NPPF*, pp. 71-72.

¹⁸ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning*: 2 (2nd edition, Swindon, July 2015).

¹⁹ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These

heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28-32.

²⁰ MHCLG, *NPPF*, p. 71.

²¹ Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.”²²

Significance results from a combination of any, some or all of the interests described above.

The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12,²³ advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in this Report.

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its setting.”²⁴

²² MHCLG, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

²³ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

²⁴ MHCLG, *NPPF*, p. 72.

Setting is defined as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”²⁵

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*²⁶ (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".²⁷

In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be

²⁵ MHCLG, *NPPF*, p. 71.

²⁶ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017).

²⁷ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 8.

considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)²⁸:

Paragraph 25 – "But – again in the particular context of visual effects – I said that if "a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one's experience of the listed building in its surrounding landscape or townscape" (paragraph 56)".

Paragraph 26 – "This does not mean, however, that factors other than the visual and physical must be

ignored when a decision-maker is considering the extent of a listed building's setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, "the historic relationship between places". Historic England's advice in GPA3 was broadly to the same effect."

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

Designated heritage assets of the highest significance, as identified in paragraph 200 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites

²⁸ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;

Designated heritage assets of less than the highest significance, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and

Non-designated heritage assets. Non-designated heritage assets are defined within the PPG as "buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets".²⁹

Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

²⁹ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

³⁰ *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin), para. 25.

In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

Substantial harm or total loss. It has been clarified in a High Court Judgement of 2013 that this would be harm that would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced";³⁰ and

Less than substantial harm. Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

*"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."*³¹

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, 'preserving' means doing 'no harm'.³²

³¹ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

³² *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

Preservation does not mean no change; it specifically means no harm. GPA 2 states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”.³³ Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating “what matters and why”. Of particular relevance is the checklist given on page 13 of GPA 3.

It should be noted that this key document also states that:

“Setting is not itself a heritage asset, nor a heritage designation...”³⁴

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

With regards to changes in setting, GPA 3 states that:

*“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.*³⁵

³³ Historic England, GPA 2, p. 9.

³⁴ Historic England, GPA 3, p. 4.

Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.³⁶

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

The NPPF (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 and 202.

The PPG provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to

³⁵ Historic England, GPA 3., p. 8.

³⁶ Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.

be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation.”³⁷*

³⁷ MHCLG, *PPG*, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: Planning Policy Framework

Legislation

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,³⁸ which provides statutory protection for Listed Buildings and Conservation Areas.

With regards to development within Conservation Areas, Section 72 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.³⁹

³⁸ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

National Planning Policy Guidance

The National Planning Policy Framework (July 2021)

National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all

³⁹ UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as*

any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; 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.*

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 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."⁴⁰

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change."*⁴¹ (our emphasis)

The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage

*assets and assets identified by the local planning authority (including local listing)."*⁴²

The NPPF goes on to define a Designated Heritage Asset as a:

*"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation."*⁴³ (our emphasis)

As set out above, significance is also defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*⁴⁴

Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 195 that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict

⁴⁰ MHCLG, *NPPF*, para. 11.

⁴¹ MHCLG, *NPPF*, para. 11, fn.7.

⁴² MHCLG, *NPPF*, p. 67.

⁴³ MHCLG, *NPPF*, p. 66.

⁴⁴ MHCLG, *NPPF*, pp. 71-72.

between the heritage asset's conservation and any aspect of the proposal."⁴⁵

Paragraph 197 goes on to state 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.*"⁴⁶

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

"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."⁴⁷

"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. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*"⁴⁸

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 201 reads as follows:

"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:

⁴⁵ MHCLG, *NPPF*, para. 195.

⁴⁶ MHCLG, *NPPF*, para. 197.

⁴⁷ MHCLG, *NPPF*, para. 199.

⁴⁸ MHCLG, *NPPF*, para. 200.

- 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.*⁴⁹

Paragraph 202 goes on to state:

*"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."*⁵⁰

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, 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."

⁴⁹ MHCLG, *NPPF*, para. 201.

⁵⁰ MHCLG, *NPPF*, para. 202.

Paragraph 207 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"* and with regard to the potential harm from a proposed development states:

"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated 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 or World Heritage Site as a whole" (our emphasis)

With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

*"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*⁵¹

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions

⁵¹ MHCLG, *NPPF*, para. 203.

rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of 'significance' in decision taking is important and states:

*"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals."*⁵²

⁵² MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."*⁵³ (our emphasis)

⁵³ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

Local Planning Policy

Planning applications within Didsbury are currently considered against the policy and guidance set out within the Manchester Core Strategy and Development Plan Document, adopted 11th July 2012 and extant Unitary Development Plan (UPD) policies.

Policy EN3 of the Core Strategy and Development Plan Document relates to heritage and reads as follows:

“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.”

Saved UPD policy DC18.1 relates to Conservation Areas and reads as follows:

DC18.1 The Council will give particularly careful consideration to development proposals within Conservation Areas.

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 street trees);
- iv) the effect of signs and advertisements;
- v) 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.

Neighbourhood Plan

There is no made Neighbourhood Plan for Didsbury and the site.

Guidance

The following guidance by the Local Planning Authority is relevant to the proposals:

- Guide to Development in Manchester - Supplementary Planning Document and Planning Guidance (SPD). Adopted April 2007.
- Manchester City Council: Didsbury St James Conservation Area⁵⁴

⁵⁴https://secure.manchester.gov.uk/info/511/conservation_areas/924/didsbury_st_james_conservation_area



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