

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141164/LO/2024
Date registered valid: 21 October 2024
Proposal: Listed Building Consent for the creation of parking space
Address: 10 Chorlton Green, Manchester, M21 9HS
Ward(s): Chorlton Ward

Applicant: Mr Ian Dogherty
Agent (if any): Mrs Sonia Pabla-Thomas, Space:Architecture+Planning
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 13 March 2025

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 31st October 2024

Standard consultations:

Printed: 29 October 2024 Expired: 19 November 2024

Neighbour notifications

Printed: 29 October 2024 Expired: 19 November 2024

Site notice

Posted: 31 October 2024 Expired: 21 November 2024

Press advert

Published: 5 November 2024 Expired: 26 November 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The property that is the subject of this Listed Building application is a detached cottage which historically was the Old Dairy (formerly part of Higginbottom Farm). The property is a Grade II listed cottage dating from the early 19th Century and forms a group with the Lychgate opposite. The late 18th century and unlisted Green's Farmhouse is further along the Green. The property at 10 Chorlton Green is set back within the plot, with a large front garden and smaller rear garden. Both front and rear gardens are bound by tall mature hedging, blocking views into the site from ground level. Existing access to both the front and rear gardens, off Dovecote Mews, are to be retained. A large mature tree in the front garden sits roughly 3.5m off the front facade, to the north of the plot this is not affected by the works. There are linked outbuildings on the rear of the property that were slightly later additions to the original property. The Rear range, together with the rear canopy were added late 19th Century. The property is in the Chorlton ward of the City and is in the Chorlton Green Conservation area.

Listed building: Grade II

Conservation area: Chorlton Green Conservation Area 1970

Tree Preservation Order: Covered by CA

Description of area

The area is predominantly residential and comprises of an eclectic mix of property styles and ages. To the south and west of the site (rear) is Dovecote Mews which are modern brick built residential properties in the form of single, two storey and apartment residential properties. Chorlton Green is located centrally with residential properties set around the green with ages ranging from Georgian, Victorian to modern day additions. The Horse and Jockey public house is located facing on to the green to the north, and the listed Lych Gate to the south- east.

Description of development

The proposal is for Listed Building consent for the creation of one in curtilage parking space to serve the occupants of 10 Chorlton Green also identified as The Old Dairy. The property currently relies upon the availability of on street parking provision around Chorlton Green for which demand is at a premium. The proposal would involve the removal of part of the existing hedge which runs across the front boundary of the proposal site, with the means of enclosure of a parking space being created through the erection of a low brick wall with ornamental railings on top and a wrought iron pedestrian gate through to the front garden area. The surface of the parking space will be of a permeable gravel. There are no gates proposed for the frontage of the space, with this remaining open plan.

The existing dividing boundary between properties comprises of a close boarded timber fence.

Consultations & Notification Responses

Local Residents were informed- no representations have been received.

Issues

Policies

Places for everyone GM Spatial Plan

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities have now adopted the Plan following consideration of the Inspectors' Report. There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Heritage Impact

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Policy EN3 of the Core Strategy, likewise, refers to the need for the consideration to be given to the impact of new developments on heritage assets, whilst saved Policy DC19.1 of the UDP seeks to preserve and enhance the setting of listed buildings and specifically states that listed building consent will not be granted for external or internal alterations or additions to a listed building, were in its opinion, there would be an adverse effect on its architectural or historic character.

National Planning Policy Framework (NPPF)

Relevant to this application, Section 16 relates to Conserving and Enhancing the Historic Environment.

Paragraph 201 states that in determining applications: '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 between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 205 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 208 advises further 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'.

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.

Saved UDP Policies - Policies DC18 and DC19 are 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 or 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.

Policy DC19, Listed Buildings - Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;

- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

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

Principle of the Proposal - The principle of improving the facilities for the residents of The Old Dairy is acceptable. Notwithstanding this, the impact upon the setting and character of the Grade II listed building must be assessed.

Residential and Visual Amenity- It is not considered that the proposed creation of a parking space would have a detrimental impact on the residential amenity of the neighbouring properties, in fact it would improve the situation, as the applicant currently have to park their car on the side access road to Dovecote Mews, this therefore removes a vehicle off street and to within curtilage, resulting in a less cluttered street scene.

Impact on Heritage Assets (Chorlton Green Conservation Area and The Old Dairy 10 Chorlton Green) - Policy EN3 of the Core Strategy, along with section 16 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 Chorlton Green Conservation Area along with the property itself being a Listed Building namely The Old Dairy which is Grade II listed.

The Chorlton Park Conservation Area lies three kilometres to the south of the City Centre and was designated in 1970.

lies to the north, also set back from the road but now surrounded on three sides by new development and also having lost its agricultural setting. Beyond these original properties there have been later additions predominantly residential in nature. The properties are all set around the village green to all four sides. They all mainly have gardens to the front and rear having setting for the buildings themselves. There is a former school on the eastern side of the Green which has now been converted to residential properties, however the frontage appearance still retains the original appearance and features. There are a significant number of trees retained within the area, which are covered by TPO and Conservation Area status.

The requirement to preserve or enhance the Conservation Area, and the setting of the Listed Buildings, in this case 10 Chorlton Green is a key requirement within policy EN3 of the Core Strategy, saved policies DC18 and DC19 of the UDP 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.

The property previously secured planning and listed building consent to extend over the sunken dairy to the northern side of the property with a contemporary first floor extension. This proposed extension is of a lightweight nature with simple elevations and materials that are sympathetic to the host property and still allow the original building to shine. There is also a single storey extension proposed to the rear following the demolition of the later addition stores which are in a poor and unusable condition. Again this is also a contemporary approach with sympathetic materials that contrast to the brickwork of the existing property are respectful to the footprint of the existing property and allow all the original features and the scale of the dwelling to be read without being dominated by the new additions. As a result the new additions would complement the existing property well.

It is considered that number 10 Chorlton Green reflects a substantial number of other elements in the conservation area in age, style, materials and form; contributes positively to the setting of adjacent designated heritage assets; illustrates the development of the settlement and, particularly, the historic rural character; has a significant historic association with the historic road layout; reflects the traditional functional character or former uses in the area and its use contributes to the character or appearance of the area. The building is considered to make a positive contribution to the significance of the Conservation Area.

Given the design and siting of the proposed parking space, and the minimal works required to facilitate this, with boundaries/ means of enclosure matching those of the approach taken in relation to the historic neighbouring properties, it is not considered that the proposal would have a detrimental impact upon the setting or character of the Grade II listed 10 Chorlton Green.

Conclusion

The NPPF provides national policy on heritage assets and development and sets out a proportionate approach taking account of significance. The public benefits of a proposal likely to affect the character of a designated asset should be balanced against the harm to heritage assets.

The property is a good sized family home, which currently has no allocated parking provision at all, and with the competition for parking spaces on road being strong, providing in curtilage parking with minimum impact upon the setting of the listed building, the creation of the space in this instance is considered positive.

The proposals are considered to be sympathetic to the character of the listed building and to this part of the Conservation Area. The proposals are considered to comply with national and local planning policy.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

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

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case some negotiations were needed regarding the type of boundary treatment proposed as a means of enclosure for the parking space, in order to mitigate the impact on the setting of the listed building. These have now been revised and the proposal has been approved in accordance with the national and local policies.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

0265_21_306 Rev A Boundary Treatment Details 19th February 2025

0265_20_200 Rev B Proposed site plan received 4th March 2025

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

3) Prior to above groundworks commencing, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Informatives

1) The proposed driveway access will need to be constructed with a dropped-kerb access rather than kerbed bell-mouth design as indicated on submitted plans. This can be applied for online via https://www.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerb.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Heritage & Urban Design

15 Dovecote Mews, Manchester, M21 9HN
13 Dovecote Mews, Manchester, M21 9HN
14 Dovecote Mews, Manchester, M21 9HN
10 Dovecote Mews, Manchester, M21 9HN
8 Dovecote Mews, Manchester, M21 9HN
4 Dovecote Mews, Manchester, M21 9HN
11 Dovecote Mews, Manchester, M21 9HN
9 Dovecote Mews, Manchester, M21 9HN
7 Dovecote Mews, Manchester, M21 9HN
25 Chorlton Green, Manchester, M21 9FQ
21 Chorlton Green, Manchester, M21 9FQ
27 Chorlton Green, Manchester, M21 9FQ
31A Chorlton Green, Manchester, M21 9FQ
31C Chorlton Green, Manchester, M21 9FQ
31D Chorlton Green, Manchester, M21 9FQ
31B Chorlton Green, Manchester, M21 9FQ
11 Lychgate Mews, Manchester, M21 9ST
7 Lychgate Mews, Manchester, M21 9ST
5 Lychgate Mews, Manchester, M21 9ST
3 Lychgate Mews, Manchester, M21 9ST
8B Chorlton Green, Manchester, M21 9HS
6B Chorlton Green, Manchester, M21 9HS
33 Chorlton Green, Manchester, M21 9FQ
6 Dovecote Mews, Manchester, M21 9HN
3 Dovecote Mews, Manchester, M21 9HN
29 Chorlton Green, Manchester, M21 9FQ
12 Chorlton Green, Manchester, M21 9HS
Stables, 12 Chorlton Green, Manchester, M21 9HS
11A Lychgate Mews, Manchester, M21 9ST
8C Chorlton Green, Manchester, M21 9HS

8A Chorlton Green, Manchester, M21 9HS
1 Lychgate Mews, Manchester, M21 9ST
6A Chorlton Green, Manchester, M21 9HS
2 Dovecote Mews, Manchester, M21 9HN
12 Dovecote Mews, Manchester, M21 9HN
31 Chorlton Green, Manchester, M21 9FQ
19 Gresford Close, Manchester, M21 9HW
17 Gresford Close, Manchester, M21 9HW
15 Gresford Close, Manchester, M21 9HW
13 Gresford Close, Manchester, M21 9HW
11 Gresford Close, Manchester, M21 9HW
9 Gresford Close, Manchester, M21 9HW
7 Gresford Close, Manchester, M21 9HW
5 Gresford Close, Manchester, M21 9HW
3 Gresford Close, Manchester, M21 9HW
1 Gresford Close, Manchester, M21 9HW
9 Lychgate Mews, Manchester, M21 9ST
4 Chorlton Green, Manchester, M21 9HS
2 Chorlton Green, Manchester, M21 9HS
19 Chorlton Green, Manchester, M21 9FQ
17 Dovecote Mews, Manchester, M21 9HN
5 Dovecote Mews, Manchester, M21 9HN
1 Dovecote Mews, Manchester, M21 9HN
1 Albemarle Road, Manchester, M21 9HX
8 Chorlton Green, Manchester, M21 9HS
6 Chorlton Green, Manchester, M21 9HS
23 Chorlton Green, Manchester, M21 9FQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Conservation Area - Chorlton Green Conservation Area 1970

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH AREA