



Appeal Decision

Site visit made on 21 January 2025

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/B4215/W/ 23/3333429

2 Spinningfields Square, Manchester M3 3AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Caprice Holdings Ltd against the decision of Manchester City Council.
 - The application Ref is 137907/JO/2023.
 - The application sought planning permission for erection of single storey extension and creation of external seating area and external alterations to existing building without complying with a condition attached to planning permission Ref 132373/FO/2021, dated 26 May 2022.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the following drawings and documents:
 - Received by the City Council as Local Planning Authority on 01 December 2021:
 - Site Location Plan and Block Plan (ref: 464)
 - Existing Basement Plan (ref: 464-101);
 - Existing Ground Floor Plan (ref: 464-102);
 - Existing Mezzanine Floor Plan (ref: 464-103);
 - Existing External Elevation (ref: 464-104);
 - Proposed GA Ground Floor Plan (ref: 464-201-S)
 - Proposed External Elevations Plan (ref: 464-205-D);
 - Proposed External Signage Plan (ref: 464-206);
 - Proposed External Structure Plan (ref: 464-901-B);
 - Caprice Manchester External Furniture Schedule;
 - Sexy Fish Manchester External Furniture Visual;
 - Noise Assessment, prepared by ACA Acoustics;
 - Heritage Statement, prepared by Pegasus Group;
 - Operating Schedule, prepared by Pegasus Group; and
 - Crime Impact Assessment, prepared by GMP
 - Received by the City Council as Local Planning Authority on 15 December 2021:
 - Waste Management Proforma
 - Received by the City Council as Local Planning Authority on 22 February 2022:
 - Proposed GA Plan - Basement ref 4322 / 464 / 203 / F
 - Background Sound Level Survey ref. 211004-R002 date: 16th February 2022
 - Addendum Report ref 211004-R003 date: 16th February 2022
 - Received by the City Council as Local Planning Authority on 03 February 2022:
 - Proposed External Structure 4322 / 464 / 902
 - Proposed External Structure - Side Section ref. 4322 / 464 / 903
 - Received by the City Council as Local Planning Authority on 04 March 2022
 - Addendum Report ref. 211004-R004
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Built as part of the redevelopment of the wider area, No 2 Spinningfields Square is a striking contemporary building with a sharply angled, cantilevered form, set back from Deansgate within Spinningfields Square. The site is within the Deansgate Conservation Area and lies adjacent to the grade I listed building, John Rylands Library.
3. Planning permission was granted in 2021¹ for the erection of a side extension, the creation of an external seating area and external alterations, to facilitate a ground floor restaurant use. In 2022 a 'non-material amendment' was granted for a slightly shorter extension to allow access to a side door². In 2023 permission was sought to vary condition 2, the approved plans condition, of the original permission to allow a significantly shorter extension³ to form a lobby and storage area. That application was refused and is the subject of this appeal.
4. The shorter extension has been constructed albeit not strictly in accordance with the plans submitted with the 2023 application in terms of some of the external detailing. However, plans of the extension as constructed have been submitted with the appeal. As the latest amendments are of a minor nature and seek to regularise what has been built rather than make any fundamental changes, I am satisfied that none of the interested parties would be prejudiced by my consideration of them.
5. The main issues in this case are:
 1. The effect of the proposal on the character and appearance of the host building and, linked to that, whether the extension preserves or enhances the character or appearance of the Deansgate Conservation Area, and
 2. Whether the proposal preserves the setting of the grade I listed building, John Rylands Library.

Reasons

The effect of the proposal on the character and appearance of the host building and conservation area.

6. The character, and significance, of the conservation area is defined by the historic street pattern and the quality and scale of the architecture within it. The appellant assesses No 2 Spinningfields as having a neutral impact on the conservation area. Nevertheless, it is a striking example of modern architecture in its own right and to my mind, because of its design, scale and position is a landmark building that enhances its immediate environment.
7. The extension has the appearance of a small kiosk added to the side of the building. It disrupts the clean lines and sharp angles of the building and adds clutter to the structure, detracting from its geometric form and appearance.

¹ Planning application Ref: 132373/FO/2021

² Ref 134627/NMC/2022

³ Ref: 137907/JO/2023

The external materials, which include marble and granite cladding, have been deliberately chosen as a contrast to the host building. Nevertheless, the mix of materials and colours gives the extension a solid, highly decorative, busy appearance which contrasts poorly with the visually lightweight simplicity of the glazed panels of the lower part of the building. On such a small extension there is very little that visually connects the extension with its host. Accordingly, taking these matters together, the extension undermines the design intent and significance of the original building.

8. In addition to that, the extension in itself is poorly designed. The rear of the extension is lower in height than the front and the mock canopy, a dominant feature of the front section, is not continued around it. The rear section is not attached to the host building leaving a gap which, at the time of my visit, had attracted a degree of leaf and other litter. I acknowledge the appellant's point that extensions are often set down and set back to appear as a subservient addition to a host building. However, given its small scale, I am unconvinced that for reasons of design the rear section needs to be visually subservient to the front. The result, as noted by the Council, is that the rear part of the extension appears as an afterthought. Accordingly considered as a whole, the form and design of the extension lacks visual cohesion and as such fails to respect the architectural quality of the host building.
9. There are a number of extensions to large commercial buildings further along The Avenue. I understand that not all of these extensions have planning permission. Moreover, those towards the end of The Avenue, are longer, visually permeable, lightweight structures that have a coherent appearance. As such they are not comparable to the extension before me.
10. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. Given that the extension detracts from the quality of a landmark building in the conservation area for the reasons set out above, and is highly prominent along The Avenue, a busy pedestrian route, it fails to preserve the character or appearance of the conservation area.
11. The approach in the National Planning Policy Framework is that where a development causes less than substantial harm to a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. I note that the Council, in the approved scheme, found the increase in the number of restaurant covers made possible by the larger extension, was a public benefit. The extension before me does not provide for additional seating but nevertheless the creation of a lobby and cloakroom distinct from restaurant floorspace allows the internal space to be used for seating more efficiently. Accordingly, there is some limited benefit from the extension in that respect.
13. The provision of a more legible entrance to the restaurant may be of, albeit limited, benefit to restaurant patrons although I am unconvinced the original entrance could not be made more apparent by, for example, the arrangement of external furniture. The presence of a doorman is also likely to indicate the location of the entrance.

14. The Framework requires that great weight is given to a heritage asset's conservation. On that basis, the limited public benefits of the scheme, considered cumulatively, do not outweigh the harm the development causes.
15. On that basis the proposal is contrary to Policies DM1, SP1, CC4, CC9 and EN3 of the Manchester Core Strategy (2012) which amongst other things seek to create well designed places that enhance or create character and preserve or enhance heritage assets.

The effect of the proposal on the setting of the listed building

16. The John Rylands Library is a building constructed between 1890 and 1899 in red sandstone and decorated in a gothic arts and crafts style. Its significance lies in its ornate architectural detailing as well as in its age and historical association with textile manufacturer and philanthropist John Rylands. Little of its significance is derived from its immediate setting which was previously built up. As a grade I listed building, it is of the highest national importance. The redevelopment of the area and the formation of Spinningfields Square has opened up the area to the side of the building and enabled the heritage asset to be better appreciated.
17. No 2 is a large building within that setting albeit its lightweight appearance and position ensures it is not imposing. The extension is set back from the frontage of the building and is not unduly prominent from the listed building or when the two are viewed together further along Deansgate. From these viewpoints, the most apparent element of the extension, the canopy, is seen in the context of the canopies outside the front of the building which are of the same colour. Accordingly, the extension has no greater effect on the setting or significance of the library as a heritage asset than the building as originally constructed and the paraphernalia outside it. As such, in that respect, the proposal meets the statutory duty set out in s.66 (1) of the Act which requires that special regard is had to the desirability of preserving the listed building and its setting.
18. Furthermore, for these reasons the proposal complies with the policies set out above and with Policy EN3 of the Manchester Core Strategy which seeks to preserve the setting of listed buildings.

Other Matters

19. I acknowledge that the original planning permission could be considered as a fallback position. Viewed from Deansgate the appearance of the original and as built schemes would be very similar. However, the extension is highly visible along The Avenue, within the conservation area, and its incongruity is particularly apparent from the side and rear. The originally approved extension would be of a larger size and scale, significantly longer than the as built scheme, and as such would have more presence and visual purpose. To my mind, with a considerably greater amount of glazing it would better reflect the character of the host building. Moreover, without the design issues set out above, it would be more cohesive and less incongruous in itself. Accordingly, it would be less harmful than the proposal before me and, as set out above, would deliver greater benefits in terms of increased restaurant seating. Whilst I acknowledge the appellant's financial reasons for not implementing the original permission, the fallback position does not justify the proposal before me.

20. The addition of ventilated storage for gas canisters may be of benefit to the operation of the business and specifically relates to the decision to install gas lighting. There is no evidence that it accrues economic benefit and the matter carries little weight in the decision.
21. I note the appellant considers that there are no design options other than the as built scheme. This is a matter for the Council. It is incumbent on me to consider the proposal before me in light of the above legislation and policy.

Conclusion

22. For the reasons set out above the proposal causes harm to the character and appearance of the host building and does not preserve or enhance the character or appearance of the conservation area. There are no other material considerations that indicate that planning permission should be granted. On that basis the appeal, to vary condition 2 by substituting the approved plans, is dismissed.

S Ashworth

INSPECTOR