



Appeal Decisions

Inquiry Held between 21 May and 24 May 2019

Site visits made on 21 May and 24 May 2019

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd July 2019

Appeal A: Ref: APP/B4215/W/18/3215658 363 Wilmslow Road, Manchester M14 6XU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Feltham against the decision of Manchester City Council.
 - The application Ref 120505/FO/2018, dated 29 June 2018, was refused by notice dated 10 October 2018
 - The development proposed is retention of the existing building including rear extension, car parking and ancillary works, and the use of the building to provide 10 flats.
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Appeal B: Ref: APP/B4215/Y/18/3215659 363 Wilmslow Road, Manchester M14 6XU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr D Feltham against the decision of Manchester City Council.
 - The application Ref 120506/LO/2018, dated 29 June 2018, was refused by notice dated 10 October 2018
 - The development proposed is retention of the existing building including rear extension, car parking and ancillary works, and the use of the building to provide 10 flats.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Relevant background and Main Issues

2. Planning Permission (107448/FO/2014/S1) and listed building consent (107449/LO/2014/S1) were granted in March 2015 (the 2015 scheme) for the erection of a part single, part two storey rear extension to the existing building together with the excavation of the rear garden and internal alterations in association with the creation of 9 flats. However, the permitted scheme was not implemented. The appeals in this case relate to the development and works which were subsequently undertaken. I understand that they seek to regularise this scheme.
3. The development and works which are the subject of this appeal are also subject to current enforcement action. I will consider the implications of this action for the outcome of the current appeals, in so far as it is relevant.

4. The appellant has suggested that various alterations to the works undertaken could be made to address the Council's concerns regarding the effects on the listed building. This includes the replacement of plastic rainwater goods with cast iron, replacement of UPVC windows with timber and a reduction in the number of rooflights. I will address such considerations within these decisions.
5. Turning to the main issues, it is logical and more concise to consider both appeals together. Therefore, I consider the main issues to be whether the development and works preserve the Grade II listed building or any features of special architectural or historic interest it possesses, and whether the design and appearance of the extension are acceptable in relation to the surrounding area. Finally, if any harm is found I will consider whether that harm is outweighed by public benefits or other considerations.

Reasons

Effect on the listed building

Significance of the listed building

6. This area of south Manchester remained rural until the mid-19th Century, when development associated with the expansion of the City during the industrial revolution took place. Specifically, the opening of Fallowfield station encouraged residential growth and the development of a number of large villas in this area, including the appeal property, which is at the southern end of the terrace of three properties making up Norton Place. Whilst a number of villas remain in the local area, many have been substantially and unsympathetically altered, with Norton Place being the only listed structure of this type and in this sense of some historic value.
7. The frontage of Norton Place presents a grand and broadly symmetrical Italianate style elevation to Wilmslow Road, clearly intended to embody the new found wealth of the period. The eye-catching stucco rendering, deep eaves with ornate bracketing, central feature gable, Corinthian pilaster doorways, canted bay windows and stone quoining at either end, serve to create a visually prominent and distinctive local landmark. Many of the features of architectural detailing and motifs extend to the side elevations to 'bookend' the terrace, with complementary canted bays set away from the main frontage. The sides are less bold and not directly part of the symmetry of the piece. Nonetheless, as these buildings are mostly seen at an oblique angle when in transit along Wilmslow Road, the sides were clearly designed to be seen as part of the overall composition.
8. The rear elevations are of stock brick and typically subservient and utilitarian in appearance. Photographs of the rear from before the appeal extension was constructed illustrates that this provided evidence of the typical hierarchy of architectural treatment, and that the integrity of the intended plain character across this part of the terrace was retained. This included the original elements such as similarly sized narrow outriggers and modestly sized sliding sash windows. Whilst there was some variety in the pattern of windows these elevations demonstrated the simplicity and lack of adornment typical of the period. The rear elevations therefore form an integral, though modest, part of the special architectural interest and heritage significance of these listed buildings.

9. Looking at the appeal building specifically, it appears from the photographic evidence that prior to the appeal works the craftsmanship and architectural hierarchy of the exterior translated to the interior. This was seen in the decorative treatments including plasterwork, cornicing, timber panelled windows, panel doors with architraves, and in the impressive ceiling heights in the hallway and principle rooms. Elsewhere the typical hierarchy of rooms, spaces and their decorative treatment was in evidence.
10. In recent times the building has seen a range of uses including a medical centre and a school, with the result that prior to the most recent alterations there had been some harmful change internally. This included the sub-division of rooms, the loss of most original fireplaces and some unsympathetic insertions and additions. It also appears that the interior had been somewhat neglected, with some damage to original fabric and poor-quality finishes.
11. Nonetheless, as the Heritage Statement associated with the 2015 permission's acknowledges, whilst original details such as cornices, picture rails and skirtings had been damaged, in many places 'a substantial amount of the existing features remain'. Overall, the photographs illustrate that sufficient evidence of the fabric, layout and proportions of the interior remained such that its original architectural form and function were discernible.
12. The Historic England consultation response to the 2015 scheme (dated 5th May 2015) referred to the importance of the 'collective aesthetic' of this row of terraces, representing a local scale interpretation of the much larger and more decorative 'palace facades' popularised by designs such as the Regents Park Terraces in London. This response also indicated that, whilst the scheme would have involved the loss of the lower levels of the outrigger, this structure forms a 'marginal contribution to the site'. Nonetheless, some contribution is acknowledged. Furthermore, reference was made to the 'minor loss' of original interior fabric, thereby acknowledging the relevance of the interior in considering elements of significance.
13. The overall interest and significance of the building relates in large part to the high aesthetic value of the visual coherence and legibility of the front elevation and its group value with the other properties in the terrace, with the gable ends also contributing significantly to the design composition of the group. Together these elements provide a clear connection to the historic development of this area including the architectural craftsmanship of the age.
14. The rear elevation was in comparison of utilitarian appearance, though in this sense provided evidential value of the typical architectural hierarchy and contributed to the significance of the building overall to a modest degree. The interior was somewhat compromised by small scale unsympathetic alterations and additions. Nonetheless, in so far as its elements were intact, the interior contributed to an appreciation of the original plan form, spatial qualities and décor of this building. Therefore, in historic and evidential terms the interior contributed to the special interest and heritage significance of the building to a moderate degree.

Relevance of listing description

15. The list description relating to Norton Place states that the rear and interior were not inspected. This would suggest that the architectural interest of the main elevations was sufficient to warrant inclusion in the statutory list.

Furthermore, there could have been nothing of significance within the building and to its rear. However, legally the list description is for identification purposes only. Specifically, Historic England guidance to listing indicates that, particularly with older listings such as this dating from 1974, the descriptions were not intended to be a comprehensive or exclusive record of the special interest or significance of the building. As such any omission from the list description does not indicate that it is of no interest. Furthermore, the whole of any principle building is listed, including the interior.

16. The National Planning Practice Guidance (NPPG) also advises that for decision-taking purposes 'in most cases the assessment of the significance of the heritage asset ... is likely to need expert advice in addition to the information provided by the historic environment record, similar sources of information and inspection of the asset itself'. (Paragraph: 010 Reference ID: 18a-010-20140306). Further, 'a clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm' (Paragraph: 019 Reference ID: 18a-019-20140306).

The effect of the proposal

17. The scheme has involved the conversion of the building into six one bedroom units and four two bedroom units, including a two storey plus basement extension to the rear. The effects of a number of aspects of the development and works are considered below.

i. The extension

18. In terms of its scale and mass, the extension is a significant structure, projecting at full two storey height over two bays to the side and rear. As such it is a clearly visible addition in views in and around the site, including from Wilmslow Road. It's location to the rear, behind the distinctive front and side of the building, means that its prominence is somewhat reduced by perspective. Nonetheless its bulk and presence erode the visual hierarchy of the main front elevation and subservient rear. More specifically, it challenges the otherwise clear dominance and primacy of the front and side elevations by creating an unusual visual distraction. Further, when viewed in relation to the rear elevations of the listed properties this large structure creates significant imbalance when viewed in relation to the original outriggers, even where modestly extended at No 359. In this respect it has a harmful effect on the setting of these other listed structures, undermining their group value overall.
19. It has a mansard roof design with a slate pitched section and flat top. This is to some degree hidden when viewed from Wilmslow Road, with the angled views hiding the flat roof element. Also, when viewed from the side and rear the overall height and bulk of the addition means that the roof structure is not readily apparent. Nonetheless this limited visibility results in large part from the mass and height of the addition. It should not therefore be taken as an indication of its acceptability, noting also that it sits in contrast to the existing gable and ridge roof design of the rest of the terrace. This incongruity is more readily apparent in other views, including the glimpsed view from Besford Close to the rear. Furthermore, this overall bulk means that the original form of the rear elevation of this property is largely obscured.
20. The extension is of brick and slate with contrasting design elements to the listed building. In some senses, and to the casual observer, it does appear as a

separate structure. The contrasting design is not necessarily unacceptable in principle. However the extension does appear directly adjacent to the listed building and, on closer inspection, the fact that the crude and ill-considered nature of the design detailing fails to respond to the character and architectural finesse of the host building is clearly apparent.

21. Specifically, the modern uPVC windows with their horizontal emphasis sit in contrast with the traditional one over one paned sliding sash windows with slender timber painted frames present in the main building. Whilst when viewed at an angle, the horizontal proportions appear somewhat reduced, it remains that the weak detailing and poor proportions are seen directly abutting the prominent and well-conceived decorative façade. As such they represent jarring elements with a negative effect when viewed alongside the design of the building as a whole. To the rear the full height French windows are also at odds with the traditional simplicity and utilitarian appearance of this elevation.
22. The Design and Access Statement refers to the traditional construction of the extension, including 'artstone parapets'. However, these elements are not present.
23. Overall, as a result of the scale, weak detailing, use of inappropriate materials, and proximity to the principle elevations of the host building, the extension serves to undermine and weaken the dominance of the listed structure overall. It is therefore significantly harmful in this regard.

ii. Front and gable elevations

24. The works undertaken include repairs to the front elevation and gable end, including the restoration of the bay windows and stone quoins, repair and restoration of the parapet, re-rendering, restoration of damaged sills, repair of slate roof and repointing chimneys. These impacts are primarily positive.
25. However, the introduction of a range of contemporary elements including alarm boxes, boiler flues, plastic rainwater pipes and floodlights are distracting elements from the architectural qualities of these primary elevations. Whilst some such elements may be necessary to enable the conversion, there is no evidence to demonstrate that other less visually intrusive solutions could not have been employed.
26. Other small scale detractors include lighting above the front door and the door control mechanism which create some visual clutter. Also, the loss of the original stone steps up to the front door, with single slabs for each step, and their replacement with smaller sections with visible joints, is a modest detractor from the aesthetic qualities of the main entry point.

iii. Replacement windows

27. The works have resulted in the loss and replacement of many of the original windows in the building. Whilst the appellant makes reference to the pre-existing condition of the building, there is no clear evidence that most of these windows could not have been conserved and repaired, and their evidential value as part of the original design composition retained. Most of the replacement windows on the main elevations have sought to replicate the original, thereby reducing the degree of harm in terms of the loss of original fabric. However, others such as those to the rear, which included both large

paned one over one windows and multi-paned sash windows, have been replaced with inappropriate modern uPVC windows. Such windows stand out as their manufactured design cannot match the sections and proportions of historic joinery, as can be clearly seen in the windows to the rear, and those used in the front lightwells.

iv. Rooflights

28. Historically these buildings would have had single rooflights to light the attic space, and in general terms sensitively positioned additional rooflights would not be unacceptable. In this case there is a run of six roof lights across the front roof slope, resulting in the loss of a significant amount of the original roof plane. Further, they are not positioned in a balanced or consistent way with reference to the windows in the front elevation below. As such they are a distracting element, drawing the eye away from the decorative primacy of the main elevation, an effect which is exacerbated when rooms are lit during winter months. The five rooflights on the rear elevation are considerably less visible, particularly due to the bulk of the extension, and are seen within the context of the less significant rear elevation. As such these are less harmful additions.

v. Internal alterations

29. A range of alterations to the internal fabric and configuration of the building have been undertaken. The removal of original fabric includes flagstones, decorative plasterwork, skirtings and architraves, timber panelling and shutters to bay windows and original doors. Reconfiguration includes the insertion of staircases between the basement and ground floors of the duplex flats, some removal of previous partitions and the insertion of new partitions, including those to create lobbies at the flat entrances, the insertion of suspended ceilings on the ground and first floors and the raising of the ground floor.
30. The detailed assessments presented by the main parties differ, with some minor harmful elements such as the insertion of staircases considered by the Council to be of neutral impact. Nonetheless, there is agreement that a significant number of such alterations have a minor negative impact on the significance of the interior. Even if minor, the cumulative impact of such changes must be considered. For example, within an individual room if the original windows, panelling, skirtings, plasterwork and doors have been removed and ceiling heights reduced the effect is to significantly erode original character.
31. This point is well illustrated by the photographic evidence comparing the internal alterations within a ground floor room of the appeal property with a comparable room at the other end of Norton Terrace, No 359 (Mr Mason's evidence, Appendix 3, Fig 41 and 42). At No 359 the original full height bay with fully restored timber panelling and shuttering and restored ornate plasterwork clearly illustrates the impressive proportions and decorative treatment which originally characterised this room. At the appeal property the evidence suggests that these elements were reasonably intact, if in poor condition, prior to the alterations. However, as a result of the alterations these features, and the ability to appreciate the character of the higher status rooms within the overall hierarchy of room proportions and decoration, has been considerably weakened.

32. Some internal alterations have been beneficial. This includes the removal of harmful elements including internal partitioning, such as the enclosure around the original staircase, the service counter, surface cabling and powerpoints. Also the repair of some original elements such as the staircase and its balustrade, though the full scope of the repairs undertaken is unclear from the evidence.
33. It is of concern that there appear to be some discrepancies in the plans and supporting information, and some uncertainty about whether they accurately describe the works undertaken to the interior. For example, whilst Mr Clemons Proof of Evidence refers to retained features including two fire places on the first floor, the Heritage Statement accompanying the application states that there are no remaining fire places and that they were presumably removed when the villa was converted to a medical surgery.
34. Summing up, the plethora of works associated with the internal refurbishment of the appeal building have had some modest heritage benefits, but also cumulatively a notable degree of harm. Before concluding on heritage matters overall, I will consider a number of other relevant matters raised by the parties, including comparisons of the appeal scheme with earlier approved proposals for the building, the relevance of the condition of the building and other regulatory requirements, and finally the provisions of policy and statute.

Comparison with previous approvals

35. In 2008 planning permission and listed building consent (086507/FO/2008/S1 and 086581/LO/2008/S1) (the 2008 scheme) was granted for the remodelling of the building as a health centre, including an extension and new main entrance with ramp to the side elevation. The 2015 scheme would have involved the conversion of the building into 9 apartments. The extension in this case had a slightly larger footprint than the 2008 scheme and would have extended across the ground floor to the full extent of this footprint.
36. These schemes together indicate the acceptability in principle of extending the building to the rear across the basement and ground floors, and by up to two bays in depth. However, there were some clear and distinct design differences, such that these schemes were materially different to the appeal development. Firstly, the previous approvals incorporated the principle of retaining at least the appearance and basic form of the original outrigger into their design, showing some respect to the design hierarchy.
37. Whilst the 2008 scheme would have involved the remodelling of the outrigger to form a stairwell, from the evidence it is not entirely clear whether this scheme incorporated an increase in height to this structure. Photographic evidence from the 2008 Design and Access Statement indicates that the three rear outriggers across the terrace were of around the same height and position, with their highest points adjoining the rear elevation at just above the sill level of the top windows on the rear elevation. This height appears to be retained in the scheme drawings from this application (Proposed elevations, Job No 181:08:08).
38. The drawings for the current appeal present the 'pre-existing' rear elevation a little differently, with the outrigger adjoining at a lower maximum height, just below the sill of the highest window on this elevation (Elevations (Pre-existing)

363-OD-0003 Rev 03). It appears from this evidence that the current appeal drawings may be inaccurate, not that the earlier scheme gave consent for an increase in the height of the outrigger. However, the 2008 scheme did refer to the fact that the outrigger would be subject to a structural inspection, with no requirement that the findings, or their implications, would be considered by the Council. Nonetheless the principle of the upper part structure remaining was apparent in the 2008 and 2015 schemes.

39. Fundamentally, the lesser height, scale and more diminutive appearance of these rear extensions in comparison to the current scheme would have allowed the front and side elevations to have been more fully appreciated, without what appears as a large development to the rear. Further, in terms of detailing, whilst the 2008 scheme included a more contemporary window design to the side elevation, the fact that this was of much lesser scale than the current scheme would have led to a lesser degree of visual discordance.
40. The 2008 scheme incorporated a new main entrance on the side elevation, accessed via a ramp, and some alterations to the layout of the ground floor. Whilst the full circumstances of this proposal are not known, it appears that it was associated with the continued use of the building as a medical centre. The side entrance design was based on the existing main entrance and picked up on this design through replication. Whilst this would have been moderately disruptive to the overall design composition of the building, any harm may have been offset by benefits. I also note that this scheme was approved prior to the introduction of the National Planning Policy Framework (the Framework) and its associated heritage policy provisions, including the requirement to consider significance.
41. Given the mass of the extension approved as part of the 2015 scheme and the modest size of the rear garden area, it does not appear that this would have left significantly more of the original rear elevation on show from the garden than is currently the case. However, more of this elevation would have been visible from some views locally. This would have included the upper part of the outrigger. Further, this extension would have had pitched roofs typical of this type of building, which would have reduced the bulk of the roof and reflected the existing form of the original building. Overall, whilst there would have been some disruption to the balance across the terrace, this extension would have appeared more subservient in comparison with the current scheme.
42. The 2015 scheme introduced the principle of further rooflights, with three on the front roof slope. However, whilst these may be seen as modestly intrusive, as they were aligned with the three windows on the floor below they would have retained a sense of symmetry and balance overall.
43. Looking at the treatment of the interior, the 2015 scheme would have required some changes to the floor plans and alterations to floors and joists. However, the Heritage Statement associated with this scheme referred to the fact that 'the original rooms will be reinstated, the interior will be refurbished and any damage to original elements repaired'. The Officer report also referred to the fact that there would 'not be (sic) significant changes to the historic fabric which will be restored.' Further, the permissions associated with this had conditions requiring, for example, plans of the 'soft stripout' of the parts of the building which are currently obscured, detailing how any damage is to be

mitigated, and requiring details of repair works to windows which should not be removed or replaced unless approved. The Heritage Statement also suggested that this conversion to flats was 'the most viable solution' with the advantages resulting from the development suggested to outweigh the minor impact it would have on the listed building.

44. Summing up, the 2008 and 2015 schemes established some basic principles which provide a 'useful yardstick' for assessing the heritage impact of the current proposal. The design of their additions, whilst distinct from the listed building in terms of materials, clearly sought to respond to the listed building and site context in terms of the height and scale of the extensions, including the more appropriate detailing of the larger 2015 proposal. Further, considerably more attention was given to the protection of original features, particularly in the 2015 scheme, including the outrigger and internal fabric. Overall these schemes reflected a greater recognition of the significance and sensitivity to change of the heritage asset than the appeal proposals.

Structural issues and the condition of the building

45. The usual approach to the management of change in heritage assets involves the retention of as much historic fabric as possible, with the production of a structural report indicating what is necessary and the least intrusive means of achieving the outcome, including conservation led techniques to ensure that no further damage is caused. However, in this case there is no evidence to indicate that such an approach was considered or advised. For example, I understand that a decorative ceiling bracket fell during the re-construction of a central wall, suggesting that the necessary measures were not in place to protect such features. Also, during the building works the ground floor joists were found to be unsound. There is no evidence that the reconstruction of the ground floor at a higher level was necessary other than to give greater headroom in the basement.
46. References are also made to parts of the building being in a poor condition prior to the works to justify some of the alterations made, including the replacement of windows. However, limited photographic evidence is available to support this claim. Specifically, whilst many windows have been replaced, only minor evidence of the nature of damage to the windows is presented in the form of a small amount of damage to one window. Overall, there is no evidence that structural issues or the condition of the building justified the works undertaken.

Compliance with buildings and fire regulations

47. The appellant indicates that some of the internal alterations made resulted from discussions with building regulations advisers. Specifically, false ceilings and vestibules at the flat entrances were introduced for fire safety and to assist in acoustic and thermal insulation. It is also suggested that the timber panelling around windows was removed to improve insulation.
48. Some alterations, such as those addressing fire safety, may be non-negotiable. However, there is usually some flexibility in respect of acoustic and thermal insulation measures for listed buildings, and specific less intrusive treatments are available which allow features of interest to be retained. There is no evidence in this case that the alterations undertaken were necessary to meet

building regulations, or indeed that the least intrusive means of achieving the necessary standards were sought.

Comparisons with No 359 Wilmslow Road

49. The Council refers to the recent internal restoration works at No 359 Wilmslow Road as an example of what is possible and appropriate for such buildings. This building is in established use as an HMO and therefore building regulation requirements may differ, with the appellants witness suggesting that higher building and fire regulation standards may be required for a flat development. However, there is no evidence to indicate that such differing requirements should have any substantive impact on the way in which restoration works can be undertaken.

Heritage policy and statute

50. The Council's reasons for refusal refer to the Policy EN3 of the Manchester Core Strategy DPD 2012 (Core Strategy), which sets out the importance of preserving and enhancing the historic environment. Reference is also made to saved Policy DC19 of the Manchester Unitary Development Plan 1995 (UDP), which refers to the desirability of the retention, restoration, maintenance and continued use of listed buildings.
51. These policies do not reflect the more qualitative and proportionate consideration of proposals impacting on heritage assets that is set out in Section 16 of the Framework. Specifically, they do not require the identification of significance, do not differentiate between substantial and less than substantial degrees of harm, and they do not allow for the balancing of any harm with public benefits. On this basis these policies are less permissive of development than the Framework's heritage provisions.
52. Having regard to paragraph 213 of the Framework, the presumption in favour of preservation set out within Policy EN3 and saved Policy DC19 is consistent with the overriding purpose and intention of Section 16 of the Framework and the Act¹. Therefore, whilst they do not reflect the more nuanced approach to heritage matters, in so far as these policies are consistent with the Framework they are not out of date.

Conclusions on impact on the listed building

53. I have found harm due to the scale, form and detailed design of the extension when viewed in relation to the architectural craftsmanship and hierarchy of the Norton Terrace. I have also found harm from some of the unsympathetic additions and alterations to the exterior of the building, and from a range of alterations to the interior, many of which cause some degree of harm to original form and fabric. As a result the development and works fail to preserve the special interest and significance of the listed building.
54. I have also reviewed a range of matters relevant to heritage considerations raised by the parties. After considering the nature of previous approvals, the evidence relating to the condition of the building and the requirements of other regulatory regimes, I conclude that there is no evidence that the current harm was necessary to bring the building back into use.

¹ Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

55. I am aware that substantial harm in the terms set out in paragraph 195 of the Framework can be equated to total loss of significance and is therefore an extremely high test. The NPPG on substantial harm to a designated heritage asset further clarifies that 'an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest' (Reference ID: 18a-017-20140306). On this basis, as the front and side elevations of the appeal building remain largely intact, my view is that this harm lies below a high degree of less than substantial harm but, given the cumulative nature of this harm, it is certainly above a moderate level within this spectrum.
56. I therefore conclude that, against the requirements of the development plan, national policy and statute, the scheme causes less than substantial harm when considered in the context of the significance of the heritage asset overall. The Framework paragraph 196 sets out that in such circumstances this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I give consideration to the to this matter below.

Could the harm be addressed by conditions requiring alterations?

57. Various alterations have been suggested to address the heritage impact of this scheme on the building. Specifically, the appellant has suggested a reduction in the number of rooflights from 6 to 4 on the front elevation and from 4 to 3 on the rear, the replacement of plastic rainwater pipes with cast iron, and the replacement of basement uPVC windows in the main building, and all uPVC windows in the extension with timber side hung casement windows. Ground floor uPVC doors would also be replaced with timber. Further, the conditions suggested by the Council would also see the removal of suspended ceilings and the reinstatement of decorative plasterwork, the reinstatement of decorative timberwork and the reinstatement of original internal doors.
58. My view is that these works may address some of the harm caused to the exterior, and could possibly return the appearance of the interior to suggest of its original form which may be seen as a betterment overall. However, they would not address the substantive concerns regarding the harm caused to the heritage asset by the form, scale and main design elements of the extension, including window proportions. Furthermore, given the scant information as to why some of the internal alterations were undertaken, other than references to various regulatory requirements, there is no evidence before me that these alterations could be satisfactorily made. Overall my view is that less than substantial harm would remain.

Design and appearance

59. The appeal site is located on the busy Wilmslow Road corridor. There are a range of uses in the area, with some of the original villas having been converted to hotel and other commercial uses. The built character of the area is also somewhat varied. Whilst in the immediate vicinity of the appeal site much of the character and appearance of the original Victorian residential area remains, the other original villas have been significantly altered through extensions, including that to No 365 directly to the south. There is also some diversity evident in the more contemporary development.

60. The Norton Terrace properties form a landmark structure within this area. Its distinctive and striking appearance stands out against the backdrop of the Besford Close development of two and three storey red brick town houses to the rear of the site.
61. In terms of general appearance, materials, scale and mass the extension appears in views from Wilmslow Road as a similar structure to the Besford Close properties. Furthermore, the fact that it is to the rear of the property behind the side bay window, and of lesser height and contrasting materials means that in some senses it appears to be distinct from the host building. In this sense the extension is not a dominant or domineering feature. Nevertheless, the overall mass of built form creates a sense of built density which is at odds with the typical spaciousness associated with Victorian villas, competing with the primacy of Norton Terrace.
62. Furthermore, when viewed in greater detail, I have already concluded that the extension relates poorly to the host building in terms of both its scale and detailing. Whilst the appellant suggests that the design is 'appropriate by accident', in design terms insufficient attention has been given to the local context, which would be the case whether or not the building was listed. In this sense the consultation objection which refers to the fact that 'a passer-by would have no idea that it was connected to Norton Place' appears to be with reference to the fact that the extension fails to take any design cues from the host building, noting that 'there is not even an echo of its Victorian past'. The point being that a contextual design would reasonably be expected for an extension of this scale.
63. I was able to see that the extension is visible from Wilmslow Road, though over a relatively short stretch when travelling north only. Nonetheless, the open frontage of No 365 means that the extension is clearly seen, such that these views are more than glimpsed. The visibility of the extension is to some minor degree reduced by the presence of trees, noting the silver birch tree adjacent in the grounds of No 365. I understand that this tree is in the ownership of the appellant, and whilst not currently protected, the appellant would be willing to enter into a unilateral undertaking to ensure its long term retention. However, this provision would not significantly address the current degree of visual intrusion caused by the form and mass of the extension, particularly at leaf fall in winter months.
64. Whilst the sensitivity of the view from Wilmslow Road was not raised in relation to previous schemes, this is most likely because the lesser scale of the extensions proposed did not raise such concerns. In this regard the photomontage prepared in support of the 2015 scheme illustrates a more considered and modestly scaled addition, clearly subservient to the main structure. This also demonstrates that, in comparison with the appeal scheme, the visible roof area would have been greater. However, given the considerably greater mass of brickwork on show, this point does not support the argument that the current mansard roof, whilst 'less complicated' in form, is in any way preferable to the former roof design.
65. Looking at visibility more generally, glimpsed views are possible from Besford Close and adjacent gardens, including from Whiteoak Road. The view of the rear elevation from Besford Close is restricted both by the presence of these properties and a number of trees along the shared boundary. Whilst this

obscures views of the full rear to a large degree, the predominant simple treatment of the rear elevation of Norton Terrace with small windows, modestly sized outriggers and the small extension to 359, is discernible and contrasts with the bulk and mass of the appeal extension. In this view the flat roof element and large patio style windows can be seen, contrasting with the otherwise modest form and style of the rear.

66. I appreciate that the appellant may have set out to implement the 2015 approved scheme, which I understand went through a design evolution as advised by the Framework paragraph 128. However, there are clear and distinct design differences between these schemes in terms of mass, scale and detailing.
67. Overall I conclude that whilst the extension is not a prominent element in the general street-scene, by reason of its scale, form and detailing it does not relate well to its context. Therefore, the design and appearance of this addition are not acceptable in relation to the surrounding area.
68. In this respect there is modest conflict with the relevant provisions of Core Strategy Policy SP1 which sets out core principles such as providing high quality and diverse housing, and the protection and enhancement of the built environment. There is also conflict with the relevant provisions of Core Strategy Policy DM1, referring to the need for development to have regard to appropriate scale, form, massing, materials and details, as well as impact on surrounding areas in terms of design, scale and appearance.
69. UDP saved Policy EN1 describes the principles of urban design and identifies strategic character areas. Whilst the current scheme does not conflict with specific matters, this Policy places importance on good design on main and radial routes such as Wilmslow Road. Finally, UDP saved Policy DC1 refers to residential extensions. Whilst many aspects of this Policy are not engaged, there is conflict with specific elements including (1.1a) the need to have regard to the general character of the property and (1.2a) whether extensions are excessively large or bulky. There would also be conflict with the design provisions of the Framework, particularly paragraph 127, including the requirement that development is visually attractive as a result of good architecture and is sympathetic to local character and history.

Public benefits

70. The development and works provide several public benefits which need to be considered in the balancing exercise required by paragraph 196 of the Framework.
71. I have acknowledged that heritage benefits have been delivered through improvements to the front and side elevations, thereby maintaining key elements of interest of this building. Given the significance of these elevations this is a clear public benefit of the scheme. However, the weight to be attached to this benefit is moderated by the fact that the current Heritage Statement states that 'while some elements are in need of repair, the elevation is in decent condition'. Therefore, the degree to which this work was necessary to enable the appreciation of the heritage asset is debatable. I have also noted that some detracting elements have been added to these elevations. I therefore accord modest to moderate weight to this point.

72. Works to the frontage area to create hardstanding for parking may be an improvement on the previous situation, however as this would have previously formed the front garden this aspect of the scheme is of limited benefit. Whilst I am aware that bricks gathered from the reduction in height of the perimeter wall have been used to build the extension, this is not a significant point.
73. There have been some limited improvements to the interior, such as the removal of temporary shoring and the repair of the stair balustrade. However, in the appellant's schedule (Inquiry document 5) these are acknowledged as being 'negligible' or 'minor' positive impacts. Cumulatively these small scale changes have had a minor beneficial effect. I am therefore able to give this point modest weight at best.
74. More generally, the development has resulted in the re-use of a building which had been somewhat neglected and was in poor condition in places. The appellant also suggests that converting and extending the building in this way has resulted in delivering its optimum re-use. Nonetheless, as the 2015 scheme was expressly assessed by the appellant to be viable this point is of limited weight.
75. The appeal scheme has resulted in the provision of good quality housing with a high standard of internal design. This point was supported by the residents in attendance at the inquiry, who said that they felt comfortable and safe in their accommodation. Elements such as the significant number of rooflights are designed to increase daylight into living areas. However, there is no evidence of the necessity of such elements in ensuring satisfactory living conditions, nor that such a high-quality scheme overall could not be achieved with less harm to heritage significance. This point therefore gains limited weight.
76. The scheme complies with saved Policy DC5.2 of the UDP, a positively worded policy setting out the general presumption in favour of flat conversions within residential areas. This policy welcomes the conversion of large, old, difficult to re-use properties, and supports the preservation of attractive buildings which may not be viable for other uses, providing investment to enable the retention and improvement of the housing stock. However, whilst these factors are applicable to the appeal property, these provisions are promoted 'subject to other relevant policies of the Plan'. Whilst this Policy was specifically recognised by the Council's officer report as supporting the 2015 scheme, this did not involve the heritage or design conflict identified in the present case. Overall therefore this point does not weigh in favour of the appeal scheme.
77. Following the publication of the Five Year Housing Land Supply Statement in January 2019, the Council is now able to demonstrate a five years supply of housing land, currently at 7.05 years. The appellant suggests that due to the scale of some of the schemes involved it is unlikely that all will be delivered within a 5 year period. However, the current deliverable supply is well over 5 years worth and no evidence is presented in support of this claim.
78. Nonetheless, whilst the provision of 10 units is not a significant number in the context of available supply, and is only one more than the 2015 scheme, it is a benefit of modest weight in the context of the government's priority to significantly boost the supply of housing.
79. Other points in favour of the scheme include some of those relating to sustainable development, as set out in paragraph 8 of the Framework.

Specifically, this is a highly sustainable location close to amenities and employment/education opportunities, with excellent public transport links. Also, this use of the building helps to maintain the diversity and vitality of the neighbourhood. These points weigh modestly in favour of the scheme.

80. Finally, the fact that there is no issue with specific elements of the scheme such as the split level rear garden, and a range of planning standards are met, are not indicative of any particular benefits of the scheme.

Conclusion on paragraph 196 balance

81. The statutory presumption against harm to a designated heritage asset is not irrebuttable. Nonetheless, the Framework paragraph 194 sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification. In carrying out the balancing exercise paragraph 193 also clarifies that great weight should be given to the asset's conservation. By extension, this could be taken to mean that great weight should be given to those attributes of a scheme which support the long term preservation of the significance of the asset. As such in reaching a conclusion on such cases harms must be weighed against the benefits.
82. Many of those elements identified above are not over-riding benefits that could outweigh the strong presumption against harm to a listed building. For example, a number of the points referred to by the appellant, such as securing the future of the building, the provision of additional accommodation, and the support to the vitality of the neighbourhood would also apply to the 2015 scheme. This tempers the weight which can be attached to such benefits.
83. The benefits identified are at best modest in weight, with the exception of the works to restore the main elevation. The degree of harm caused to the significance and special interest of the Grade II listed building overall is above a moderate level within the less than substantial spectrum. Even when considered as a collective these benefits would be significantly outweighed by the harm caused to this designated heritage asset, to which I am required to give considerable importance and weight.

Other matters

84. The enforcement notices require the residential use of the whole building to cease, which I understand is to take effect from July 2019. If the appeals were to be dismissed, and the enforcement notices were therefore to take effect, this would result in the 17 current tenants losing their homes. It is possible that the tenants could have appealed the enforcement action based on their personal circumstances. However, I appreciate that, particularly as many appear to be on short term leases, it is unlikely that they would have either the inclination or the appreciation of the need to do so. Evidence presented at the inquiry indicated that most residents are, or will shortly be, on monthly rolling tenancies.
85. I fully appreciate and have sympathy with the fact that existing tenants will have made their homes within the appeal property. The inquiry heard how these residents and their visitors find the location of the appeal property and the accommodation provided to be particularly convenient, suitable and safe. However, as things stand their tenancies could be terminated at short notice whatever the outcome of the current appeals. Furthermore, there is nothing

before me to indicate a shortage of such accommodation within this part of Manchester, or any individual circumstances suggesting that the tenants involved would have any difficulty finding suitable alternative accommodation within the local area.

86. The outcome of these appeals engages the building occupants' rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, those rights are qualified and I must ensure in relation to these appeals that any interference with those rights is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality. A decision to dismiss these appeals could result in the current tenants losing their homes, but in this case the harm to the heritage asset is such that the dismissal of the appeals is a necessary, justified and proportionate response. The public interest cannot be achieved by means that cause less interference with the occupants' rights and hence no violation of Article 8 would occur.
87. On the basis of the current enforcement action there is no fall back position. The appellant also makes reference to the fact that the Council has not been prepared to discuss works to render the scheme acceptable. However, there is no suggestion that the Council would not accept the 2015 scheme.
88. The views of interested parties were apparent from attendance at the inquiry and the letters received. As a collective these indicate that local opinion on the appeal scheme is divided, with supporters and objectors presenting diametrically opposed views. I have considered all of the points made in order to reach a balanced view overall.

Overall conclusion

89. I have found that less than substantial harm to the significance of the designated heritage asset would not be outweighed by the public benefits of the scheme. The scheme is therefore in conflict with the statutory duty to have special regard to the preservation of listed buildings. My findings in relation to design matters add further to the weight against the proposal. I have also given careful consideration to other matters, particularly the implications of dismissing the appeals for the existing residents of the property. However, nothing overrides my conclusions about the damage to the heritage asset or the adverse impact of the design on general appearance.
90. The scheme would be contrary to the provisions of the development plan. Whilst relevant policies are less permissive of development than the Framework there are no other material considerations that outweigh this finding. Indeed, the development does not accord with the policies in the Framework relating to the historic environment. For these reasons the appeals should fail.

AJ Mageean

INSPECTOR

APPEARANCES

For the Council

Ms Reid of Counsel, instructed by Manchester City Council.

She called:

Mr Mason Group Manager, Urban Design and Conservation

Ms Atkinson Principle Planning Officer

For the appellant

Mr Goatley and Mr Martin of Counsel, instructed by Addleshaw Goddard.

They called:

Mr Clemons Savills (UK) Ltd, addressing heritage matters

Mr Nicholls Alyn Nicholls, addressing planning matters

Interested parties

Ms Kincaid South East Fallowfield Residents Association

Ms Given Local resident

Mr Hollinshead Local resident

Inquiry documents

1. Extract of Housing Delivery Test: 2018 measurement
2. ICOMOS Guidance on Heritage Impact Assessment for Cultural World Heritage Properties
3. Appellant Opening Statement.
4. Council Opening Statement.
5. Schedule of works and impacts (Mr Clemon's Appendix 6), with additional column for Mr Mason's comments (*revised and corrected version*).
6. Historic England Response to application no 107449/LO/2014/S1.
7. Representations received in respect of application 12506/LO/2018
8. Representations received in respect of application 12505/FO/2018
9. Details of the City of Manchester (Wilmslow Road, Fallowfield) Tree Preservation Order 1989, confirmed 1990, as it affects 365 Wilmslow Road.
10. Suggested conditions (*revised version submitted with Closings*).
11. Closing submissions on behalf of the council.
12. Closing submissions on behalf of the appellant.