



TOWN & COUNTRY PLANNING ACT 1990

(As Amended)

Statement of Case by Manchester City Council

Appeal by Feltham Management Limited against refusal of:

- 1. Variation of condition numbers: 2 (specified plans) and 10 (obscure glazing) from planning approval reference 127016/FO/2020 &**
- 2. Variation of condition numbers: 2 (specified plans), 5 (false ceiling), 6 (rainwater goods), 7 (timber panelling) and 8 (internal decoration details) from Listed Building Consent reference 127017/LO/2020**

Planning Inspectorate References:

- 1. APP/B4215/W/23/3314318**
- 2. APP/B4215/Y/23/3314319**

Manchester City Council Planning Application References:

- 1. 133618/JO/2022**
- 2. 133619/JO/2022**

1. LOCATION AND SITE

- 1.1 The appeal property is a grade II listed building, having been formally designated in 1974, and forms an end property of a short terrace row of three buildings known as 'Norton Place'. The property was originally constructed as a dwellinghouse, along with the other two buildings in the row. Predominately two storey in height, the property benefited from a basement area, two-storey outrigger to the rear and attic accommodation.
- 1.2 The front of the property has two ground floor bay windows with central entrance door way and steps. The bays and doorway have distinctive decorative detailing as do the eaves of the property. The upper floor windows have vertical sash windows, with vertical glazing bars, and a more simple stone surround. To the front of the property is a stone boundary wall and gate posts – originally stone – but replaced with artificial stone/concrete of differing size and profile.
- 1.3 The side gable wall to the property has a similar bay window as the front elevation with decorative features and an upper floor window, which again follows the same style and features as the front elevation.
- 1.4 The rear elevation of the property was once characterised by a two-storey outrigger. This was similar to the outriggers, which remain evident within the remainder of the terrace row at properties 359 and 361 Wilmslow Road known as 'Norton Place'. A low boundary wall and gate post mark the entrance to the front curtilage of the property which once formed the front garden and now consists of hardstanding for car parking. To the rear of the property is a landscaped garden area with cycle store and clothes drying area.
- 1.5 The list description for the property indicates it was in use in 1974 as offices and the planning history for the property indicates it was used as a medical centre from 1979 to 2010. There appears to have been an education use in the building in the intervening period prior to its conversion to residential flats.
- 1.6 The surrounding area is mixed use in nature. The application property, together with the other properties in the terrace that form Norton Place, retain their residential character.

2. PLANNING HISTORY

2.1 The following applications are of relevance to the current appeal, decisions notices and relevant documents to these applications are set out in Appendix I.

- a) March 2001 - Application for Planning permission 061665/FO/SOUTH1/01, Part single part two storey rear extension, new entrance at side of property with access ramp and parking at rear. Approved June 2001.
- b) March 2001- Application for Listed Building Consent 061666/LO/SOUTH1/01, LISTED BUILDING CONSENT Part single part two storey rear extension, new entrance at side of property with access ramp and parking at rear and internal alterations. Approved June 2001.
- c) May 2008 -Planning application 086507/FO/2008/S1 Erection of a part single/part 2 storey extension at rear of property and entrance ramp and new entrance at side of property. Provision of parking spaces in rear garden with associated landscaping. Approved July 2008.
- d) May 2008 - Application for Listed Building Consent 086581/LO/2008/S1 LISTED BUILDING CONSENT for the erection of a part single/part 2 storey rear extension, new access ramp and side entrance, car parking in rear garden and associated landscaping Approved July 2008.
- e) July 2014 - Planning application 106424/FO/2014/S1 Erection of part single, part two-storey rear extension to existing building together with excavation of rear garden to create nine flats, with landscaping and parking Approved September 2014.
- f) July 2014 - Application for Listed Building Consent 106425/LO/2014/S1 Listed Building Consent for the erection of part single, part two-storey rear extension to existing building together with excavation of rear garden and internal alterations in association with the creation of nine flats, Approved September 2014.

- g) March 2015 -Planning application 107448/FO/2014/S1 Erection of part single, part two-storey rear extension to existing building together with excavation of rear garden to create 9no. self contained flats with landscaping and parking, Approved May 2015.
- h) March 2015- Application for Listed Building Consent 107449/LO/2014/S1 Listed Building Consent for the erection of part single, part two-storey rear extension to existing building together with excavation of rear garden and internal alterations in association with the creation of 9no. flats, Approved May 2015.
- i) June 2017 Planning application 116773/FO/2017, Change of Use from doctors surgery to create 10no. self contained flats including the erection of a basement and two storey rear extension to existing building together with excavation of rear garden with associated landscaping and parking, Refused August 2017
- j) June 2017 -Application for Listed Building Consent 116774/LO/2017, Listed Building Consent for the erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking , Refused August 2017
- k) July 2018 - Planning application 120505/FO/2018, Erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking, Refused October 2018.
- l) July 2018 - Application for Listed Building Consent 120506/LO/2018, Listed Building Consent for the erection of basement and two storey rear extension to existing building to create 10no. self contained flats together with excavation of rear garden with associated landscaping and parking. Refused October 2018.

An appeal against refusal of Planning permission 120505/FO/2018 and Listed Building Consent application 120506/LO/2018 was dismissed following the holding of a Public Inquiry in July 2019. Appeal references APP/B4215/W/18/3215658 and APP/B4215/Y/18/3215659 the Inspectors report can be found at Appendix II. These are referred to as the '2018 proposals' within this statement.

- m) June 2020 - Planning application 127016/FO/2020, Erection of basement and two storey rear extension to create 9no. self contained flats together with various other works including internal alterations, the rebuilding of gate piers, the laying out of car parking area and the provision of a cycle store and refuse store, Approved by Manchester City Council Planning and Highways Committee June 2021. This is referred to as the '2021 approvals' in this statement.
- n) June 2020 - Application for Listed building consent 127017/LO/2020 for the erection of two storey rear extension to create 9 no. self contained flats together with various other works including internal alterations, the rebuilding of gate piers, the laying out of car parking area and the provision of a cycle store and refuse store. Approved by Manchester City Council Planning and Highways Committee June 2021 . This is referred to as the '2021 approvals' in this statement.

- 2.2 An Enforcement Notice and Listed Building Enforcement Notice were issued by the City Council on 14 August 2017; these notices required the cessation of the use of the property as flats and removal of the unauthorised rear extension, these notices currently remain extant.
- 2.3 The notices were amended to allow for an alternate period for compliance to that originally imposed, this requiring the flats use to cease by 2 February 2020 and then for the demolition of the rear extension by 17 July 2020. All evidence suggests that the property owner complied with the first stage of the notice by the deadline. However, the secondary element was impacted by the Covid-19 pandemic and to allow for the associated applications 127016/FO/2020 and 127017/LO/2020 to be concluded.

3. DETERMINATION AND DECISION

- 3.1 Two variation of condition applications were submitted to amend a number of conditions attached to the associated planning permission 127016/FO/2020 and listed building consent 127017/LO/2020 (the 2021 approvals) which were approved by Manchester City Councils Planning and Highways Committee at it's meeting on the 3rd June 2021.

- 3.2 In respect of 127016/FO/2020 the conditions applied to vary under application reference 133618/JO/2022 were numbers: 2 (specified plans), and 10 (obscure glazing) to allow amendments: to the materials and layout of steps to the main entrance, materials to be used in the rainwater goods, alterations to the design of windows in the rear extension, heads of windows in the rear elevation of the original building and rear extension; treatment of window sills in the rear extensions and omission of dummy window in the side elevation of the rear extension; and, to allow the partial occupation prior to the installation of obscure glazing. References to elements relating to the appeal against the variation of the planning permission (133618/JO/2022) will be set out as 'Appeal 1' in the remainder of this statement.
- 3.3 In respect of Listed Building Consent 127017/LO/2020 the conditions applied to vary under application reference 133619/JO/2022 were numbers: 2 (specified plans) and 8 (timescales for the implementation of internal decoration details) and the removal of condition numbers 5 (false ceiling), 6 (rainwater goods) and 7 (timber panelling). References to elements relating to the appeal against the variation of the planning permission (133619/JO/2022) will be set out as 'Appeal 2' in the remainder of this statement.
- 3.4 The variation of condition applications subject of these appeals were validated on the 27th April 2022 and given the references 133618/JO/2022 (Appeal 1) and 133619/JO/2022 (Appeal 2).
- 3.5 The applications were accompanied by completed application forms, a cover letter, a Heritage Statement prepared by i-Architect and the following drawings:
- 363-OD-0202 Rev.1 Site Plan (Existing v Proposed)
 - 363-OD-0208 Rev.1 Floor Plans (As Proposed)
 - 363-OD-0209 Rev.1 Elevations (As Proposed)
 - 363-OD-0210 Rev.1 Cross Section (As Proposed)
 - 363-OD-0211 Rev.1 Interior Details (Sheet 1)
 - 363-OD-0212 Rev.1 Interior Details (Sheet 2)
 - 363-OD-0213 Rev.1 Window Details (Sheet 1)
 - 363-OD-0214 Rev.1 Window Details (Sheet 2)
 - 363-OD-0215 Rev.1 Front Steps Details
 - 363-OD-0216 Rev.1 External Works Details
 - 363-OD-0217 Rev.1 Window Details (Sheet 3)
 - 363-OD-0218 Rev.1 Roof Details
 - 363-OD-0221 Rev.1 Suspended Ceiling Datasheets

- 3.6 The applications subject of this appeal were advertised by means of neighbour notification, with the last date for representations given as the 26th May 2022 (Appeal 1) and 27th May 2022 (Appeal 2) together with site notices posted on the 10th May 2022, and advertisement in the local press also published on the 10th May 2022.
- 3.7 The variation of condition applications were subsequently refused under delegated powers , following the agreement of an extension of time by the appellants agent, on the 25th July 2022 for the following reasons:

Appeal 1 Reason for Refusal

“The proposed elevational alterations to: the materials and layout of steps to the main entrance; materials to be used in a rainwater goods; alterations to the design of the windows in the rear extension; heads of windows in the rear elevation of the original building and the rear extension; treatment of windowsills in the rear extensions and omission of dummy window in the side elevation of the rear extension; subject to this application fail to preserve or enhance the Grade II designated heritage asset causing harm that cannot and has not been justified by public benefits, and is therefore considered to be contrary to Section 16(2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12 (Achieving Well Designed Places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Policies SP1, DM1 and EN3 and save policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.”

Appeal 2 Reason for Refusal

“The proposed elevational alterations to: the materials and layout of steps to the main entrance; materials to be used in the rainwater goods; alterations to the design of windows in the rear extension; heads of windows in the rear elevation of the original building and rear extension; treatment of window sills in the rear extensions and omission of dummy window in the side elevation of the rear extension; an alternative treatment of the ceilings of the principal rooms on the ground floor; omission of replica window shutters and associated skirting and architrave to ground floor flats subject of this application fail to preserve or enhance the Grade II designated heritage asset causing harm that cannot and has not been justified by public benefit, and is therefore considered to be contrary to Sections 16(2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12 (Achieving well

designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, The Core Strategy for the City of Manchester, in particular Policies SP1, DM1 and EN3 and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.”

4 THE DEVELOPMENT PLAN

- 4.1 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.
- 4.2 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 unless material considerations indicate otherwise. Relevant policies in the Core Strategy and saved Unitary Development Plan are detailed below.
- 4.3 Core Strategy policy SP1 states that the key spatial principles which will guide the strategic development of Manchester to 2027 include: the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. 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; making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income; protect and enhance the built and natural environment.
- 4.4 Core Strategy Policy EN1 'Design principles and strategic character areas' – This policy sets out that all developments are expected to follow the seven principles of urban design as identified in national planning guidance. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. The site is located within the Southern Character Area where it is

acknowledged that “there is a notable presence of older development (1750-early 1900) at key junctions and along historic radial routes such as Oxford Road/Wilmslow Road, often but not exclusively associated with District Centres”.

- 4.5 Core Strategy Policy EN 3, Heritage – This policy states that 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.
- 4.6 Policy DM1, Development Management - This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-
- Appropriate siting, layout, scale, form, massing, materials and detail.
 - Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
 - Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
 - Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
 - Community safety and crime prevention.
 - Design for health.
 - Adequacy of internal accommodation and external amenity space.
 - Refuse storage and collection.
 - Vehicular access and car parking.
 - Effects relating to biodiversity, landscape, archaeological or built heritage.
 - Green Infrastructure including open space, both public and private.
 - The use of alternatives to peat-based products in landscaping/gardens within development schemes.
 - Flood risk and drainage.
 - Existing or proposed hazardous installations.
 - Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques.

- 4.7 Saved UDP policy DC19 '*Listed Buildings*' 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.
- 4.8 As set out below within section 5 of this statement the application proposals are not considered to be in accordance with the principles contained with Core Strategy policies SP1, EN3 and DM1 and saved Unitary Development Plan policy DC19.1 by amongst other things: failing to enhance or create character; failed to take advantage of historic and heritage features; does not result in a form or detail of development appropriate to the building; fails to restore the historic building that it relates to or protect its general setting.

NPPF (2021)

- 4.9 *The National Planning Policy Framework (NPPF- 2021)* sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Relevant sections to this application are contained in Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment) .
- 4.10 The creation of high quality, beautiful and sustainable buildings and places is identified as fundamental to what the planning and development process should achieve (paragraph 126).
- 4.11 The NPPF indicates that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used) (paragraph 135).

- 4.12 The NPPF confirms at paragraph 189 that Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 4.13 The NPPF states at paragraph 190, that in determining planning applications, local planning authorities should take account of:
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.14 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 199).
- 4.15 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200).
- 4.16 At paragraph 201 the NPPF states, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a. the nature of the heritage asset prevents all reasonable uses of the site; and
 - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use.

- 4.17 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202).

Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of primary legislation sets out the general duty placed on a local planning authority and the Secretary of State in respect of listed buildings in exercising its planning functions. It states:
“In considering whether to grant planning permission or permission in principle 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”.

5 STATEMENT OF CASE

- 5.1 The proposals subject of this appeal are for the variation to a number of conditions attached to the planning permission reference 127016/FO/202 (Appeal 1) and Listed Building Consent reference 127017/LO/2020 (Appeal 2).
- 5.2 In respect of Appeal 1 the conditions the appellant sought to vary were numbers: 2 (the approved plans), to substitute alternative drawings, remove drawings relating to internal works and amend details of the approved works; and, 10 (the timescales for installing obscure glazing) to indicate that occupation of the units where the relevant windows are located shall not be occupied prior to the installation of obscure glazing.
- 5.3 The amendments that permission was sought for in respect of Appeal 1 were:
- Use of aluminium heritage style rainwater goods in lieu of cast iron (condition 2)
 - Use of stone effect concrete entrance steps in lieu of natural stone (condition 2)

- Design details to the rear extension including removal of swept arch heads to windows, alter the window size, removal of dummy windows, retain concrete sills, change to fenestration pattern (condition 2)
- Removal of drawings relating to internal works (condition 2).
- Amend the wording to indicate that occupation of the units where the relevant windows are located shall not be occupied prior to the installation of obscure glazing (condition 10)

5.4 In respect of Appeal 2 the conditions the appellant sought to vary or remove were numbers: 2 (the approved plans), 5 (details relating to the ground floor false ceiling), 6 (details of the rainwater goods to be installed), 7 (timber panelling and shutter details to ground floor windows) and 8 (internal decoration details).

5.5 The amendments that permission was sought for in respect of Appeal 2 were :

- Retention of the installed suspended ceiling and omit further works to the concealed original ceiling and cornice together with the omission of a replica cornice below the suspended ceiling (removal of condition 5)
- Use of aluminium heritage style rainwater goods in lieu of cast iron (removal of condition 6)
- Use of stone effect concrete entrance steps and gateposts in lieu of natural stone (amendment to condition 2)
- Design details to the rear extension including removal of swept arch heads to windows, alter the window size, removal of dummy windows, retain concrete sills, change to fenestration pattern (amendment to condition 2)
- Internal details to the skirting, picture rails, cornices, and window shutters (removal of condition 7 and amendment to condition 2).
- Amendment to the trigger for reinstatement works within the ground floor hall area (amendment to condition 8).

Reason for Refusal

5.6 Following full consideration of the proposed alterations to the previously granted consent the Council considered that the proposed alterations diluted the public benefits deriving

from the approved scheme which themselves were subject of considerable negotiation and compromise in order to derive an acceptable scheme, as such the Council refused the application proposals for the following reason:

- 1) *The proposed elevational alterations to: the materials and layout of steps to the main entrance; materials to be used in the rainwater goods; alterations to the design of windows in the rear extension; heads of windows in the rear elevation of the original building and rear extension; treatment of window sills in the rear extensions and omission of dummy window in the side elevation of the rear extension; an alternative treatment of the ceilings of the principal rooms on the ground floor; omission of replica window shutters and associated skirting and architrave to ground floor flats subject of this application fail to preserve or enhance the Grade II designated heritage asset causing harm that cannot and has not been justified by public benefit, and is therefore considered to be contrary to Sections 16(2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12 (Achieving well designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, The Core Strategy for the City of Manchester, in particular Policies SP1, DM1 and EN3 and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.*

Retention of the installed suspended ceiling and omit further works to the concealed original ceiling and cornice together with the omission of a replica cornice below the suspended ceiling (Appeal 2)

- 5.7 The existing suspended ceilings in No. 363 Wilmslow Road are currently unauthorised and are harmful to the heritage significance of this listed building.
- 5.8 Behind the suspended ceiling and hidden from view is evidence of the existing deep and highly decorative cornices, (the exact extent of what remains is unclear). What remains are of the same design and craftsmanship as those found and currently exposed and fully repaired in No. 359 Wilmslow Road (which forms part of the same listing as the appeal property). See Fig 1 to 4 below

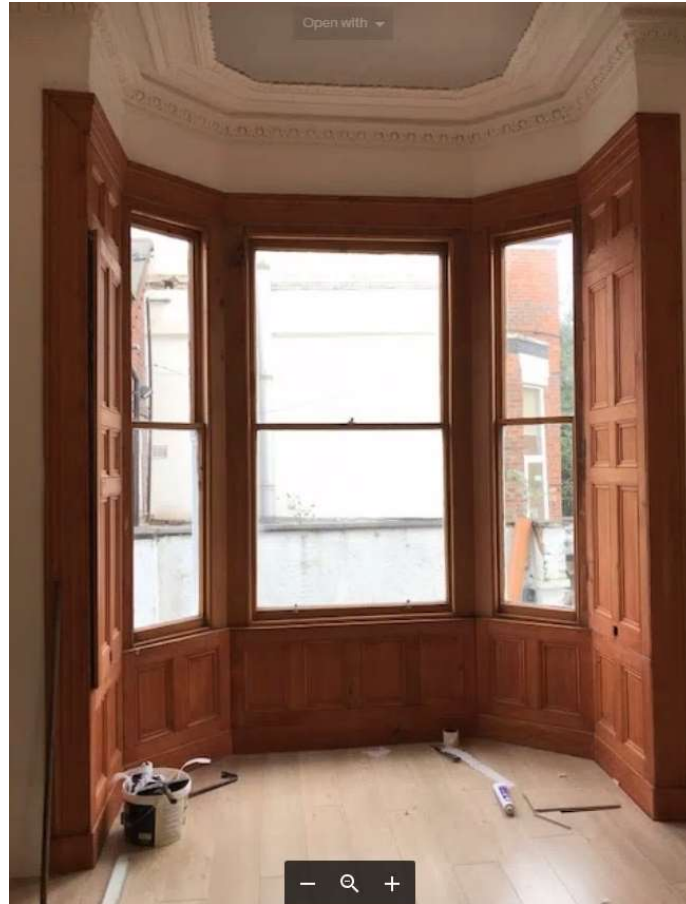


Fig 1. Interior of 359 Wilmslow Road showing original full height bay with fully restored timber panelling and shuttering and repaired and restored ornate plasterwork.



Fig 2. Interior room of 359 Wilmslow Road showing restored decorative cornice and restored timber panelling and shutters.



Fig 3. Internal decorative cornice to 359 following restoration.



Fig 4. Internal decorative cornice and picture rail to 359 following restoration.

- 5.9 The existing cornices are highly decorative and form an important internal feature of the original rooms. This reinforces the highly decorative aesthetic qualities found in both the exterior and interior and was agreed by the Inspector during the Public Inquiry considering the previous appeals at this property (APP/B4215/W/18/3215658 and APP/B4215/Y/18/3215659) as having significance and heritage value (Appendix II, paragraphs 9, 12, 30, and 31). The Inspector agreed with the Council that these features are of importance and contributed to the special interest of the building.
- 5.10 The current appeal proposals seek to retain modern plasterboard suspended ceilings and permanently cover the original cornices. This matter was discussed at length during the previous Public Inquiry and was a significant part of the consideration of the ‘ 2021 approvals’ that the appeal proposals now seek to amend. As part of the listed building consent consideration, it had been agreed to reinstate an exact replica of the original cornice below a suspended ceiling. Whilst the preference would be to fully reveal and repair the original cornice and ceiling as it was originally when the building was designed and built, the applicants have submitted that this is not possible due to the need for acoustic and fire separation and for the distribution of services. The preference is still to see the unauthorised suspended ceilings fully removed and the cornices fully repaired and reinstated in way that has been achieved at No. 359 Wilmslow Road, and this would be the most desirable in heritage terms as it fully reinstates the proportions of the room that the high ceilings provided and the features of high aesthetic value that currently exist in the rooms.
- 5.11 In similar circumstances the Council has approved the residential use of listed buildings where decorative cornices exist and these have been left exposed. In these cases, issues of acoustics, fire separation services have been dealt with in a way that allows the original spatial qualities of the room and the original decorative cornices to remain on show and thus not harm the aesthetic value of these features or the rooms affected.
- 5.12 The preference in the case of No.363 would be to do the same and repair and expose the cornices, and the Council remain unconvinced that this is not possible. However, post the decision from the previous Public Inquiry and as a result of protracted discussions and negotiations the Council reluctantly agreed to accept a lowering of the ceiling, albeit at a raised height to maximise the spatial qualities of the rooms. In order to mitigate the harm

caused by the lowered ceiling in hiding the original features, it was agreed to reinstate an exact replica of the original cornice. This would allow the high status and decorative design elements, and a feature of the room to continue to contribute to the aesthetics of the space and thus retain a feature of special interest in the rooms. Again, whilst not ideal from a heritage perspective as the original cornice is hidden. The concession is that at least the exact replica would allow an appreciation of the high quality decoration and craftsmanship that existing in the original building.

- 5.13 The current proposal seeks to retain a suspended ceiling and not reinstate such a decorative cornice. This would result in a poor quality appearance, with significant loss of any aesthetic value in the original design intent for the space and would create a poor quality sanitised space with simple painted plasterboard with none of the original character of the original highly decorative rooms. Fig 5 to 7 below shows the existing ceiling which lacks any of the original detailing, decoration and craftsmanship of the original ceilings.



Fig 5. Internal room with bay window showing lowered ceiling and loss of original height, decorative cornice and timber panelling.



Fig 6. Internal side room of 363 with bay window showing lowered ceiling and loss of original height, cornice and timber panelling.

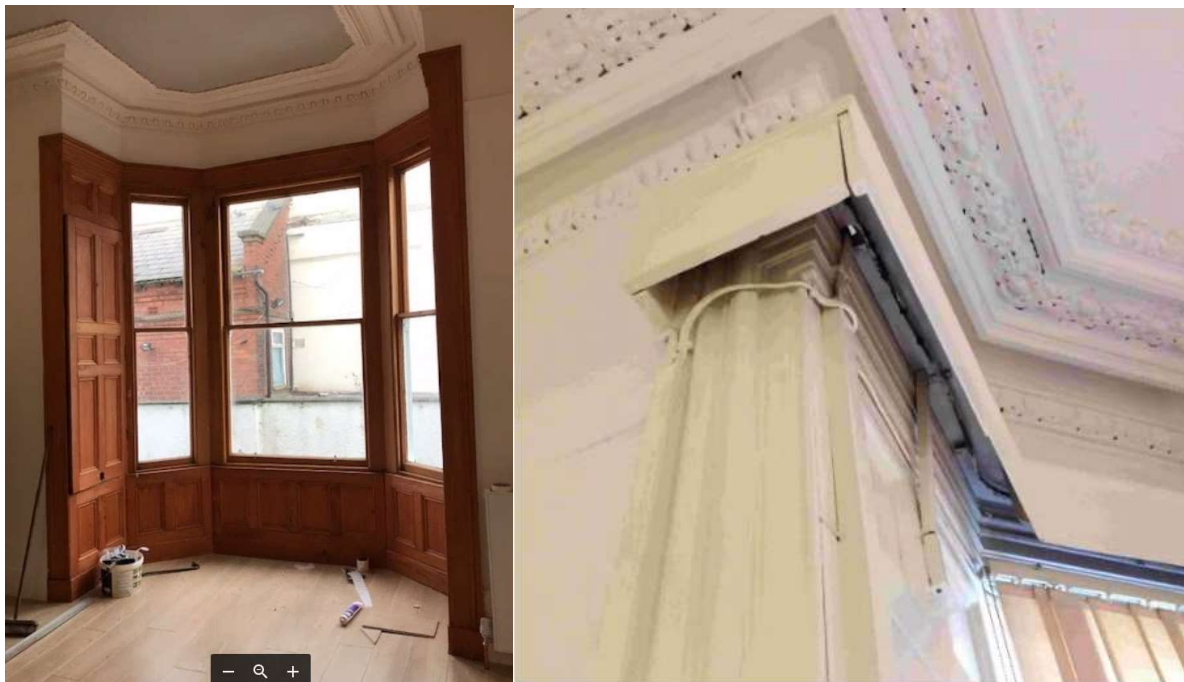


Fig 7.

Fig 7a.

Fig 7. Internal equivalent side room to 359 showing original floor to ceiling height and fully restored cornice and timber panelling and shutters.

Fig 7a. Internal view of front bay window to 363 showing original timber panelling (removed without consent) and decorative cornice, (assumed to be hidden above the existing modern suspended ceiling).

- 5.14 This issue is also related to the reinstatement of other features the subject of this appeal such as timber window shutters and skirtings and architraves, where further attempts are being made to undermine the heritage values of internal spaces by not reinstating original features removed or hidden by unauthorised works.
- 5.15 During the last appeal, in referring to internal alterations and the highly decorated interior and original features, the inspector stated at paragraph 31 of their report that *'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 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.'*

Use of aluminium heritage style rainwater goods in lieu of cast iron (Appeal 1 and Appeal 2)

- 5.16 Originally the rainwater goods across the three listed buildings known as Norton Terrace would have been in cast iron.
- 5.17 Where cast iron has been replaced with upvc this has undermined the aesthetic heritage value of the listed buildings and removed evidence of original materials used in the traditional construction of these Victorian villas.
- 5.18 Cast iron is readily available today and used on many listed and non-listed buildings to replace missing or defective rainwater goods. Its use is both well established and authentic in the context of heritage assets.
- 5.19 The use of original materials and traditional craft skills is important in retaining the architectural and historic integrity of historic buildings, and the replacement of components such as rainwater goods with look-a-like or facsimile materials undermines the core

principle of tradition and authenticity in historic buildings. This removes evidence of past materials, craft skills and processes and from a purely aesthetic point of view the difference in appearance of a cast iron product from a high quality aluminium product is minor. However, the incremental replacement of original materials and loss of heritage craft skills associated with the production and installation of cast iron would be lost. Therefore original cast iron rainwater goods hold some evidential heritage value as the original building material used in the construction of these Victorian villas and holds aesthetic heritage value in terms of the visual characteristics of the product itself.

5.20 The appellant has stated that aluminium is much more durable than cast iron, however cast iron is a highly durable material and like any building component if they are properly installed and regularly maintained then they have been proven to have a long life of up to and in many cases over 100 years. It is noted that the appellant had previously proposed the use of cast iron rainwater goods to potentially address heritage impacts during the previous appeal process (Appendix II paragraph 57).

5.21 Allowing the change from cast iron to aluminium rainwater goods is considered to have a harmful impact on the significance of the heritage asset.

***Use of stone effect concrete entrance steps and gateposts in lieu of natural stone
(Appeal 1 and Appeal 2)***

5.22 The currently installed steps and gateposts to the front of the property are unauthorised.

5.23 The appellants agree that the front elevation is of high heritage value and highly significant, largely derived from its aesthetic decorative quality. The aesthetic heritage value is also a result of the high quality craftsmanship and use of original materials such as timber sliding sashes and panelled doors, stucco render, decorative joinery and stone cills and plinth. This treatment is evident across the whole façade including the front of 359 Wilmslow Road which forms part of the listing, where there is also evidence of the original stone steps. Fig 8 below.

- 5.24 It is relevant that the listing relates to the three properties forming Norton Place, Nos. 359, 361 and 363 is one list entry and therefore the subject property should not be viewed in isolation when assessing the proposals (See Appendix III for List Entry).
- 5.25 The front of 363 Wilmslow Road has been the subject of unauthorised alterations to install modern steps and gateposts in artificial stone that have a poor aesthetic appearance when compared to the original steps (seen at the front of No. 359) and gateposts. Fig 9 shows the modern artificial stone / concrete steps with jointing and Fig 12 shows the original stone and modern artificial stone / concrete gateposts.
- 5.26 The natural stone steps seen at No. 359 (Fig 10 and 11.) indicate a robust high quality threshold to the highly decorative main entrance which forms the centrepiece of the original house. This detail will have originally been evident across all three houses providing a consistent and unified high quality appearance to the principle elevation. The entrances are therefore of high significance and the steps form an important component and a feature of the entrance design and the way that the building is experienced.
- 5.27 In this respect it is important not to undermine the quality of the entrance by the use of poor quality, inferior design or materials as currently seen at No. 363 and as proposed by this appeal proposals.
- 5.28 Where there is clear evidence, as there is in this case, of the original design and original materials, then the reinstatement of these features to their original design and materials is considered best practice in conservation and heritage terms, as this ensures that the original design intent and aesthetic heritage significance is fully reinstatement, thus returning the entrance and elevation back to the original design. Where reinstatement would remove harmful modern interventions and lesser quality materials and design as in this case, then an authentic reinstatement would remove the harm caused by the poor quality modern works, and would ensure that the original key feature is reinstated.
- 5.29 Where there is clear evidence of the original design and materials, any attempt to deviate from this in terms of aesthetics, detailing, mouldings, materiality, component size and execution would devalue the aesthetic qualities and heritage value of the entrance and result in a poor facsimile.

- 5.30 The proposed use of artificial stone, to appear as stone is misleading and confusing from a heritage perspective. It is not authentic; it has no original historic precedent in these listed buildings and is aesthetically different in terms of finish and appearance. Natural sandstone is quarried and cut from natural stone beds in the rock and has natural tones, hues and visual qualities that are not apparent in artificial stone. In addition the weathering qualities differ and the natural ageing process is different resulting in a noticeable disparity between a modern artificially produced material and a modern look-a-like material. The result will be of poorer quality when compared with the original materials and result in a disparity with No. 359 where the original steps still exist.
- 5.31 The jointing is also important in terms of the quality of craftsmanship, and aesthetic qualities. The original steps are each formed in single pieces of stone with no jointing. This again is an indication of the robustness of the high quality threshold and overall composition of the highly decorative and significant extension. The current proposal to provide joints, introduces visible lines in the material that will be pointed up using a mortar. This will be visually evident and a contrasting element to the stone itself and will undermine the original design aesthetics.
- 5.32 The appellant has stated in the heritage statement at paragraph 6.21 that *Because of health and safety requirements as well as manufacturing limitations it is not possible to create the steps as single pieces of material, so joints for each step are essential*. In response to this Natural stone is capable of being quarried and carved in significant sizes and there are techniques, lifting equipment and methods being used in construction today that comply with modern health and safety standards. The size of steps in this case are available and can be quarried and cut in one single piece of natural stone and positioned in place by qualified stone masons using a combination of modern and traditional construction methods that comply with health and safety requirements.
- 5.33 The use of artificial materials and jointing is harmful to both evidential heritage value of original materials and craftsmanship as well as aesthetic heritage value in terms of appearance and finish.



Fig 9. Existing front entrance showing new steps and handrail with joints visible.

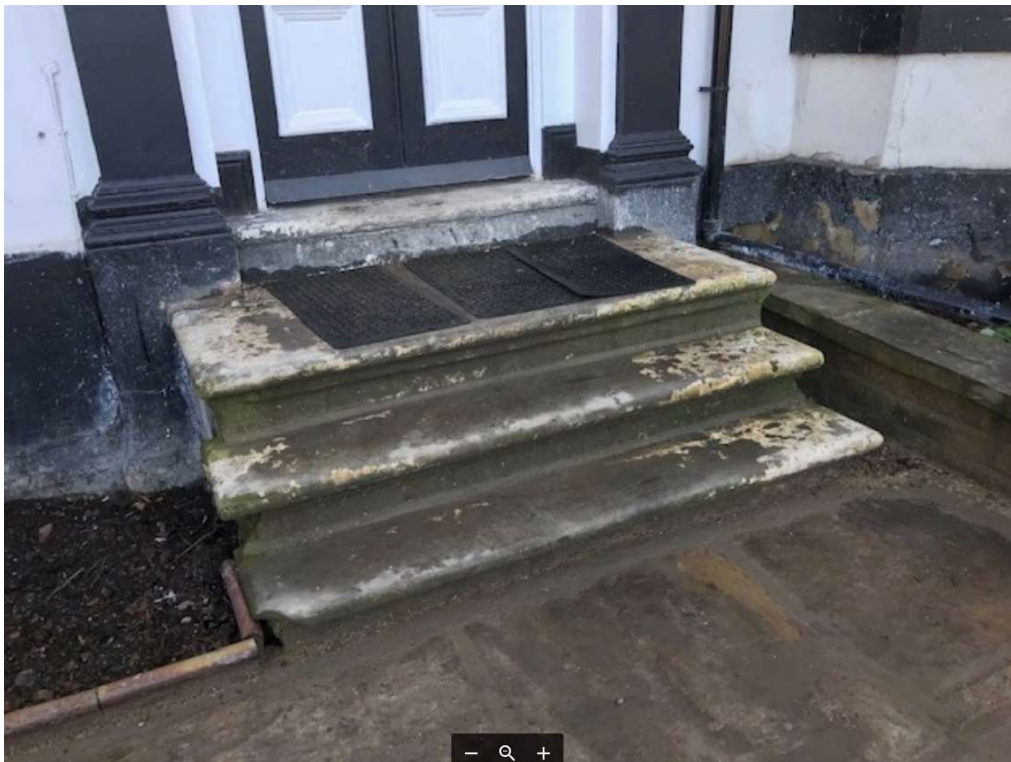


Fig 10. Front entrance to No. 359 Wilmslow Road showing original stone steps which would have been evident at No.363.



Fig 11. Front entrance of No. 359 showing the natural stone steps and authenticity and aesthetic value of the complete entrance design.



Fig 12. Top showing original stone gateposts and bottom modern artificial stone/concrete posts

Design details to the rear extension including removal of swept arch heads to windows, alter the window size, removal of dummy windows, retain concrete sills, change to fenestration pattern (Appeal 1 and Appeal 2)

- 5.34 The '2021 approvals' now subject of proposed variations as part of the appeal proposals, approved a two storey rear extension. The detailed design of the extension was given considerable attention to ensure the scale and massing were appropriate and that the detailed design of features such as the fenestration took cues from exiting features found at the rear of Norton Terrace.

- 5.35 The rear extension that was erected followed the removal without consent of the original lean-to outrigger. The original outriggers still exist at the rear of Nos.359 and 361 Wilmslow Road which form part of the listing and the grouping of the three houses in Norton Place. As can be seen from the approved drawings the scale of the approved extension is much greater than the existing outriggers which in itself creates an imbalance at the rear of the terrace of three. (Fig 14 and 15) In this respect it is of importance that the extension is of a high quality contextual design. This is in order to mitigate the impact of a large extension and to ensure that it reflected the existing design principles and details, and also in terms of the need for a good contextual design response and to preserve the architectural features and detailing found at the rear.
- 5.36 The rear of the terrace has a more functional appearance in contrast to the more decorative front. This is typical of buildings of this age and style where the rear is more secondary, but nevertheless is part of its significance as it clearly reflects the hierarchy of elements from the finer frontage through to the more utilitarian rear. This also manifests itself in the materials and detailing. The front being in rendered stucco with stone dressings and decorative timberwork and larger sash windows, to the rear being in brick with simple arched heads and smaller sashes.
- 5.37 The 2021 design, approved windows that reflected the smaller scale windows found on the rear outriggers. These windows are vertically proportioned with brick arched heads and stone cills and reflect the proportions and detailing of those windows found in the rear of the neighbouring property No.361. The arched head detail is a detail found above most of the rear windows across the whole terrace and is a typical feature. (Fig 15). It is also an indication of the traditional construction technique that relied on arched brickwork to support the brickwork above rather than a modern horizontal lintel. The arch is both an aesthetic design feature of the listed building as well as evidence of the original traditional building construction techniques.
- 5.38 The appeal proposals proposed to increase the size of the windows, this is contrary to the proportions and size of the existing windows and does not reflect the pattern of fenestration evident on the original elements of the existing terrace.

5.39 The removal of the arched features removes a feature of interest, which is contextual and appropriate to the design of the new extension, and results in a much weaker elevational treatment and over simplifies the detailing of the rear extension. This alteration is therefore considered harmful to the character of the listed building, thus harming its significance. Fig 16 and 17 show the contrast between the approved and the proposed elevation, showing how removing the arched heads weakens the design.

5.40 The recessed windows on the internal gable, were again a design consideration to reduce the blankness and mass of the gable end in order to mitigate its impact when seen against the much smaller lean-to outriggers of the adjacent listed villas (fig 13). The blank windows in line with the centre of the gable with the arched window heads add a degree of visual interest to gable to reduce the scale and impact. The revised proposals (fig 13a) alter window sizes and again remove the brick arch heads diminishing both the quality and composition of this element of the extension.

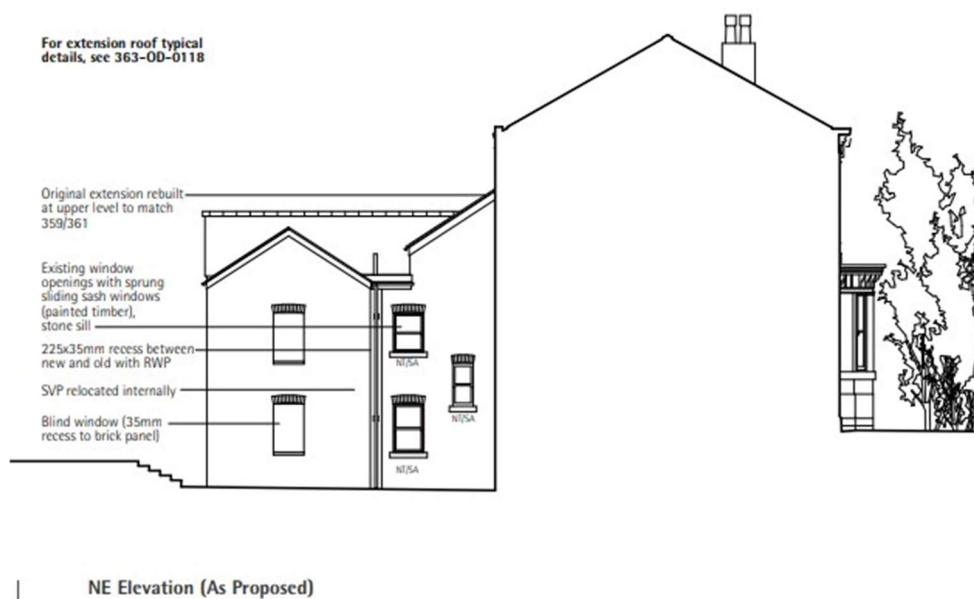


Fig 13. Internal gable wall with central blank windows

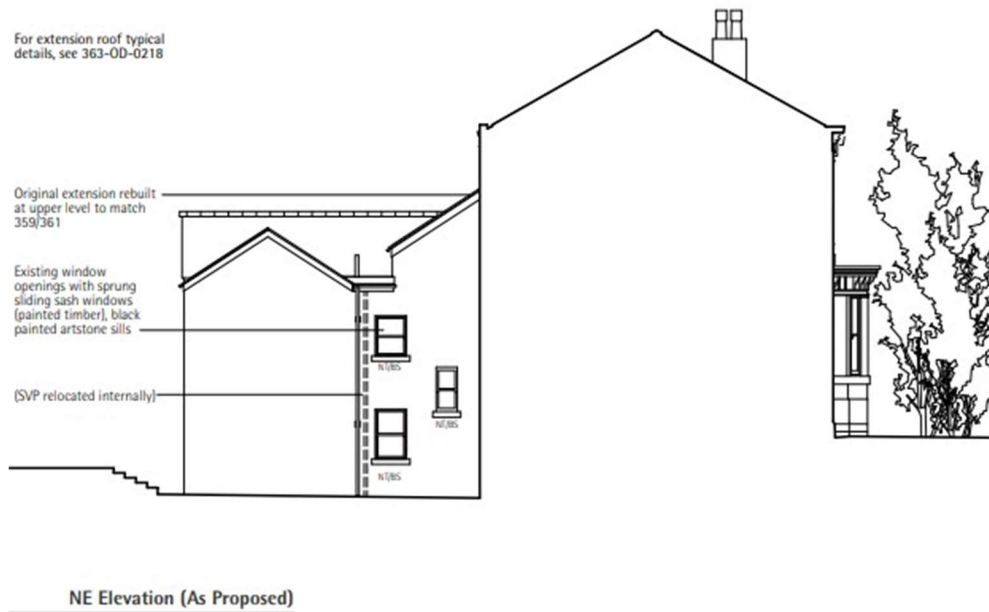


Fig 13a. Proposed variation Internal gable wall with altered windows and removal of dummy window feature

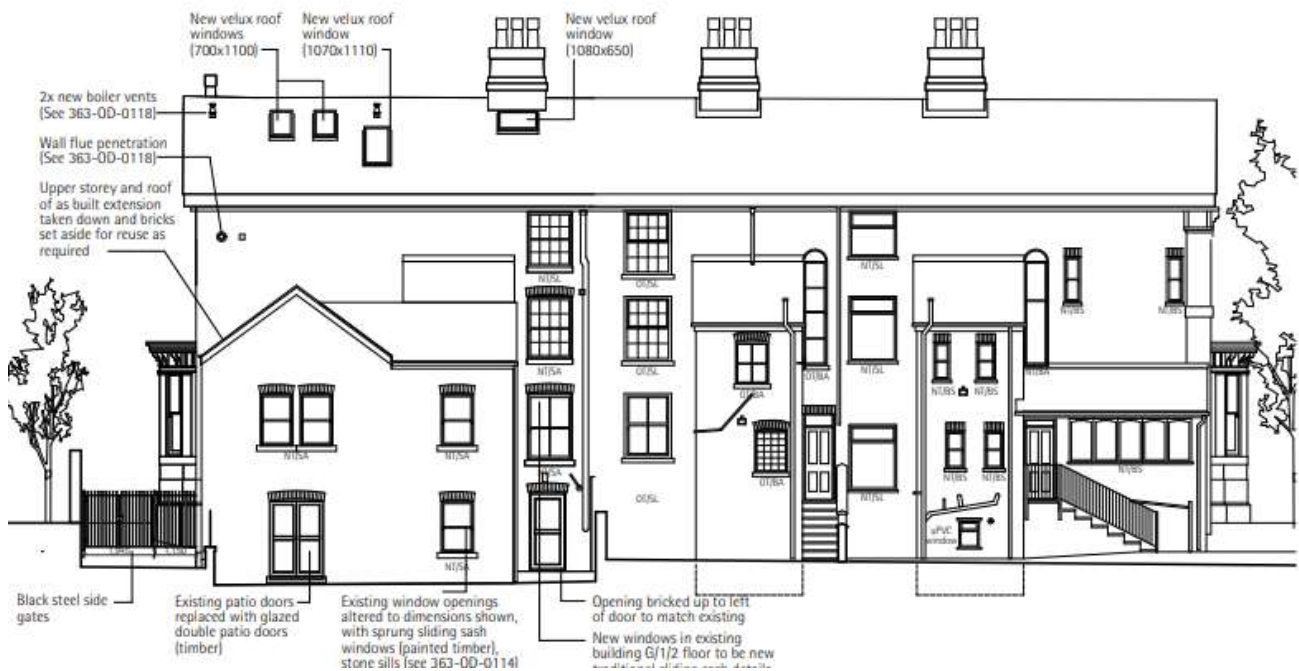


Fig 14. The approved 2021 design showing fenestration which is contextual with the scale, design and detail of those found at the rear.



Fig 15. The current proposed rear elevation showing removal of arched heads and oversizing of windows. Noting that windows in the outriggers are of a smaller scale than those in the main front and main rear elevation.



Fig 16a



Fig 16b

Fig 16a Existing evidence of the original arched brick detail found in the rear outrigger of neighbouring No. 361 Wilmslow Road (part of the same listed terrace). Fig 16b showing a focused view of Fig 16c (below) showing the original arched brick detailing above the window.



Fig 16c. The rear of No.363 taken in March 2014 prior to the unauthorised removal of the outrigger. Noting that the scale of the lean-to was the same as 361 and 359 as is the scale of the windows.



Fig 17. The approved 2021 side elevation showing arched head windows



Fig 18. The proposed removal of arched heads which weakens the elevational design.

Internal details to the skirting, picture rails, cornices, and window (Appeal 2)

- 5.41 The works to remove original features of special interest have been carried out without consent as part of the unauthorised conversion and extensions undertaken.
- 5.42 There is clear evidence that these original features existed in the building and that they matched those found in No. 359 which is part of the same listing. Fig 7a above and Fig 19 below shows original detailing found in No.363 prior to conversion.
- 5.43 It is considered best practice in conservation to retain features of heritage value, especially in cases such as this where they contribute to the architectural and historic interest of the listed building. This proposition was tested fully at the Public Inquiry into the '2018 proposals'. In that instance the Inspector agreed with the Council that these features contributed to the special significance of the listed building and accordingly dismissed that appeal. In referring to internal alterations the Inspector confirmed at paragraph 30 (Appendix II) *'....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.'*
- 5.44 In this respect the reinstatement of removed features is necessary to reinstate the highly decorative rooms back to their original appearance to match those found in the restored No.359. This is considered best conservation practice following unauthorised removal where action should be taken to ensure that those features that clearly contribute to the significance of the heritage asset are reinstated on an exact like for like basis. To permanently remove all of these features would significantly impact on the appearance of the internal spaces (which is now evident following the unauthorised works). It would permanently remove from view all of the decorative design features that contribute to the full appreciation of the original aesthetics and would see the spaces remain as highly sanitised and inappropriate modern rooms with little evidence of the original features of the listed building.

- 5.45 The Inspector, in dismissing the 2019 appeal, agreed with the Council that the removed original features are important contributors to the significance of the heritage asset (Appendix II, paragraphs 12, 30), and in this respect the requirement to reinstate these lost features is a sound conservation approach and follows best practice conservation principles.
- 5.46 It is relevant to state that the conversion works undertaken to remove skirtings, dado rails, picture rails, window shutters, doorways and framing were all unauthorised works to the listed building. The harm associated with these works should have been avoided if a more considered conservation led proposal had been brought forward. The impact of raising the floor would not impact on the dado rail or the picture rail. In addition, the original skirtings, doorways and framing could all have been lifted to accommodate a raised floor and thus retain both the original decorative features and the aesthetics of the interior.
- 5.47 At the 2019 appeal the Inspector in referring to comparisons with No 359 Wilmslow Road stated within their report (Appendix II) at paragraph 49. That *‘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.’* They concluded in paragraph 54 of the appeal decision that *‘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.’*
- 5.48 The current modern skirtings, frames and architraves bear little relation to the originals and do not reflect the decorative interior and as such undermine the original qualities of the internal rooms.

- 5.49 The removal of timber shutters has caused harm as this has removed a high quality item of original joinery from the original building. Fig 20 to 23 shows the original shutters fully restored at No. 359.
- 5.50 The cumulative loss and lack of reinstatement of original features from the interior has had a significant harmful impact on the heritage asset. Fig 27 to 29 shows the sanitising effect and modern featureless appearance of the rooms with the decorative detailing and features of special interest removed either physically or from view within the space.



Fig 19. Internal front room to 363 showing prior to works original timber panelling (now removed).

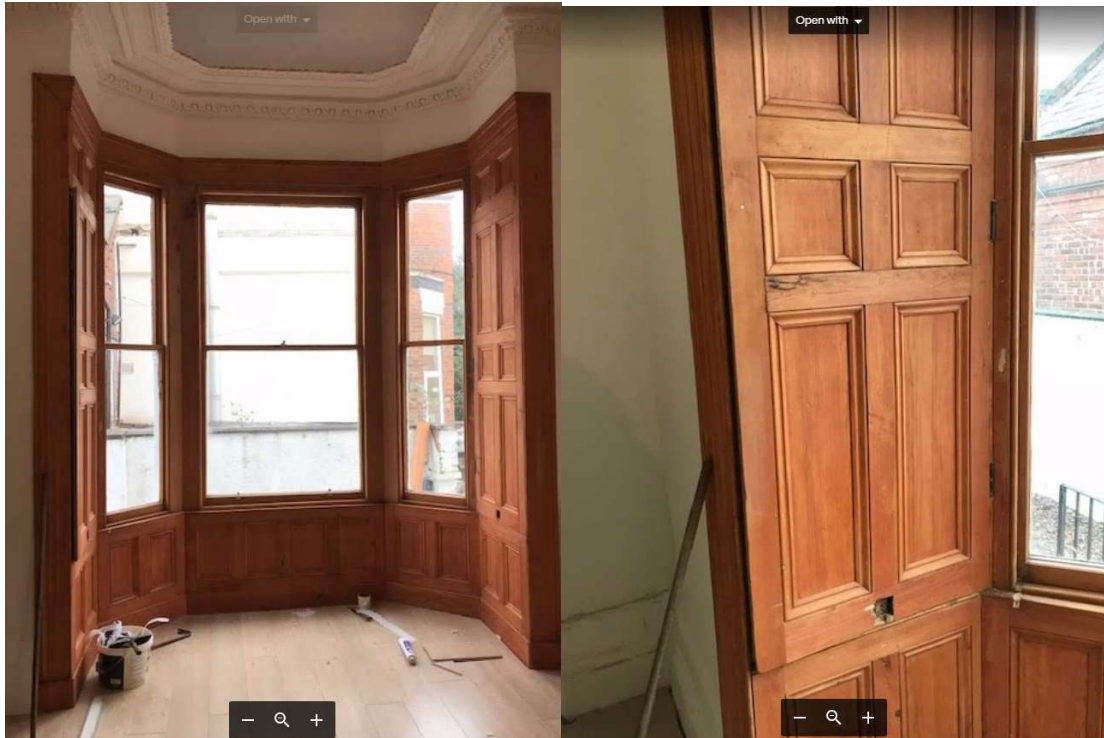


Fig 20 and 21. Interior of 359 Wilmslow Road showing original full height bay with fully restored timber panelling and shuttering and repaired and restored ornate plasterwork.



Fig 22 and 23. Internal room at 359 Wilmslow Road showing fully restored timber panelling and working shutter.



Fig 24. Internal decorative cornice to 359 following restoration.



Fig 25. Internal decorative cornice and picture rail to 359 following restoration.



Fig 26. Internal decorative cornice, picture rail and skirting to 359 following restoration.



Fig 27. Internal front bay window to No. 363 showing removal timber panelling and lowered ceiling and subsequent loss of detailing and features.



Fig 28. Internal view of principle rooms at No. 363 showing removal timber panelling and lowered ceiling and subsequent loss of detailing and features.



Fig 29. Internal side room of 363 with bay window showing lowered ceiling and loss of original height, cornice and timber panelling.

Amendment to the trigger for installation of obscure glazed windows within the rear extension (Appeal 1)

- 5.51 The Council has no objection to the proposed amendment to condition 10 which is set out within the appellants Planning Statement of Case at paragraph 1.4. The timescales for implementing the installation of obscure glazing to three windows within the north elevation of the rear extension would only be required prior to the occupation of flat numbers 5 and 6 within the extension as identified on the approved plans. These spaces comprise private bathrooms and staircase and are spaces that would only be used by occupiers of those flats.

Amendment to the trigger for reinstatement works within the ground floor hall area (Appeal 2)

- 5.52 In addition to the above proposed amendments to the original Listed Building Consent, a variation was also sought to condition 8 which related to the reinstatement of original features within the entrance hall to the building. The appellant proposed an alteration to the

wording of condition 8 so that these works are undertaken prior to the occupation of flats 1-4 as indicated on the submitted floor plans.

- 5.53 Given the location of these approved works at the main entrance to the building and as the main entrance to all of the flats within it, the practicalities of undertaking these works whilst other flats within the building could be occupied within the building is questioned. In addition, these works are to reinstate decorative features lost as a result of the unauthorised works to the building and as such they are considered to be a fundamental element of the approved proposals that should be undertaken prior to the occupation of the building and to ensure future occupiers are not unduly impacted by ongoing works within the main entrance of the building whilst it is occupied.

NPPF Assessment

Section 12 – Achieving well-designed places

- 5.54 Decision making bodies are tasked with ensuring that developments are: visually attractive as a result of good architecture; are sympathetic to local character and history; establish or maintain a strong sense of place using building types and materials to create attractive and distinctive places to live (paragraph 130).
- 5.55 Paragraph 135 is also engaged in this instance, it sets out that local planning authorities “should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”.
- 5.56 In determining the 2021 approvals (Appendix I (m) & (n)) the Council was mindful of the planning history of the appeal property and the decision of the previous appeal Inspector which are fully set out and report within the Committee reports contained within the respective planning history bundles of Appendix I. The 2021 approvals were submitted, and subsequently amended during consideration, to overcome the previous reasons for refusal from the 2019 appeal and to recognise that the interior of the building did contribute to the special interest and significance of the building. As such the programme of works approved

in 2021 were considered to be on balance acceptable and to outweigh the less than substantial harm that was identified at that time.

- 5.57 In this instance the request to remove a number of conditions attached to the 2021 approvals is considered to impact on the overall NPPF assessment particularly that required under section 16 which is covered in more detail below. However, the Council consider that the proposed variations to the 2021 approvals would materially diminish the quality of the approved development as set out within this section of the statement of case. As such the appeal proposals are considered contrary to paragraph 135 and section 12 of the NPPF.

Section 16 – Conserving and enhancing the historic environment

- 5.58 Paragraph 200 of the NPPF indicates that “*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification*”. The appeal proposals would result in harm to the significance of the heritage asset this is agreed between the parties (Appellants Planning Statement of Case, paragraphs 4.13, 4.18), there is however a difference between the parties in terms of the level of harm and the Council has set out its consideration of these matters, with reference to the consideration of the 2019 appeal inspector where relevant, above. It is considered that the appellant has not, however, provided clear and convincing justification for the level of harm that are derived from the proposals as required by paragraph 200.
- 5.59 It is agreed that the 2021 approvals and the appeal proposals would not lead to substantial harm to the designated heritage asset and paragraph 201 is not engaged in this instance.
- 5.60 As such, consideration of harm needs to be weighed against the public benefits of the proposals is required to be undertaken. In this respect there is disagreement between the Council and appellant around the level of public benefits arising from the appeal proposals against those arising from the 2021 approvals. As such more detailed consideration and response to the identified public benefits of the appellant are set out in the following section in response to the appellants Planning Statement of Case.

- 5.61 In determining the 2021 approvals the Council considered that the restorative and corrective works that formed part of those proposals would have ‘modest heritage benefits’ (Appendix I (m) Committee report page 23, third paragraph). The unauthorised removal of internal features was considered by the 2019 appeal Inspector to result in minor negative impact on the significance of the interior (Appendix II paragraph 30) and that “works associated with the internal refurbishment of the appeal building have had some modest heritage benefits, but also cumulatively a notable degree of harm” (paragraph 34).

Local Plan

- 5.62 Core Strategy Policy SP1 sets out the spatial and core development principles for developments throughout the City. Amongst other things, it is expected that developments across the city make a positive contribution to neighbourhoods of choice including: creating well designed places that enhance or create character, and protect and enhance the built environment.
- 5.63 As set out within this statement the appeal proposals are considered to diminish the significance of a designated heritage asset, failing to make the most of its heritage assets and as such were not considered to accord with the principles set out in SP1.
- 5.64 Core Strategy Policy EN3 encourages developments to take advantage of distinct historic and heritage features of its districts and neighbourhoods and that these should be designed to support preserving, or where possible enhancing the historic environment. In this instance the appeal proposals are considered to considerably diminish the quality of previously approved development and fail to reflect distinct historic and heritage features of the appeal property and its associated neighbouring properties (Norton Terrace) which appear on the same listing entry of Historic England.
- 5.65 Core Strategy Policy DM1 is the development management policy within the adopted local plan. Those aspects of relevance to the appeal proposals are: consideration of materials and detail of proposals, and regard to the character of the surrounding area. As set out within this section of the Statement of Case the appeal proposals are considered to be deficient in terms of proposed materials, detailing (internally and externally) and

consideration of the appeal properties relationship to the other properties that form Norton Terrace. As such they were considered to not accord with this development plan policy.

- 5.66 Saved Unitary Development Plan policy DC19.1 predates the NPPF and in particular the section 16 relating to heritage assets. However, in considering the relevance of this policy to the previous appeals the then Inspector noted “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” (Appendix II paragraph 52).
- 5.67 The appeal proposals would fail to secure the restoration of elements of the designated heritage asset that have been identified as being of significance. In addition, the changes proposed are considered to have an adverse effect on its historic character and as such the appeal proposals were not considered to accord with saved UDP policy DC19.1.

6. RESPONSE TO APPELLANTS STATEMENT OF CASE

- 6.1 The appellant’s Planning statement of case refers at paragraphs 2.1 and 2.3 to the dismissal of enforcement appeals. This is incorrect the submitted appeals against the enforcement appeals were withdrawn by the appellants agent see Appendix IV.

Public Benefit

- 6.2 The appellant refers at paragraph 4.3 of their Planning Statement of Case to the public benefits that derive from the Appeal proposals including “improvements to the front and side elevations of the property, the works to improve the stone steps and replace the gate posts, and the renewal of the front forecourt parking area.
- 6.3 In discussing the public benefits under the 2019 Planning appeals the then inspector noted (Appendix II paragraph 71) “I have acknowledged that heritage benefits have been delivered through improvements to the front and side elevations.... 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. “ In conclusion the Inspector afforded modest to moderate weight to this point.

- 6.4 In discussing works to the frontage area the previous appeal Inspector noted at paragraph 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”.
- 6.5 In response to the public benefits that are derived from installations of new gateposts and stone steps, this must be afforded limited weight in terms of public benefit given both of these original elements were removed from the site without authorisation (see comparison photographs at fig. 12 above which shows the original stone gateposts from prior to works taking place in August 2014 and post installation of unauthorised gate posts in August 2018 and also application drawing reference 363-0D-0216 Rev 01 ‘External Works Detail’). It is noted from the previous appeal Inspectors report at paragraph 26 the conclusion that “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”.
- 6.6 The appellants submitted Heritage statements of case is silent in respect of this proposed amendment to the gateposts and its effects. As such given the prominence of the gateposts in the street scene, in the context of the listed Norton Place terrace, and the existence of original gate posts features at number 359 Wilmslow Road, it is considered that no public benefit of the proposed alteration of gateposts from a stone to artificial stone/concrete post can be afforded to the appeal proposals.



Fig 29. The original stone gateposts to the front of 359 Wilmslow Road and to the far right the modern artificial stone gateposts to the front of 363 Wilmslow Road

6.7 At paragraph 4.4 of the Planning statement of case a public benefit is identified arising from the re-use of the designated heritage asset and secure its long-term use and contributing to the overall housing stock of residential dwellings. This is not contested by the Council, it has granted two sets of planning and listed building consents the first in 2015 and the second in 2021 which allowed the conversion, extension and re-use of the appeal property for residential purposes in what were considered to be an appropriate manner that followed the correct architectural and heritage approach and in terms of the 2021 consents followed detailed discussions with the applicant to arrive at a scheme that could on balance be supported. The previous appeal Inspectors decision at paragraphs 74 indicate that where the appellant, at that time suggested, “that converting and extending the building in this way has resulted in delivering its optimum re-use” they concluded on this point that “Nonetheless, as the 2015 scheme was expressly assessed by the appellant to be viable this point is of limited weight”.

6.8 At paragraph 4.8 the appellant suggests that the context of negotiations on the 2021 approved scheme was the prospect of prosecution by the Council ‘following the unsuccessful enforcement appeals’. Whilst prosecution is a course of action open to the Council given the unauthorised works that have clearly been undertaken to this grade II Listed Building, negotiations on the 2021 approved scheme applications were undertaken,

as required by article 35 of the Town and Country Planning (Development Management Procedure) Order 2015, in a positive and proactive manner based with efforts to seeking solutions to problems that arose in dealing with the applications. The appellant entered into those negotiations as part of the application process and agreed to submitted revised proposals, which they now seek to vary, in addition they had agreed to extend the time period for their determination whilst detailed matters were resolved. It is also important to note that no such legal proceedings to prosecute were commenced by the Council whilst it sought to deal with the respective applications over a protracted time period or since their determination in June 2021. The appellant has applied to discharge the pre-commencement conditions associated with the 2021 permissions, including materials such as natural stone for gateposts and steps and cast iron for the rainwater goods which have been agreed by the Council. As such the Council entered into consideration and assessment of the 2021 applications, and in the two year period since their determination, as a reasonable and responsible authority with the expectation and real prospect that the recent unhappy history of this building would be resolved through the appellant implementing the 2021 approvals.

- 6.9 It should be noted, given the repeated references within the Planning Statement of Case prepared by the appellant, and as set out previously in this statement, there have been no enforcement appeals concluded in respect of this property. Whilst an appeal against the enforcement notice was initially made this was subsequently withdrawn by the appellant prior to its determination. The concluded appeals relating to the property are those relating to the 2019 Appeal and associated Public Inquiry into the refusal of Planning and Listed Building Consent applications in 2018 which had sought to regularise the unauthorised works to the property undertaken by the appellant.

The Heritage Statement of Case

- 6.10 The appellants heritage statement suggests that to attempt to return a heritage building back to its original first built state is contrary to protecting the evidential and historic fabric of the building and that repairing original features is not necessarily a positive in architectural conservation. It is also suggested that previous alterations regardless of how harmful and inappropriate form part of the history of a listed building through material evidence

- 6.11 In response and in terms of the circumstances of this particular listed building, the submitted heritage statement states that. *‘While it is to be regretted that the original details were lost, these changes now form part of the history of the building. The modern profiles that have been used in the now contemporary interior ensure that there is no confusion concerning which is original and which is not. This has created a clear body of material evidence showing the history of this building and the changes that it has undergone. This is an appropriate approach to detailing this now modern interior’* (paragraph 6.48). In reality, original features were removed without consent and the works undertaken are unauthorised. The Inspector in dismissing the 2019 appeal agreed with the Council that these features are important contributors to the significance of the heritage asset (Appendix II, paragraphs 12), and in this respect the requirement to reinstate these lost features is a sound conservation approach and follows best practice conservation principles.
- 6.12 In its guidance document ‘Conservation Principles Policies and Guidance’ (Appendix V) Historic England under the section titled ‘Restoration’ (paragraph 126) indicates when restoration to a significant place should normally be acceptable. In this instance the current state of the property is not a result of an ‘historically-significant event’ but rather the unauthorised removal of historic fabric. As set out in the preceding section of this statement there is evidence of the historic design of elements removed (paragraph 128) and therefore the approach taken in the 2021 approvals, which the appellant now seeks to remove through the appeal proposals, was the correct approach.
- 6.13 In respect of the commentary within the Heritage statement of case regarding the *modern profiles* used in the *contemporary interior* this again shows a disregard to well used principles in relation to new works and alterations again set out within the Historic England guidance (Appendix V). At paragraph 138 it sets out that new work or alteration to a significant place should normally be acceptable if amongst other things “the proposal would not materially harm the values of the place, which, where appropriate, would be reinforced or further revealed....the proposals aspire to a quality of design and execution which may be valued now and in the future”. This guidance is further added to in the following paragraphs 141 and 142 where “Quality of design, materials, detailing and execution is obviously essential in places of established value” and “the need for quality in new work applies at every level, from small interventions in an historic room, to major new buildings or developments. Small changes need as much consideration as large ones, for cumulatively

their effect can be comparable". As set out in section 5 and the photographs in figs 11-12 and 19-29 both of the works undertaken at 363 Wilmslow Road, the condition and detailing of the property prior to unauthorised works, and the comparable conservation led approach to works at 359 Wilmslow Road. It is evident that the correct conservation approach to works at 363 Wilmslow Road were not previously undertaken and that this continues to affect the approach put forward as part of the appeal proposals.

- 6.14 The heritage statement at paragraph 6.47 states that *'As a result of raising the ground floor level, much of the original internal decorative timber work to the ground floor was necessarily removed, such as the skirting, dado rails, picture rails, window shutters and doorways with associated framing. This work was an unavoidable consequence of the approved raising of the ground floor height'*. It is relevant to state that the conversion works undertaken to remove skirtings, dado rails, picture rails, window shutters, doorways and framing were all unauthorised works to the listed building. The harm associated with these works should have been avoided if a more considered conservation led proposal had been brought forward. The impact of raising the floor would not impact on the dado rail or the picture rail as suggested. In addition, the original skirtings, doorways and framing could all have been lifted to accommodate a raised floor and thus retain both the original decorative features and the aesthetics of the interior.

7. CONCLUSION

- 7.1 Nos 359, 361 and 363 Wilmslow Road are all listed under one entry known as Norton Place and should be read as listed terrace. The architectural design of the interior and exterior have been designed as a whole and share common features of highly decorated elements and well as more functional elements. Evidence clearly exists in No. 359 of how highly decorated and significant the interior is and this should be used as a template and best practice example of how the interior could and should appear and how it contributes to the significance of the heritage asset.
- 7.2 The proposed variations to the approvals permitted through the 2021 Planning and Listed Building Consents that form this appeal would cause harm to the grade II listed heritage asset. These items both individually and cumulatively seek to undermine the previous

consents by eroding the quality of design as well as removing the positive reinstatement of lost features through previous harmful unauthorised works.

- 7.3 The harm is to both the loss of aesthetic values and the impact on evidence of the original design and decoration and in terms of the traditional craft skills and construction techniques.
- 7.4 No 363 Wilmslow Road has been the subject of considerable scrutiny through a number of applications and appeal through a Public Inquiry, which was dismissed on the basis of unjustifiable harm to the heritage asset. The Inspector agreed with the council that harm has been caused to the heritage asset through the loss of internal and external features of heritage value.
- 7.5 Changes proposed in this application seek to reverse a number of key elements in the approved scheme which are unacceptable on both heritage and design grounds. The proposals would reverse the principles and carefully detailed reinstatement works that had been previously agreed with the appellant. The internal features contribute to the architectural and historic significance of the grade II listed building and there was evidence that these features exist to enable authentic reinstatement. The elevational changes proposed to the rear extension were both a compromise to assist the applicant but considered to be the correct architectural and heritage approach, the proposed alterations are considered to dilute the design intent previously negotiated and approved. The Council does not consider that the public benefits derived from the proposals, as outlined by the appellant and as responded to by the Council above, outweigh the identified harm to the designated asset.
- 7.6 As the appeal proposals seek the removal or variation of a number of conditions, and if the appeal were to be successful, it does not intend to submit alternative wording to those put forward by the appellant.
- 7.7 The NPPF states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. As it has been demonstrated within this statement the proposal is considered to be contrary to policies SP1, DM1 and EN3 of the adopted Core Strategy, saved policies DC19.1 of the Unitary Development Plan for the

City of Manchester (1995) together with national policy contained within the NPPF - Sections 12 (Achieving well designed places) and 16 (Conserving and Enhancing the Historic Environment) and there are no other material considerations to outweigh the harm identified, the Inspector is respectfully requested to dismiss the appeal.

APPENDIX I

Planning History Documents (sent under separate cover)

- a) 061665/FO/SOUTH1/01 – Decision notice
- b) 061666/LO/SOUTH1/01 – Decision notice
- c) 086507/FO/2008/S1 – Decision notice, approved plans
- d) 086581/LO/2008/S1 – Decision notice
- e) 106424/FO/2014/S1 – Decision notice
- f) 106425/LO/2014/S1 – Decision notice
- g) 107448/FO/2014/S1 – Decision notice, approved plans, Design and Access Statement, works impact
- h) 107449/LO/2014/S1 – Decision notice
- i) 116773/FO/2017 – Decision notice, drawings, Design and Access Statement, Heritage Statement
- j) 116774/LO/2017 – Decision notice
- k) 120505/FO/2018 – Decision notice, drawings, Planning Statement, Design and Access Statement, Heritage Statement
- l) 120506/LO/2018 – Decision notice
- m) 127016/FO/2020 – Decision notice, approved drawings, Committee report, Committee minutes, Committee late representation,
- n) 127017/LO/2020 – Decision notice, Committee report

APPENDIX II

Inspectors report into appeal references:

APP/B4215/W/18/3215658 &

APP/B4215/Y/18/3215659

(sent under separate cover)

APPENDIX III

Norton Place (359-363 Wilmslow Road)

- Historic England List Entry

NORTON PLACE

Official list entry

Heritage Category: **Listed Building**

Grade: **II**

List Entry Number: **1270510**

Date first listed: **03-Oct-1974**

List Entry Name: **NORTON PLACE**

Statutory Address 1: **NORTON PLACE, 359-363, WILMSLOW ROAD**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Understanding list entries (<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>)

Corrections and minor amendments (<https://historicengland.org.uk/listing/the-list/minor-amendments/>)

Location

Statutory Address: **NORTON PLACE, 359-363, WILMSLOW ROAD**

The building or site itself may lie within the boundary of more than one authority.

District: **Manchester (Metropolitan Authority)**

Parish: **Non Civil Parish**

National Grid Reference: **SJ 85518 93702**

Details

MANCHESTER

SJ8593 WILMSLOW ROAD, Withington 698-1/23/844 (East side) 03/10/74 Nos.359 TO 363 (Odd) Norton Place

II

Terrace row of 3 houses, No.363 now offices. Mid C19; altered. Stucco painted white, with sandstone dressings painted black, slate roof. Double-depth plan with short back extensions, No.359 single-fronted and the others double-fronted. Two storeys with basement and attic, an 8-window range, almost symmetrical, with 2-window gabled centre, banded and vermiculated corner pilasters, 1st-floor sill-band, and bracketed eaves. The ground floor has 5 canted bay windows (1, 2 and 2) with pilasters and bracketed cornices, and doorways which have Corinthian pilaster doorcases, doors with round-headed glazed upper panels and rectangular overlights. The 1st floor windows have shouldered architraves with keystones, between those in the centre is a plaque lettered "NORTON PLACE", and in the gable above this is a small round-headed attic window with pilastered and keyed architrave. Brick chimneys on the ridge and at both gables. Rear and interior not inspected.

Listing NGR: SJ8551893702

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: **458606**

Legacy System: **LBS**

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



Map

This map is for quick reference purposes only and may not be to scale.
This copy shows the entry on 04-Jul-2023 at 14:19:45.

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Use of this data is subject to **Terms and Conditions**
(<https://historicengland.org.uk/terms/website-terms-conditions/>).

End of official list entry

APPENDIX IV

PINS CORRESPONDENCE REGARDING WITHDRAWAL OF ENFORCMENT APPEALS BY THE APPELLANT



The Planning
Inspectorate

Room 3E
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5589

Customer Services:
0303 444 5000

Email: teame2@pins.gsi.gov.uk

www.gov.uk/planning-inspectorate

Your Ref:

Our Ref: APP/B4215/F/17/3184538

Further appeal references at foot of letter

Mr A Nicholls



17 July 2018

Dear Mr Nicholls,

**Planning (Listed Buildings and Conservation Areas) Act 1990, Town and Country
Planning Act 1990
Appeals by Feltham Management Ltd
Site Address: 363 Wilmslow Road, MANCHESTER, M14 6XU**

Thank you for your letter withdrawing the above appeal(s).

I confirm no further action will be taken.

Any event arrangements made for the appeal(s) will be cancelled.

A copy of this letter has been sent to the local planning authority.

Yours sincerely,

Ben White

Ben White

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

Linked cases: APP/B4215/C/17/3184540

APPENDIX V

HISTORIC ENGLAND – Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment

(Sent under separate cover)