

**TOWN & COUNTRY PLANNING ACT 1990 AND
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**Appeals Against The Decisions of Manchester City Council to Refuse
Applications Made Under Section 73 and Section 19 to Vary
Planning and Listed Building Consent Conditions**

**363 WILMSLOW ROAD
MANCHESTER M14 6XU**

**STATEMENT OF CASE
PLANNING**

6 JANUARY 2023

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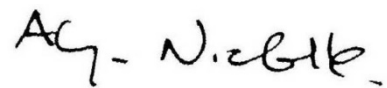
APPENDICES (Bound separately)

- Appendix 1: Planning Permission reference 127016/FO/2020
- Appendix 2: Listed Building Consent reference 127017/LO/2020.
- Appendix 3: Officer Delegated Report (133618/JO/2022)
- Appendix 4: Officer Delegated Report (133619/JO/2022)
- Appendix 5: Details of the 2015 Approved Scheme
- Appendix 6: Appeal Decision Letter, 2 July 2019
- Appendix 7: Jones v Mordue [2015] EWCA Civ 1243

STATEMENT

This Statement has been prepared by Alyn Nicholls who holds a Bachelor of Arts Honours Degree in Urban and Regional Planning and is a Member of the Royal Town Planning Institute. He has over 42 years' experience practising as a Chartered Town Planner and for the last 32 years this has been as principal of his own practice.

This Statement has been prepared in accordance with the guidance of the Royal Town Planning Institute. The views expressed within this Statement are the true and professional opinions of Alyn Nicholls.



Alyn Nicholls BA(Hons) MRTPI

1. INTRODUCTION

- 1.1. These appeals are against the decisions of Manchester City Council to refuse an application under Section 73 of the Town and Country Planning Act 1990 and an application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sought to alter conditions and the requirements of a planning permission and listed building consent for development and works at 363 Wilmslow Road, Fallowfield, Manchester. The appeals site is a Grade II Listed Building and forms one of three premises that comprise Norton Terrace.
- 1.2. Planning permission and listed building consent were approved on the 4 June 2021 (“The 2021 approvals”¹). The description of development on both decisions is as follows: “The erection of a two-storey extension to create 9 no. self-contained flats with various other works including internal alterations, the rebuilding of gate piers, the laying out of carparking area and the provision of a cycle store and refuse store”. The planning permission has 10 conditions whilst the listed building consent has 8.
- 1.3. The Section 73 and the Section 19 applications the subject of these appeals were submitted to the Council on 25 April 2022. Together these two applications seek to vary the following matters:
- materials and layout of the steps to the main entrance;
 - materials for rainwater goods;
 - alterations to the design of windows in the rear facing elevation and rear extension;
 - the design of heads of windows in the rear elevation of the original building and in the proposed extension to the building, treatment of windowsills in the proposed extension and the omission of a dummy window in the side elevation of the proposed rear extension;
 - an alternative treatment to the ceilings in the principal rooms on the ground floor;

¹ Planning Permission reference 127016/FO/2020 and listed building consent reference 127017/LO/2020. These are attached at Appendix 1 and 2, respectively.

- omission of replica window shutters and associated skirting and architrave to the principal ground floor rooms; and
- changes to allow a staged occupation of the flats within the building.

1.4. In summary, the applications and these appeals seek to undertake development without complying with conditions 2 and 10 of planning permission reference 127016/FO/2020 and to substitute amended conditions as follows:

Condition 2:

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

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-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

Condition 10:

Before first occupation of flats 5 and 6 as identified on drawing 363-OD-0208 Rev.1, the windows in the side elevation of the rear extension facing towards 361 Wilmslow Road (north elevation) shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

1.5. In respect of the listed building consent, the applications seek to undertake development without complying with conditions 2, 5, 6, 7 and 8 of listed building consent reference 127017/LO/2020 and to substitute amended conditions as follows:

Condition 2:

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

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

Condition 5:

Remove this condition as it is not proposed to install a new false ceiling

Condition 6:

Remove this condition as details of rainwater goods are shown on drawing 363-OD-0209 Rev.1 Elevations (As Proposed)

Condition 7:

Remove this condition as it is not proposed to install timber panelling and shutters to ground floor windows in the principal rooms.

Condition 8:

The details of the picture rails, moulded skirting boards, acanthus design console brackets within the ground floor entrance hall, as indicated on the approved drawings shall be installed prior to the first occupation of flats numbers 1, 2, 3, or 4 as indicated on drawing 363-OD-0208 Rev.1 Floor Plans (As Proposed)

- 1.6. Accordingly, the applications and these appeals are accompanied by a Heritage Statement produced by Jane Leach of 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

- 1.7. The Council refused planning permission and listed building consent on the 25 July 2022. The decision notice for the planning application has one reason for refusal which states the following:

“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.”

- 1.8. The reason for the refusal of listed building consent is similar, differing from the planning refusal as it refers to internal features. It states the following:

“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.”

- 1.9. The Officer Delegated Report for the planning application is attached at Appendix 3 and the Report for the listed building consent application at Appendix 4.
- 1.10. Having regard to the history of the site and the reasons for refusal, the first issue raised by these appeals is the question of whether the proposals would preserve the building or any features of special architectural or historic interest which it possesses (pursuant to the statutory duties within sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). If there is any harm to the building or features of special architectural or historic interest, a balance is required to weigh the damage arising from the proposal with any public benefits.
- 1.11. The reason for refusal is concerned with the proposed building works and do not raise an objection to the removal of the requirement that all works must be completed before the building may be occupied. The Officer Delegated Report confirms that there is no issue in principle with regard to this matter².
- 1.12. The following section of this statement briefly sets the context for assessing the appeal proposals, focusing on the planning history of the appeals site. This is followed by identifying relevant policy. An assessment of each component of the proposals is set out in Section 4. This Statement should be read in conjunction with the Heritage Statement that forms part of the appellant's case.

² The Officer Delegated Reports are attached at Appendix 3 and 4. These reports are not paginated and have no paragraph numbers. The reference to the occupation of the building is at the 6th paragraph on page 8.

2. CONTEXT

2.1. The appeal premises were in use as a doctors surgery and medical centre until 2010 after which it was used for a while as a special school. In 2015 planning permission and listed building consent were approved to extend the building to the rear and create 9 flats within it³. The works undertaken to the building were not in accordance with the 2015 planning permission and listed building consent. In short, the rear extension was constructed three storeys in height and 10 flats were created. The Council took enforcement action. Appeals against the enforcement notices were dismissed⁴. The enforcement notice took effect on the 17 July 2018. The steps required to be taken are:

- (1) cease the use of the property as flats;
- (2) remove the rear extension;
- (3) restore the land to its condition before the breach took place; and
- (4) remove from the land materials, rubble and waste arising from the works.

2.2. The period of compliance set out within the enforcement notices was six months. However this was amended by letter dated the 18 July 2018 to extend the period to 24 months.

2.3. Following the dismissal of the enforcement appeals, extensive discussions took place with Officers of the Council which culminated in a planning application and application for listed building consent being submitted in April 2020 and approved on 25 July 2021⁵.

³ The 2015 approved scheme is attached at Appendix 5

⁴ The appeals decision letter is attached at appendix 6.

⁵ Manchester City Council references 127016/FO/2020 and 127016/LB/2020

3. RELEVANT POLICY

- 3.1. The reason for refusal⁶ asserts the proposals would be contrary to Policies SP1, DM1 and EN3 of the City of Manchester Core Strategy (“the Core Strategy”); saved Policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester (“the UDP”); Sections 12 (Achieving Well Designed Places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (“the NPPF”); and Section 16(2) and 66 of Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.2. The statutory requirement arising from Sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to 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. The Court of Appeal in *Jones v Mordue*⁷ have indicated that the NPPF lays down an approach which corresponds with the duty in section 66(1). It states that a decision-maker who works through relevant paragraphs in the NPPF in accordance with their terms will have complied with the statutory duty.
- 3.3. Heritage policy within the NPPF postdates the Development Plan⁸. The NPPF provides a comprehensive policy approach to the consideration of proposals impacting on heritage assets (including the balancing of heritage harm and public benefits) when compared to policy within the Core Strategy or UDP.

The Development Plan

- 3.4. The Core Strategy policies cited in the reason for refusal are in summary:
- Policy SP1: Spatial Principles, is a high-level policy setting out core principles which include the protection and enhancement of the built environment.
 - Policy DM1: Development Management, identifies specific matters to which all development should have regard, including materials and detailing; the impact of the development on amenity, accessibility, community safety and crime prevention; the adequacy of internal accommodation; refuse storage and collection, vehicular access and car

⁶ For both planning application and application for listed building consent

⁷ *Jones v Mordue [2015] EWCA Civ 1243*, particularly paragraph 28. A copy is attached at Appendix 7.

⁸ The Core Strategy was adopted in 2012 and the UDP in 1995.

parking; green infrastructure; flood risk and drainage; hazardous installations; and sustainable construction techniques.

- Policy EN3: Heritage, supports development which is designed to enhance the historic environment, including listed buildings.

3.5. The UDP policy cited in the reason for refusal is Policy DC19.1: Listed Buildings. This indicates that works will not be approved if there would be an adverse impact on the character or appearance of the building. Whilst the objective of the policy to protect heritage assets may be consistent with the NPPF, UDP policy provides no mechanism to balance benefits with harm should it arise.

3.6. The Officer delegated reports for the appeal proposal provides no assessment of the proposed against Development Plan policies identified in the reason for refusal⁹.

3.7. Other Development Plan policies which are relevant are as follows:

- UDP Policy DC1: Residential Extensions - generally supports development when it satisfies the criteria contained within the policy. The appeal proposals meet those criteria.
- UDP Policy DC5.2: Flat Conversions - supports flat conversions within residential areas, on the upper floors of commercial areas, and in properties on main road frontages. It adds they will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock. This policy supports the appeal proposal.

3.8. There are no Development Plan notations, allocations or designations specific to the appeal premises.

The NPPF

3.9. Section 16 of the NPPF is concerned with conserving and enhancing the historic environment. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of the heritage asset affected. Paragraph 199 places “great weight” on the conservation of the heritage asset, and the more important the asset the greater the weight should be.

⁹ The Reports are attached at Appendix 3 and 4.

Paragraph 200 states that any harm or loss to the significance of the heritage asset should require clear and convincing justification. It continues by stating that substantial harm to Grade II listed buildings should be exceptional. Paragraph 202 states that when a development proposal leads to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The Heritage Statement submitted with this appeal provides an assessment of the significance of appeal premises as a heritage asset and of the impact of each element of the appeal proposals on that significance.

3.10. Other relevant parts of the NPPF are as follows:

- Paragraph 11 that states sets out the presumption in favour of sustainable development;
- Paragraph 59 that states the Government's objective to significantly boost the supply of homes;
- Chapter 12 that refers to design generally, and particularly paragraph 130 that seeks to ensure that new developments are visually attractive because of good architecture, layout and landscaping, that they are sympathetic to local character and history and that the development potential of sites should be optimised. Paragraph 134 states that permissions should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 135 indicates that the quality of approved development should not be materially diminished between permission and completion as a result of changes being made to the permitted scheme.

Summary

- 3.11. There are no Development Plan notations, allocations or designations specific to the appeal premises.
- 3.12. Core Strategy Policy SP1 is a high-level policy setting out core principles which include the protection and enhancement of the built environment.
- 3.13. With regard to Core Strategy Policy DM1, no issue is raised about the impact of the development on amenity, accessibility, community safety and crime prevention, the

adequacy of internal accommodation, refuse storage and collection, vehicular access and car parking, green infrastructure, flood risk and drainage, hazardous installations or sustainable construction techniques.

- 3.14. Core Strategy EN3 supports development that would have a positive impact on heritage assets
- 3.15. UDP Policy DC19.1 requires development to be refused in circumstances where there would be an adverse impact on a heritage asset. The overarching objective of this policy to protect heritage assets is consistent with National Policy. However, The NPPF provides a mechanism for a more qualitative and proportionate consideration of proposals impacting on heritage assets. NPPF requires identification of the significance of the heritage asset affected, and an assessment of the impact of a proposal on that significance. Any harm should require clear and convincing justification. In circumstances when a development proposal leads to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
- 3.16. With regard to UDP Policy DC1, the reasons for refusal take no point that the appeal proposals would impact on the amenity of neighbouring occupiers, nor that it is harmful because of any loss of sunlight, daylight or privacy. Policy DC5.2 contains a general presumption of support for flat conversions within residential areas. In terms of the matters set out in Policy DC5, no objections are raised against the appeals proposal on the grounds of the standard of accommodation; the effect on adjoining houses arising from noise transmitted through party walls; the adequacy of parking; general effects on the quality of the neighbourhood; the adequacy of outdoor amenity space; or delivering easy access for all.
- 3.17. Other NPPF Policy relevant to the appeals include paragraph 11 that sets out the presumption in favour of sustainable development, and Chapter 12 that refers to design generally, and particularly paragraph 130 that seeks to ensure that new developments are visually attractive because of good architecture, layout and landscaping, that they are sympathetic to local character and history and that the development potential of sites should be optimised. Paragraph 134 states that permissions should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4. ASSESSMENT

- 4.1. This section sets out an assessment of each element of the proposal. It relies upon the analysis and conclusions within the Heritage Statement about the impact of each element of the Appeals Scheme on the character and significance of the Listed Building and on any relevant features of special architectural or historic interest.
- 4.2. Reference has been made to NPPF paragraphs 201 and 202 that relate to circumstances when there is harm to the significance of a designated heritage asset. Paragraph 201 addresses development proposals that lead to “substantial harm”. These circumstances do not apply. Paragraph 202 applies to circumstances where development proposals would lead to “less than substantial harm”. The NPPF states that less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public Benefits

- 4.3. The public benefits of the Appeal Proposals are the 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. These elements would derive a direct and visible public benefit given the public visibility of these elevations within the immediate area.
- 4.4. The Proposals generally would also result in the reuse of a designated heritage asset and secure its long-term use whilst contributing to the overall stock of residential dwellings in a highly sustainable location. This is a substantial public benefit because of the difficulty of converting older buildings which are more at risk of deterioration and neglect if not in use. The fact that the current Planning Permission and Listed Building Consent would secure the same benefits does not diminish the weight to be attached to these factors in respect of the current Appeal Proposal

The Proposed Variations to the Approved Scheme – Internal Works

- 4.5. In summary, the internal works concern the suspended ceilings and cornicing in the principal ground floor rooms and the omission of window shutters to the bay windows within the principal ground floor rooms.

The Suspended Ceilings and Cornicing

- 4.6. The Heritage Statement concludes that the retention of the present suspended ceilings and the conservation of the original fabric above, albeit concealed, would prevent

further damage. It would be of benefit in preserving and enhancing the architectural history of the building with clarity about which is new and which is original. The Heritage Statement expresses the view that the proposal for the ceiling is sympathetic to the original, it makes the new clearly legible and distinguishable from the original. The resulting design both preserves and enhances the architectural history and significance of the interior. The conclusion of the Heritage Statement is that the conservation of the original fabric by retaining the current suspended ceiling would be beneficial to the significance of the heritage interest in the building to a moderate degree. There is no harm and NPPF Paragraph 202 is not engaged.

Internal Decorative Details

- 4.7. The Heritage Statement refers to the fact there have been many internal alterations over the years, including the subdivision of the principal ground floor rooms. The Statement notes that the principal rooms have not been able to be appreciated in their original form since at least 2001 and potentially prior to Listing in 1974. It goes on to state that there is benefit from a heritage perspective in being able to appreciate the rooms in their original plan form than in the previous compartmentalised configuration. The original window shutters have been lost. The Statement asserts that attempts to replicate original fabric is not consistent with architectural conservation best practice. The omission of the window shutters would affect the appearance of the front elevation to a very minimal extent. The Heritage Statement acknowledges there would be some visual change, but no adverse impact on the heritage significance of the building. There is no harm and NPPF Paragraph 202 is not engaged.

Commentary on the Officer Delegated Report – Internal Works

- 4.8. Regarding the impact of the proposed works to the interior of the building, the Officer Report asserts that features in the interior of the building contributed to the heritage significance of the building. Reference is made by the Officer to discussions to achieve a scheme that the Council were prepared to support following the appeal decision. It should be borne in mind that the context of those discussions was a real prospect of the Applicant/Appellant being prosecuted following the unsuccessful enforcement appeals¹⁰. The Council required various changes to the scheme as submitted.
- 4.9. The Officer also places emphasis on the enforcement appeal decision. However, the enforcement action was not concerned with works to the interior of the building.

¹⁰ The impact of the pandemic and lockdowns impacted on the ability to undertake work in accordance with the requirements of the Enforcement Notices.

- 4.10. The Report acknowledged that public benefits flow from the proposal. The re-use of a heritage asset to secure its long-term future and the contribution to the stock of residential accommodation in a highly sustainable location is described in the Report as a “major public benefit.” However it then argues that the current proposals conflict with the principles and detailed reinstatement works of the 2021 approvals. However, as has been noted, there is no consideration of the harm that would arise, if any, or the balance of any harm such as may be asserted against the acknowledged major public benefits.

External Works

- 4.11. The external works that are the subject of the Appeals comprise the materials used for rainwater goods, alterations to the main entrance steps and fenestration to the rear extension.

The Rainwater Goods

- 4.12. The Heritage Statement concludes that the use of black painted aluminium rainwater goods would have no appreciable aesthetic impact on the heritage significance of the building. It goes on to say that the use of aluminium rainwater goods would protect the evidential value of the building by ensuring clarity for future generations’ understanding. The impact would be immaterial. Even if the impact was considered to be harmful such as to trigger a requirement to assess the public benefits of the proposal, harm would be at the very lowest level and substantially outweighed by the public benefits outlined above.

The Main Entrance Steps

- 4.13. The change from using natural stone as required by the current permission to art stone with a simplified jointing layout would have minimal impact on the aesthetic heritage significance of the building. The Heritage Statement notes that there are examples of reconstituted stone used elsewhere across the frontage of the building using art stone which are approved – specifically the coping on the walls around the light wells either side of entrance steps. The Heritage Statement says that the jointing of the steps, rather than the materials, is the factor which is detrimental to the appearance of the steps and the frontage of the building. Harm arising from that aspect of the steps is minimal and at the lowest end of the “less than substantial” range. As far as NPPF Paragraph 202 is engaged, the harm to the significance of the heritage asset is substantially outweighed by the benefits outlined above.

Fenestration to the Rear Extension

- 4.14. The Heritage Statement explains that the rear extension has minimal impact on the heritage significance of the building. Compared to the fenestration currently approved, alterations to the fenestration pattern; window head details; window sill details; the floor length windows on the rear elevation; and omission of the dummy windows, are consistent with the 2015 planning permission and listed building consent. Fenestration detailing the same or very similar to that now proposed was not considered to be harmful to the heritage significance of the building. NPPF Paragraph 202 is not engaged.

Commentary on the Officer Delegated Report – External Works

- 4.15. The Officer Report asserts that the current proposals seek to reverse a number of elements of the 2021 approvals and the cumulative effect of the changes would diminish the approved scheme and erode features that were considered to assist in overcoming the harm which had been identified. However, there is no detailed analysis or justification as to why it is considered the current proposal is materially different to the 2021 approvals in terms of impact on those elements of significance of the Listed Building and the balance between the harm, as asserted, and the acknowledged major public benefit.

Conclusions

- 4.16. The main issue raised by these Appeals is whether there would be harm to the heritage significance of the Listed Building. If any harm arises the question is whether it would be outweighed by the public benefits arising from the proposal.
- 4.17. Each element of the Appeal Proposals is analysed within the Heritage Statement:
- The proposal for the ceiling and cornicing would be beneficial – no harm would arise;
 - The omission of window shutters would lead to some visual change, but no adverse impact on the heritage significance;
 - The rainwater proposed rainwater goods would have a neutral impact;
 - The use of art stone for the entrance steps would have a low negative impact; and
 - The proposals for the fenestration of the rear extension and rear of the building would have no harmful impact.

- 4.18. Where harm is likely to arise it is generally at the lowest level within “less than substantial” range. The public benefits include works to improve the external appearance of the principal front elevation of the Listed Building, the reuse of the building and the contribution to the housing stock in a highly sustainable location. Those public benefits are acknowledged to be “major” and substantially outweigh the very modest harm which is likely to arise.
- 4.19. The analysis which has been undertaken within the Heritage Statement and this Statement follows the approach laid out in the NPPF. ***Jones v Mordue*** indicates that a decision-maker who works through those paragraphs in the NPPF in accordance with their terms will have complied with the statutory requirement arising from Sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, the Appeals Scheme complies with relevant national and Development Plan policy (as far as the Development Plan policies are consistent with the Framework).
- 4.20. The reasons for refusal are unjustified and the appeal against the refusal of planning permission and the appeal against the refusal of listed building consent should be allowed.