

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135032/LO/2022

Date registered valid: 26 September 2022

Proposal: Listed Building Consent for modifications to existing boundary wall to form new access between existing external yards and landscape strip to the rear of the property

Address: 15 The Grove, Manchester, M20 2RG

Ward(s): Didsbury East Ward

Applicant: Paul Berman, 15 The Grove, Manchester, M20 2RG

Agent (if any): Stephen Leighton, Leighton Architects, 21 Chandos Road, Manchester, M21 0SS

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 November 2022



Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 4 November 2022

Standard consultations: Printed: 3 October 2022 Expired: 24 October 2022

Neighbour notifications: Printed: 3 October 2022 Expired: 24 October 2022

Site notice: Posted: 19 October 2022 Expired: 9 November 2022

Press advert: Published: 11 October 2022 Expired: 1 November 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: N/a

The application site is a large 2-storey red-brown brick detached Victorian (1870) C3 dwellinghouse with a hipped slate roof, decorative timber and brickwork. It is grade II listed and sits within a west-facing plot which includes a large front garden with access to the paved yard at the rear through two side gates. Behind this lies a 'maintenance strip' which separates The Grove from the newbuilds of Bloomsebury Avenue.

Description of area

The property is situated on the north-eastern side of The Grove, north of Wilmslow Road in the Didsbury St. James conservation area. The site is within a mainly residential area on the northern side of Wilmslow Road comprising Victorian properties in The Grove and at 807 and 809 Wilmslow Road, modern residential at the former MMU campus to the north and east. South of The Grove is Fletcher Moss Park with the listed The Didsbury Public House, Parsonage Gardens and two further public house/restaurant land uses to the south west.

Description of development

The applicant is seeking permission to install two metal gates, one within each of the two rear yards, to provide access to the maintenance strip, as No's 11 and 17 The Grove have done.

Consultations & Notification Responses

Local residents as per appendix 1, via letters and site notice – One letter of objection received:
- *The land strip between The Grove and Bloomesbury Avenue was created by PJ Livesey developer as part of the regeneration of the MMU campus. On purchase of our property we*

enquired as to the land strip and access to this from our property, which is behind the Grove and shares the boundary strip at the bottom of the garden. We enquired as to being able to access the strip from the locked access gate from Wilmslow Rd into the strip, or via a gate from our fence. It was explained to us by the developer that this strip was designed only to enable property maintenance and that no residents (on either side) would be able to have access without permission.

- We are concerned as to the security risk to our property from now allowing access to the land strip from The Grove. (We would also have objection to residents being able to use / open locked gate onto Wilmslow Rd. for the same security reasons)

- We consider this access to be a change of use of the land from maintenance access (by request only) to recreational and enjoyment use by the applicant. This poses a potential 'land grab' from those properties into the space.

- I am concerned as to the space over time becoming a 'rat run' and security risk, potentially becoming space for clutter/planting/storage and general encroachment.

Urban Design & Conservation – No objection to the proposal in principle but provided comments relating to materials, methods and conditions.

Policies

National Planning Policy Framework (2021)

The revised NPPF continues to place emphasis on the three strands of sustainable development encompassing a social, environmental and economic role. Chapter 16 (paragraphs 184-202) of the NPPF sets out the government's priorities for conserving and enhancing the historic environment. In relation to decision-making, paragraph 192 of the Framework requires local planning authorities to assess applications taking account of the following:

- 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.

It is considered that the proposed works within this application would meet this government objective.

Unitary Development Plan (UDP, 1995)

DC1 – Residential Extensions

DC18 – Conservation Areas

DC19 – Listed Buildings

Manchester Core Strategy (2012)

EN3 – Heritage

DM1 – Development Management

SP1 – Spatial Principles

The listing

House. Probably c.1870. Brown brick in header bond, with bands of red brick in stretcher bond, some applied "half-timbering", and slate roof hipped to right. Double-fronted plan. German vernacular style. Two storeys and 5 windows (the 2nd blind) in an asymmetrical composition distinguished by a broad gable to the left half; with red-brick bands at sill and lintel level of both floors, the gable with applied half-timbering in the upper half and oversailing verges with tapered bargeboarding carried down, and the portion to the right with a deep eaves cornice of 4 corbelled red-brick courses. The ground floor has a recessed doorway offset left, a large

rectangular 3-light window to the left with a sashed centre light, a matching window to the right, and unusual red-brick relieving arches above the band to left and right of these respectively. The upper floor has two 2-light casement windows to each portion and a blind window between the pair to the left, with a relieving arch above its lintel. All these windows have run-out stone sills and lintels. Tall ridge chimney. Rear and interior not inspected. Part of small distinctive settlement. Rare example of domestic architecture reflecting cosmopolitan nature of C19 Manchester society. Forms group with other items in The Grove including Nos.803-5 and No.807 Wilmslow Road (q.v.).

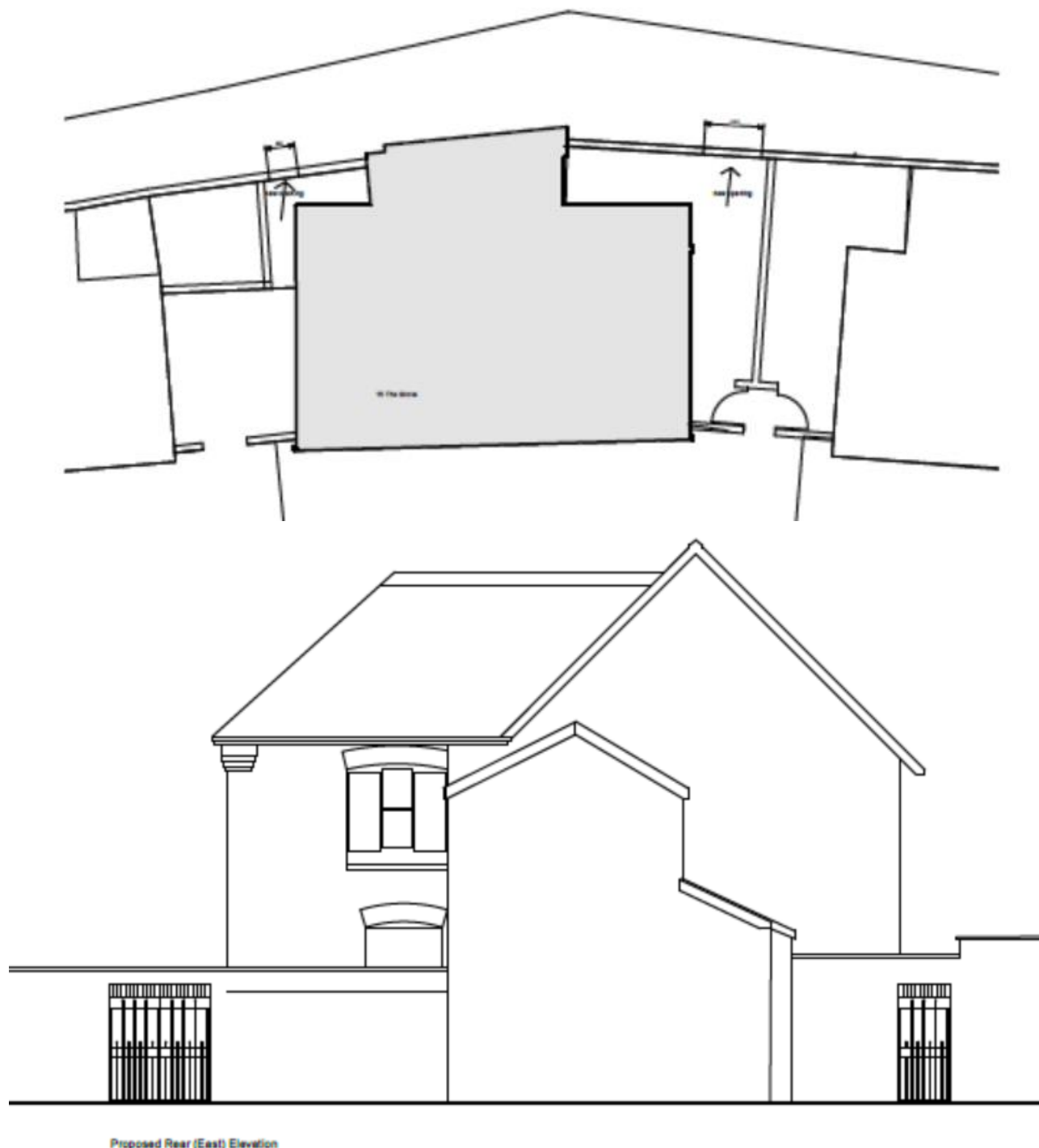


Issues

Principle – The principle of installing new external gates within the rear wall of a listed property is generally acceptable, but careful consideration must be given to the design, scale, siting and their impact upon the character of the conservation area and upon the significance of the listed building. In this case residential amenity is not considered to be impacted given the location and nature of the development.

Siting, scale and design – The applicant is proposing two gates within the rear boundary wall, which is attached to the rear elevation of the dwellinghouse, one either side of the outrigger, providing access to both yards. The submitted statement explains that the developer for the adjacent newbuild estate on Bloomesbury Avenue gifted this narrow strip of land which runs along the north and east boundaries of The Grove to the homeowners of these listed buildings to provide a buffer between the listed buildings and newbuilds. The applicant signed certificate A to say they own the land to which the gates would lead to and No's 11 and 17 The Grove have already had applications for similar gates approved under applications 130681/LO/2021 and 124576/LO/2019 respectively. The smaller gate would be sited on the northern end of the boundary wall, with an opening of 0.9m in width and 1.8m in height, sited 2.8m from the rear boundary of No.62 Bloomesbury Ave. The larger gate to the south would have an opening 1.8m in width and 1.8m in height, sited 3.36m from the rear boundary of No.64 Bloomesbury Ave. The gates are proposed to be black painted 'wrought iron-style', however the Urban Design and Conservation officer asked that these be real wrought iron, given the setting, hence a condition

has been attached requiring further details, including detailed design, materials, locks and brick arches, to be submitted to and approved by the City Council. A condition has also been attached requiring details of the methodology for dismantling brickwork to create the openings and the testing and application of appropriate mortar.



Proposed Rear (East) Elevation

Impact upon listed building and conservation area – The property, along with the rest of The Grove's buildings, is grade II listed. Although the original rear boundary walls are not mentioned within the listing itself, they do have architectural and historic merit. The act of creating two relatively small openings for access gates is considered to cause less than substantial harm to the fabric of the listed building and to the conservation area. Some of the bricks removed will form the decorative arches above the gates and appropriate conditions have been attached. It will give access to the newly acquired land directly from the enclosed courtyard gardens on this elevation which at present can only be accessed via the front door and side gate. There are no concerns that this will give rise to any loss of legibility. Both new openings will improve circulation between the property and permit informal surveillance of the acquired maintenance strip, to the

benefit of the overall security of the site which is poorly overlooked on the eastern elevation. Paragraph 200 of the NPPF states: “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” and paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered the justification provided within the submitted statement is adequate for the degree of harm caused, which would be outweighed by the benefits that the scheme would deliver to the occupiers of The Grove, including the expected improvements to the maintenance and condition of the strip of land running to the rear of the settlement, where its current overgrown and unkept condition adversely impacts upon the setting of these listed buildings and the conservation area.

Objection – An objection was received from a local resident, who raised the following concerns:

- Perceived ‘land grab’ – The applicant states that the strip of land has been gifted to occupiers of The Grove.

- Security risk to Bloomesbury Avenue – There is a locked gate at the end of the strip, adjacent to Wilmslow Road, therefore the addition of more gates within this secure strip is not considered to impact the security of the neighbouring estate.

- Change of use of land – The works do not constitute a change of use.

- Creating space for clutter – The space is already accessible by several properties, hence additional gates are not considered to cause clutter, particularly given additional access by owners is likely to improve the appearance of the strip.

Therefore, on balance, the proposed gates are not considered to cause undue harm to residential amenity, security or the appearance of the land nor wider conservation area.

Conclusion – The proposal, its benefits and the degree of harm have been assessed against the National Planning Policy Framework, the Core Strategy and extant UDP policies. No objections of weight were received and the City Council supports the proposal in conjunction with the attached conditions.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

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

Recommendation: Approve

Article 35 Declaration

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the delegated report. The application received no objections on notification and has been approved with appropriate conditions as set out below, in the interests of visual amenity and preservation of the listed building and conservation area.

Condition(s) to be attached to decision for approval

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

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

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

- Proposed Block Plan P/01
- Proposed Elevations P/02
- Proposed Elevations P/03
- Heritage Statement

Stamped as received by the City Council as Local Planning Authority with the application form on the 26th September 2022.

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

3) Prior to the installation of the proposed maintenance strip gates, full details of these including materials specifications, brick arches, frames and gate locks, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details and retain access at all times thereafter.

Reason - In the interests of visual amenity, to ensure the appearance of the building of heritage value is not harmed by the proposal, in accordance with saved UDP policies DC19.1 and DC18.1 and Core Strategy policies DM1 and EN3.

4) Prior to commencement of works to the wall, a methodology for the the works below shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- i) The careful removal of existing bricks by hand-held, non-mechanical means.
- ii) A detailed specification for works involving the use of mortar should confirm that any new mortar would match the existing original in terms of composition (by chemical analysis), colour, texture and finished, work appearance.

Reason - In the interests of the character and appearance of the building, and visual amenity of the site, pursuant to policies EN3, DM1 and SP1 of Manchester's Core Strategy and saved UDP policies DC18.1 and DC19.1.

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation

62 Bloomesbury Avenue, Manchester, M20 2BN
64 Bloomesbury Avenue, Manchester, M20 2BN
66 Bloomesbury Avenue, Manchester, M20 2BN
13 The Grove, Manchester, M20 2RG
809 Wilmslow Road, Manchester, M20 2QR
807 Wilmslow Road, Manchester, M20 2QR
9 The Grove, Manchester, M20 2RG
7 The Grove, Manchester, M20 2RG
17 The Grove, Manchester, M20 2RG
11 The Grove, Manchester, M20 2RG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Didsbury St James Conservation Area 1970
Area Team Boundary - Name: SOUTH AREA