
Appeal Decision

Site visit made on 5 June 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 26 June 2017

Appeal Ref: APP/B4215/W/17/3168221

15-19 Windsor Road, Newton Heath, Manchester M40 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Olea Care Ltd against the decision of Manchester City Council.
 - The application Ref 111499/FO/2016/N1, dated 7 March 2016, was refused by notice dated 2 August 2016.
 - The development proposed is *'erection of a two storey extension to existing care home incorporating two storey link and basement accommodation, together with re-configuration of car park layout following demolition of existing building to form 13 additional bedrooms and associated ancillary accommodation'*.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two storey extension to existing care home incorporating two storey link and basement accommodation, together with re-configuration of car park layout following demolition of existing building to form 13 additional bedrooms and associated ancillary accommodation at 15-19 Windsor Road, Newton Heath, Manchester M40 1QQ in accordance with the terms of the application, Ref 111499/FO/2016/N1, dated 7 March 2016, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The site address and description of development provided by the application form has been updated in subsequent documents. The site address and description of development provided by the appeal form are accurate with respect to the proposal before me and I adopt them accordingly.

Main Issue

3. The main issue is whether the development would preserve or enhance the character and appearance of Graver Lane Conservation Area.

Reasons

4. Graver Lane Conservation Area is a predominantly residential area focussed around Graver Lane and Windsor Road. The western part of the Conservation Area surrounding Graver Lane comprises mostly of high density late 19th century properties arranged in two storey terraced rows with shallow front gardens bounded by low brick walls and supplementary hedging. Further to the east, along Rupert Street, Ingham Street and the western side of Windsor Road, larger detached and semi-detached properties are interspersed amongst
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the terraced rows, including some modern properties. The greater variation in character provides a transition to a diverse range of large detached and semi-detached late 19th century and early 20th century buildings located on the eastern side of Windsor Road which are set within substantial plots and a more verdant setting.

5. The significance of the Conservation Area is derived from the architectural and historic character of the properties taken as a whole, as there are no listed buildings. Despite some variation between the styles and form of individual properties there is a predominance of original red brick facades, recessed sliding sash windows with vertical proportions and slate pitched roofs. The layout, different scale and type of properties in a verdant setting emphasises the historic development of the Conservation Area which established accommodation for workers in traditional local industries within tightly packed terraced rows, together with larger properties for wealthier families particularly along the eastern side of Windsor Road.
6. The eastern boundary of the Conservation Area lies beyond the properties along Windsor Road and is defined by Lords Brook which is set behind a mature tree line where land levels reduce considerably to form a valley side. The orientation of the properties along the eastern side of Windsor Road is unique to the Conservation Area with most originally facing towards Lords Brook rather than the road. A small number of the properties on the eastern side of Windsor Road have been previously converted from family housing into other uses. This includes the properties subject to this appeal (Nos. 15-19) that have been converted into a care home and associated administrative building, together with the adjacent semi-detached property (No 13) which is a day nursery. The contribution that those buildings make to the significance of the Conservation Area is, therefore, the extent to which they maintain coherence individually and as a group relative to their original form and function as large family housing.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
8. The appeal site formerly comprised three individual properties in two separate buildings, consisting of a three storey detached dwelling (No 15) with front and rear projecting gables with a side gable roof and three storey semi-detached dwellings (Nos. 17 and 19) of lower height. The appearance of both buildings and curtilages when viewed from Windsor Road have been changed by alterations and extensions to side and rear elevations to provide entrances, vehicular accesses and parking areas. Following the conversion of Nos 17-19 into Doves Nest care home and No 15 into an associated administrative building under the same ownership, their curtilages have been merged into a single site with shared boundary treatments and gardens.

9. The original character of Nos. 17-19 has previously been subsumed by large hipped roof extensions at the side and towards Lords Brook, together with a proliferation of flat roof and hipped roof additions visible from Windsor Road, including an expansive single storey section adjoining the footway. As a consequence, the perception of staggered building lines following the alignment of Windsor Road along its eastern side has been harmfully interrupted. Furthermore, the proliferation of insubordinate and incompatible extensions to the building, particularly those visible from Windsor Road, results in Nos. 17-19 currently having an incongruous appearance, scale, form and incompatible materials which do not make a positive contribution to the significance of the Conservation Area.
10. The proposal would involve the removal of a number of previous extensions to Nos. 17-19, including the expansive single storey extension, together with the addition of a front gable and hipped roof addition over existing flat roofs and a single storey extension designed as a bay feature. When taken together, these alterations and extensions would rationalise the frontage and integrate existing hipped roof forms resulting in a more legible and coherent elevation when viewed from Windsor Road. The alterations in providing a reconfigured car park along the frontage would also assist a more complementary relationship with the staggered building lines of No 13 and No 21 respectively due to additional spacing of built form from the road. Consequently, the cumulative alterations and extensions to Nos. 17-19, when taken in isolation, would be beneficial to the character and appearance of the building with associated enhancements to the Windsor Road street scene. Consequently, the proposal in so far as it relates to Nos. 17-19 would have a positive effect upon the character and significance of the Conservation Area.
11. The proposal also includes the demolition of No 15. No 15 currently is viewed as a standalone building that is distinct and dissimilar from Nos. 17-19 due to the existing side separation, together with different scale, design and proportions that results in a narrower form, reduced massing and taller height. The building on its front elevation facing Lords Brook has some original architectural detailing, patterned brick work, decorated gables and bay window features. However, the architectural detailing is largely restrained and the contrasting design of the bays lack the unity and balance ordinarily associated with Victorian villas. In any case, there are no public vantage points of the front elevation as it faces onto a car park and into woodland beyond the shared garden with Nos. 17-19, which screens distant views within the valley landscape. Consequently, the front elevation is not of individual importance and makes little contribution to the significance of the Conservation Area.
12. In contrast, the rear elevation of No 15 is highly visible from Windsor Road and therefore, is a contributory element to the streetscape and character of the Conservation Area. The overall proportions and prominent gable design of the rear elevation of No 15 as viewed from Windsor Road has a more corresponding relationship with the appearance of Nos. 11-13, when viewed together, than with Nos. 17-19. However, the harmony of those properties has been somewhat interrupted by the cumulative effect of extensions and alterations with incompatible roof forms, proportions of windows and doors and use of render to the side and rear of No 15 which detract from its traditional gable design and form. That effect has been worsened by the loss of physical definition of No 15 from the curtilage of Nos. 17-19. When taken together with the eroded character of the property and loss of its original function as a family

dwelling the individual contribution of No 15 to the significance of the Conservation Area is lessened. Consequently, only its overall scale, profile and presence as part of a range of large buildings on the eastern side of Windsor Road offers any meaningful contribution to the Conservation Area within the varied streetscape.

13. Having regard to the above, the demolition of No 15 would result in some harm due to the loss of a large building along the eastern side of Windsor Road which is a characteristic component of the Conservation Area. Its replacement would be a new part two-storey and part three-storey building to reflect the reducing land levels away from Windsor Road with a two storey glazed link to Nos. 17-19 creating a new main entrance to the care home. The design and scale of the new building would introduce built form of considerable scale with a more contemporary appearance than surrounding buildings. The new building would incorporate traditional materials, window proportions, pitched roofs and detailing with a prominent front gable feature which would provide balance and legibility to the main façade and entrance fronting Windsor Road. However, the cumulative expanse of scale, bulk and massing linked as a single building by the distinctive glazed element would appear incongruous, dominant and overtly modern relative to the scale, proportions and rhythm of surrounding buildings. The harmful effect would be worsened by the loss of spacing between buildings within the street scene along the eastern side of Windsor Road that characterises the spacious pattern of development.
14. The development would also result in the removal of a coniferous tree within the site. However, based on the evidence before me and observations during the site visit, the tree is an unremarkable specimen and its loss would not have an adverse effect on the character and appearance of the site or its surroundings. The materials of the replacement wall can be appropriately controlled by condition to ensure that it complements the character and appearance of those surrounding.
15. Having regard to all of the above, the harm caused through the demolition of No 15 and its resultant replacement and linked extensions to Nos. 17-19 would be significant in terms of the site and its immediate surroundings, but less than substantial to the significance of Graver Lane Conservation Area as a whole. In reaching the above view, I have taken account of the existing disharmonious appearance of No 15 and Nos. 17-19, together with the presence of a diverse range of buildings along the eastern side of Windsor Road which lessen the harm that would result. In such circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
16. The development would contribute to an increased supply of specialist care provision where a need is not disputed with associated benefits to local employment. The building although of declining condition due to ongoing vacancy is not beyond repair. However, based upon the evidence before me, I am satisfied that it would not be feasible to retain the building as part of an extension to the care home to provide additional modern care accommodation and increase the amount of bedspaces from 37 to 50 as proposed. The development would also beneficially replace rooms which are no longer of a suitable size or specification to provide specialist care. There would also be added benefits of removing incongruous existing extensions at the front of Nos. 17 -19 as part of the overall scheme and separate garden space from car

- parking areas creating a more tranquil amenity space for residents, with a more discrete location for waste storage areas. In those respects, the development would also assist the accessibility and economic viability of the care home by overcoming existing site and accommodation constraints.
17. In attributing weight to the above, based upon the evidence before me, it is reasonable that the care home is the optimum viable use of the site given the investment that has previously taken place. Furthermore, I am not satisfied that the retention of No 15 for an alternative use within the same site would be feasible or realistic. Such matters add further weight to the benefits identified.
18. I, therefore, attribute substantial weight to the provision of specialist care in so far as it meets an identified need. In that regard, I also give significant additional weight to each of the benefits in terms of the improvements to patient care and the visitor experience, the enhanced viability of the care home use as the optimum use of site, the associated local employment benefits and the improvements to the existing appearance of Nos. 17-19. When taken together, the public benefits outweigh the great weight given to the conservation of Graver Lane Conservation Area and the less than substantial harm to its significance which I have identified.
19. I conclude that the development would fail to preserve or enhance the character and appearance of Graver Lane Conservation Area. However, on balance, the combination of public benefits of the development would outweigh the less than substantial harm to the character, appearance and significance of Graver Lane Conservation Area that would result, and, therefore, any conflict with Saved Policy DC18.1 of the Unitary Development Plan for the City of Manchester, adopted July 1995, and Policies EN3, DM1 and SP1 of the Manchester Core Strategy, adopted July 2012, in that regard. The proposed development, therefore, aligns with the Framework in terms of the requirement to preserve designated heritage assets in accordance with their significance and weigh less than substantial harm against the public benefits of the proposal, including securing its optimum viable use.

Other Matters

20. The development would not have a detrimental impact upon the living conditions of occupiers of neighbouring properties in terms of matters of outlook, privacy and light due to the adequate separation distance to neighbouring properties. In those respects, it is necessary to control the installation of external plant in the interest of preventing noise and disturbance. Similarly, the construction phase could be suitably controlled to prevent unacceptable impacts in terms of noise and disturbance by the agreement of a Construction Method Statement, with construction traffic and parking managed through that condition in the interest of highway safety.
21. Any increase in traffic following the completion of the development would have only a negligible effect and could be suitably accommodated within the proposed access and car parking layout, without a significant increase in demand for on-street parking. The development would provide safe and suitable access to the site for all people and the increase in traffic movements would not have a severe residual cumulative impact upon the transport network. I am satisfied, therefore, that the development would not have a detrimental impact upon highway safety.

22. Greater Manchester Police recommend submission of a crime prevention plan. However, such details are not necessary to make the development acceptable.

Conditions

23. I have had regard to the planning conditions that have been suggested by the Council and to ensure consistency with paragraph 206 of the Framework I have revised the wording where necessary. The standard condition regarding the time limit and plans compliance are imposed to provide certainty in terms of the planning permission granted. As previously mentioned, a Construction Management Plan is required prior to commencement, together with additional controls on external equipment, to prevent an adverse effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance, and in the interest of highway safety. In the latter regard, conditions relating to the implementation of the car parking layout and cycle spaces are also imposed.
24. The site is within a Conservation Area to which less than substantial harm to its significance has been identified that is outweighed by public benefits of the extension. Consequently, it is important to ensure that no demolition takes place until appropriate arrangements have been put in place to secure the implementation of the development approved under this permission. Such details should necessarily be submitted to and approved by the local planning authority. A condition is also necessarily imposed to secure appropriate details relating to disposal of foul and surface water drainage before any ground excavations (i.e. excluding demolitions) take place and to secure contaminated land investigations given previous commercial use of the site, the latter being required pre-commencement. Additional conditions are also necessary in the interest of the character and appearance of the site and its surroundings in terms of materials, hard and soft landscaping, tree retention and refuse storage areas through provision of samples, approval of details and implementation of details as appropriate.

Conclusion

25. I have found that the public benefits of the development outweigh the less than substantial harm to the character and significance of Graver Lane Conservation Area and the associated conflicts with the Development Plan identified. Consequently, I find that in the particular circumstances of the development there are material considerations which indicate that the proposal should be determined otherwise than in accordance with the Development Plan. The proposal constitutes sustainable development when assessed against the Framework as a whole.
26. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-004 -100; 14-004-102; 14-004-103; 14-004-104; 14-004-105; 14-004-106; 14-004-107; 14-004-108; 14-004-120 Rev B; 14-004-121 Rev B; 14-004-122 Rev B; 14-004-123 Rev A; 14-004-125; 14-004-150.
- 3) No part of the development hereby permitted shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. location, removal and recycling of waste;
 - v. measures to control the emission of dust and dirt during construction;
 - vi. construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No demolition or alteration by way of substantial partial demolition shall take place until arrangements have been put in place to secure the implementation of the development approved under this permission and details of these arrangements have been submitted to and approved in writing by the local planning authority. The arrangements shall include details of the timescale for carrying out the redevelopment approved under this permission.
- 5) No part of the development hereby permitted shall take place until an assessment of the risks posed by any actual or potential land contamination, ground gas contamination or pollution of controlled waters has been carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works

- shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 6) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, a sample panel of the materials to be used in the construction of the external surfaces of the building and the replacement wall shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and glazing) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 7) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, details of works for the disposal of foul and surface water shall have been submitted to and approved in writing by the local planning authority. The foul and surface water drainage scheme shall be carried out and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i. a timetable for its implementation, and;
 - ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the drainage scheme throughout its lifetime.
- 8) Notwithstanding condition 2, before any above ground development hereby permitted takes place, excluding demolitions and site clearance, a hard and soft landscaping treatment scheme shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented not later than 12 months from the date that the extension is occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written approval to any variation.
- 9) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the extension for its permitted use.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction) (or an equivalent British Standard if replaced)
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- 10) Before any part of the extension hereby permitted is brought into use, space shall have been laid out within the site in accordance with drawing no. 14-004-121 Rev B for 6 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 11) Before any part of the extension hereby permitted is brought into use, space shall have been laid out within the site in accordance with drawing no. 14-004-121 Rev B for 18 cars to be parked, including 2 disabled spaces, together with the ambulance drop off space and dropped kerbs as indicated. The layout shall thereafter be kept available at all times for those purposes.
- 12) Before any part of the extension hereby permitted is brought into use, space shall have been laid out within the site in accordance with the drawing no. 14-004-121 Rev B for storage, management and collection of refuse. That space shall thereafter be retained for those purposes.
- 13) Before any externally mounted ancillary plant and/or machinery is installed upon the extension, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme, including its proposed location, which shall first have been submitted to and approved in writing by the local planning authority. The measures implemented as approved shall be retained thereafter.

END OF SCHEDULE