



Appeal Decision

Site visit made on 21 January 2020

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2020

Appeal Ref: APP/U4230/Y/19/3233506

Leighton House and Moor End, 463-465 Bury New Road, Salford M7 3NE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
- The appeal is made by Mr John Wallis of Prestwich Design Group against the decision of Salford City Council.
- Listed building consent Ref: 16/69169/LBC was granted on 18 January 2019 subject to conditions.
- The works proposed are refurbishment and alteration of 14 flats in Grade II listed building to create 20 flats.
- The conditions in dispute are Nos 2 and 3 which state that:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

06-BNR 2016, Existing and Proposed roof plans Rev B

09-BNR 2016, Proposed site plan Rev J

10-BNR 2016 Proposed floor plans I Rev D

11-BNR 2016 Proposed floor plans II Rev A

12-BNR 2016 Proposed elevations Rev B

22-BNR 2016 Proposed waste bin and cycle storage Rev A - only in so far as it relates to bin storage

24-BNR 2016, Proposed sections E-E rev D

23-BNR 2016, Proposed sections C-C and D-D Rev D

3. No development shall take place until the applicant or their agents or successors in title have secured the implementation of a historic building survey. The survey will be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Salford Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
 - an initial survey of the listed buildings
 - production of a schedule of features of architectural interest
 - a watching brief to record historic fabric and features during refurbishment works
 - details of any items of heritage value
 - recommendations for removal or repair/re-use of heritage items including proposed repair and finish works and provision for safe storage for any items to be reinstated
 - details of repair and finish works to areas where features are to be removed
 - details of any materials to be used in association with any repair/removal works
2. A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report on the significance of the architectural, archaeological and historical interest represented.
3. Provision for dissemination of the investigation results.
4. Provision for archive deposition of the report and records of the site investigation.

5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.
 - The reasons for the conditions are:
 2. For the avoidance of doubt and in the interest of proper planning.
 3. In accordance with NPPF Paragraph 199 - To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible.
Any works on the site have the potential to impact upon the special architectural or historic interest of this heritage asset and so the historic building survey is required prior to commencement of each phase of the development.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Listed building consent for the alteration of the buildings to create 20 flats includes conditions requiring the development to be carried out in accordance with approved plans and carrying out a detailed historic building survey. The reasons given are for the avoidance of doubt and in the interests of proper planning and in order to record and advance understanding of the heritage assets impacted by the development and because the works have the potential to impact upon the special architectural or historic interest of the heritage assets.
3. The appellant objects to the conditions because it is argued that the present condition of the buildings makes it impossible to work safely within the partly demolished interior of the building. Therefore, it is proposed to move the red 'proposed controlled demolition line' shown on the approved plans forward to the rear of the front and side façade walls. It is also argued by the appellant that condition 3 relating to the historic building survey is unnecessarily onerous for this type of building and is incapable of being achieved from a practical point of view given the fragile condition of the building.
4. Taking the above background into account the main issue is whether the conditions are reasonable or necessary in the interests of preserving or enhancing the listed buildings, Leighton House and Moor End, and any of the features of special architectural or architectural interest that they possess.

Reasons

5. Leighton House and Moor End are a pair of Grade II listed semi-detached houses dating back to around 1857. They were first listed in February 1988 and are built of red brick with Flemish bond with ashlar sandstone dressings and a Welsh slate roof. They have paired symmetrical facades but differing returns, two storeys with basements and attics and each has a three window range with central entrance. There are projecting porches with paired Doric columns. Although boarded up at the time of my site visit it is my understanding that each of the properties has part-glazed front doors with overlight and architrave. The outer bays on both properties are set forward, each with pedimented gable over. There are tri-partite sash windows to the ground floor with stone pilasters and entablature and four pane sash windows in moulded stone architrave in each bay above, the central window set within a

recessed panel. There is a continuous stone sill-band with moulded eaves cornice which continues round the pedimented gables. The return elevation of No 463 has two bays with a pedimented gable to the left with a similar pattern of fenestration to the main front elevation. The return bay to No 465 has three storeyed, 3 window range wing set forward to right with a central canted bay window. I have noted that the interiors were not inspected at the time of listing. The condition of the building has significantly deteriorated over the past few years with significant areas of roof collapse and the external walls and features are also in poor condition.

6. The buildings were constructed as part of the relocation of middle class families from the central industrial areas of Manchester. Leighton House and Moor End would have been situated among other villas within large garden areas. Some of these villas do survive, but others have been replaced by newer housing that has resulted in the area having a far more built up character.
7. The exteriors of the properties have medium evidential potential and the interiors have high evidential potential at a very local level to reveal more detail about how the houses were constructed. At the time the planning application was submitted in late 2016, it was considered by the applicant that the internal layouts were well-preserved and that later alterations to the buildings were legible contributing to a medium illustrative value.
8. The aesthetic value of the front facades is high, the side facades' medium and the rear elevations are very low value. The poor condition of the buildings has eroded some of the aesthetic value of the elevations. Although the houses were significantly altered when they were subdivided into flats, it is my understanding that there was a high level of survival of decorative features such as cornices, skirting, architraves and door and window shutters as well as decorative cast iron balustrade to the stair. However, the deterioration of the interior of the building appears to have been significant over recent years and as such their extremely poor condition is detrimental to their aesthetic value.
9. Policy CH 1 of the City of Salford Development Plan 2004-2016 – Policies saved beyond 21 June 2009 (CSDP) relates specifically to works to, and demolition of, listed buildings. Proposals for such works will be considered in relation to the effect on the importance of the building, physical features, the building's setting and the extent to which the proposals would bring substantial benefits to the community. Proposals including the alteration or partial demolition of a listed building will be permitted only where they would preserve or enhance the character and features of special architectural interest that contribute to the reasons for its listing. Furthermore, the policy specifically states that partial demolition will be permitted only where, among other objectives, it can be clearly demonstrated that there is no other viable use of the building and no alternative viable means of securing its preservation. Where demolition is granted, it will be subject to conditions requiring the recording of details of the listed building.
10. The most recent structural survey of the buildings was undertaken in July 2019. Given the length of time the planning process has taken and the exposed nature of the interior of the building, the building was found to have deteriorated considerably since it was previously viewed by the engineer (which I understand was October 2016). The latest report was commissioned in order to determine the condition of the building and, specifically, to determine

whether the buildings in their current condition are capable of being restored and converted in accordance with the approved scheme.

11. The report concludes that it is not possible to restore the building in accordance with the conditions attached to the approved planning permission and listed building consent. The report recommends the demolition of the whole building, including roofs, floors, stairs and walls with the exception of seven external walls. It goes on to state that the condition of the seven external walls to be retained is not good and the top levels of brickwork will need to be rebuilt because they have become perished, displaced or, in some cases, both. The structural report then discusses the measures that may be required to retain and restore the relevant walls, including how stone features may be refurbished in situ.
12. The appellant's statement advises that only the walls in the structural report numbered 1, 2, 3, 4, 17 and 18 (and possibly 16) should be retained and the rest of the building should be demolished and rebuilt according to the approved drawings. There is insufficient evidence before me to clarify why Wall 16 may need to be demolished when the structural report clearly indicates that the wall is to be retained. The drawings submitted with this appeal show the demolition of Wall 16 which would be located within the proposed amended controlled demolition area. The structural report and appellants' statement are also significantly lacking in any objective analysis in terms of the designated historical assets and there is little evidence that other options have been considered.
13. In addition, moving the 'proposed controlled demolition line' to the immediate rear of the front and part-side walls of the properties would result in the demolition of the interiors. Although I appreciate that the interiors have been the subject of significant deterioration over the years, there may be surviving features of illustrative and aesthetic value that may be retained and restored. Such loss would be regrettable and would certainly be detrimental to the historic significance of any remaining internal features.
14. The interior of the building is not described in the original listing, but that does not mean it is lacking in historical significance. Indeed, the appellant's own heritage statement dated November 2016 recognises the illustrative and aesthetic value of the interiors. In the late twentieth century the buildings were converted into 14 flats, but the evidence before me is clear that the internal layout of the properties was relatively unchanged with only a few modern partitions and these are generally legible as such. The interiors were also recognised as giving some indication as to the relative importance of different spaces in the buildings. There is insufficient evidence to show whether any such features remain in situ.
15. Consequently, contrary to the appellant's assertion, there is insufficient evidence before me that the surviving significance of the listed buildings is solely related to their exterior. The condition of the interior is poor and will have deteriorated since the original planning application was submitted, but that is an important argument in favour of undertaking a detailed historic building survey. Indeed, this is the approach set out in Policy CH 1 of the CSDP and paragraph 199 of the Framework in order to record and advance understanding of the significance of heritage assets to be lost.

16. I understand that the building is in a very poor condition and has deteriorated since the original application was submitted; however, there is insufficient evidence that it is impossible to undertake a detailed historic building survey or recover items from the interior without placing operatives in conditions of extreme danger or conditions that pose a risk to the health and safety of operatives. However, the implementation of the historic building survey will be undertaken in accordance with a written scheme of investigation to be submitted to and agreed in writing by the Council. As such, I consider there is scope to discuss and negotiate with the Council regarding the details of the survey work that should be undertaken.
17. Given the above, I find that the conditions are required to preserve the special interest of the listed buildings. Consequently, I give this harm considerable weight and importance in the planning balance of this appeal. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration and destruction of those assets. Given the potential harm to the heritage assets that would arise from implementing the approved works otherwise than in accordance with the approved plans and the historic building survey, I find the level of harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which include securing the optimal viable use of the building. Other benefits would include contributing towards the local supply of housing and some employment and wider economic benefits arising from development activity. However, as far as the evidence submitted shows, refurbishment and alteration of 14 flats in Grade II listed building to create 20 flats is not dependent on implementing the works otherwise than in accordance with the existing consent. As such, I give these limited weight in the balance.
19. Given the above and in the absence of any other defined substantial public benefits, I conclude that, on balance, conditions 2 and 3 of listed building consent Ref: 16/69169/LBC are reasonable and necessary in the interests of preserving or enhancing the listed buildings, Leighton House and Moor End, and any of the features of special architectural or architectural interest that they possess. As a result, the proposal fails to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with Policy CH 1 of the CSDP.

Conclusion

20. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

A A Phillips

INSPECTOR