



Appeal Decisions

Site visit made on 29 September 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2021

Appeal A: APP/C4235/Y/20/3254622

87 Higher Bents Lane, Bredbury Stockport SK6 2NA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr T. James Rhodes against Stockport Metropolitan Borough Council.
 - The application Ref: DC/074168 is dated 18 July 2019.
 - The works proposed are described as: Change of use of existing workshop/store and lock-up garage to offices including alterations.
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Appeal B: APP/C4235/W/20/3254629

87 Higher Bents Lane, Bredbury Stockport SK6 2NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr James Rhodes against Stockport Metropolitan Borough Council.
 - The application Ref: DC/071358, is dated 18 October 2018.
 - The development proposed is described as: Change of use of existing workshop/store and lock-up garage to offices.
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Decision

Appeal A

1. The appeal is allowed, and listed building consent is granted for Change of use of existing workshop/store and lock-up garage to offices including alterations to elevations at 87 Higher Bents Lane, Bredbury Stockport SK6 2NA in accordance with the terms of the application Ref: DC/074168, dated 18 July 2019, the plans submitted with it, and subject to the conditions attached in Schedule A.

Appeal B

2. The appeal is allowed, and planning permission is granted for Change of use of existing workshop/store and lock-up garage to offices at 87 Higher Bents Lane, Bredbury Stockport SK6 2NA in accordance with the terms of the application, Ref: DC/071358, dated 18 October 2018, subject to the conditions attached in Schedule B.

Procedural matter

3. The appeals have been made against the failure of the Council to determine the planning application and application for listed building consent within the statutory time period. As a result, both applications were deemed to have been refused. Nonetheless, the Council has subsequently advised that, had it been in a position to determine the applications, it would have granted both planning permission and listed building consent. The Council has not put forward any putative reasons for refusal and, effectively, is not contesting either appeal. It has, however, suggested several proposed conditions in the event that the appeals are allowed.
4. This notwithstanding, as the proposal relates to a listed building, I have a statutory duty to have regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses, as set out in sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This is the basis on which I have determined these appeals.

Main Issues

5. The main issue is whether the proposal would preserve a Grade II listed building, 'Bredbury House' (Ref: 1259969), and any of the features of special architectural or historic interest that it possesses.

Reasons

6. The principal listed building is a two storey property dating from the early nineteenth century that was originally built as a residential house but which is now in use as a funeral directors. A later, two storey, addition to the side of the building is in residential use. The appeal building is an outbuilding located to the side and rear of the principal building. It is common ground that appeal building is within the curtilage of the principal building and is therefore also listed.
7. The outbuilding is a two storey structure with a pitched roof. The south elevation has a single storey addition with a pent roof. The lower portion of the side and rear walls of the building is constructed in stone with the front elevation and upper levels of the building in brick. There are slate roofs over the main building and the side addition. An external staircase on the north elevation gives access to the first floor.
8. The applications were accompanied by a Heritage Statement which sets out the history of Bredbury House and its associated outbuilding and includes an assessment of their significance. It is suggested in the Heritage Statement that the original function of the outbuilding was as a 'coach house', providing storage for of horse drawn transport for the resident of the main house and possibly incorporated a stable for the horse. This interpretation of the building is not disputed by the Council.
9. From what I have read and from what I saw when I visited the site, the significance of the outbuilding, in so far as it relates to these appeals, is that it is illustrative of the growth in horse drawn transport in the mid nineteenth century and an example of the manner in which this was accommodated at the house of a relatively well to do citizen.

10. In so far as it relates to this appeal, the special interest of Bredbury House is founded on its evidential value as dwelling for a prosperous individual that is illustrative of the architectural style of the period. There is some evidence that suggests it may have been an earlier building that was later remodelled into its current form, which would be indicative of increased prosperity in the area leading to an existing building being updated to reflect modern architectural tastes and styles. This historic layering adds to the special interest.
11. The proposal seeks to convert the appeal building, which is currently being used for informal storage and as a lock up garage, to an office use on part of the ground floor and the whole of the upper floor, whilst retaining the ground floor garage.
12. In order to facilitate the change of use it is proposed to: replace the existing slates using Welsh slate; replace the gutters and downcomers in black uPVC; install replacement grey uPVC windows in the existing first floor window openings; repoint the brickwork and stonework where necessary; replace the existing double leaf doors with grey uPVC framed glazing, incorporating a personnel door and installing an external, double leaf, door for security; and replacing the existing garage door with a new timber door. Internally, a new staircase would be installed to link the ground floor office element to the first floor and the first floor would be subdivided into two spaces by a stud partition wall.
13. The Council's Statements of Case clearly set out that it has no objection to the principle of the proposed development and that the proposed works would, in general terms, be beneficial as the building is currently in a poor state of repair. No conflict with any relevant policies in the Stockport Core Strategy 2011 or Saved Policies from the Stockport Unitary Development Plan 2006¹ has been identified in respect of either proposal.
14. Paragraph 192 of the National Planning Policy Framework (the Framework) requires that in considering planning applications, decision makers should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 193 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
15. Whilst I agree with the Council's position that the Heritage Statement slightly understates the heritage value of the main house and the outbuilding, it is common ground between the parties that the proposed development would not cause harm to the special interest of either the outbuilding, or the main house. I have not seen or read anything that would lead me to a different conclusion on this point.
16. I have noted the comment from the Council's Conservation Officer regarding the fact the proposed works shown on the submitted drawing are indicative, and that further details are required in order to avoid any harm to the special interest of the building. Whilst there are many uPVC windows present on buildings in the vicinity of the appeal site, the majority of the windows in Bredbury House are timber, albeit modern replacements rather than original features. The Heritage Statement sets out that the use of uPVC in the appeal

¹ Unitary Development Plan Policies CDH1 and MW1.5. Core Strategy Policies CS9, SIE-1, SIE-3, T-1, T-2 and T-3.

building could have a negative impact on its character and appearance and in order to maintain the external appearance of the group of buildings the use of timber for the replacement doors and windows is preferred. However, I am satisfied that this could be addressed through a suitable condition.

17. The Heritage Statement also recommends that an existing fireplace on the first floor of the building is retained and also notes that the proposed removal of a remnant chimney stack to the rear of the building is regrettable. I would concur with these views as these features are evidence of the earlier, historic, use of the building and aid in understanding its function, thus contributing to its historic legibility. I have no evidence before me to suggest that these surviving elements of historic building fabric could not be retained as part of the conversion and refurbishment, or that it is impractical or undesirable to so do. The retention of these features can be also achieved through a suitably worded condition.
18. Given the above I conclude that, on balance, the proposal would preserve the special historic interest of the Grade II listed building. This would satisfy the requirements of the Act, paragraph 192 of the Framework and would not conflict with policy SIE-3 of the Stockport Core Strategy that seeks, among other things, to ensure that development preserves or enhances the special architectural, artistic, historic or archaeological significance of heritage assets, and is permissive of new uses for listed buildings that preserve the architectural or historic interest of the building. As a result, the proposal would be in accordance with the development plan.

Other matters

19. I have considered the comments raised by a neighbour during the course of the Council's consideration of the application regarding increased parking and vehicle movements, potential loss of privacy and overlooking and concerns in respect of bats at the property. There is no substantive evidence before me of parking stress in the area or that the proposed use would generate significant vehicle movements. I also note that the Highways Authority has no objection to the proposal. Whilst there are windows in the front elevation on the upper floor of the outbuilding, the relative position of the outbuilding to the rear of number 87 is such that casual overlooking of the rear garden area or rear windows of the adjacent residential property would be unlikely. There is no substantive evidence of bat activity in the building or the area and I note that the Council have not raised any concerns in this regard.
20. For the reasons set out and having considered all other matters raised, I have nothing before me that would lead me to conclude that my decision should be anything other than that the proposed development is in accordance with the development plan.

Conditions

21. I have had regard to the lists of conditions that have been suggested by the Council.
22. In respect of Appeal A, as very limited details were submitted of the proposed works and in order to ensure that the special architectural and historic interest of the building is preserved, it is necessary to impose conditions requiring samples of the materials to be used as well as the further details of the

- proposed works to be made available for approval. For the same reasons, it is also necessary to require details of the replacement windows and doors and rainwater goods be submitted for approval as well as a retention condition to ensure the preservation and repair of specific building fabric including the stone flagged floor, chimney, chimney breast, and fireplace. In the interests of preserving the character and appearance of the appeal building, it is also necessary to impose a condition requiring details of any proposed external plant and equipment to be submitted for approval.
23. In respect of Appeal B, in order to provide certainty regarding what has been granted planning permission, I have included a condition that specifies the approved plans with the caveat that certain details shown on these are modified by other conditions. In this regard, although some of the conditions suggested by the Council duplicate conditions suggested in respect of Appeal A and are consequently not required, I have included the same conditions in respect of the requirement to submit details of the replacement doors, windows and rainwater goods in the interests of clarity, as these details are modified by the conditions relating to the listed building consent and excluded from the plans condition.
24. The submitted drawings only show outline details of car parking and cycle parking and do not include arrangements for the storage of refuse from the proposed use. It is therefore necessary, in the interests of the preserving the character and appearance of the building and surrounding area, that further details of these are submitted for approval.
25. The appeal building is adjacent to existing residential properties. There is no identified end user for the premises in the application and, in order to prevent any adverse effects on the living conditions of the occupiers of the neighbouring dwellings, it is necessary to impose a condition limiting the hours of operation of the office premises.
26. The Council has also suggested a condition is required in respect of provision of a landscaping scheme. There is no indicative landscaping shown on the submitted drawings and from these and from what I saw at the site visit there is little scope for additional landscaping, taking account of parking and access requirements. In addition, the condition in respect of car parking details requires the submission of details of hard surface treatments. Consequently, I do not consider that this landscaping condition and the associated implementation clause are necessary and have not included these.

Conclusion

27. For the above reasons and having regard to all other matters raised, I conclude that the appeals should be allowed, subject to conditions.

John Dowsett

INSPECTOR

Schedule A

Conditions for Appeal Reference APP/C4235/Y/20/3254622

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Notwithstanding the information shown on the submitted drawings, prior to their use in the development hereby approved, a detailed schedule of the proposed materials of external construction shall be submitted to, and approved in writing by, the local planning authority and samples shall be made available for inspection on site. Samples of brickwork and stonework, including mortar jointing, shall comprise at least 1 square metre in area and a sample panel of shall be made available and retained on site for the duration of the works. The schedule shall also include details of design, materials and finish of verges and eaves and full details of repairs to the external staircase. The works shall be carried out in accordance with the approved schedule and samples.
- 3) Notwithstanding the information shown on the submitted drawings, prior to installation, full details of windows/doors shall be submitted to, and approved in writing by, the local planning authority. All windows/doors shall be of timber construction with a painted exterior finish. Details shall include sample elevations drawn at a scale of 1:20, and vertical and horizontal sections drawn at a scale of 1:5. No face mounted trickle vents shall be fitted. All windows/doors shall be installed in accordance with the approved details and shall be fitted with an exterior reveal of not less than 100mm and retained thereafter.
- 4) Notwithstanding the submitted details, no installation of rainwater goods shall take place until details (including details of the location) of gutters, rainwater pipes and their method of support, have been submitted to, and approved in writing by, the local planning authority. Gutters and rainwater pipes should be of painted cast metal with a traditional half round profile to the gutters. The gutters and rainwater pipes shall be installed in accordance with the approved details and retained thereafter.
- 5) Notwithstanding the information shown on the submitted drawings, the external stone staircase, chimney, chimney breast, and fireplace shall be retained and/or suitably repaired in accordance with a method statement that has first been submitted to, and approved in writing by, the local planning authority and the works shall be implemented in accordance with the approved details.
- 6) No installation of any externally mounted plant equipment (including utility meter boxes, flues, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes, television aerials and satellite reception dishes) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the local planning authority. Such plant and other equipment shall be installed in accordance with the approved details.

Schedule B

Conditions for Appeal Reference APP/C4235/W/20/3254629

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: Unnumbered site location plan at scale 1:1250; and Drawing Number 05 Rev A - EXISTING AND PROPOSED, except in respect of the details of proposed replacement windows, doors and rainwater goods shown on Drawing Number 05 Rev A.
3. Notwithstanding the information shown on the submitted drawings, prior to installation, full details of windows/doors shall be submitted to, and approved in writing by, the local planning authority. All windows/doors shall be of timber construction with a painted exterior finish. Details shall include sample elevations drawn at a scale of 1:20, and vertical and horizontal sections drawn at a scale of 1:5. No face mounted trickle vents shall be fitted. All windows/doors shall be installed in accordance with the approved details and shall be fitted with an exterior reveal of not less than 100mm and retained thereafter.
4. Notwithstanding the submitted details, no installation of rainwater goods shall take place until details (including details of the location) of gutters, rainwater pipes and their method of support, have been submitted to, and approved in writing by, the local planning authority. Gutters and rainwater pipes should be of painted cast metal with a traditional half round profile to the gutters. The gutters and rainwater pipes shall be installed in accordance with the approved details and retained thereafter
5. No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide the following cycle parking facilities within the site have been submitted to, and approved in writing by, the Local Planning Authority:
 - Long-stay cycle parking (a covered and secure cycle store) for a minimum of 2 cycles.
 - Short-stay cycle parking (Sheffield stands, or similar) for a minimum of 1 cycle.

The development shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details. The cycle parking facilities shall then be retained and remain available for use at all times thereafter.

6. No work shall take place in respect of the provision of car parking facilities to be provided within the site until a detailed drawing of the car parking facilities have been submitted to, and approved in writing by, the Local Planning Authority. Details shall include:
 - Details of how the parking spaces will be delineated

- Details of any new / replacement surfacing and associated drainage
- Details of any lighting to be provided to illuminate the parking area.

The approved development shall not be occupied until the car parking facilities have been provided in accordance with the approved drawing and are available for use. The car parking facilities shall thereafter be retained and remain available for use at all times thereafter.

7. No part of the building shall be occupied until refuse storage facilities have been provided in accordance with a scheme to be first submitted to, and approved in writing by, the local planning authority. These shall be retained and remain available for use at all times thereafter.
8. No part of the office use hereby approved shall be open for business/ trading purposes except between (i) 08:00 and 19:00 Mondays to Fridays, and (ii) 08:00 and 17:00 on Saturdays. It shall not be open for business/ trading purposes at any time on a Sunday or Bank Holidays.