



Appeal Decision

Site visit made on 24 May 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/C4235/W/21/3291076

291 Wellington Road North, Heaton Chapel, Stockport SK4 5BP

- 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 Somer Rana (ALA Holdings Ltd) against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/081147, dated 13 May 2021, was refused by notice dated 25 November 2021.
 - The development proposed is change of use from E(e) Provision of medical or health services to C3 dwelling house with single storey rear extension, dropped kerb to highway for new entrance to dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is part retrospective and I observed on the site visit that the roof had been replaced, with the rear dormer also evident. After amended plans were submitted during the application process, the Council has determined that there are no issues with the porch, boundary treatments and single-storey rear extension subject to conditions. I have therefore proceeded to determine the appeal with these matters considered.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the host property and the Heaton Moor Conservation Area (CA), and whether the proposal makes adequate provision for recreation and amenity open space.

Reasons

Conservation Area

4. No 291 Wellington Road North is one half of a pair of semi-detached, two-storey buildings located at the corner of Wellington Road North and Heaton Moor Road. The appeal property features dressed stone at ground floor level with render and decorative timber fascias at first floor level to the front elevation.
5. The roof is hipped with a front gable and the evidence before me indicates that both the appeal property, and its adjoining neighbour, were previously covered in Rosemary clay tiles and adorned with crested ridge tiles and ornate finials.

At the time of my site visit, the roof tiles and finials had been replaced by concrete interlocking tiles and concrete ridge tiles of a dark grey colour. Furthermore, the timber fascias are proposed to be replaced with UPVC alternatives. The rear roofscape of the appeal property included a small, single pitch dormer which has since been removed and replaced by a wide, flat roofed dormer formed of composite cladding of a similar shade of grey to the roof and white UPVC framed windows.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The Heaton Moor Conservation Area Character Appraisal (March 2006 – updated 2012) advises the significance of the CA is partly derived from its historic development as an affluent railway suburb; distinctive architectural style, grandeur, spatial significance and maturity; and the Free Gothic Revival and Arts and Crafts architectural influences, including building materials predominantly of red brick with yellow brick and stone detail, eclectic decorative finishes, slate and tile roofs.
8. The imagery provided by the Council demonstrates the previous composition of the Rosemary clay tiles and ridge tiles, which are prevalent in the area on many other roofs. These added a degree of consistency and aided in the understanding and interpretation of the history of the area. Furthermore, the decorative finials added a touch of opulence and grandeur optimised by the influx of wealth locally. These features contributed positively to the character and appearance of the local area and significance of the CA.
9. Regardless of whether the building is Listed or not, the loss of these features and replacement by modern materials which are in stark contrast to those prevalent in the area and previously used in the appeal building has eroded part of this distinctiveness and it follows that part of the significance of the CA has also been harmed.
10. The rear dormer, by virtue of its scale and design, is a discordant feature on the rear roofscape. Despite its position to the rear, I observed it is clearly visible from Heaton Moor Road and in this case this positioning does not reduce its harm. While the colours may fade over time, the use of modern composite materials causes a significant visual interruption in the area which is compounded by its size. It is therefore an unduly domineering and harmful presence on the roofscape of the host property. Although it is suggested that the appellant would be agreeable to conditions to agree landscaping and boundary treatments, this would not alleviate harm which has come from the works to replace the roof, which would still be evident.
11. As the proposal relates to only a small part of the CA, the harm that would arise from the proposal, in terms of the approach set out in the Framework, would be less than substantial. In these circumstances the Framework advises at paragraph 202 that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. I have no reason to doubt that the roof replacement was carried out in good faith. Although I am informed that repairs were required and that falling tiles were a hazard, I am not convinced that these repairs and upgrades could not have been accomplished in a manner that would not result in the harm I have

identified above. I am also informed of other changes to the roofs of other buildings in the area carried out in a similar manner, but I have no information on these before me. As such I have not considered them further and have assessed the proposal on its own merits.

13. Given my findings above, I disagree that the changes to the roof have improved the character and appearance of the host property and the CA. While some maintenance may have been required to the building given its vacant status over recent years, this does not justify the harm. However, there is some merit to bringing a vacant building back into use. I note that the Council do not dispute the principle of the change of use of the building, although this benefit is limited.
14. I conclude therefore that there are no public benefits which outweigh the less than substantial harm that would be caused to the significance of the CA as a designated heritage asset. Accordingly, the proposal conflicts with the conserving and enhancing the historic environment objectives of the Framework.
15. Based on the foregoing, the proposal has harmed the character and appearance of the host property and the CA. This is contrary to Policies SIE-1 and SIE-3 of the Stockport Core Strategy DPD (CS) (adopted March 2011) and Policy HC1.3 of the Stockport Unitary Development Plan Review (UDP) (adopted May 2006). These advise that loss or harm to the significance of a heritage asset, through alteration, destruction or development within its setting, will require clear and convincing justification. The proposal would also be contrary to the aims of the Framework, which advises in paragraph 199 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.

Recreation and Amenity Open Space

16. Saved Policy L1.2 of UDP states that in considering development proposals, the Council will take account of children's play needs and will require, where appropriate, the provision of suitable and accessible space and facilities to meet these needs. Furthermore, Policy SIE-2 of the CS forwards that development will be expected to take a positive role in providing recreation and amenity open space to meet the needs of its users/occupants.
17. My attention is drawn to the Open Space Provision and Commuted Payments Supplementary Planning Document (September 2019) (the SPD). This includes detailed information such as the commuted sum cost in respect of provision and the maintenance cost associated with the spaces and equipment. The SPD seeks contributions from new residential development related to the population capacity of that development.
18. The evidence before me demonstrates that there are deficiencies relating to children's play and formal recreation provision within the plan area. A legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 can be provided to comply with the requirements of the relevant development plan policies and advice in the SPD. However, I note the appellant disagrees with this requirement and as such, no agreement has been submitted.

19. As I am dismissing the appeal for other reasons, I have not pursued this matter further with the main parties. Nonetheless, as it stands, given the lack of a suitable agreement to address this matter, the proposal would fail to make provision for recreation and amenity open space in accordance with saved Policy L1.2 of the UDP and Policy SIE-2 of the CS. These collectively seek, amongst other matters, to ensure small new developments contribute towards the provision of open space. The proposal would also be contrary to advice in the SPD.

Other Matters

20. I have had regard to concerns raised by the appellant about the way that the Council handled the application, including an apparent lack of consistency and the method of determination under delegation rather than being presented to the planning committee. However, these are not matters for the appeal and neither affects the material planning considerations of the case. I have considered this appeal proposal on its own merits and any complaints should be raised with the Council directly.
21. Reference is made by the appellant to a third reason for refusal, which is listed in the decision notice. However, this appears to be in relation to the Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and explains that the Council has sought to carry out its duties in accordance with paragraphs 38 and 47 of the Framework. This requires Local Planning Authorities to approach decisions positively and determine them as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing. As such this has not had bearing on my decision, which has been made on the planning merits of the case.

Planning Balance

22. The main parties agree that the Council cannot currently demonstrate a 5-year supply of deliverable housing land. Therefore, the relevant policies of the development plan should not be considered up to date, having regard to paragraph 11(d) of the Framework and, on the basis of the evidence before me, paragraph 11(d)(ii) is engaged.
23. The Framework generally seeks to significantly increase the supply of housing. The proposal would add one dwelling to the Council's existing stock. I give the provision of housing on previously developed land in an accessible location close to facilities and services some positive weight, although for one dwelling this would be modest.
24. I am informed of a fallback position whereby the building could be converted into another use falling within the 'E' classification, which could include restaurants, nurseries or financial institutions among others. It is asserted these uses could involve activities which would be more harmful to local residents by way of increased footfall and noise, for example. Be that as it may, those matters were not disputed by the Council and did not form a reason for refusal. As such I give this fallback position limited weight.
25. Although Paragraph 11(d)(ii) of the Framework is engaged, I must still determine whether any adverse impacts of granting permission would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

26. For the reasons given above, the proposed development would be visually harmful to the character and appearance of the host building and the CA. The proposal would also fail to make provision for recreation and amenity open space. These matters are contrary to the development plan and this conflict carries significant weight.
27. The benefits highlighted by the appellant associated with the appeal scheme have been considered but carry modest weight. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
28. There was no harm demonstrated to the living conditions of occupiers of nearby dwellings, including through increased noise and there were no issues raised regarding other matters such as highway safety. From my reading, these were not in dispute, and a lack of harm is neutral in the planning balance rather than weighing in favour of a scheme.

Conclusion

29. The proposal would harm the character and appearance of the host building and the CA and would not make adequate provision for outdoor amenity space. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR