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Didsbury West Ward	Application Number 079738/CC/2006/S2	Date of Appln 12th Jun 2006	Committee Date 28th Sep 2006
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Proposal CONSERVATION AREA CONSENT for demolition of existing dwellinghouse to facilitate redevelopment for two semi-detached dwelling houses

Location 12 Elm Road, Didsbury, Manchester, M20 6XD,

Applicant Bluetree Estates Ltd Market Court, 20-24 Church Street, Altrincham, WA14 4DW

Agent Ludlam Associates The Bank, 99 Palatine Road, Didsbury, Manchester, M20 3JQ

Description

This application was deferred at the Planning and Highways Committee Meeting on 24th August 2006 in order to allow local residents more time to consider the revised proposals and to allow for the display of new site notices advertising the revised scheme.

"Delstar", 12 Elm Road is a part single/part 2 storey detached dwellinghouse, with single storey garage extension to the front, which is situated within the Blackburn Park Conservation Area. It is believed that the dwelling dates from the 1950's/60's, while the garage extension is a later addition from the 1970's. To the rear of the dwelling there is garden area, while to the front there is a hardsurfaced area and smaller lawn. There are three trees situated within the front lawn, a mature Horse Chestnut, a young mature Prunus and a young mature Cypress. The remainder of the front garden/hardsurfaced area is substantially landscaped with shrub borders and conifer hedge screens to the boundaries with no. 13 Parkfield Road South and 14 Elm Road respectively. Beyond the rear garden of no. 12 Elm Road stands Elmwood Lodge, an apartment development of some 24 flats, while on the opposite side of Elm Road stands no. 19 Elm Road, a 2 storey semi-detached dwellinghouse.

The applicants are applying for Conservation Area Consent to demolish no. 12 Elm Road in order to erect a pair of semi-detached dwellings on the site. The planning application for the erection of the semi-detached dwellings appears elsewhere on this agenda under reference 079737/FO/2006/S2.

Consultations

Local Residents - 18 letters of objection have been received from Local residents, the main points of which are outlined below:

1) No demolition of any house has ever been permitted in Blackburn Park since the establishment of the conservation area and this policy has been reinforced by the Planning Inspector in respect of 1 Pine Road.

2) The case for demolition has not been made. The existing property is in good repair, and although the property is not from the Victorian or Edwardian era that make up the majority of Blackburn Park, it's location and size is in keeping with its plot, and is sympathetic to the aspect of it's immediate neighbours.

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3) The reason for the development is purely commercial and it will in no way preserve or enhance the conservation area, as it is required to do by conservation area planning law.

4) It is absolutely unacceptable that a perfectly habitable dwelling should be demolished in a conservation area except by reason of compelling public interest, as opposed to commercial benefit.

5) Though no. 12 Elm Road was not built in the early 20th century like most of the other properties in the area, it is a classic example of housing architecture of its era.

6) Demolition of property in a conservation area sends a dangerous signal to developers to demolish others to accommodate multiple properties in the same footprint, leading to the loss of character of the area.

7) The redevelopment proposal is unacceptable. It represents overdevelopment of the site and its massing extends too close to the boundary line to either side (i.e. no. 14 Elm Road and Parkfield Lodge), thereby giving an almost "row" of housing or terracing appearance. This is not in character with this section of Elm Road.

Twenty five letters of objection have been received in respect of the revised planning application, the main points of which are outlined below:

1) Even though the plans have been revised, it is entirely unacceptable to demolish a perfectly sound property in a conservation area for reasons other than compelling public interest. If approved this will set an appalling precedent opening the floodgates to other prospectors.

2) The Council will be failing in its legal duty to preserve the Blackburn Park Conservation Area if it allows a perfectly sound building to be demolished within it, except for reasons of public safety or in the public interest. The heart of the Blackburn Park Conservation Area is as much about principally an area of large family houses with spacious gardens in addition to the architectural style.

3) How can the building of two modern buildings to replace an established building be seen in any way as preservation? It simply cannot. The basis of this application is clearly capital gain for the developer and has absolutely nothing to do with preserving or enhancing the conservation area. Blackburn Park could turn into a 'Disneyland' of pastiche Victorian/Edwardian redevelopment.

4) No doubt the developer will be claiming that the application should be allowed on the basis that it would enhance the conservation area. If this was allowed, it would create a very dangerous precedent which would make a mockery of the planning laws concerning conservation, as it is entirely a matter of opinion as to what enhances an area and what does not. Such a precedent would have enormous consequences, both for the residents of conservation areas and for planning departments, as developers would acquire valuable sites within conservation areas and then seek to redevelop them on the grounds that they were enhancing the areas concerned.

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5) The new proposal is not appropriate, is cramped on the site and will harm and not enhance the Conservation Area. The footprint is far too large for the land available and the property is not sympathetic with the rest of the properties in Blackburn Park.. There is little space for garages or garden and one of the beauties of this area is large gardens and housing for cars. This revision is a new variation to attempt backland development with the replacement properties using as much of the street frontage and extend far back into the rear gardens.

6) Though the present property is not in keeping with the many of the other properties in this Conservation area, it does represent architecture of housing of the 1960-70s. Thus, this is a good reason not to demolish it.

7) No demolition of any house has ever been permitted in Blackburn Park since the establishment of the conservation area and this policy has been reinforced by the inspector of the Secretary of State in respect of 1 Pine Road.

8) The reason for the development is purely commercial and it will in no way preserve or enhance the conservation area, as it is required to do by conservation area planning law.

A letter of support has been received from a local resident who is delighted that a developer wishes to enhance Didsbury with such a proposal and build family housing, rather than faceless flats that are ruining the area.

Councillor M. Clayton - The Councillor strongly objects to the original proposal on the following grounds:

1) Approval would lead to the demolition of a perfectly sound house in Blackburn Park - one of the most important conservation areas in the city.

2) The existing dwelling has been examined and although it is itself extended infill development from the 1950's, in a mixed and rather dull style, there is no sign of structural problems or damage. Indeed the house is in such condition that someone could move in tomorrow.

3) Unfortunately there are many precedents of perfectly good houses being demolished in Manchester, even by the Council itself, but approving the demolition of this house would set a precedent that it is acceptable to demolish habitable houses for speculative gain even in conservation area, and any such application would need to be supported by incontrovertible evidence of structural or fire damage of such magnitude that the building could not be economically repaired / restored.

Any further comments will be reported.

John Leech MP - The Member of Parliament has sought clarification on a number of issues. The questions asked were in relation to the setting of a precedent for demolishing buildings in the conservation area, whether any other buildings have been demolished in this conservation area since it was designated, whether the house is protected as it is not an original building and if the Planning Department consider this proposal to be acceptable. It is also asked if the redevelopment of the existing building has been considered as an option and if this would be more or less acceptable than this proposal.

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Blackburn Park Conservation Society - The Society have objected on the following grounds:

- 1) The proposal involves the demolition of a perfectly habitable dwellinghouse.
- 2) Demolition of the property would go against the principles of conservation area designation and set a frightening precedent.
- 3) An application to demolish and redevelop no. 1 Pine Road was refused by the Council, a subsequent appeal was dismissed by the Planning Inspectorate.
- 4) The new design is not appropriate for this setting. It is cramped on the site and will harm and not enhance the conservation area.
- 5) To build 2 new, potentially 6 bedroomed houses without any garages will not enhance the area and result in the loss of front gardens, a feature of the conservation area.

The Conservation Society have objected to the revised proposal. To summarise, they believe that the existing house is typical of the conservation area, as it is a detached house in a good sized plot and should not be under threat. The new proposal is even less typical and is out of character with the character of Blackburn Park. The very crowded on the site appearance will remove the open garden aspect which will not enhance the conservation area. The proposal is contrary to PPG15 and Policy DC18.1 of the UDP. The prevention of demolition is fundamental and most important protection that Blackburn Park gets from its designation as a conservation area. This application should be robustly refused.

Didsbury Civic Society - The revised plans are only slightly different from the previous, but in an important way. The changes to the front gardens may secure the availability of car parking however it may result in clutter on the frontage or parked on the road. All other houses in the conservation area have garages and parked cars are rare. This arises from the overdevelopment of the site which is the other main problem. There will be a lack of privacy for the new occupants to the rear as it appears that the new houses will share a garden. The adjacent houses (14 & 16) were built in accordance with the Charles Blackburn conditions of plots and the proposal does not. The Society is strongly opposed to the proposal and endorses the comments of the Conservation Areas and Historic Buildings panel. We are sure that if a refusal resulted in an appeal that the inspector would also refuse it.

Manchester Conservation and Listed Buildings Panel - Whilst the panel did not object to the principle of the demolition of the existing building, it was felt that this should not be seen as a precedent for setting a trend for the demolition of non-listed post-war buildings in conservation areas. The panel did note, however, that the form of an individually designed detached single house is very much in keeping with the character of the conservation area.

The panel objected to the proposed replacement pair of semis. It was felt that the semis would represent an over-development of the site which in turn would have a negative impact on the character of the conservation area. It was felt that a much more modest footprint is needed and that a single detached property would be more appropriate.

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The panel also observed that no car parking provision is proposed within the new built form and that the majority of the front garden would be given over to surface car parking. This was considered to be unacceptable.

The panel did not support the pastiche nature of the proposal, noting no materials had been specified. It was felt that a good contemporary design solution, appropriately scaled and over a ruled footprint would be more acceptable. They recommend that the application be refused or re-negotiated.

Issues

Unitary Development Plan (UDP) - There are no site specific policies. However when dealing with an application of this nature consideration is given to policies E2.7 and E3.8 in Part 1 of the UDP and policy DC 18.1 in Part 2 of the UDP.

Policy E2.7 states that the Council wishes to ensure that buildings and areas of special architectural or historic interest are retained, maintained and, where necessary, restored. The policy continues further stating that it will seek to preserve and enhance the setting of such buildings and areas [¿] by the preservation of trees and landscape features.

Policy E3.8 states the Council wishes to enhance the appearance of its Conservation Areas and will where appropriate, designate further areas.

Development Control Policy DC 18.1 states that the Council will give particularly careful consideration to development proposals within conservation areas and in paragraph (a) that it will seek to preserve and enhance the character of its designated areas by considering the effect of major changes to the appearance of buildings and the desirability to retain existing features such as boundary walls and landscaping.

Regional Spatial Strategy for the North West - Formerly RPG13, this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans, as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

_Policy ER1 states that local planning authorities in their plans, policies and proposals should promote positive management of the Region's natural, built and historic environment and protect it from development likely to cause harm.

_Policy ER3 states that local planning authorities in their plans, policies and proposals will identify, protect, conserve and where appropriate, enhance the built heritage of the Region, including those features and sites (and their settings) of historic significance to the North West such as listed buildings and conservation areas.

The North West Plan, draft Regional Spatial Strategy (RSS) - Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years. Policy EM1 states that plans, strategies, proposals and schemes should identify, protect, maintain and where possible, enhance natural, man-made and historic features that

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contribute to the character and culture of landscapes, places and local distinctiveness within the North West.

Planning Policy Guidance Note 15, "Planning and the Historic Environment" - The guidance notes states in paragraph 4.14 that "...special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. "

Furthermore, it states in paragraph 4.19 "The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission,...".

In addition, in paragraph 4.20 it states that "there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve", continuing with "¿ the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed."

Paragraph 4.26 states that "account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole".

Paragraph 4.27 states that "The general presumption should be favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area" and continues with "consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment". It also states that applications to demolish buildings within conservation areas which make a positive contribution to the character or appearance of a conservation area should be assessed against the same criteria as applications to demolish listed buildings and that such applications should be accompanied by a supporting statement which contains evidence of:

the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use,

the adequacy of efforts made to retain the building in use,

the merits of alternative proposals for the site,

Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 72 states that in respect of buildings in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Principle of the Proposal - As stated above, the presumption will always be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. If it is found that a building does not make this positive contribution then consent for demolition would not be given until the approval of an acceptable redevelopment scheme.

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Loss of no. 12 Elm Road - Building materials and styles throughout the Blackburn Park Conservation Area are very varied. The older houses generally have textured light red or buff brick walls with blue slate roofs, and in some cases brick or stone dressings in contrasting colours are used even for window mullions. The later houses are predominantly smooth red brick, though render, half-timbering and decorative tile fringing are extensively used. Red tile and occasionally green slate are used for roofs and vertical cladding. All houses have pitched roofs, some of them steep, and there are a variety of gables, hips and half hips topped with interesting finials.

The existing dwelling at no. 12 Elm Road has few, if any of these qualities. It is constructed from red brick with buff brick panelling at 1st floor level. The windows at 1st floor level are grouped towards the right side, while the pitched roof is covered with grey concrete tiles. The dwelling has a long single storey projection to the front which incorporates a garage and covered walkway which links the garage to the dwelling. The front elevation of the garage is constructed of timber with glazing, while the garage door is the roller shutter type.

Given its appearance and orientation on the site, it is considered that the existing dwelling contributes very little architecturally to the character and appearance of this predominantly Victorian and Edwardian conservation area. As a result the Council does not object in principle to its demolition, subject to there being, in line with PPG 15 guidance, an acceptable redevelopment scheme for the site.

Impact upon the Character of the Blackburn Park Conservation Area - For the reasons outlined above, it is not believed that the loss of no. 12 Elm Road will have a detrimental impact upon the overall character of this conservation area. Furthermore, as the redevelopment scheme (ref. 079737/FO/2006/S2) is considered to be in keeping with the architectural style of the Blackburn Park Conservation Area, it is felt that the proposed demolition and redevelopment of the site would both preserve and enhance the character of this conservation area.

Appeal Decision in Relation to no. 1 Pine Road - No. 1 Pine Road is a residential property in character with other properties situated throughout the Blackburn Park Conservation Area, for that reason its demolition was resisted by the Council, a decision that the Planning Inspectorate upheld on the grounds of the positive contribution it makes to the conservation area. It is not considered, for the reasons outlined above, that no. 12 Elm Road is in character with the predominant architectural style throughout the conservation area, if it was, its demolition, as in the case of no. 1 Pine Road, would be resisted.

Conclusion

There will always be a presumption against demolition in a conservation area where it is felt that the building to be demolished contributes positively to the character of that conservation area.

In this instance, it is considered that no. 12 Elm Road, by virtue of its design and siting, is out of character with the predominant architectural style of Blackburn Park Conservation Area. Given this, and the fact that the redevelopment scheme is believed to both preserve and enhance the character

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of the Blackburn Park Conservation Area, it is considered acceptable to demolish no. 12 Elm Road.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

on the basis that the proposed demolition and subsequent redevelopment of the site would preserve and enhance the character of the Blackburn Park Conservation Area and it is in accordance with the Unitary Development Plan for the City of Manchester, in particular policy DC18 and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason

Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied and modified in relation to buildings in conservation areas.

2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site (application 079737/FO/2006/S2) has been made, and planning permission has been granted for the redevelopment for which the contract provides, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason

In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building, pursuant to policy DC18 in the Unitary Development Plan for the City of Manchester.

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Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 079738/CC/2006/S2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted on the application:

14 Elm Road Didsbury Manchester M20 6XD
16 Elm Road Didsbury Manchester M20 6XD
19 Elm Road Didsbury Manchester M20 6XD
13 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 7 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 10 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 1 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 2 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 3 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 4 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 5 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 6 17 Parkfield Road South Didsbury Manchester M20 6DB
Parkfield Lodge Flat 1 Parkfield Road South Didsbury Manchester M20 6DD
Parkfield Lodge Flat 2 Parkfield Road South Didsbury Manchester M20 6DD
Parkfield Lodge Flat 3 Parkfield Road South Didsbury Manchester M20 6DD
Parkfield Lodge Flat 4 Parkfield Road South Didsbury Manchester M20 6DD
Parkfield Lodge Flat 5 Parkfield Road South Didsbury Manchester M20 6DD
Parkfield Lodge Flat 7 Parkfield Road South Didsbury Manchester M20 6DD
Parkfield Lodge Flat 8 Parkfield Road South Didsbury Manchester M20 6DD
Parkfield Lodge Flat 9 Parkfield Road South Didsbury Manchester M20 6DD
Elmwood Lodge Flat 8 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 9 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 11 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 12 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 13 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 14 17 Parkfield Road South Didsbury Manchester M20 6DB
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Elmwood Lodge Flat 19 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 20 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 21 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 22 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 23 17 Parkfield Road South Didsbury Manchester M20 6DB
Elmwood Lodge Flat 24 17 Parkfield Road South Didsbury Manchester M20 6DB
Elm Lodge Elm Road Didsbury Manchester M20 6XD
10 Elm Road Didsbury Manchester M20 6XB
33 Elm Road Didsbury Manchester
7 Belfield Road Didsbury Manchester M20 6BJ
9 Elm Road Didsbury Manchester
322 Lapwing Lane Didsbury Manchester M20 6UW
37 Pine Road Didsbury Manchester
23 Elm Road Didsbury Manchester M20 6XD
25 Elm Road Didsbury Manchester M20 0XD
326 Lapwing Lane Blackburn Park Didsbury Manchester M20 6UW
324 Lapwing Lane Blackburn Park Didsbury Manchester M20 6UW
10 Pine Road Didsbury Manchester M20 6UY
Blackburn Park Conservation Society 22 Pine Road Manchester M20 6UZ
39 Pine Road Didsbury Manchester M20 6UZ
5a Parkfield Road South Didsbury Manchester M20 6DA
8 Parsonage Road Withington Manchester M20 4PQ
6 Stanton Gardens Stanton Avenue Manchester M20 2PT

Representations were received from the following third parties:

R Wilkinson 14 Elm Road Didsbury Manchester
P And M Rhodes 16 Elm Road Didsbury Manchester
A Brahma 19 Elm Road Didsbury Manchester
J Posci Elmwood Lodge Flat 4 17 Parkfield Road South
Colin And Carol Hardicre Parkfield Lodge Flat 7 Parkfield Road South
D Fitzgerald 10 Elm Road Didsbury Manchester
M Thomas 33 Elm Road Didsbury Manchester
F Armstrong Hall 7 Belfield Road Didsbury Manchester
P And D Preston 9 Elm Road Didsbury Manchester
B Goodman 322 Lapwing Lane Didsbury Manchester
J Scott 37 Pine Road Didsbury Manchester
R Potter 23 Elm Road Didsbury Manchester
D Stanton 25 Elm Road Didsbury Manchester
R Thorley 326 Lapwing Lane Blackburn Park Didsbury
The Occupier 324 Lapwing Lane Blackburn Park Didsbury
J Smith 10 Pine Road Didsbury Manchester
D Whitaker Blackburn Park Conservation Society 22 Pine Road Manchester
R And S Williams 39 Pine Road Didsbury Manchester
J Meeks 5a Parkfield Road South Didsbury Manchester
A Jenkins 8 Parsonage Road Withington Manchester
Cllr M Clayton 6 Stanton Gardens Stanton Avenue Manchester

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