

| <b>Application Number</b> | <b>Date of Appln</b> | <b>Committee Date</b> | <b>Ward</b>           |
|---------------------------|----------------------|-----------------------|-----------------------|
| 088437/CC/2008/S2         | 25th Nov 2008        | 12th Mar 2009         | Didsbury East<br>Ward |

**Proposal** CONSERVATION AREA CONSENT for the demolition of existing bungalow

**Location** 58 Kingston Road, Didsbury, Manchester, M20 2SB,

**Applicant** Ms Nicola Ford , 58 Kingston Road, Didsbury, Manchester, M20 2SB,

**Agent** ,

### **Description**

This application is for Conservation Area Consent for the proposed demolition of the existing bungalow at 58 Kingston Road, which is sited on the west side of the road, within the Didsbury St James Conservation Area.

### **Consultations**

There have been no letters of objection/representation from local residents.

Historic Buildings and Conservation Panel – The Panel had no objection to the proposed demolition of the existing building.

### **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.

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 were 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.

Loss of no. 58 Kingston Road - Building materials and styles throughout the Didsbury St James Conservation Area are very varied. There is a mix of older residential properties with red brick and grey slate roofs and later additions, which are yellow textured brick. Almost all the 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. 58 Kingston Road is a brownish red textured brick with a moss covered grey slate roof. The property is a bungalow without any features of great architectural merit and it is considered that the existing property contributes little to the conservation area.

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 Didsbury St James Conservation Area - For the reasons outlined above, it is not believed that the loss of no. 58 Kingston Road will have a detrimental impact upon the overall character of this conservation area. Furthermore, as the redevelopment scheme (ref. 088436/FO/2008/S2) is considered to be a proposal of an architectural style which would enhance and contribute well to the Didsbury St James 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.

#### 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. 58 Kingston Road, by virtue of its design and siting, is out of character with the predominant architectural style of Didsbury St James Conservation Area. Given this, and the fact that the redevelopment scheme will enhance the character of the Didsbury St James Conservation Area, it is considered acceptable to demolish no. 58 Kingston 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)/objector(s)/resident(s) 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

the 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 Didsbury St James 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 088436/FO/2008/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.

**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: 088437/CC/2008/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 held by the Planning Division.

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

Engineering Services  
Environment & Operations (Highway Authority)  
Greater Manchester Police  
Didsbury Civic Society  
Chief Executive's Landscape Practice Group

21 Millgate Lane, Manchester, M20 2SW  
21a, Millgate Lane, Manchester, M20 2SW  
3 Kingston Avenue, Manchester, M20 2SP  
41 Millgate Lane, Manchester, M20 2SW  
42 Kingston Road, Manchester, M20 2SB  
43 Kingston Road, Manchester, M20 2SB  
43 Millgate Lane, Manchester, M20 2SW  
44 Kingston Road, Manchester, M20 2SB  
45 Kingston Road, Manchester, M20 2SB  
47 Kingston Road, Manchester, M20 2SB  
53 Kingston Road, Didsbury, Manchester, M20 2SB  
55 Kingston Road, Manchester, M20 2SB  
56 Kingston Road, Manchester, M20 2SB  
57 Kingston Road, Manchester, M20 2SB  
59 Kingston Road, Manchester, M20 2SB  
61 Kingston Road, Manchester, M20 2SB  
62 Kingston Road, Manchester, M20 2SB  
63 Kingston Road, Manchester, M20 2SB  
65 Kingston Road, Manchester, M20 2SB  
66 Kingston Road, Manchester, M20 2SB  
67 Kingston Road, Manchester, M20 2SB  
69 Kingston Road, Manchester, M20 2SB  
Flat 1, 23 Millgate Lane, Manchester, M20 2SD  
Flat 2, 23 Millgate Lane, Manchester, M20 2SD  
Flat 3, 23 Millgate Lane, Manchester, M20 2SD  
Flat 4, 23 Millgate Lane, Manchester, M20 2SD  
Flat 5, 23 Millgate Lane, Manchester, M20 2SD  
Didsbury Civic Society, 2 Willowbank Court, 570 Parrs Wood Road, Didsbury,  
Manchester, M20 5QT

**Representations were received from the following third parties:**

**Relevant Contact Officer :** Melanie Tann  
**Telephone number :** 0161 234 4538  
**Email :** m.tann@manchester.gov.uk