



Appeal Decisions

Site visit made on 29 April 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2019

Appeal A: Ref: APP/G4240/W/19/3221352

53-55 Stockport Road, Denton, Tameside, M34 6DB

- 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 Mrs Kirsty Biden (Infinity Property Investing Ltd) against the decision of Tameside Metropolitan Borough Council.
 - The application Ref: 18/00930/FUL dated 23 October 2018 was refused by notice dated 23 January 2019
 - The development proposed is change of use of a listed building to from B1 (offices) to Sui Generis (12 No unit house in multiple-occupation).
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Appeal B: Ref: APP/G4240/Y/19/3223203

53-55 Stockport Road, Denton, Tameside, M34 6DB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Kirsty Biden (Infinity Property Investing Ltd) against the decision of Tameside Metropolitan Borough Council.
 - The application Ref: 18/00946/LBC dated 28 October 2018 was refused by notice dated 20 February 2019.
 - The works proposed are internal layout alterations only to Grade II listed building to facilitate proposed new residential use.
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Decisions

1. **Appeal A is allowed**, and planning permission is granted for the change of use of a listed building from B1 (offices) to Sui Generis (12 No unit house in multiple-occupation) at 53-55 Stockport Road, Denton, Tameside, M34 6DB in accordance with the terms of the application, Ref: 18/00930/FUL dated 23 October 2018, subject to the conditions set out in the Schedule attached to this decision.
2. **Appeal B is allowed**, and listed building consent is granted for internal layout alterations only to Grade II listed building to facilitate new residential use at 53-55 Stockport Road, Denton, Tameside, M34 6DB in accordance with the terms of the application Ref: 18/00946/LBC dated 28 October 2018, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

3. I have taken the description of the proposed development and works from the Council's decision notices. Although they differ from that given on the application forms, I consider it more concisely describes the proposal.

Main Issues

4. **Appeal A:** I consider the main issue in Appeal A is the effect of the proposed change of use on the character and amenity of the surrounding area in terms of an over-intensive form of development and whether it would add to parking stress in the area because of an increased demand for on-street parking.
5. **Appeal B:** I consider the main issue in Appeal B is the effect of the proposal on the special architectural and historic interest of the Grade II listed building.

Reasons

6. The appeal relates to a 3-storey Georgian town house, a Grade II listed building which has latterly been used as offices. It has however been vacant for several years, and most of the rooms are in a state of disrepair. The ground floor is the most intact with original features limited to some examples of plasterwork and coving, together with some original doors and other woodwork. There are signs of fire damage and water ingress to several areas of the building and clear visual evidence of some structural problems.
7. In the main most of the external fabric seems to be in reasonable condition, although the front entrance is currently bricked up and the roof is in poor condition. Replacement timber windows were inserted about 10 years ago to a traditional design. The rear courtyard is shared with other neighbouring businesses and is currently used as an informal parking area.

Appeal A:

8. The proposal is for change of use from offices (Use Class B1) to a 'House in Multiple Occupation' (HMO). The 12 bedrooms would be spread over three floors and each would have en-suite facilities. Additionally, there would be two communal kitchens. The basement would incorporate a secure cycle/storage area and there would be three dedicated parking spaces in the rear yard.
9. The principle of redevelopment for residential purposes, albeit individual flats, has been established through an earlier permission which also incorporated the adjoining building (since converted to offices). The property is located within the Denton town centre boundary but does not fall within a defined Primary Shopping Centre. There is thus no policy restriction to changes of use to residential.
10. The Council and others in the representations are concerned that the proposal would amount to an overdevelopment of the site. However, the Council's *Residential Design Supplementary Planning Document* (SPD) identifies standards for new residential development and the Council says there is no conflict with the SPD in terms of room sizes. The rooms would be of a generous size and the provision of en-suite bathrooms would allow greater privacy than is often the case in HMOs. The communal rooms and basement room would allow good levels of social space and storage for residents which is a good indicator of amenity standards. Internally the property would benefit from a complete refurbishment which would bring the building up to modern standards.
11. The Council's Housing Needs Assessment makes no special reference to HMOs. It does however recognise the need for one-bedroom accommodation in the Borough. At present only 3.5% of the housing stock within Denton South is

privately rented which suggests to me that there is no over-concentration of HMOs in the locality which might be giving rise to environmental or social problems. Policy H7 of the *Tameside Unitary Development Plan* (UDP) promotes mixed uses and density, and the proposal would be compliant with this and provide a form of affordable accommodation. Whilst concerns have been raised about the appropriateness of the use, a Management Plan has been provided by the appellant which demonstrates various controls to ensure the effective and safe management of rooms within the HMO, together with an undertaking that the property will be regularly maintained and kept in good condition.

12. I note concerns expressed by the Council and others that the proposal would generate additional demand for on-street parking in an area subject to parking stress. In this regard UDP Policy H10 says developments should make suitable provision for parking with no unacceptable impact on the highway network, and Policy P10 says maximum parking standards will be applied (although none are given for HMOs).
13. However, given the generally low car ownership levels amongst residents of HMOs and the availability of other town centre car parks nearby, I am satisfied that the three off-street parking spaces proposed would be enough to serve the development without causing pressure for parking on surrounding streets or affecting highway safety. It is also likely to be lower than the demand for parking generated by the previously permitted conversion to flats. Furthermore, the proximity of public transport and local services also reduces car reliance and adds to the sustainability credentials of the scheme. In this regard paragraph 109 of the revised *National Planning Policy Framework* (the Framework) advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
14. Overall, and taking into account the current semi-derelict condition of the property and its proximity to commercial uses and the town centre, I favour a pragmatic approach. I conclude on the main issue that the proposal would not result in an over-intensive form of development that would add to parking stress or compromise highway safety in the area.
15. Furthermore, the proposal would accord with the aims of national and local planning policy to create balanced communities having regard to the level of shared housing in the area and other material considerations. I find no conflict with UDP Policies H7, H10 and T11.

Appeal B:

16. The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses.
17. Paragraph 193 of Revised *National Planning Policy Framework* (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

18. Paragraph 191 of the Framework says where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Amongst other things, paragraph 192 says local planning authorities 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.
19. UDP Policy C5 says whilst continuation of the use for which the building was designed is most desirable, the Council will permit alternative uses where evidence suggests the existing or original use is unlikely to support the maintenance or preservation of the building. It adds that development must be of a high standard of design, and where appropriate, new internal features shall harmonise with the existing.
20. The significance of the building comes from its status as an externally largely unaltered late Georgian townhouse and its prominence and importance within the street scene. The proposed scheme would secure the full conversion of the building with the retention, wherever possible, of the existing plan and room layout. New internal partitions would be kept to a minimum and the removal of the secondary staircase and insertion of a new central staircase would not affect the building's significance. Internally, plasterwork and joinery would be repaired and reinstated where practicable, and the retention of the timber frame sash and casement windows would be in keeping with the historic character. Whilst conversion of the top storey would require considerable intervention, this area has suffered from extensive fire damage and the proposed changes can be accommodated without compromising the overall value of the building.
21. As with the change of use appeal, the Council says the proposal would represent an overdevelopment of the building that would undermine and harm its significance. However, in my view the proposal is a sensitive one that demonstrates that the heritage value would not be undermined by the proposed changes. I also afford considerable weight to the level of investment that would be committed in order to secure a viable future use for the building consistent with its conservation.
22. Taking all the above matters together, I consider the proposal represents an acceptable solution that would preserve the special architectural and historic interest of this listed building, causing no harm to its significance. Therefore, the question of public benefits to outweigh any harm does not arise. I find no conflict with policies of the Framework, and UDP Policies C5 and 1.11.

Conditions: Appeals A and B

23. I have considered the conditions put forward by the Council in the light of the advice in the Framework and the Planning Practice Guidance (PPG). I have taken account of comments made by the appellant in response to the imposition and precise wording of any pre-commencement conditions.
24. The Council has put forward the same suite of conditions for both planning and listed building appeals. However, to avoid duplication, I have attached those detailed conditions which specifically relate to the proposed internal and external works, rather than to the proposed change of use, to the listed building consent decision only. These are all necessary to safeguard the special architectural and historic interest of the listed building.

25. For both appeals, in addition to the time periods for the commencement of development and works, conditions are needed to secure compliance with the approved plans in the interests of proper planning.
26. The Council has suggested a condition requiring the submission of a management plan to include details such as the selection criteria for tenants. Management procedures for the safety and security of tenants, and protocols for investigating complaints from tenants. A further suggested condition requires the owner to maintain a register of all occupiers and their employment status. However, such conditions would fail the tests of being necessary and reasonable, and in any event cover non-planning matters which are more properly dealt with through the Licensing regime. Therefore, I have not imposed them.
27. I agree that conditions requiring car parking and secure cycle parking to be provided are necessary in the interests of highway safety.
28. The condition requiring details of noise insulation is needed in the interests of the living conditions of the occupiers of the proposed development. However, I do not consider the condition restricting the hours of construction or remedial work is necessary justified given the commercial surroundings and town centre location of the building.
29. Conditions requiring further details of the bin store and any externally mounted equipment such as lighting, security cameras and satellite dishes are needed as such features are shown indicatively on the submitted drawings or not at all.
30. A condition restricting the occupation in the buildings to 12 bedrooms is not necessary as this is clear from the approved plans. Therefore, I have not imposed it.

Conclusion: Appeals A and B

31. For the reasons given above and taking into account all other matters raised, I conclude that the appeals should be allowed. I consider that the proposed development and works would amount to a sustainable form of development that would satisfy the policies of the development plan and the Framework when taken together.

Nigel Harrison

INSPECTOR

Schedule of Conditions: Appeal A - Ref: APP/G4240/W/19/3221352

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan No. P001, Existing Side Elevations No. P002, Existing Front & Rear Elevations No. P003, Existing Ground Floor Plans No. P004, Existing First Floor Plans No P005, Existing Second Floor Plans No. P006, Proposed Side Elevations Drawing No P007, Proposed Front & Rear Elevations Drawing No. P008, Proposed Ground & First Floor Plans Drawing No.010, Proposed Second Floor plans No. P011, Heritage Statement & Addendum to Heritage Statement.
- 3) The approved development shall not be occupied until the car parking facilities have been provided in accordance with the approved drawings, hard-surfaced, drained to a soakaway system/marked out in bays. The car parking spaces shall thereafter be kept clear and remain available for occupiers of the development.
- 4) No development shall place until full details of a secure cycle store in the basement of the building have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the cycle store has been provided in accordance with the approved details. The cycle store shall then remain available for occupiers of the development.
- 5) The approved development shall not be occupied until details of any externally mounted equipment (including utility meter boxes, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes,) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) The approved development shall not be occupied until a drawing showing the location and design of a single satellite television reception aerial/dish capable of distributing a signal to each room within the building has been submitted to and approved in writing by the Local Planning Authority. Any aerial/dish shall be located to minimise its effect on the appearance of the building and all distribution cables must be routed internally.
- 7) No development shall take place until a report is undertaken by a suitably qualified person to address the impact of noise between each of the rooms in the accommodation. This shall be submitted for approval in writing by the Local Planning Authority and shall be carried out in accordance with BS: 8233-2014, and any mitigation measures indicated in the report shall be carried out before the development is occupied.
- 8) Notwithstanding the details shown on the submitted drawing No P009, no development on the exterior or external areas shall take place until revised details for the provision of a bin store and enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until the bin store has been provided in accordance with the approved details.

Schedule of Conditions: - Appeal B - Ref: APP/G4240/Y/19/3223203

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan No. P001, Existing Side Elevations No. P002, Existing Front & Rear Elevations No. P003, Existing Ground Floor Plans No. P004, Existing First Floor Plans No P005, Existing Second Floor Plans No. P006, Proposed Side Elevations Drawing No P007, Proposed Front & Rear Elevations Drawing No. P008, Proposed Ground & First Floor Plans Drawing No.010, Proposed Second Floor plans No. P011, Heritage Statement & Addendum to Heritage Statement.
- 3) No works or repairs to the southern gable shall take place until a full structural survey and schedule of repairs has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.
- 4) Notwithstanding the details shown on the submitted drawings, no works or repairs to the exterior of the building shall take place until a schedule of the proposed materials of external construction, including rendering, has been submitted to and approved in writing by the Local Planning Authority, and samples have been made available for inspection on the site. The approved development shall not be occupied until it has been completed in accordance with the approved schedule and materials.
- 5) No works or repairs shall take place to the external pointing work until a sample of pointing (approximately 1sqm) has been prepared for inspection and approved in writing by the Local Planning Authority. All pointing shall be confined to the joint and finished slightly recessed from the face of the brick and shall be carried out in accordance with the approved sample.
- 6) The approved development shall not be occupied until all existing internal plasterwork, joinery, metalwork, has been retained and repaired in accordance with a schedule of works to be submitted to and approved by the Local Planning Authority.
- 7) No works shall take place until details of any proposed replacement windows have been submitted to and approved in writing by the Local Planning Authority. These shall be single glazed timber double hung sashes together with mouldings and sections of a traditional design and profile. The details shall include elevations at 1:20 scale, vertical and horizontal sections at 1:5 scale, and details of secondary glazing where required. All new windows shall be set back from the face of the building within the window and door reveals by a minimum of 90mm. The works shall take place in accordance with the approved details.
- 8) No works shall take place until details of the proposed external doors and doorcases (which shall be of painted timber construction to replicate the original design) have been submitted to and approved in writing by the Local Planning Authority. The doors and doorcases shall be installed in accordance with the approved details.
- 9) All existing chimney stacks, capping and pots shall be retained.

- 10) No works to the exterior of the building shall take place until details of external works to the rear courtyard including boundary balustrade and railings have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until it has been completed in accordance with the approved details.
- 11) No internal works or repairs to the building (except for any permitted clearance works) shall take place until details of the repair and relocation of the internal staircase have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until the staircase has been installed in accordance with the approved schedule and materials.