

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY MR. K. & MRS. V. STOPFORTH

**THE COACH HOUSE
FORMER AINSWORTH NURSING HOME
KNOWSLEY ROAD
AINS WORTH
RADCLIFFE
BL2 5PT**

L.P.A. REF: 69616

STATEMENT ON BEHALF OF THE APPELLANTS

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1 INTRODUCTION

- 1.1 This statement relates to an appeal by Mr. K. & Mrs. V. Stopforth in connection with the property known as The Coach House at the former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Radcliffe.
- 1.2 The appeal relates to the refusal of the Bury Metropolitan Borough Council to grant planning permission for the demolition of the existing building and its replacement by 2 new dwellings.

2 SITE AND SURROUNDINGS

- 2.1 The Coach House is a single storey detached building situated to the north of Knowsley House which was formally the main hospital building. Until fairly recently, The Coach House was connected by a link to the building known as The Haven which is directly adjacent to Knowsley House. However, the link was removed when the various parcels of land were sold off and The Coach House is now a stand-alone building.
- 2.2 The wider site of the former nursing home is located some 700 metres to the north of Ainsworth village and is accessed via Knowsley Road and a privately owned access road. There are a number of buildings on the site including Knowsley House, The Bungalow and The Wash House all of which have been or are being renovated or extended to provide residential accommodation. In July 2021, planning permission was granted for a replacement dwelling to be erected on the site of the building known as The Haven. This is immediately to the south of the application site and construction of this new build property is currently ongoing. In November 2022, planning permission was granted for another completely new dwelling to be erected on a previously open, undeveloped greenfield site to the south-west of the appeal site. This permission related to the construction of a substantial five bedroom house and also included the conversion of an existing building known as The Gate House into residential accommodation. Details of the plans and decisions for The Haven and the undeveloped site are attached with this appeal.
- 2.3 The former nursing home site is essentially rectangular in shape and it is surrounded by open fields. There are a significant number of trees both within the site and on its boundaries and these are protected by a tree preservation order.

3 THE PROPOSED DEVELOPMENT

- 3.1 The application which is the subject of this appeal proposes the demolition of the building known as The Coach House and the re-development of the site with two detached dwellings.

- 3.2 The proposed development relates to the erection of two detached dwellings which have been designed to reflect the design of the existing building and also to complement the external features proposed in the conversion of the adjacent buildings known as Knowsley House and The Wash House. The design of the dwellings was informed having regard to the comments of the Inspector in the recent appeal decision (APP/T4210/W/22/3298500) on a previous proposal (application no. 67368) and also by the design of the recently approved new dwelling to be built on the adjacent land. Both of the proposed dwellings would effectively be single storey in design although the roof spaces would be utilised and facilitated by the inclusion of both dormer and Velux type windows.
- 3.3 The larger of the two dwellings would be sited on the western plot adjacent to The Wash House. It would be a four bedroom property with hipped roofs and two dormer windows on the north elevation. This would be the principal elevation and would include a feature projecting glazed hall and landing. Three Velux type windows will be provided in the south facing roof. A porch with a hipped roof would be provided over the south facing entrance door.
- 3.4 The dwelling proposed on the eastern plot would be a three bedroom property. Two dormer windows with hipped roofs and a Velux type window would be provided on the north elevation with three Velux type rooflights incorporated on the south facing roof. A porch with a hipped roof would be provided over the south facing entrance door.
- 3.5 Both properties would be constructed with red brick to be approved by the local planning authority and would have slate roofs. A Radcliffe Red brick has been approved for use in the property current being constructed on the adjacent site of The Haven and it is the appellants' intention to use a similar brick. Brick cills and headers would be incorporated in all of the ground floor windows. The hipped roofs reflect the design of other buildings on the site. The window openings now have a more vertical emphasis and both dwellings would have tall brick chimneys to provide additional vertical emphasis. Both dwellings would have brick arches to the entrance doors which is in character with similar features on Knowsley House and The Gate House. As the Inspector commented, these types of features give the collection of buildings a distinctive character and appearance that retains legibility. The re-design of the proposed dwellings has also taken into account and had regard to the design features of the new build dwelling that was approved by the Council in November 2022.
- 3.6 The site will be accessed via Knowsley Road which leads on to the private access road to the entire former nursing home site. Within the site, access to the two properties will be gained via the existing internal access road. The section of the access road on the north side of the existing building will be removed and the existing retaining wall will be moved back so that it coincides with the tree canopy edge on the northern boundary of the site. The amount of impermeable access road to be removed will be in the region of 150 square metres.

- 3.7 Two in-curtilage parking spaces will be provided for each of the two properties. The new hard standing would be constructed using a permeable surface material. The Inspector raised no issues in relation to the proposed access, turning and parking arrangements other than to make the point that the impact of the proposed areas of hard standing would be mitigated by the soft landscaping of other hard surfaced areas to the north of the proposed dwellings.
- 3.8 As far as the applicant is aware, the Council's Highway Engineers have no objection in principle to the proposed access and parking / turning arrangements.
- 3.9 The applicants are of course mindful of the Council's concern about construction vehicles entering and leaving the site and the potential for conflict with other occupiers of the site. In recognition of this, the applicants fully intend to prepare and submit a Construction Traffic Management Plan for approval by the local planning authority.
- 3.10 In order to address the concerns of the Greater Manchester Fire and Rescue Service, albeit expressed in relation to the previous application, a sprinkler/misting system to meet the requirements of BS 9251:2014 will be provided in each property.

4 COUNCIL'S CONSIDERATION OF THE PLANNING APPLICATION

- 4.1 The application which is the subject of this appeal was dealt with by an officer using delegated powers. Neither this application or the previous application has been considered by the Council's Planning Committee.
- 4.2 Following the officer's consideration of the proposal, the application was refused on 24th August 2023 for the following 3 reasons:
- 1 *The proposed development by virtue of its design, appearance and scale would introduce discordant, disproportionate and inharmonious features and would have a significantly harmful impact on the historic significance of the Non-Designated Heritage Asset and openness and character of the Built Environment and the NDHA and as such the proposed development would be contrary to the principles in chapter 16 - Conserving and enhancing the historic environment of the NPPF and Bury UDP Policy EN1 - Built Environment.*
 - 2 *The demolition of the existing building and the proposed development for two new dwellings would cause a substantial harm to the significance of the Non-Designated Heritage Asset (NDHA) and detrimentally affect the character and appearance of the localised area of the former Ainsworth Nursing Home Site. No evidence has been submitted to outweigh the significant harm which would be caused to the NDHA by the demolition of the existing building. As such, the proposed development would therefore be contrary to the*

principles of chapter 16 of the NPPF and Bury UDP Policy EN1 - Built Environment.

- 3 *The proposed development would result in an unacceptable reduction in the level of privacy to occupiers of The Haven by reason of the sub-standard distances between the habitable velux window on the proposed front elevation of House 2 and habitable room windows on that property and would have a detrimental impact on occupiers of The Wash House due to the proximity and height of House 1 which would result in an overbearing relationship to this neighbour. The proposed development therefore conflicts with Unitary Development Plan Policy H2/1 - The Form of New Residential Development and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties*

5 THE ISSUES

5.1 It is the appellant's view that the main issues to be considered in the determination of this appeal are:

- (i) whether the proposed development is an acceptable form of development in the context of its location
- (ii) whether the proposed development is contrary to any development plan policies or supplementary planning guidance adopted by the Council
- (iii) whether the proposed development would have a significantly harmful impact on the openness and character of the Built Environment.
- (iv) whether the proposed development would have a significantly harmful impact on the historic significance of the Non Designated Heritage Asset using a balanced judgement having regard to the scale of any harm or loss and having regard to the significance of the non – designated asset and whether the proposed development would be contrary to the principles of chapter 16 of the NPPF
- (v) whether the proposed development would detrimentally affect the character and appearance of the localised area of the former Ainsworth Nursing Home site contrary to the principles of chapter 16 of the NPPF and UDP policy EN1
- (vi) whether the proposed development would result in an unacceptable reduction in the level of privacy enjoyed by the occupiers of The Haven and The Wash House and if so whether or not any perceived impact could be addressed or mitigated by the use of planning conditions

6 PLANNING POLICY

6.1 The Council's decision notice refers to the following policies:

NPPF National Planning Policy Framework
H1/2 - Further Housing Development
H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
EN1 – Built Environment
EN1/1 - Visual Amenity
EN1/2 - Townscape and Built Design
EN1/3 - Landscaping Provision
EN8/1 - Tree Preservation Orders
EN9/1 - Special Landscape Areas
OL1 - Green Belt
OI1/2 - New Buildings in the Green Belt
OL7/2 - West Pennine Moors
HT2/4 - Car Parking and New Development
SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD8 Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt

7 THE APPELLANTS' CASE

- 7.1 It is the appellants' submission that the planning officer's consideration of this planning application was fundamentally flawed both in terms of its analysis of the issues and the conclusion that is reached resulting in the refusal of permission.
- 7.2 The application that is the subject of this appeal was a further submission following an earlier refusal of planning permission and a subsequent appeal that was dismissed. Although the appeal was dismissed, the Inspector agreed with much of the appellants' case and he was not persuaded that ultimately the loss of the building could not be mitigated against. However, he considered the scheme proposed was not of sufficient design quality to mitigate against the loss of the building and its impact on the Non Designated Heritage Asset (NDHA). Accordingly, the appellants took on board the Inspector's comments and instructed their architects to re-design the two proposed dwellings essentially in the style of the adjacent building, Knowsley House, the features of which the Inspector felt gave the collection of original buildings that constitute the NDHA a distinctive character and appearance that retains legibility. The appellants also had regard to the design of the approved new build property on the site to the west of the appeal site. It was expected that if the proposed dwellings incorporated features in line with those which were highlighted by the Inspector and which were also considered to be acceptable by the local planning authority, then the revised

scheme would be treated more favourably. However, that was not the case as the application was again refused. The appellants consider that the Council in reaching this decision has completely ignored the Inspector's comments in the previous appeal and also that it has acted inconsistently in the way it has considered and approved other proposals for development of sites in close proximity to the appeal site.

- 7.3 As stated in the first reason for refusal, the Council consider that the proposed development would introduce discordant, disproportionate and inharmonious features which would have a significantly harmful impact on the historic significance of the NDHA and on the openness and character of the Built Environment and the NDHA. Taking into account the points that are raised in paragraph 7.2 above, the appellants are astounded at the position that the Council has taken in dealing with the application.
- 7.4 In terms of the historic significance of the NDHA, the appellants accept the position of the previous appeal Inspector who considered that the overall level of significance was somewhere along the low to medium continuum. Given that this NDHA is included on a draft local list of NDHAs that has not been through a process of public consultation, we do not consider that a great deal of weight should be attached to it. Nevertheless, we respect and accept the findings of the Inspector that a loss of the building would have a limited impact on the NDHA. However, it should be noted that two of the hospital buildings of similar design and to the east of The Coach House were demolished some time ago (see 1910 Ordnance Survey Map contained in Heritage Assessment). It is evident that the former isolation hospital buildings are already incomplete and the NDHA cannot therefore be regarded as a well preserved example of this type of establishment.
- 7.5 As mentioned above, the Inspector clearly felt that the loss of the building could be mitigated against and the appellants consider that the current proposal achieves the necessary level of design quality to overcome the Inspector's concerns regarding the previous proposal. With the previous scheme, he was specifically concerned about the use of gable ends and a strong central gable feature on one of the buildings, rather than a hipped roof design in keeping with the roofs of the buildings one would pass en-route to the site via the access road, i.e., the Gate House, Knowsley House and The Wash House. He felt that this would result in the proposed dwellings competing for presence with the original buildings within proximity of the appeal site. Additionally, the horizontal emphasis of the proposed fenestration would contrast with the predominantly vertical emphasis of fenestration on the original buildings. Finally, the use of some of the proposed external materials, such as 'K' Rend render and stone headers and cills, would contribute to highlighting the differences between the original buildings and the proposed dwellings.
- 7.6 The appellants sought to overcome these concerns in the revised design. As outlined in section 3 above, the larger of the two dwellings would be a four bedroom property with hipped roofs and with two dormer windows on the north elevation. This would be the principal elevation and would include a feature projecting glazed hall and landing. Three Velux type windows will be

provided in the south facing roof. A porch with a hipped roof would be provided over the south facing entrance door. The dwelling proposed on the eastern plot would be of similar design. Both properties would be constructed with red brick to be approved by the local planning authority and would have slate roofs. A Radcliffe Red brick has been approved for use in the property current being constructed on the adjacent site of The Haven and it is the appellants' intention to use a similar brick. Brick cills and headers would be incorporated in all of the ground floor windows. The hipped roofs reflect the design of other buildings on the site. The window openings now have a more vertical emphasis and both dwellings would have tall brick chimneys to provide additional vertical emphasis. Both dwellings would have brick arches to the entrance doors which is in character with similar features on Knowsley House and The Gate House. As the Inspector commented, these types of features give the collection of buildings a distinctive character and appearance that retains legibility. The re-design of the proposed dwellings has also taken into account and had regard to the design features of the new build dwelling that was approved by the Council in November 2022.

- 7.7 It is disappointing that the Council rejects the position of the Inspector regarding the fact that mitigation for the loss of the building would be possible. In fact, the planning officer's report goes further and argues that the Inspector's statement is flawed in conservation terms. The Council's entrenched position is that no mitigation is possible under any circumstances. The Council's position however does appear to be somewhat confused. Earlier in the report the planning officer states that the proposed dwellings that would replace the demolished building would need to make a positive contribution to local character and distinctiveness as required by paragraph 197 (c) of the NPPF.
- 7.8 It is the appellants' submission that the most relevant paragraph in the NPPF in terms of this appeal is paragraph 203 which states that a balanced judgement will be required in assessing the effect of a planning application on the significance of a non-designated heritage asset. In the appellants' opinion, the Council has not exercised a balanced judgement (i.e. in terms of taking account of the earlier appeal decision, other developments that it has permitted in close proximity to the appeal site, the views of heritage professionals and the Inspector in terms of the significance of the NDHA, the tilted balance arising from the Council's housing land shortfall etc) in this case.
- 7.9 Taking into account the points raised above the appellants do not consider that the proposed development would be contrary to chapter 16 of the NPPF or contrary to UDP Policy EN1 which simply states that the Council will seek to protect, preserve and enhance the character, appearance and amenity of the Borough's built environment.
- 7.10 The second reason for refusal effectively repeats the same issues as Reason 1. However, once again the Council's position directly contradicts the views expressed by the Inspector in dealing with the previous appeal. In this reason the Council describe the perceived harm to the NDHA as being both substantial and significant. The extent of harm has already been considered

in detail in the context of the previous appeal decision in which the Inspector concluded that the proposed development would have a “limited” impact on the NDHA albeit an impact that was capable of mitigation by a development of sufficiently high design quality. The appellants consider that the proposed development, which has been designed in keeping with both Knowsley House, The Wash House and the approved new build dwelling, is of a sufficiently high design quality to mitigate the limited impact on the NDHA resulting from the demolition of the existing building.

- 7.11 In the third reason for refusal the Council alleges that the proposed development would result in an unacceptable reduction in the level of privacy to occupiers of The Haven and that it would have a detrimental impact on occupiers of The Wash House.
- 7.12 In relation to The Wash House, the Council’s position again directly contradicts the Inspector’s consideration of this particular matter in the previous appeal. The previous proposal included the provision of secondary windows in the western elevation which the Inspector considered to be unacceptable. However, he was satisfied that a suitable condition could have been attached requiring the 3 windows to be non-opening and obscure glazed, which would overcome the concern. At no point did either the Inspector or the Council make any comment or express any concern about the proximity and height of House 1 in terms of its impact on The Wash House. As neither the position or the height of House 1 has changed in the revised proposal, the appellants cannot comprehend why this issue is being raised by the Council in the context of the current proposal. In any event, there are several examples on this site where distances between buildings are small. For example, The Haven (recently permitted to be rebuilt) is very close to Knowsley House to the west and to Knowsley Manor to the east.
- 7.13 In relation to The Haven, the issue here appears to be concern over distance between a velux window on the front elevation of House 2 and the habitable room windows of The Haven. As the Inspector advised in the previous appeal, this perceived problem can easily be overcome by use of condition or amendment to the plan such that the velux window in question is relocated in the roof to the western elevation of House 2. It is noted that this reason for refusal has presumably emanated from the objection lodged by the occupier of The Haven which expresses concern about the height and massing of the proposed new dwelling and the overshadowing and loss of privacy that would result. In fact the new dwelling would be 0.4 metres higher than the existing building and it would be sited primarily on the footprint of the main part of the existing building. It is clear that any difference in height and massing would be barely noticeable. However, the objector and the Council appear to ignore the fact that what remains of the previous link between the Coach House and The Haven is to be removed. The effect of this is to take the built form approximately 7 metres further away from The Haven this considerably improving the outlook from and the overall amenity of that property. Taking these points into account and subject to a condition as suggested, the proposal would not unacceptably harm the living conditions of occupiers of The Haven and the proposed development would be in accordance with UDP

- 7.14 It is noted that the Council's planning officer was critical of the proposed development because no structural assessment had been submitted in order to support the appellants' view that the existing building did not lend itself to conversion in terms of viability or feasibility. A Structural Appraisal Report has now been prepared and is submitted with this appeal for the consideration of the Inspector. However, to summarise, the findings of the appraisal and report indicate that considerable foundation movement has occurred which has resulted in significant defects to both the front and rear elevations of the building. In the opinion of the Structural Engineer who carried out the survey, these defects would be extremely difficult to address without complete demolition of the front and rear walls of the building. The appellants consider that these works, if required, would severely impact both the viability and the feasibility of a conversion project. Notwithstanding the financial considerations it is the appellants' view that the proposed redevelopment of the site as proposed would result in a far better outcome in terms of the impact on the significance of the NDHA and the character and appearance of the localised area of the former Ainsworth Nursing Home Site. Furthermore, the lack of structural integrity of the existing building indicates that the cost of making it fit for habitation would far exceed the cost of demolition with a sensitive rebuild as now proposed. The proposed new build scheme would also be capable of delivering long terms gains in energy efficiency and sustainability.
- 7.15 Finally, it is noted that the Council accept that the Housing Delivery Test is relevant in this case. Given that the delivery of housing in Bury has been substantially below the housing requirement over the previous three years it is clear that the "tilted balance" applies and the appellants submission is that permission should therefore be granted taking into account the relevant development plan policies.

8 CONCLUSION

- 8.1 In relation to issues identified in section 5 above, it is the appellants' submission that: -
- (i) the proposed development is an acceptable form of development in the context of its location.
 - (ii) the proposed development is not contrary to any up to date development plan policies or supplementary planning guidance adopted by the Council.
 - (iii) the proposed development would involve a partial redevelopment of previously developed land which would not have any greater impact on the openness and character of the Built Environment.

- (iv) the proposed development would not have a significantly harmful on the low to medium level of historic significance (in the opinion of the previous appeal Inspector) of the non – designated heritage asset. Using a balanced judgement and having regard to the scale of any harm or loss and to the limited significance of the non – designated asset, the proposed development would not be contrary to the principles of chapter 16 of the NPPF.
- (v) the proposed development would not have a detrimental impact on the character and appearance of the former Ainsworth Nursing Home. It is the appellants' considered opinion that the proposed development would actually enhance the character and appearance of the localised area.
- (vi) the proposed development would not result in any unacceptable reduction in the level of privacy enjoyed by the occupiers of The Wash House or The Haven. However, any perceived impact could be mitigated by either the use of an appropriate planning condition or a minor amendment to the plan as set out in para. 7.13 above.

8.2 In consideration of all of the above matters, the Inspector is respectfully requested to allow this appeal and to grant planning permission for the proposed development.