

ITEM

Application Reference	DC/082370
Location:	Dower House Hall Road Bramhall Stockport SK7 3NR
PROPOSAL:	Erection of new entrance gates and boundary treatment
Type Of Application:	Householder
Registration Date:	22.08.2021
Expiry Date:	02.11.2021
Case Officer:	Mark Shaw
Applicant:	Jeremy Dee
Agent:	Jim Seymour

DELEGATION/COMMITTEE STATUS

Bramhall and Cheadle Hulme South Area Committee. The application has been referred to Committee as a result of having received 5 letters of support for the application whilst being recommended for refusal.

DESCRIPTION OF DEVELOPMENT

Planning permission was granted by the Planning & Highways Regulations Committee on 16th July 2020 ref DC075864 for extensions and alterations to the application dwelling, landscaping works and boundary enclosures including 1.5m high 'estate' type lightweight double gates to enclose the existing access. This approval also included the erection of 1.5m metal fencing behind the front boundary hedging either side of the site entrance across the site frontage.

In lieu of the gates approved by DC075864, this current application seeks planning permission for the erection of 2m high metal gate posts and 1.9m high Victorian style metal railing gates set back 5m into the site entrance from Hall Road. The gates will enclose what is at present a 3.5m wide open access into the site with low timber posts either side of the entrance and informal planting forming the front boundary of the property. Also included as part of the current application submission is front boundary treatment including a 2m high holly hedge, grass verges and 300mm high timber posts either side of the centrally positioned proposed gated site entrance to the dwelling.

SITE AND SURROUNDINGS

The application property is a period detached two storey house located within the Bramhall Park Conservation Area. The dwelling is within close proximity, and has an historical association, to the nearby Grade I listed Bramhall Hall and the adjoining Grade II listed West Lodge. The entrance to the property adjoins the site entrance into the Bramhall Hall site. The respective site entrances are several metres apart, the application property and its frontage and therefore also provide an important part

of the setting to both the adjoining West Lodge and Bramhall Hall. Directly across Hall Road from the application property is a pay and display car park.



POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

HC1.3 Special Control of Development in Conservation Areas

LDF Core Strategy/Development Management policies

H-1: DESIGN OF RESIDENTIAL DEVELOPMENT

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and enhancing the Environment

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019).

The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 “The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.

Para.2 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Para.7 “The purpose of the planning system is to contribute to the achievement of sustainable development”.

Para.8 “Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Para.11 “Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay;”

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations

indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.126 “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

Para. 130 “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

Para.134 “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

Para 189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Para 195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Para 197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Para 199. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 202 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Para 203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

DC/075864 - Extensions and alterations to existing dwelling comprising the rebuilding of existing garage with first floor extension above, two storey side extension to eastern elevation, alterations to existing roof, basement, new fencing and gates, landscaping and arboricultural works. Granted 16th July 2020

In considering this previous application a number of amendments were made to the proposed gates/ gate posts as part of negotiations prior to planning permission being granted by Planning & Highways Regulations Committee on 16th July 2020:-

- As submitted the application proposed the erection of 2.1m high solid timber gates with stone pillars
- 1st amendment submitted on 1st May 2020 involved the erection of max 2.4m high metal railing gates with rounded top
- 2nd amendment submitted on 18th May 2020 involved the erection of 2m high 'estate' style lightweight gates with horizontal bars
- 3rd amendment submitted on 4th June 2020 and subsequently approved involved the erection of 1.5m high 'estate' style lightweight gates with horizontal bars.

NEIGHBOUR'S VIEWS

One letter has been received objecting on the following grounds:-

- There should be no further permission for tree felling or removal of shrubbery. There has already been substantial felling of trees and shrubbery to accommodate the aesthetics of Dower House. This is a Conservation Area and we expected, under the national conditions of conservation, that the flora and fauna in this locality should enjoy special protection from the local authority. It would be grievous if the beautification of Dower House took precedence over the significance of this very special environment in which we live.

- Additionally, there has been serious erosion of privacy along the boundary of Dower House and Lerryn Drive, due to the removal of mature shrubs. That screening was removed at the offset of the development and our privacy/boundary line has been exposed for a significant period of time. Permission was given for upper floor windows, which directly overlook the bungalows on Lerryn Drive. Mature planting has been replaced with young trees and tender conifers in an attempt to restore the privacy we have lost but it will take decades of sustained growth to restore what we have been deprived.

Five letters of support have been received making the comment that the design of the gates appear to be entirely appropriate, in keeping with the house and conservation area and would only serve to enhance the local setting.

CONSULTEE RESPONSES

Highway Engineer - I have no concerns with the proposal for gates and boundary treatment.

Arboricultural Officer - The proposed development in relation to the boundary treatment and gates will have a minimal negative impact on trees located on site. The previous application included full arboriculture impact assessment due to the potential encroachment and construction material storage into the root zone of the protected tree and what methods they propose to lessen any impact, which again is acceptable and can be conditioned.

Subject to the imposition of conditions to secure protection fencing to the retained trees prior to any works commencing on site and a landscaping plan to enhance the site and mitigate the loss proposed, I have no objections.

In relation to replacement planting consideration should be given to *Quercus robur fastigiata* (upright oak), holly and yew. These trees offer a high level of biodiversity and habitat benefit.

Conservation Officer- The application site is situated wholly within the Bramhall Park Conservation Area (first designated in 2005) and is subject to Article 4(2) Direction controls withdrawing permitted development rights. For the purposes of the NPPF the Bramhall Park Conservation Area is considered a designated heritage asset.

The special character of Bramhall Park Conservation Area, as highlighted within the approved Bramhall Park Conservation Area Character Appraisal (BPCACA), is mainly derived from its setting, history and the architectural quality and surviving architectural details of its historic buildings, and the historic and visual relationship between the park and the surrounding townscape. The area possesses a distinctive

environment of special historic, architectural and townscape interest retaining some qualities of original rural character that expresses the cumulative impact of development from successive historic periods.

The appraisal document identifies a number of buildings within the Conservation Area as key unlisted buildings that make a valuable contribution to its special character and appearance. The application property is one such building and is noted as being of individual interest as a substantial, late C19 villa, with associations with Bramall Hall. The building is first shown on the 1898 OS map and represents part of the earliest phase of development of the area, exhibiting characteristics of the prevailing Arts and Crafts vernacular revival architectural style. Historic map regression shows the plan form of the building to be little altered and the building itself exhibits good retention of original architectural features.

Following the production of the character appraisal, as part of the programme of works undertaken to repair and restore the Grade 1 listed Bramall Hall, thorough investigation / research of the Hall and its history has revealed the following significant information, relating to the application site:

The application property, now known as 'Dower House', is located at the western end of Hall Road, which forms the access road to Bramall Hall. This access road was constructed in 1888 as part of a major programme of restoration at the hall and laying out of the present grounds, as undertaken by Charles Neville who became the new owner of Bramall Hall and Park in 1883.

Charles Neville built Bramall Hall's 'West Lodge' to house the coachman to the hall, and next to the lodge he built 'Hall Cottage' (now Dower House) for his wife's sister in 1895. Neville employed the Altrincham based architect, George Faulkner Armitage, for the east and west lodges and it is therefore reasonable to assume that this well-known architect may have been involved with the design of Hall Cottage, given that it was built in such close proximity and at the same time as the west lodge. Hall Cottage became the residence of Thomas Neville, son of Charles Neville in the 1910's. In 1925 a wealthy Manchester businessman, John Davies, bought Bramall Hall and Park, (including Hall Cottage, the Lodges and all the other associated buildings). The daughter of John Davies renamed Hall Cottage as Dower House. When the Bramall Hall and grounds were sold to the Council in 1935, the Davies family kept Dower House and its grounds out of the sale.

In light of the above, it is clear that the property is of particular historic and architectural interest, beyond its inclusion within the Conservation Area boundary. It is reasonable to assume that the property is not afforded listed building protection (by virtue of being a curtilage building) given that Bramall Hall was listed in 1985 and Dower House was in separate ownership at this time. Nevertheless, its special interest in relation to the Grade I listed Bramhall Hall and associated parkland remains. The property is considered a non-designated heritage asset for the purposes of the NPPF, and makes a positive contribution to the special character and appearance of the Bramall Park Conservation Area.

The current application follows the recent approval for the extension and alterations to the Dower House, landscaping of the site and new boundary treatments, including hard and soft landscaping at the front of the site and the installation of gates and hard boundary to the Hall Road access (DC/075864). The design of the front boundary was amended during the course of the application to address concerns raised during the course of the application, including the design and scale of the gates and gateposts. Permission for this approved boundary arrangement remains

extant. Whilst the soft landscaping and resurfacing of the driveway remains consistent with the previous approval. The current application seeks to revise the design and scale of the boundary gates and gateposts, as approved under DC/075864. The current application seeks permission for metal electric gates of a formal and decorative design measuring 1.9m in height, together with decorative moulded-column gate piers measuring 2m in height. The current proposal contrasts significantly with the previously approved simple 'estate' type gates measuring 1.5m in height

In terms of evidence of harm, the Dower House is a traditional Arts and Crafts styled detached villa, sited in a generous garden plot. The building has close associations with Grade I listed Bramall Hall and Park. It is located at the western end of Hall Road, which forms the access road to Bramall Hall. This access road was constructed in 1888 as part of a major programme of restoration at the hall and laying out of the present grounds, as undertaken by Charles Neville who became the new owner of Bramall Hall and Park in 1883. The existing boundary fronting Hall Road is made up of soft landscaping, in the form of lawn and tree and hedge planting, with simple timber posts positioned either side of the site access, which remains open, without gates. Small lawn areas enclosed by a low hedge, directly front the road, with mature hedge and tree planting behind, which screens much of the site from views from Hall Road. The informality, and naturalised appearance of this verdant frontage, with an absence of gates, walls, fences or other hard boundary features, is entirely consistent with the rural origins and character of this part of Hall Road, and in keeping with the idealised rural imagery, which inspired the Arts and Crafts style of the property. Historic map regression indicates that this open and informal layout and character has remained as such since the construction of the building in the late 19th century.

Where properties on Hall Road do have gates (installed prior to the designation of the Conservation Area and Article 4 Direction controls), they are limited to simple metal gates measuring no more than 1.5m in height, accompanied by mature hedge boundaries that reflect the rural origins of the area.

The frontage to Dower House, in addition to its location in the Conservation Area, forms an important part of the setting of the Grade I listed Bramall Hall and Park, and the Grade II listed West Lodge. It is notable that the existing entrance to Dower House bears striking resemblance to the entrance to the access to Bramall Hall and Park, which even has the same form of timber posts.

This commonality between the entrances to the Bramall Hall estate and Dower House, is reflective of the important historic connection between the sites. Historic plans of the Bramall Hall and Park site indicate that the existing informality of the entrance to Dower House, being relatively open and unenclosed by hard boundaries / gated access, is consistent with the original layout and entrance to the site, situated within the parkland setting to Bramall Hall.

The current application seeks permission for the construction of a formal gated entrance comprising automated metal gates of a decorative Victorian style, measuring 1.9m in height, with cast metal gateposts of a matching ornamental design measuring 2m in height. The proposed gated entrance would display a sense of grandeur and be of a scale that is not typical of the site, which is presently informal and ungated, the immediate surroundings (including the entrance to Bramall Hall), or other gates in this part of the Conservation Area. The gates proposed by the current application contrast greatly with those approved by application DC/075864. The approved gates were of a simple visually lightweight 'estate' design, of a notably

lower height (not exceeding 1.5m), which was considered consistent with the character of the locality and scale of other gates on Hall Road, and appropriate in the context of the simple design of timber estate gates at the Bramhall Lane South entrance to Bramall Hall and Park.

The approved BPCACA identifies that in some parts of the Conservation Area examples of formal Victorian style railings and gates have been introduced in the late C20, and that these are generally unsympathetic to the semi-rural quality of the area. The appraisal document states that the gentrification that has taken place at some properties, with overly decorative and grand walls and gates in contrast with the simple semi-rural style of ungated accesses (such as the application site) or original modest gates and low walls, has had a harmful impact on the special character and appearance of the Conservation Area. The appraisal document also identifies that gates in the Conservation Area are characteristically no taller than 1.4m. The character appraisal asserts that excessively tall and overly grand styles of boundary treatments are not appropriate to the vernacular style of properties and can be visually jarring and out of character with the leafy street scene and traditional boundaries of hedges and low walls & gates. It is notable that whilst examples of excessively tall and overly decorative / formal gates can be seen in some of the more suburban character areas in the Conservation Area (which predate its designation), they are not a feature of boundary treatments on Hall Road. The approved Bramhall Park Management Plan states that boundary treatments are *'important features in defining public and private spaces in the area and in highlighting the area's important agricultural origins and as such boundary treatments will be expected to reflect those identified as characteristic of the area'*.

The proposed overly tall and ornately designed gates would be out of keeping with the existing informal character of the application site and the adjacent entrance to Bramall Hall, the semi-rural quality of the area and other gates on Hall Road. The existing access at the site displays characteristics that are highlighted within the approved BPCACA as making a positive contribution to the character and appearance of the Conservation Area. Conversely, the development as proposed by the current application would introduce gates of a scale and design that are identified as having a harmful impact on the character of the Conservation Area. The proposed gates would create an unduly grandiose and imposing entrance that would obscure views and enclose the site, which would be contrary to its original character and open nature of the site as indicated by historic plans of the site. The proposed boundary would not be representative of the design or scale of boundary treatments found on Hall Road. The proposed boundary treatment would have a harmful impact on the special character and appearance of the Conservation Area. Further, I must raise concern that if such gates were to be approved it would inevitably encourage applications for similar boundary treatments that would be difficult to resist.

In my opinion, for the reasons set out above, the development as proposed by the current application is not sympathetic to the character and appearance of the site in terms of design, scale and siting, and does not leave the character and appearance of the designated heritage asset (the Conservation Area) and non-designated heritage asset (Dower House) unharmed. This brings the development into conflict with Council policies SIE1 and SIE3 of the Core Strategy, saved policy HC1.3 of the UDP, and the Councils' Residential Extensions and Alterations SPD, as well as National policies contained within the NPPF and S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

ANALYSIS

The main issue for consideration is the impact of the development upon the Conservation Area, the setting of the adjacent Grade 1 listed building and unlisted Dower House. The policy position relevant to the consideration of this application is set out in detail above. In this respect proposals are expected to preserve and enhance the significance of heritage assets (those being the Conservation Area and adjacent listed buildings which are designated assets and the Dower House which is considered to be a non designated asset). Any harm to the significance of a designated asset should require clear and convincing justification. Where proposals will lead to substantial harm to a designated asset permission should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits. In considering proposals that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this respect the application involves the erection of 2m high metal gate posts and 1.9m high metal railing gates set back 5m into the site across the existing 3.5m wide access. The development would occupy a prominent position and be in close proximity to both the Grade II listed West Lodge and Grade 1 listed Bramall Hall, the centre piece and main focal point of the Bramall Park Conservation Area. The site entrance to the application property is adjacent the entrance to Bramall Hall. The application property therefore occupies a key position with regards to the setting of the two nearby listed buildings.

The comments of the Conservation Officer are set out above and consider in detail the impact of the proposal upon the character and appearance of the Conservation Area and setting of the adjacent listed buildings. It is not proposed to repeat those arguments however an important feature of the application property and its immediate surroundings is that of the informal, soft landscaping to the frontage onto Hall Road, consistent with the semi rural character of the parkland setting to Bramall Hall. In contrast this this are the proposed gates which would be of a height and elaborate, formal Victorian design which would cause harm to the significance of these assets.

It is accepted that there are other examples of gates similar to those proposed by this application in the locality. However, neither the age/style of the gate design relative to the age of the house, nor the existence of other metal railing gates within the area make the application acceptable for the reasons already given. The gates quoted by the agent have either been erected without the benefit of planning permission or pre-date the Conservation Area designation. Furthermore Members are reminded that the Council's Conservation Area appraisal identifies the harm that examples of formal Victorian style railings and gates have had upon the semi-rural quality of the area. The appraisal also asserts that tall and grand styles of boundary treatments are not appropriate to the style of properties and can be visually jarring and out of character with the leafy street scene and traditional boundaries of hedges and low walls & gates. Also of relevance is the approved Bramhall Park Management Plan which confirms that boundary treatments are *'important features in defining public and private spaces in the area and in highlighting the area's important agricultural origins and as such boundary treatments will be expected to reflect those identified as characteristic of the area'*.

The NPPF confirms that harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. In terms of the impact upon the non designated heritage asset the NPPF confirms that a balanced judgement will be required having regard to the scale of any harm and the

significance of the asset. For the reasons set out above it is considered that the proposals will cause harm to the character and appearance of the site to the designated and undesignated heritage assets by reason of their design, scale and siting. The proposals are therefore contrary to policies SIE1 and SIE3 of the Core Strategy, saved policy HC1.3 of the UDP as well as national policies contained within the NPPF and S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. There are no public benefits arising from the proposal that would justify this harm.

Heritage issues aside, the comments of the Highway Engineer are noted. The proposal would cause no harm to highway safety on account of the gates being positioned sufficient distance from the highway such that vehicles waiting for the gates to open would not obstruct passing traffic.

With regard to the impact of the development upon trees it is noted that there will be no tree loss arising. As such there is no justification for a condition requiring details of replacement planting. Notwithstanding this, as the application seeks permission for new boundary treatments which along with 1.5m high railings to the front boundary includes landscaping proposals, a detailed landscaping plan (including size, species and density of planting) could be secured by condition as could protective fencing to retained trees.

RECOMMENDATION REFUSE