

APPLICATION NUMBER: 23/01157/HOUS

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Location:	10 Birchinley Manor, Birchinley Lane, Milnrow, Rochdale, OL16 3DG
Proposal:	Replacement windows to all elevations
Applicant:	Mr Simon Bull
Case Officer:	Sam Yuen
DETERMINATION DATE 29.01.2024	EXT OF TIME
RECOMMENDATION:	Refuse

DELEGATION	Applicant a Council Member or officer?	N
	Contrary to previous decision?	N
	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

Location

The application relates to no. 10 Birchinley Manor, a two-storey end terrace dwelling which stands amidst extensive open Green Belt land between Milnrow and Smithy Bridge. The dwelling is adjoined by no. 11 Birchinley Manor to the north-west, adjacent to no. 9 Birchinley Manor to the west, and faces an unadopted highway to the south. The curtilage encroaches two public rights of way: MilFp211 and MilFp212. The property forms part of a group of new build development within the setting of a number of designated heritage assets:

- ② Grade-II* listed Birchinley Manor Farmhouse
- ② Grade-II listed Barn east of Birchinley Manor Farmhouse
- ② Grade-II listed Birchinley Hall Farmhouse
- ② Grade-II listed Barn east of Birchinley Hall Farmhouse

Description of Proposal

Planning permission is sought for the replacement of 18 windows to all elevations of the dwelling. The proposal would comprise of green flush sash windows constructed from uPVC/composite.

Relevant History

08/D50697 - Change Of Use And Conversion Of Birchinley Manor And Adjoining Barns To Form 5 Dwellinghouses The Erection Of 7 New Dwellinghouses And Erection Of 8 New Stables And Tack Room - Refuse

09/D51928 - Change Of Use And Conversion Of Birchinley Manor And Adjoining Barns To Form 5 Dwellinghouses And The Erection Of 7 New Dwellinghouses - Resubmission D50697 – Appeal Allowed

Township/Member comments

N/A

Consultee responses

Conservation and Design

The application site is a new build property which lies in the setting of Birchinley Hall Farmhouse and barns (all Grade II listed).

The application does not include a heritage statement, although the Historic England listing entries for the properties are as follows:

BARN ADJACENT TO BIRCHINLEY HALL FARMHOUSE

“Barn. Late C17 or early C18. Squared rubble with graduated stone slate roof. Five structural bays with later (or rebuilt) outshut to left of cart entry and outshut addition to full length of rear which has been altered in C20. Cart entry with timber lintel now blocked. Quoins to left outshut. Square-cut door surround to extreme right. Two similar doors to left return (one blocked). Large opening inserted in right gable end. Through-purlin roof, the four tie-beam trusses having inclined struts and chamfers with run-out stops. Included for group value.”

BARNS ADJOINING EAST SIDE OF BIRCHINLEY MANOR FARMHOUSE

“II Barns. One late C17/early C18 the other dated 1832. Hammer-dressed stone with graduated stone slate and corrugated asbestos roofs. The earlier barn is unusually long; the later one being built parallel to it and filling in the space between it and the house. The earlier barn has quoins, opposed elliptical-headed cart entries the chamfered surrounds having crude carved heads on the springing stones, 2 chamfered door openings, one with a Tudor-arched lintel, a 3-light chamfered mullion window and a loft hatch. Coped gables with kneelers. The roof structure is of C20 date. The other barn is wider and shorter; has quoins, 3 door openings separated by

heavily dressed vents and loft hatches in each end (one blocked). North end re-uses an earlier door surround and incorporates a date plaque.”

BIRCHINLEY HALL FARMHOUSE

“House. 1619 on door lintel. Hammer-dressed stone with graduated stone slate roof. 3-unit hearth-passage plan with 2 storeys. Bays 1 and 3 project at the front as gabled crosswings. Quoins. Slightly projecting porch in left crosswing has chamfered inner and outer door surrounds and seats. The outer doorway has an elliptical head the lintel having recessed spandrels and an inscription - "ACICI619RKACRB" (Alexander Collinge, Joan Collinge, Robert Kay, Alexander C. and Robert Butterworth). 4, 5 and 4-light double-chamfered cavetto-moulded mullion ground floor windows and 3, 3 and 4-light double-chamfered mullion first floor windows (as well as a window inserted in C20). Most windows have hoodmoulds. C20 ridge chimney stack. Similar 1, 2 and 3-light windows to sides and rear including a fire window and a stair light. Dressed chamfered door surround to rear end of cross passage. C20 addition to right return which formerly had a projecting chimney stack. Interior: Inglenook with chamfered bressumer beam on a spere post. Chamfered principal beams with stepped stops. Otherwise the floor and roof structures are c.1985. Fireplaces at ground and first floors with chamfered surrounds. It is possible that there was a second inglenook fireplace at the service end suggested by smoke blackening on wall and possible fire window. H. Fishwick, History of Rochdale, 1889.”

The proposal is for replacement of the rotten, softwood timber framed windows with a “specialist heritage designed R9 composite windows.” On the submitted proposed elevations, these are referred to as “upvc flush sash” units.

It has also been stated that there was an insurance claim which has been approved to replace the cost of replacing the 18, presently in situ, windows.

After having visited the site, whilst there are aluminium elements (namely as an extension) as highlighted in the attached planning statement, the vast majority of windows and doors both to the listed buildings and to the adjacent new build houses are in timber. This material is in line with the character and historical significance of the listed 17th century farmhouse and agricultural buildings.

The proposed instatement of uPVC units would be a detractive feature immediately in the setting of the group of listed buildings. This would not be in line with paragraph 206 as quoted above as this material would not serve to conserve or enhance the listed assets’ significance; this would result in some level of less than substantial harm. This harm would not be in line with either paragraph 200 or 202 quoted above as the proposal does not apparently provide a public benefit, nor has it been provided with clear or convincing justification.

It should also be noted that the planning statement attached does not analyse the heritage significance of the Grade II listed assets immediately within the setting of the application site, required under NPPF paragraph 194.

There is no objection to replacing these windows, as they are clearly in need of replacement/ repair, although the replacement units should be double-glazed timber units, in line with those of the listed buildings and the majority of those of the other new build houses. Timber units would serve to enhance the significance of the listed assets immediately adjacent and an application for their instatement would be likely to be agreeable.

Representations

Neighbour notifications via letters were sent to surrounding properties. No comments were received.

Policy

National

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Local

Saved Rochdale Unitary Development Plan (UDP) 2006:

G/D/2 Green Belt

Adopted Rochdale Core Strategy (CS) 2016:

The Rochdale Core Strategy was adopted on 19th October 2016. The following policies are relevant:

P2	Protecting and Enhancing Character, Landscape and Heritage
P3	Improving Design of New Development
G4	Protecting Green Belt
DM1	General Development Requirements
T2	Improving Accessibility
Appendix 5	Schedule of Parking Standards

Supplementary Planning Documents (SPD): Supplementary Planning Document 'Guidelines and Standards for Residential Development' (2016).

Amendments

N/A

Assessment

Design and Heritage: DM1, P2 and P3

- ❑ Policy DM1 and P3 of the adopted Rochdale Core Strategy require development proposals to be *“of high quality design and take the opportunity to enhance the quality of the area”* and to *“enhance the borough’s identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general.”* In addition, Section 5.1 of the SPD states development proposals should be *“in keeping with the host property and generally should be subservient to it.”*
- ❑ Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states, *“in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority [...] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- ❑ Policy P2 of the adopted Rochdale Core Strategy strives to *“protect the borough’s heritage by... conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings.”*
- ❑ Paragraph 200 of the NPPF states, *“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.”*
- ❑ Paragraph 205 of the NPPF states, *“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.”*
- ❑ Paragraph 206 of the NPPF states *“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.”*
- ❑ Paragraph 208 of the NPPF states, *“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.”*
- ❑ Significance, as defined in the NPPF, is:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

- ☐ The setting of a heritage asset, as defined in the NPPF, is:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

- ☐ The host dwelling is within the vicinity of a number of farmhouse and converted barns circa late 17th century/early 18th century which are listed due to their historic and architectural interest: Grade-II* listed Birchinley Manor Farmhouse; Grade-II listed Barn east of Birchinley Manor Farmhouse; Grade-II listed Birchinley Hall Farmhouse; and Grade-II listed Barn east of Birchinley Hall Farmhouse. The majority of these agricultural buildings feature timber frames in their openings, in line with buildings of the period which contributes towards their significance.
- ☐ The proposal seeks to replacement all windows to the host dwelling from softwood timber to uPVC/composite windows. By virtue of its materiality, the proposed windows would not be sympathetic to the existing timber windows of the listed buildings and would therefore detract from the character and appearance of the surrounding heritage assets.
- ☐ The submitted application form and Heritage Statement states the proposed replacement windows is due to the original building contractor installing softwood timber frame windows which were not fit for purpose and are now showing signs of rotting, resulting in considerable loss of heat to the dwelling. It is also noted an insurance claim has been agreed to cover the costs of the proposed works. For the avoidance of doubt, no concerns are had with the principle of replacement windows, as they are evidently in urgent need of repair. However, the replaced windows must be of a materiality which are characteristic of the fenestration of the adjacent listed buildings.
- ☐ For the reasons set out above, the proposed works would not conserve or enhance the significance of the four designated heritage assets and would result in less than substantial harm through harm to their setting. No justification or public benefits exists which would outweigh the identified harm. The design of the proposal is therefore acceptable and fails to accord with Policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF.

Amenity: DM1 and SPD

- ☐ Protection of residential amenity is considered under Policy DM1 of the adopted Rochdale Core Strategy, which states development proposals should ensure they *“do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.”*

- ☐ Given the minor nature of the replacement windows, the proposed works are not considered to unduly impact on the amenity of the occupants of neighbouring properties in accordance with Policies DM1, the SPD and the NPPF.

Highways and Parking: DM1 and T2

- ☐ Having regard to Policy DM1 of the adopted Rochdale Core Strategy, the proposal would not impact on the provision of parking spaces for the host property and would thus be acceptable in accordance with Policies T2 and DM1.

Principle of Development – Green Belt: G4

- ☐ The application site is allocated as Green Belt under saved Policy G/D/2 of the Rochdale Unitary Development Plan (2006). Policy G/D/2 is therefore relevant to any applications on the site and in the supporting text to this policy it is established that the Green Belt will be protected from inappropriate development in order to maintain the framework of open land separating and surrounding the urban areas of the borough. Core Strategy Policy G4 seeks to restrict development within the Green Belt to the limited types of development which are deemed appropriate by national planning policies unless very special circumstances can be demonstrated.
- ☐ Paragraph 152 of the NPPF establishes that, as with previous Green Belt policy, *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 153 adds *“local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- ☐ Paragraph 154 of the NPPF establishes that *“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
 - (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- ☐ Paragraph 142 of the NPPF states that *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*
- ☐ *“Openness”*, for the purpose of Green Belt policy is not formally defined within Planning Policy or legislation but is taken to mean the absence of built development. The term *“openness”*, comprises a spatial and visual component which should be assessed in considering whether a proposal preserves the openness of the Green Belt.

- ☐ Having regard to the above policies, the proposed works for replacement windows would not increase the size of the original dwelling. As such, the proposal would meet inappropriate development exemption (c). No harm has been identified with regard to the openness of the Green Belt. The application would therefore accord with Policy G4 of the adopted Rochdale Core Strategy and the National Planning Policy Framework. Notwithstanding, by virtue of the identified less than substantial harm to the setting of the designated heritage assets, the proposal would not be acceptable.

Recommendation: Refuse

1. By virtue of its materiality, the proposed replacement windows would result less than substantial harm to the designated heritage assets of Grade-II* listed Birchinley Manor Farmhouse, Grade-II listed Barn east of Birchinley Manor Farmhouse, Grade-II listed Birchinley Hall Farmhouse, and Grade-II listed Barn east of Birchinley Hall Farmhouse through harm to their setting. No public benefits exist that would outweigh the identified harm. The proposal therefore fails to accord with Policies DM1, P2 and P3 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

Article 35 Statement

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development.

INFORMATIVES

For the avoidance of doubt, this Decision Notice relates to the following submitted plans:

- ☐ Location Plan – received 23/10/2023
- ☐ Site Plan – received 04/12/2023
- ☐ Existing Elevations and Roof Plan – Drawing No. CLEGGY11235866/1 dated 11/2023
- ☐ Proposed Site Plan, Elevations and Roof Plan – Drawing No. CLEGGY11235866/2 DATED 11/2023

	Date	Officer
Report Completed	26/01/2024	Signed: SY
Authorisation	29/01/2024	Signed: RK

Report Author Sam Yuen

