
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 19-Jan-2017

Subject: Planning Application 2016/92983 Listed Building Consent for erection of two storey side extension, replacement windows and external and internal alterations Lydgate Parsonage, Holmfirth Road, New Mill, Holmfirth, HD9 7LF

APPLICANT

G Wittrick

DATE VALID

06-Sep-2016

TARGET DATE

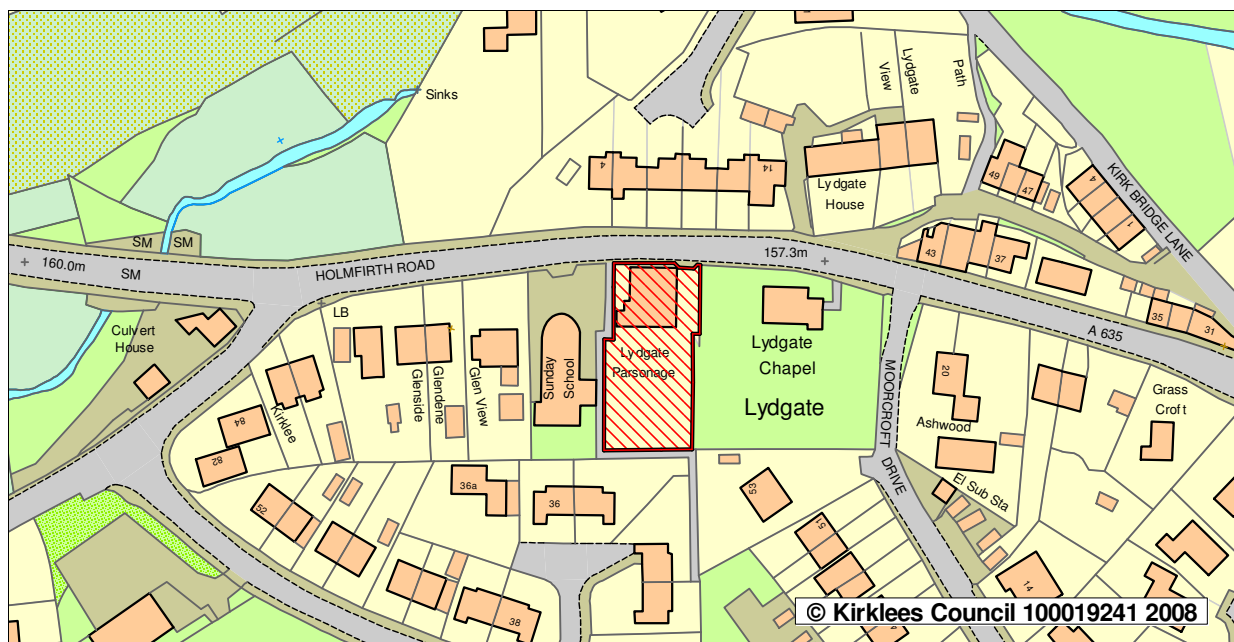
01-Nov-2016

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted

RECOMMENDATION: REFUSE LISTED BUILDING CONSENT

The proposed timber window frames, by virtue of their proportion, finish and detailing and overall design would result in an inappropriate alteration to the designated heritage asset causing less than substantial harm to the special architectural and historic interest of this Grade II listed building and to the setting of associated listed buildings to the east and west of the site. The proposal offers no public benefits that would outweigh the harm caused. The proposal therefore fails to accord with paragraphs 17, 131, 132 and 134 of the National Planning Policy Framework and Section.16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.0 INTRODUCTION

- 1.1 This application is brought to Sub-Committee at the request of Cllr Nigel Patrick, who also requests a site visit, for the following reason:

I think this is subjective and I think because the windows used are of a high quality they do not detract from the listing of the building as a whole or of the building within its setting. The building has been brought back into use from a derelict state and the owners have retained it largely as it was. It seems a bit picky to refuse this and then force them to change the windows back to something similar to the original which would have to be specially made.'

- 1.2 The Chair of Sub-Committee has confirmed that Cllr Patrick's reason for making this request, and the request for a site visit, is valid having regard to the Councillors' Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The site consists of a two storey detached dwelling faced in natural stone with slates on the gabled roof. The dwelling is located to the front of the site, close to the boundary with Holmfirth Road. A driveway to the east of the building leads to the rear garden and car parking area.

2.2 The building is the former Parsonage and Sunday school to the 17th Century Unitary Chapel. Adjacent to the site is the Oliver Heywood Sunday school, which partly replaced the functionally of the Parsonage. The Parsonage, the neighbouring Chapel and Oliver Heywood Sunday School are Grade 2 Listed.

3.0 PROPOSAL

3.1 Listed Building Consent is sought for the erection of two storey side extension, replacement windows and external and internal alterations:

- *External alterations:* The previous rainwater and drainage goods were of upvc material and have now been replaced with cast iron which is more appropriate to the age and style of building. The boundary wall has been partially demolished to form a vehicular access which leads to the rear garden area.
- *Internal alterations:* A raised dining area has been created along with the erection of plasterboard to insulate the building. The first floor WC has been removed and a door way has been blocked up and re-plastered.
- *Demolition of single storey side extension and erection of two storey side extension:* A single storey side extension on the west elevation has been demolished and in its place a two storey extension has been erected. It projects 3.0m from the side elevation and is 6.1m deep. It is set back from the front elevation by 8.1m and is flush to the rear. The roof is gabled, with eaves 4.6m and ridge 6.35m in height. The extension's ridge is set 3.35m below the ridge of the host building. It is faced in reclaimed natural stone with stone slate roofing. Openings are sited to the front and rear, and include a Juliet Balcony at first floor level.
- *Replacement windows:* New windows, doors and frames are installed throughout the building. These are timber casement, brown in colour, with frames notably thicker than those they replaced. The windows are double glazed.

4.0 RELEVANT PLANNING HISTORY:

4.1 The application before sub-committee seeks retrospective Listed Building Consent for the erection of a two storey side extension, replacement windows and external and internal alterations. An allied application seeking planning permission for the two storey side extension, referenced 2016/92982 was recently approved. The other alterations, including the window replacement, do not require planning permission.

4.2 The development subject of the current application commenced 06/01/2012 and was completed 23/12/2014 without either Planning Permission or Listed Building Consent. An enforcement investigation was opened in October 2012 following receipt of a complaint (ref: COMP/12/0332). The site owners were invited to submit retrospective applications for both planning permission and

listed building consent for the works undertaken on a variety of occasions between 2012 and late 2015, however no applications were forthcoming. This ultimately led to the issue of two separate enforcement notices, for the breach in Planning and Listed Building Consent, which were issued on the 6th of May 2016. The following reason is given for the Listed Building Enforcement Notice being issued;

'It appears to the Council that [a] breach of planning control has occurred in contravention of section 9(1) of the Listed Building Act 1990.

It is considered that the works to the listed building represent less than substantial harm to the heritage asset, but given that the unlawful works fail to respect the local character and history of the building and its surrounding and provide no public value, they do not comply with chapters 7 and 12 of the National Planning Policy Framework. It is also considered that as a consequence of this, they degrade the intrinsic value of the listed building, contrary to Policy BE13 of the Kirklees Unitary Development Plan. Accordingly, they fail to preserve the special architectural and historic character of the building contrary to section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990'.

- 4.3 Appeals were lodged against both enforcement notices, with the appeal start date being the 12th of July 2016. The appeal against the Listed Building Enforcement Notice is still pending decision with the Planning Inspectorate. For information the grounds of appeal is that listed building consent ought to be granted.
- 4.4 The appeal against the Planning Enforcement notice was recently withdrawn following the grant of planning permission for the two-storey side extension under delegated powers (2016/92982). This grant of permission followed additional/revised information being provided regarding the detailed design of rainwater goods and how these would intersect with an original window. Taking into account all the relevant material planning considerations, it was felt that this application could be supported subject to the imposition of conditions.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following the commencement of works on 06/01/2012 the applicant was advised by officers in Conservation and Design and Planning Enforcement that a Listed Building Consent and a Planning Application were required for the development. These were not forthcoming.
- 5.2 Over time various meetings were held between council Planning enforcement officers and the applicant attempting to resolve the breach in planning control. Subsequently a meeting was held between the applicant, senior staff of the Planning Service and the local Ward members. This meeting resulted in the submission of the planning application, ref. 2016/92982, and the current application for Listed Building Consent.

5.3 Following the submission of the applications correspondence with the applicant resulted in amended details and supplementary information being submitted in relation to the planning application. The amended details allowed officers to positively determine the planning application, subject to conditions, under delegated powers.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

6.2 The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design

6.4 Planning (Listed Buildings and Conservation Areas) Act 1990, S16

This imposes a duty on the local planning authority, in considering whether to grant listed building consent for any works, to 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.

6.5 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 7** – Requiring good design
- **Chapter 12** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was publicised by the posting of 1 site notice in the vicinity of the site and an advertisement in the local press.

7.2 No public representations were received.

7.3 Holme Valley Parish Council: *'Members do not support retrospective applications in principle, but this work has been done sympathetically and in keeping; it was also carried out in good faith before it was revealed that the building was in fact Listed.'*

The Kirklees Enforcement Officer has visited site on a number of occasions, but he has taken no further action and no 'stop' notice has been issued.

Members are therefore happy to support this application'.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Conservation and Design: No concerns are raised to the internal and external works. However object to the proposed two storey side extension and the window alterations. Conservation and Design consider that these aspects are harmful to the significance of the listed building.

8.2 Non-statutory

Historic England: Consultation was undertaken with Historic England, to act as an independent party. Their consultation was not a statutory requirement.

Historic England has commented on the window alterations and side extension, as these are within their typical remit. Historic England object to the proposal, and advocate that the windows as implemented and the two storey side extension cause harm to the value of the building as a heritage asset.

9.0 MAIN ISSUES

- General principle
- Assessing the building's heritage value
- Impact and harm on the heritage value of the designated heritage assets
- Considering the public benefit
- Representations

10.0 APPRAISAL

General principle

10.1 The application seeks retrospective Listed Building Consent for the erection of a two storey side extension, replacement windows and external and internal alterations. The proposal will be assessed having regard to the Planning (Listed Building and Conservation Areas) Act 1990 and the relevant

policies in Chapter 12 of the NPPF. Of particular relevance in the NPPF local authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and of development making a positive contribution to local distinctiveness. Furthermore that development causing harm to the significance of heritage assets should not be permitted unless a proportionate public benefit can be demonstrated to outweigh that harm.

- 10.2 These above requirements are reflected in one of the core principles of the NPPF stating that planning should “always seek to secure high quality design. It is also a main objective of Chapter 7 of the NPPF, with paragraph 56 stating that ‘the Government attaches great importance to the design of the built environment’.
- 10.3 Policies of the Kirklees UDP BE1 and BE2 are applicable in general design terms. Policies BE1 and BE2 seek to ensure that all development is of good quality design, creating and retaining a sense of local identity, is visually attractive, promotes a healthy environment and is energy efficient. They also stipulate that new development should be designed to be in-keeping with any surrounding development in respect of design, materials and scale. These and other material considerations are assessed below.

Assessing the building's heritage value

- 10.4 The NPPF requires local planning authorities to identify and assess the particular significance of a heritage asset. This assessment is required so as to be taken into account when considering the impact of a proposal on a heritage asset. This is in the interest of preserving the specific features of the asset which contribute to its heritage value.
- 10.5 The significance of Lydgate Parsonage derives primarily from its architectural and historic interest. Designed in Jacobean style of the period, this two storey building was constructed from hammer dressed stone with a natural stone slate pitched roof. The building is well detailed with a Tudor arched doorway, tall diagonally set chimney stacks and mullioned double chamfered windows that mimicked those of the Tudor period. Together with the Sunday school and Unitarian Chapel, the Grade II listed buildings form an important group, clearly visible from Holmfirth Road, which provides a significant contribution to understanding how Lydgate developed during the 19th century.

Impact and harm on the heritage value of the designated heritage assets

- 10.6 When considering the impact of development on the significance of the designated heritage assets affected, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para.132, NPPF). A Heritage Impact Assessment was submitted in support of the application and suggests that the works are

necessary to bring the building into a viable long term use, provides a positive contribution to the community and the intrinsic value of the Jacobean parsonage has been maintained.

- 10.7 **External alterations:** The installation of metal/cast construction rainwater and foul drainage is considered acceptable. Their use is considered preferable to the previous uPVC goods, being a benefit to the building's architectural significance by using materials that are appropriate to a building of this age. Regarding the vehicular access, a small section of stone wall approx. 1.5m in height has been removed. The vehicular access replaced a pedestrian access: the original gate piers were retained and used to frame the enlarged access. The formation of the access is not considered to compromise the significance of the host building as the majority of the wall is retained.
- 10.8 **Internal alterations:** It is acknowledged that various and extensive works have been undertaken internally. Equally officers acknowledge that a level of internal renovations were necessary to facilitate a modern residential use. Officers consider that the internal alterations have been undertaken sympathetically, with key internal architectural and design features being retained where appropriate. On these grounds it is not considered that the proposal harms the significance of the building's heritage value, as identified in paragraph 10.5.
- 10.9 **Demolition of single storey side extension and erection of two storey side extension:** The single storey extension which was demolished was a simple utilitarian addition, constructed from stone and covered with a stone slate mono-pitched roof. Evidence that Conservation and Design has on file which relates to the structure suggests that it contained very little architectural and historical significance. Therefore its demolition can be supported.
- 10.10 The two storey extension is faced in materials matching the host building, which is acceptable. Overall the extension's design is considered basic and functional; however concern was raised over how the roof sits adjacent to the roof of the host building, including the junction between the extension's gutter line and the existing chamfered stone window surrounding at first floor level. Overall this feature was considered to cause the extension to appear incongruous upon the host building, which in turn impacted upon its heritage value.
- 10.11 Following negotiations with the applicant amended details regarding the guttering close to the window surround have been submitted. Their implementation could be conditioned if minded to approve. In regards to the side extension, the amended details are considered to overcome the concerns expressed in the Listed Building Enforcement Notice.

- 10.12 Subject to the amended details being implemented, on balance, officers consider that the extension does not impact upon the significance of the host building in a way that is harmful to its heritage value. The extension is small in scale to the host building, appearing a subservient element. Furthermore the design is not detrimental to the appearance of the host building, either from a general built development perspective or when considering its value as a heritage asset.
- 10.13 **Replacement windows:** Windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. The size, shape and position of the openings are significant, as are the form and design of the framing and glazing. Their style, detailing and materials help us to understand when a building was constructed or altered, its function and advances in related technology.
- 10.14 Originally the building's windows were of timber construction and of a Georgian-esque design containing 8 panes with slender glazing bars, with the exception of those in the upper sections at ground floor level which contained 4 panes. This design harmonised with the building's overall Jacobean architecture and character. Additionally the window design was replicated in the neighbouring Sunday school. These provided a visual link between the Parsonage and Sunday school.
- 10.15 In contrast the windows which have been installed are timber casements with a single horizontal bar that do not architecturally sit well with the prevailing Jacobean character of the property. This style of window is more associated with properties which are more modest in scale, such as the traditional vernacular worker cottages. The design of the new windows also means that the property's visual connection/relationship with the neighbouring Sunday school, and to a lesser extent the Church, is completely eradicated.
- 10.16 Window proportions and frame thickness are an important component of architectural design. Where these are altered it significantly impacts upon the character of the building. The thickness of the frames which have been installed are significantly greater, particularly in the case of opening units, than the property's original frames. The result of this action has meant that the elegance from slender profiled frames and glazing bars that once was exhibited throughout the property has been completely obliterated, which in turn has significantly harmed the character of the host building.
- 10.17 The above identifies that the proposal as a whole would cause harm to the heritage value of the asset. The NPPF identifies two categories of harm when considering a proposal's impact. These are substantial harm/total loss of significance and less than substantial harm. The works outlined are considered to cause less than substantial harm.

Considering the public benefit

- 10.18 Paragraph 134 of the NPPF states that where development will cause less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. This does include securing its optimum viable use.
- 10.19 Weight is given to the fact that the building was brought back into use and that the improvements represented a visual improvement over the neglected and vandalised appearance prior to the works. However the weight of this is lessened as the undesirable window design under consideration was not a fundamental catalyst in its holistic restoration. An alternative, sympathetic and suitable design could have been achieved that would still have allowed the building to be brought into use. There is no evidence to suggest that by using a more sensitively designed window would not have brought about the optimum use of the building.
- 10.20 Conversely the outlined harm to the building's heritage value is considered detrimental to public interest. In light of the above, the proposal is considered to provide limited public benefit.

Representations

- 10.22 Holme Valley Parish Council: *'Members do not support retrospective applications in principle, but this work has been done sympathetically and in keeping; it was also carried out in good faith before it was revealed that the building was in fact Listed.'*

The Kirklees Enforcement Officer has visited site on a number of occasions, but he has taken no further action and no 'stop' notice has been issued.

Members are therefore happy to support this application'.

- 10.23 **Response:** The comments in support are noted. Officers do not disagree with the comments in regard to the internal and external alterations and the side extension. However as outlined in paragraphs 10.12 – 10.15 officers disagree in regards to the window alterations.

Comments in regard to when the building was identified as listed and actions of enforcement officers are not considered material considerations to the determination of this application.

11.0 CONCLUSION

- 11.1 The proposed works to the building, specifically the alterations to the fenestration, has been identified as causing less than substantial harm to the significance of the designated heritage assets: the host listed building and adjacent listed buildings.

- 11.2 The harm identified is not outweighed by any public benefit and there is no evidence to suggest that the alterations would bring about the optimum use when compared with more sympathetic alterations. This is contrary to guidance in the NPPF.
- 11.3 The application is therefore not in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or Chapter 12 of the National Planning Policy Framework.
- 11.4 The NPPF has introduced a presumption in favor of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Background Papers

Application web page: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92983>

Certificate of Ownership – Notice B served. The applicant, Mr Wittrick, served notice on land owner Rebecca Fisher, on the 29th of June 2016.