
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 18-Apr-2019

Subject: Planning Application 2018/94039 Listed Building Consent for demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation 95, Church Street, Paddock, Huddersfield, HD1 4UB

APPLICANT

A Mahmood

DATE VALID

07-Dec-2018

TARGET DATE

01-Feb-2019

EXTENSION EXPIRY DATE

12-Mar-2019

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



Electoral Wards Affected: Greenhead Ward

No

Ward Members consulted

RECOMMENDATION: REFUSE

The proposed extension, by reason of its scale, form, layout and by causing the loss or alteration of the features of architectural and historic interest including the rear roof slope, stone brackets and through passage, would fail to preserve the character of the Listed Building and would cause harm to its significance.

The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies PLP24 and PLP35 (as amended) of the Local Plan and Paragraphs 190, 193, 194 and 196 of National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 This application is brought to the Huddersfield Planning Sub-Committee at the request of Ward Councillor Mohan Sokhal, who considers that although it is in a row of listed terrace properties, it is the front elevations that are attractive and need preserving. There has been various extensions to the rear of the properties and what the applicant proposing is similar to those on nearby houses and that the revised drawings submitted by the Agent tried to address the issues raised by the Listed Building Officer, including forming an opening to the rear to give the impression of the original passageway from front to back.

1.2 The Chair of the Sub-Committee has confirmed that Councillor Sokhal's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees

2.0 SITE AND SURROUNDINGS:

2.1 No.95 forms part of a long terrace of stone-built properties on the south side of Church Street in Paddock. The terrace comprises a mix of back-to-back properties (mostly at the east end) and through-terrace properties (mostly at the west end). The Commercial Public House forms the east end of the terrace adjacent to Speedwell Street. Detached and immediately to the west of the terrace is a former Sunday school, now the Paddock Community Trust centre.

Robin Street runs to the rear of the terrace. A series of passages, some now blocked, connect the front of the properties with the rear. Nos. 59, 61, 73 & 75 and 93-107 are grade II listed (under eight separate listings). Low walls form the front boundaries to the properties, rear boundaries are a mix of outbuildings, high and low boundary walls, hedges and fences.

2.2 No.95 is one of four properties forming the grade II listed building 93-99, Church Street. They date from the mid-19th century and have ashlar fronts and dressed stone rear elevations and stone slate roofs with stone brackets to the gutters. They have raised frames with moulded cornices to the doorways and passage entrances with semi-circular fanlights to the front. No.95 is one of the better preserved buildings in the group and retains timber sash windows to the front and its passageway has not been blocked.

2.3 The rear elevations of the listed building varies, except for windows and doors, they appear to have been unaltered since the date of listing on 29/09/1978. No.93 has a late 19th century single-storey lean-to extension with a stone-slate pitch roof and retains its through passage, including an iron door to the front. No.95 has a mid-20th century single-storey extension of artificial stone with a flat roof and retains its through passage. No.97 has a late 19th century full-width single-storey extension with a slate roof. No.99 has a late 19th century full-width two-storey extension with a stone-slate roof built. The extensions to nos. 97 and 99 resulted in the loss of the through passage.

2.4 Significance of the affected heritage assets

The polite architectural details of nos.93-99 set them apart from other dwellings of a similar date and are particularly significant for the contribution they make to the character of the local area and the setting of 59, 61, 73, 75 and 101-107 Church Street and Kirke House (former All Saints Church), all of which are listed grade II. As workers' housing of the mid-19th century they attest to the rapid growth of Paddock in that period. The inclusion in the house layout of through-passages for the removal of human waste from outdoor privies in the rear yards, illustrates concerns about public health that were prevalent in the mid-19th century. In response to pioneering reports on the impact of workers' housing on health the first national and local government regulations to control development were passed in this era.

3.0 PROPOSAL:

3.1 Listed Building Consent for demolition of existing single storey rear extension and erection of two storey rear extension. Infill of side passage way to form part of dwelling and formation of new window to front elevation.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/CLD/94075/W - Certificate of lawfulness for proposed use of premises to operate private hire service - CERTIFICATE OF LAWFUL USE GRANTED

4.2 82/1153 – Listed Building Consent to erect first floor extension to dwelling – Consent Granted – Not implemented

4.3 82/1132 – Planning Permission for erection of first floor extension to a dwelling (Listed Building) – Permission Granted – Not implemented

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The case officer has engaged with the agent and applicant to seek amendments to the proposed development to minimise the conflict between the conservation of the listed building and the applicant's proposal to provide additional living space and an additional bedroom. This has included a meeting with the applicant's ward councillor. This has focused on reducing the scale of the extension and changing the form of the roof.
- 5.2 The applicant has amended their proposal but this still does not address the case officer's concerns and does not satisfactorily minimise the impact of the proposals on the listed building.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 PLP 1 (as modified) Presumption in favour of sustainable development
PLP 24 (as modified) Design
PLP 35 (as modified) Historic environment

The site is unallocated in the Local Plan.

National Planning Policy Framework:

- 6.3 Chapter 16 - Conserving and Enhancing the Historic Environment
Chapter 12 – Achieving well-designed places.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised with letters to occupiers of adjoining land, a site notice and a press notice. No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Officer report has been compiled by the Conservation and Design Officer

8.2 Non-statutory:

None

9.0 MAIN ISSUES

- Principle of development
- Information submitted with regards to significance
- Impact of the proposals upon the significance of the listed building
- Justification for the harm to significance
- Residential amenity

10.0 APPRAISAL

Principle of development

- 10.1 Policy PLP 1 (as amended) requires that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 10.2 Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.3 A two-storey extension is acceptable in principle, providing it is set in from the boundary of adjacent properties and retains the entrances to the through passage at the front and rear. The case officer has worked proactively with the applicant and agent, setting out the particular significance of the listed building and making suggestions to meet the applicant's requirements so far as is possible having regard to the need to avoid and minimise harm to significance and to achieve good design. The applicant has amended their proposal but this still does not address the case officer's concerns sufficiently.

Information submitted with regards to significance

- 10.4 Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.5 The applicant has provided a heritage statement, which falls short of the tests set out in Paragraph 189. It is not apparent that the West Yorkshire HER has been consulted. The proposed development shows some regard to the significance of the listed building in the selection of materials but not in the form and layout of proposed extension. The proposal will not impact on the limited archaeological interest the building may hold.

Impact of the proposals on the significance of the listed building

- 10.6 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that 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.
- 10.7 Policy PLP 35 (as amended) requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
- 10.8 Policy PLP 24 (as amended) requires that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape and that extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.
- 10.9 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Impact on significance: front elevation

- 10.10 To the front the entrance doorway to the through passage would be partly walled up and a window would be inserted, this would cause harm to the significance of the listed building. The replacement of the existing front door, which is modern in date, with one of a traditional four-panel design, would better reveal the significance of the listed building.

Impact on significance: rear elevation

- 10.11 To the rear the proposed development would result in the alteration to the roof slope and the loss of the stone brackets to the gutters. The through passage would be built across at the rear, with a full-height glazed window located near the line of the through passage to mark where it once was. These alterations would cause harm to the significance of the listed building. The loss of the ground floor extensions and first floor window openings, which are modern in date, would not cause harm to its significance.
- 10.12 The proposed two-storey extension is the full width of the listed building, its materials would be in keeping with existing buildings. However, it would not be subservient to the existing building in terms of its scale, as it would cover nearly 90% of the original building when measured on the elevation. The form of the roof with a double pitch, most of which is only at a pitch of 20 degrees, would not respect the listed building and would be dependent upon a layer or roofing felt to prevent water ingress from driving rain (the existing roof is single pitch of approximately 30 degrees).

- 10.13 The layout of the extension would erase the through passage from the ground floor plan, the only evidence for this historically important feature would be the altered doorway to the front elevation and an entirely new opening on the rear, which would not be aligned fully with the through passage.

Impact on significance: internal

- 10.14 Internally the through passage would be incorporated into the dwelling, which would cause harm to the significance of the listed building. The lounge and master bedroom would be reinstated to their original dimensions by the removal of later partitions, which would better reveal the significance of the listed building.

Justification for the harm to significance

- 10.15 Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.
- 10.16 The applicant's heritage statement states that the current ground floor extension is unsatisfactory and the ground floor extension will provide a new kitchen and living room. The first floor will allow a new large bedroom and a family bathroom to be created. The existing extension is of a poor quality and requires replacement, this does not in itself justify the harm of a larger extension. The proposed new bathroom has the same floor area as the existing. Suggestions made by the case officer, based on the previous approvals 82/1153 and 82/1132, could achieve a similar gain in bedroom space and whilst it would not be possible to achieve the desired ground floor space without harming the significance of the listed building, there would still be sufficient floor space for a lounge, living room and kitchen. The justification falls short of being clear and convincing as required by paragraph 194 of the NPPF.

Residential amenity

- 10.17 No representations have been received from neighbouring properties. At ground floor the proposed extension would align with that of no.97 and project 1 metre beyond the rear elevation of No.93. No.93 has no windows to the rear elevation. No.97 has a landing and bathroom window to the first floor. The proposed extension would therefore not adversely affect the amenity of neighbouring properties.
- 10.18 The design of the proposed extension would be keeping in terms of materials and would not adversely affect neighbouring properties. It would not be subservient to the existing building or be in keeping with the form and layout of the listed building. Whilst no.99 and other listed buildings on the terrace have full-width two storey extensions, most were constructed prior to listing and none under the current Local Plan and National Planning Policy Framework. The proposed development fails to meet the requirements of Policy PLP 24 (as amended) Design.

11.0 CONCLUSION

- 11.1 Paragraph 196 of the NPPF requires that 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.
- 11.2 The proposed development would cause a high level of harm to the significance of the listed building, particularly with regards to the historic interest inherent in the through passage and the architectural interest of the rear elevation. The proposals would also harm the setting of adjacent listed buildings. The Local Planning Authority has not been able to reduce that harm to a sufficient degree through negotiations with the applicant and it has not been clearly and convincingly justified. Even though this would be less than substantial harm, great weight should be given to that harm.
- 11.3 The proposed development has some modest public benefits, specifically, the replacement of the front door and the removal of later partitions that would better reveal the significance of the listed building. However, this would not be sufficient to outweigh the high level of harm caused by the proposals. Viability has not been raised as an issue by the applicant.
- 11.4 The NPPF has introduced a presumption in favour 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.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan, specifically policies PLP 24 and PLP 35 (as amended) and the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF, specifically paragraphs 190, 193, 194 and 196 and Section 16(2) of the Planning of the Planning (Listed Buildings and Conservation Areas) Act.

12.0 REFUSE

Background Papers:

Application and history files.

www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/94039

Certificate of Ownership – Certificate A signed and dated 06/12/2018