KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – SECTION 16

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR LISTED BUILDING CONSENT

Reference No:	2017/65/92894/W
Site Address:	75, Birkby Hall Road, Birkby, Huddersfield, HD2 2TN
Description:	Listed Building Consent for replacement roof and windows of existing conservatory (Within a Conservation Area)
Recommending Officer:	Anna Blaxall

DECISION – GRANT LISTED BUILDING CONSENT

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nigel Hunston

AUTHORISED OFFICER

Date: 13-Oct-2017

Officer Report

Application: 2017/92894

Site: 75, Birkby Hall Road, Birkby, Huddersfield, HD2 2TN

Proposal: Listed Building Consent for replacement roof and windows of existing conservatory (Within a Conservation Area)



Site Description

The property known as 75 Birkby Hall Road, Birkby is a grade II listed, two storey end terrace house dating from the 19th Century. It is faced in hammer dressed stone and cover with a stone slate pitched roof. It is orientated perpendicular to Birkby Hall Road with the principle elevation facing towards the east. Pedestrian access is gained from Birkby Hall Road via a stone arched gateway. A substantial lawned garden is laid out to both the east and south of the property.

Attached to the west elevation are two further cottages which are of a much earlier construction, dating from 1719. Historic maps dating from the 19th Century indicate that this group of building severed as a brewery.

Description of Proposal

This application seeks Listed Building Consent for the replacement of roof and windows of existing conservatory. It is proposed to replace the existing glazed roof with reclaimed stone slates to match the main body of the host building and to include three rooflights. The existing timber framed single glazed windows shall be replaced with double glazed windows in an oak timber frame,

Relevant Planning History

75, Birkby Hall Road, Birkby, Huddersfield (HOST PROPERTY)

Application Number	Proposal	Decision
94/93628	Listed Building Consent for demolition of part of boundary wall	Consent Granted

73, Birkby Hall Road, Birkby, Huddersfield

Application Number	Proposal	Decision
2013/92012	Erection of one detached dwelling (within a Conservation Area)	Refused
2012/92607	Change of use from dental surgery to dwelling (within a Conservation Area)	Conditional Full Permission

77, Birkby Hall Road, Birkby, Huddersfield

Application Number	Proposal	Decision
2003/90370	Erection of garden shed (within the curtilage of Listed Building)	Conditional Full Permission
2002/93392	Erection of garden shed (within the curtilage of a Listed Building within a Conservation Area)	Refused

Representations

This application has been publicised by means of newspaper advertisement and site notice
Final publicity date expires: 5th October 2017

Consultation Responses

K.C. Conservation and Design: Proposal assessed and report compiled by Conservation Team Officer.

No representations have been received.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (Review 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees.

The UDP Proposal map shows the site to be located within the Birkby Conservation Area and the property is also grade II listed (List Entry Number 1134387)

Kirklees Unitary Development Plan (UDP):
Relevant policies:

- BE1 – Design principles
- BE5 – Preservation/enhancement of conservation areas

Kirklees Publication Draft Local Plan (KPDLP): Submitted for examination April 2017:
Relevant policies:

- PLP 24 – Design
- PLP 35 – Historic environment

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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

- **Planning Practice Guidance** – Conserving and enhancing the historic environment
- **Birkby Conservation Area Appraisal**

Assessment

1 - General Principle

1.1 Paragraph 128 of the NPPF sets out that when determining applications the Local Planning Authority (LPA) should require an applicant to describe the significance of any heritage assets affect , including any contribution made by their setting. The level of the detail should be proportionate to the assets' importance and no more than sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic record should have been consulted and the heritage asset assessed using appropriate expertise where necessary. This application has a supporting heritage statement which collectively identifies the heritage asset affected by the proposal, assesses the significance and considers the effect of the proposal on the significance identified.

1.2 Paragraph 129 of the NPPF requires LPAs to identify the particular significant of a heritage asset which may be impacted via a proposal. In this case the LPA has identified two heritage asset.

1. 75-79, BIRKBY HALL ROAD (List entry Number: 1134387)

1719. Hammer-dressed stone. Pitched stone slate roofs. C19 bargeboarded gables. 2 storeys. Windows have double recessed frames, chamfered mullions, and elementary hoodmoulds. Front of Nos 77 and 79 has 2 ranges of 3-light

windows, and one single-light ever each door. Door of No 77 has chamfered surround and lintel with 4-centred arch inscribed "George Gamble Anno Dom. 1719". Door of No 79 has chamfered surround and flat lintel with achievement of arms and initials "G G" in contemporary fancy lettering. Rear of Nos 77 and 79 has one range of 3-light and one of 2-light stone mullioned windows. One single-light window on ground floor. One 2-light window to 1st floor of side elevation. No 75 may be a C19 addition, but has windows in same style.

1. Greenhead Park/New North Road Conservation Area

   A mainly nineteenth century residential suburb of Huddersfield, but includes older buildings and a large mill complex together with a Victorian cemetery and public park. The stone terraced properties have a leafy aspect to the streets with uniform stone boundary walls and gateways contributing to the street scene.

1.3 The host dwelling is a grade 2 listed heritage asset. Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty for the protection of listed buildings & structures. Additionally, NPPF Chapter 12 outlines the principle of development and restrictions for designated historic assets. For development which affects a listed building or it's setting the LPA should 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.

1.4 The sites location within a Conservation Area means that the application is required to be compliant with Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, which sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Additionally consideration needs to be given to the objectives of UDP policy BE5 and paragraph 137 of the NPPF, which sets out that development within Conservation Areas should seek to preserve or enhance the special character and appearance, and guidance contained within the relevant Conservation Area Appraisal, in this case, the Birkby Conservation Area Appraisal.

1.5 One of the Core Planning Principles of the NPPF is that planning should seek to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings. Therefore consideration needs to be extended to the objectives set out Chapter 7 of the NPPF, and Chapter 4 (Built Environment) of the UDP.

2 – Pre Application History

2.1 The applicants have declared that pre application advice was not sought from the LPA.

3 - Impact on Designated Heritage Assets

3.1 Consent is sought the replacement of roof and windows of existing conservatory. It is proposed to replace the existing glazed roof with reclaimed stone slates to match the main body of the host building and to include three rooflights. The existing timber framed single glazed windows shall be replaced with double glazed windows in an oak timber frame.

3.2 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a special requirement on the Local Planning Authority in considering proposals for development 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'. This principle is reinforced through the NPPF.

3.3 The asset which is being considered in this application is considered to have the following heritage value :

- Evidential and Historical value (Illustrative)
  - Example of 17th Century properties with a 19th Century addition (no. 75)
  - Former brewery
  - Evidence of settlement patterns and social/industrial history of the area

- Aesthetic Value (Fortuitous with an element of Designed)
  - No's. 77 & 79 illustrate traditional organic design
  - No. 75 later addition designed to reflect the architectural expression of the adjoining cottages

3.3 The conservatory to which the proposed works are focused on is an addition to the host property appearing to have been erected in the early part of the 20th Century. Whilst of some age its design and composition is fairly generic and as such it is significance is negligible. Therefore, as there is no resultant impact to significance the principle of the conservatory's frame and roof replacement is in a position to be supported. The Heritage Statement goes further to justify its replacement by highlighting the poor condition of the existing timber

frame. It notes that repair works have been considered but have however been discounted for the reason that it would be ‘a false economy’. The provision of this justification is considered to strengthen the applicant’s case to replace the existing structure.

3.4 The replacement oak timber frame is to be installed upon the existing stone plinth meaning that the footprint of the structure is to remain unaltered. In terms of height the addition of the proposed new frame would result in a small height increase of 0.2m at eaves level but a 0.1m height decrease at ridge level. These marginal changes to its size will still ensure that the structure remains subservient to the host listed building and furthermore will not cause any additional harm to its architectural significance.

3.5 The use of double glazing usually presents an issue and can be sometimes considered unacceptable in listed buildings and curtilage listed buildings due to the fact that it requires thicker and chunkier frames which become more prominent within the openings. In this instance significant consideration is given to the fact that its inclusion is solely contained to a modern addition which has been purposefully designed to accommodate a substantial amount of double glazing, and as such includes a framework with tolerance for that purpose. As such Officers have concluded that it would be unreasonable to insist upon the use of either single glazing or slimline double glazing under these circumstances and therefore deem the use of standard double to be acceptable.

3.7 The replacement of the existing glazed conservatory roof with a solid stone slate covering and 3 no. integral rooflights is the most prominent alteration being proposed in this application. In terms of the appropriateness of the replacement material it is considered that the stone slate will harmonise with the prevailing roof covering of the main house and as such would not look out of place. That said, to a minor extent its solid nature would reduce the visibility of the Listed Building through the conservatory, when seen from the rear. However, as this part of the property is fairly well concealed from public view the impact of the reduced permeability is contained to the private domain and a small number of neighbouring properties. This reduced permeability will result in some harm to the significance of the heritage asset, but owing to the structure size and scale this impact is sufficiently minimized. Officers therefore feel that in this instance it would not be appropriate to resist this alternative roofing material.

3.8 The application fails to provide any specification information on the exact type of the rooflights being proposed. As such a condition shall be applied which specifies that Conservation style roof lights are to be installed, and they must be installed flush with the roofline. This provision of such a condition will help to ensure that a unit of an appropriate and sensitive design is used, and that it is installed in such a way which is respectful to the designated heritage asset.

3.9 In terms of the streetscape and surrounding area the contained location of the conservatory owing to its position within the site and the fortuitous landscaping arrangement surrounding the site will ensure that the resultant structure would not be prominent from any public viewpoint. In these circumstances Officers deem that the character and appearance of the Birkby Conservation Area will be maintained.

3.10 Looking at the scheme as a whole, it is considered that a balance has been met and as such the proposed external changes to the existing building are considered to be appropriate and without detriment to the historic fabric and character of the host listed building or the character and appearance of the wider Conservation Area street scene. This conclusion has been reached having regard to: Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which stipulates the need for special regard to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; UDP policy BE1, PLP 24 & 35 of the PLDP and Sections 7 (Requiring good design) & 12 (Conserving and enhancing the historic environment) of the NPPF in terms of conserving the historic fabric, minimising conflict between the proposal and the heritage asset and sustaining the significance of the heritage asset.

4 – Representations

4.1 No public representations have been received.

5 - Conclusion

5.1 The above assessment demonstrates that the works discussed in this application are considered on balance, acceptable works to a Listed Building and would comply with policy BE1 of the UDP and Sections 7 (Requiring good design) & 12 (Conserving and enhancing the historic environment) of the NPPF in terms of conserving the historic fabric, minimising conflict between the proposal and the heritage asset and sustaining the significance of the heritage asset. Furthermore, it is also

compliant with Section 16 of the Planning (Listed Building & Conservation Areas) Act 1990.

5.2 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.

5.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any public benefits of the development when assessed against policies in the NPPF, in particular chapter 12, and other material consideration. Accordingly the recommendation is to grant consent.

Recommendation -
Grant Consent

Decision Authorisation - Delegated Powers

Application Number: 2017/92894

Officer Recommendation: Grant Consent

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
Reason: In the interests of visual amenity and to accord with National Planning Policy Framework Core Planning Principles (paragraph 17), Section 7 and Section12.

3. All rooflights shall be of a conservation style and shall be installed flush with the roofline.
Reason: To sustain the significance of the heritage asset in accordance with Chapters 7 & 12 of the National Planning Policy Framework and Policy BE2 of the Kirklees Unitary Development Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans and Elevations (including site location plan) – As Existing			21st August 2017
Plans and Elevations (including site location plan) – As Proposed			21st August 2017
Supplementary Information	Design & Access Statement – Job Number 1771		21st August 2017
Supplementary	Heritage Statement		21st August 2017

Plan Type	Reference	Version	Date Received
Information			

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 12/10/17