

**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: 2018/65/92348/W

Site Address: 92, New North Road, Edgerton, Huddersfield, HD1
5QP

Description: Listed Building Consent for partial demolition and
internal and external alterations (within a Conservation
Area)

Recommending Officer: William Simcock

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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 27-Feb-2019

Officer Report

Site Description

92 New North Road is a large detached building on a corner site. It is two-storey at the front, three-storey at the rear owing to the change in ground levels. Vehicular access is taken from Cemetery Road, to the side. The land within the curtilage – a small area to the front and a more extensive area to the rear – is surfaced in tarmac and provides space for parking and access, including to the large flat-roofed garage block against the rear boundary.

It is in residential use on all floors. These are all 1-bedroom flats except for the lower ground floor which is a 2-bedroomed flat. It appears that the ground floor was in office use until recently (see History).

The closest neighbouring buildings are no. 94 which is adjacent on the Trinity Street frontage and in residential use, a much smaller dwelling, 94b, immediately behind this (presumably converted from a former garage or coach-house) and the former coach-house belonging to 94 which is located on the Cemetery Road frontage and appears to have been converted to residential use although it is not known whether it is currently occupied.

Description of Proposal

The proposal is for Listed Building Consent for the change of use of the ground and lower ground floor to offices, and associated alterations and works.

It is proposed that the ground floor and lower ground floor would be converted to offices and administrative support space. The upper floor flats would remain as flats.

The garage block would be demolished, where it is proposed that new parking spaces would be formed in parallel rows. A new rear entrance would be formed to upper ground floor level which would make use of the existing balcony and steps.

The internal works would comprise the re-organisation of internal space; the formation of new partitions to subdivide existing rooms, the partial removal of a load-bearing wall, and re-configuration of the staircase, reusing existing components where possible.

Existing balustrades are to be repaired or replaced like-for-like, a handrail added to the external steps for safety reasons. Windows are to be repaired, with double glazing inserted into existing frames.

History of negotiations/amendments received

27-Sep-2018: Further justification for proposal.

13-Dec-2018: Amended plans and elevations submitted.

10-Jan 2018: Amended vehicle swept paths (to ensure that all vehicle movements would be within the red line boundary), plans, and heritage statement.

None of the above were subjected to new publicity since it was considered that they did not raise substantial new planning issues that would require re-advertisement.

Relevant Planning History

2018/92347 – Planning permission for change of use of ground floor and lower ground floors to offices and external alterations (within a Conservation Area). Awaiting determination.

Representations

Final publicity date expires: 14-Sep-2018

One letter of representation received.

A summary of the comments received is set out below:

- Privacy – users of the proposed car park will be able to see into lounge and bedroom of adjacent property;
- Loss of seclusion / quietness;
- It is an office use in an established residential area and should be inappropriate in principle unless there is a policy that specifically allows this;
- Mutual overlooking from side-facing bedroom;
- There is no physical separation between this and the adjacent property so it will be impossible to prevent users of the site straying on to adjacent land;
- Increased public use may encourage theft and burglary because of loss of seclusion and more strangers on the premises;
- Proposed use is unclear (A2 / B1) – would more concerned about A2 because of the potential to change to A1 without planning permission;
- Layout suggests medical use;
- Parking spaces not accessible and not enough room for manoeuvring;
- Aesthetic impact of car park;
- It will interfere with parking for nos. 92 and 94, and interfere with their access to their own properties;
- Will the parking spaces be visually marked out?
- Emergency access impeded;
- Litter, damage to surface of car park, noise pollution;

- Likely to lead to a general decline in property values (especially if more large detached dwellings are converted to flats and HMOs), leading to a likely decline in standards of maintenance because of the owners / occupiers taking less pride in the properties than owners of family dwellings would. This may mean a decline in appearance / character of Conservation Area.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Historic England: If officers are minded to approve, a recording condition should be applied.
- KC Conservation and Design: Approve subject to conditions.

Policy

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). 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 Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). 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 (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated within the Greenhead Park / New North Road Conservation Area on the UDP Proposals Map and without designation, within the Greenhead Park / New North Road Conservation Area, within the Kirklees Publication Draft Local Plan. It is a Grade II Listed Building.

LISTING DESCRIPTION

"NEW NORTH ROAD 1. 5113 (North Side) Highfield No 92 SE 1317 27/1045 II GV 2. Mid C19. Ashlar. Hipped slate roof. 2 storeys. Moulded eaves cornice on tall moulded consoles with panels in between. Cornice over ground floor. Raised quoins, alternately vermiculated on ground floor. 5 ranges of sashes, round-arched (except in centre) on 1st floor, segmentheaded on ground floor. Outer 4 are grouped in pairs, those on 1st floor with moulded imposts and voussoirs, keystones, shared moulded cornices, panelled jambs and plain

shared plinths. Those on ground floor have moulded surrounds, keystones and consoles to cornices. Central bay breaks back slightly. Central 1st floor window has consoles to moulded cornice, with panels in between. Door with shouldered lintel, vermiculated voussoirs, moulded imposts and panels either side. Panelled door with elaborately moulded caps either side of 3 steps to door”

Kirklees Unitary Development Plan:

- No policies relating specifically to Listed Buildings were saved.

Kirklees Publication Draft Local Plan (PDLP):

- PLP35 – 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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Section 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on character and significance of Listed Building
- 2) Representations
- 3) Conclusion

1 – Principle of development: As the application is for Listed Building Consent, the only issues that fall to be considered are the impact the development would have on the character and significance of the Listed Building.

Under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities must, in considering whether to grant listed building consent for any works 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.

In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Furthermore Chapter 12 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a proportionate justification.

PLP35 of the Publication Draft Local Plan can in principle be given considerable weight but does not contain specific advice going beyond NPPF Chapter 16 that is relevant to the current application.

2 –Impact on character and significance of Listed Building: This imposing building is a Grade II listed mid-C19 former villa which is located within the Greenhead Park / New North Road Conservation Area. The building has an ashlar stone façade with raised quoins and ranges of large sash windows carved stone detailing. The less prominent elevations are finished in fair faced stone walling, including the rear elevation which has a venetian window located centrally at first floor level. Below this is a projecting annexe on cast iron columns which dates back to the C19, and below this is a basement entrance doorway. To each side of the annexe is an ornate cast iron balcony, one of which has been converted into an escape route with an added metal staircase.

The proposed internal alterations at basement level, which include the reconfiguring of internal partitions and partial demolition of a masonry wall, would not cause harm to the character and significance of the listed building. The reconfiguration of the layout of the ground floor rooms and the alteration of internal walls, the majority of which are later partitions with no heritage significance, is also unproblematic from a heritage point of view.

Additional partitions are proposed and the heritage statement confirms that existing architraves and decorative cornices will not be damaged during their installation. Re-hanging the internal lobby door within the existing frame will not cause harm as the frame is of low significance and the insertion of a new doorway from the rear room to the reception area is a minimal intervention which does not impact on the architectural detailing within the space.

The staircase from the ground to first floor is considered to have low to medium aesthetic value and is possibly not an original feature. Although the plan form of the ground floor would be altered with the reconfiguration of the staircase, the existing ground floor doorways with their ornate surrounds would be retained without any interventions, with the partition wall to the staircase chamfered to avoid damage to the doorways. The existing balustrade components from the dismantled staircase would be re-used on the new staircase. The rear of the hallway does not add greatly to the character and significance of the building. This particular alteration is deemed to cause less than substantial harm.

As stated in the officer report for the accompanying planning application, 2018/92347, it has not been conclusively demonstrated that the change of use is essential for the future economic viability of the building including necessary repairs, but it is considered on balance, taking into account the advice of the Conservation Officer, that the public benefits of separating the ground and upper floors to ensure the most economically viable use for the building outweigh the very minor harm caused, in this instance. The staircase and landings to the upper floors will not be altered.

A full record of the existing staircase, as required by Historic England, must be provided prior to the alterations. This can be addressed by means of a condition.

The applicant proposes the refurbishment and repair of the existing windows, with the replacement of the existing single glazing with slim double glazing 'Spacia' glass. The applicant should provide a schedule confirming which windows the double glazing is proposed for and should submit details of how this work will be carried out, including interventions to the frames to accommodate the thicker glazing units. This can also be controlled by a condition.

The applicant proposes alterations to the rear of the property to provide a separate rear access to the apartments on the upper floors, which would include the restoration or like for like replacement of the balustrade. The new handrail should be painted black to match the existing. The proposed door is acceptable and should also be painted black to match the existing. The historic fabric will be restored and retained with minimal intervention.

The existing garage block has no heritage or architectural value and its demolition and replacement by hardstanding would therefore have no negative impact on the Listed Building or its setting.

The Conservation Officer has also requested that details of the proposed freestanding signboard adjacent to the building on the south east boundary, along with its position, be submitted for approval. This feature is not referred to in the heritage statement or shown on the plans and any proposed signboard, if applied for in the future, would normally be assessed under Advertisement Consent not Listed Building consent.

In conclusion, the works would, subject to the above conditions, comply with the aims of PLP35, NPPF Chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990 since the majority of the works would no negative impact whatsoever on the significance of the building, and the public benefits of bringing the vacant floor space on the lower floors into a viable sustainable use, along with the associated enhancements to the rear of the building, are considered to outweigh the slight harm caused by some of the proposed alterations.

3 – Representations:

The concerns raised in the letter of representation have been examined and responded to point by point in the accompanying application for planning permission, 92347. For the sake of brevity, only those points that are considered relevant to the Listed Building Consent are responded to in detail in this section of the report.

- Privacy – users of the proposed car park will be able to see into lounge and bedroom of adjacent property;
- Loss of seclusion / quietness;
- It is an office use in an established residential area and should be inappropriate in principle unless there is a policy that specifically allows this;
- Mutual overlooking from side-facing bedroom;
- There is no physical separation between this and the adjacent property so it will be impossible to prevent users of the site straying on to adjacent land;
- Increased public use may encourage theft and burglary because of loss of seclusion and more strangers on the premises;
- Proposed use is unclear (A2 / B1) – would more concerned about A2 because of the potential to change to A1 without planning permission;
- Layout suggests medical use;
- Parking spaces not accessible and not enough room for manoeuvring;
- It will interfere with parking for nos. 92 and 94, and interfere with their access to their own properties;
- Emergency access impeded;
- Litter, damage to surface of car park, noise pollution;

Response: These concerns mostly relate to the change of use (which does not require Listed Building Consent in and of itself) or to the formation of the car park (which only requires Listed Building consent in so far as it involves the demolition of the garage block). They do not raise issues that are relevant to the Listed Building Consent as such since they do not relate to the conservation of the character or heritage value of the building. They are however examined and responded to in depth in the officer's report on the planning application, 2018/92347.

- Aesthetic impact of car park;

Response: It is considered that the aesthetic and heritage impact of forming increased hard-surfacing in place of the garage, and of more vehicles parking there, would be neutral.

- Will the parking spaces be visually marked out?

Response: The marking out of parking spaces could potentially be done without detracting from the appearance, character or setting of the building and such works are secured by the planning permission. It is considered the parking spaces are clearly shown on the location plan and the marking out of the spaces would ensure an efficient use of the space. As previously stated the arrangement provides ample space for all vehicles associated with the development to park without interfering with through routes.

- Likely to lead to a general decline in property values (especially if more large detached dwellings are converted to flats and HMOs), leading to a likely decline in standards of maintenance because of the owners / occupiers taking less pride in the properties than owners of family dwellings would. This may mean a decline in appearance / character of Conservation Area.

Response: This is conjecture and not supported by any evidence. In any case the immediate neighbouring property has been divided into separate flats.

Conclusion

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – GRANT CONSENT SUBJECT TO CONDITIONS

Decision Authorisation - Delegated Powers

Application Number: 2018/92348

Officer Recommendation: GRANT CONSENT

Conditions and Reasons

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 Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: To ensure that the proposed works preserve the character and appearance of the Listed Building and to accord with the aims of Policy PLP35 of the Publication Draft Local Plan and Government policy as set out in the Chapter 16 of the National Planning Policy Framework.

3. Before any existing windows are replaced, a schedule shall be submitted to and approved in writing by the Local Planning Authority specifying which windows or window panes are to be replaced, and details of how this work will be carried out, including interventions to the frames to accommodate the thicker glazing units. Any such works shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure that the proposed works preserve the character and appearance of the Listed Building and to accord with the aims of Policy PLP35 of the Publication Draft Local Plan and Government policy as set out in the Chapter 16 of the National Planning Policy Framework.

4. The new handrail and balustrade and any new external door installed to the upper ground floor rear entrance shall be painted black before the new upper ground floor office space is first brought into use and thereafter retained as such.

Reason: To ensure that the proposed works preserve the character and appearance of the Listed Building and to accord with the aims of Policy PLP35 of the Publication Draft Local Plan and Government policy as set out in the Chapter 16 of the National Planning Policy Framework.

5. Before any works to the existing staircase commence, a record of the existing staircase between ground and first floor in its current location, including photographs and drawings, shall be undertaken, submitted to and approved in writing by the Local Planning Authority, and deposited in the local Historic Environment Record (HER)

Reason: To ensure that a record of significant parts of the fabric of the Listed Building are preserved after they are removed, and to accord with the aims of Government policy as set out in the Chapter 16 of the National Planning Policy Framework.

Note: Historical recording. Regarding condition (5) above, the relevant Historic Environment Record Officer may be able to provide advice on the form that this recording should take.

Note: This listed building consent should be read in conjunction with planning permission 2018/92347.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			07-Aug-2018
Heritage statement		A	10-Jan-2019
Heritage statement		B	11-Jan-2019
Supporting information			27-Sep-2018
Location plan, floorplans and rear elevation as existing	0060-00-01		07-Aug-2018
Floorplans and rear elevation as proposed	0060-00-02	C	10-Jan-2019
Car park – swept paths proposed	00-04	A	06-Feb-2019

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. The case officer undertook negotiations with the applicant to secure amendments to the plans and an amended heritage statement, including the retention of the old rear extension, to ensure that the development conserved the heritage value of the building.

Report Dated: 18-Feb-2019