

**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: 2019/65/91861/E
Site Address: 381, Bradford Road, Batley, WF17 5XT
Description: Listed Building Consent for replacement windows
Recommending Officer: Sue Oakley

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: 15-Aug-2019

Officer Report

Site Description

381 Bradford Road in Batley is a two storey former bank and manager's house dating back to c1905 and located on a prominent corner between Bradford Road and Hick Lane. This building is constructed in the Renaissance style in ashlar stonework with ashlar dressings and a mixture of timber casement and sash windows.

Description of Proposal

The replacement of 11no damaged windows with double glazing is proposed, with replacement windows with a thicker section to accommodate slim double glazed units in place of single glazing. Two windows will be retained and re-glazed.

Relevant History

None.

Access Considerations

None.

Consultation Responses

Officer report has been compiled by the Conservation and Design Officer.

Public/Members Response

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 16/07/2019

Publicity expiry date: 19/07/2019

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

LP 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 February 2019, 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.

Chapter 16 (Conserving and Enhancing the Historic Environment).

Assessment

The replacement of 11no damaged windows with double glazing is proposed, with replacement windows having a thicker section to accommodate slim double glazed units in place of single glazing. Two further windows will be retained and re-glazed.

The existing windows which are the subject of this application were damaged as a result of an explosion in the adjacent building, causing window frames and glazing beads to splinter, with extensive glass blown out. As much of the single glazing has been destroyed and a number of windows are beyond repair, the applicant proposes to replace most of them in the same style as the existing historic windows, with the replacement of single glazing with slim double glazed units. The exceptions to this are windows F and G, both single paned sashes which the applicant proposes to replace with multi-paned timber sashes.

The windows vary in size and design and have been referenced from A to K on the supporting documents. They are detailed below:

North (side) elevation, towards the rear:

A – The existing window is in a range of three with a prominent frame and timber mullions, internal opening lights and glazing beads.

B – This window is a multi-paned side hung casement.

C, D, E – Each of these windows are single pane side hung casements.

West (rear) elevation:

F and G are single paned sliding sash windows in timber surrounds. The applicant proposes the replacement of these with multi-paned timber sash windows without horns to reflect the style of the other large sashes on this

elevation. This is considered to be acceptable as it reflects the characteristics of the other sash windows on this elevation.

H – This window is a multi-paned timber sliding sash without horns.

North (side) elevation towards the front:

I and J – These multi-paned timber sliding sashes without horns are the most prominent windows of the application, located towards the front of the side elevation.

K – This is a multi-paned timber sliding sash without horns, located on a rear elevation.

In addition, the damaged single glazing of the arched window below windows I and J will be replaced with single glazing, and the ladies WC window to the rear of the elevation will be re-glazed. Slim double glazing is acceptable in this window if preferred.

The applicant proposes 4mm glass with a 6mm gap and black spacer bars to all double glazed windows, along with traditional ironmongery to the sash windows.

Conclusion

Paragraph 193 of the NPPF states that:

“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 196 goes on to state 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.”

It is considered that the replacement of the existing single glazed windows with new timber double glazed windows causes slight harm to the significance of the listed building by the replacement of the existing windows, introduction of double glazed units and widening of the window sections. However this is

considered acceptable as the windows have been damaged and the existing glazing has been destroyed.

The proposal is to replace windows A, B, C, D, E, H, I, J and K with new timber windows to match the existing joinery details in terms of material, profiles, detailing, beading and colour, with an increase in the internal section sufficient to accommodate slim double glazing with a 6mm gap and black spacer bars. Windows F and G shall match the joinery details of window H in terms of material, profiles, detailing, beading and colour.

The public benefits of carrying out these necessary repairs to protect the building fabric, along with an improvement in energy efficiency proposed as a result of accidental damage, are considered to outweigh the slight harm and are therefore considered to be acceptable.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building.

It is considered that the proposed works will preserve the character and appearance of the listed building as the windows will be replaced like for like in terms of materials, profiles and detailing.

Recommendation **Grant Consent**
Decision Authorisation - Delegated Powers
Application Number: - 2019/91861
Officer Recommendation: Grant Consent

Recommendation:

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent 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 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: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

3. Notwithstanding the details provided, windows A, B, C, D, E, H, I, J and K shall match the existing joinery details in terms of material, profiles, detailing, beading and colour, with an increase in the internal section sufficient to accommodate slim double glazing. Windows F and G shall match the joinery details of window H in terms of material, profiles, detailing, beading and colour. All slim double glazed units shall have 4mm glass with a 6mm gap and black spacer bars.

Reason: To sustain the significance of the heritage asset in accordance with Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Design and Access Statement			04.06.2019
Referenced photographs of windows			14.08.2019
Referenced photographs of window K and arched window			14.08.2019
Window design K and A			14.08.2019
Window design F, G and B			14.08.2019
Window design H			14.08.2019
Window design C, D, E, I and J			14.08.2019
Arched window design			14.08.2019
Location plan			04.06.2019
Ironmongery specification			02.08.2019

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 Planning 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. Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions led to the submitted plans which accurately mirror those negotiations and are felt to be acceptable.

Report Dated:

14.08.2019
