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:	2020/65/93298/W
Site Address:	8, Dowker Street, Milnsbridge, Huddersfield, HD3 4JB
Description:	Listed Building Consent for conversion of one dwelling to two flats (within a Conservation Area)
Recommending Officer:	Ellie Worth

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: 13-May-2021

Officer report

Site description
The application relates to 8 Dowker Street, Milnsbridge a back to back property constructed from stone to the front elevation and render to the side elevations. The building also forms part of a grade II listed building (ref: 1134283) with the following description:

Early C19. Hammer-dressed stone. Pitched stone slate roof. Pediment-shaped gable ends, with semi-circular windows in tympana. 2 storeys. Band. 3 ranges of windows in plain raised surrounds.

To the south of the site is a small yard, alongside one designated parking space for the property to the rear.

The site is situated within a mixed use area and is surrounded by commercial and residential properties. To the East is Milnsbridge Local Centre. The building is also situated within Milnsbridge Conservation Area on the Kirklees Local Plan.

Description of development
The applicant is seeking permission to convert the existing dwelling into two flats. The internal measurements and layout are as follows:

- Flat 1 (ground floor) will have an internal floor space of 53.25 sq.m and will provide an open plan kitchen, dining and living room, one bedroom and an en-suite.
- Flat 2 (first floor) will have an internal floor space of 59.11 sq.m and will provide an open plan kitchen, dining and living room, two bedrooms and a bathroom.

External alterations will include the insertion of a new pedestrian door for flat 1.

History of negotiations/amendments received
Additional information has been requested by KC Conservation and Design regarding the internal and external works proposed. As such, final amended plans and an updated heritage statement were received on the 23rd April 2021.

Relevant Planning History
2020/93297 Planning permission for conversion of one dwelling to two flats (within a Conservation Area) – Pending consideration.

Representations
The application has been advertised via site notice, neighbour notification letters and the press.
Final publicity expires: 20th November 2020.
As a result of the above publicity, no representations have been received.

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

KC Conservation and Design: In support of the scheme, subject to conditions being attached to the decision notice regarding the repair/replacement of any plaster work.

Historic England: Do not wish to offer any comments.

National Amenities Society: No comments received.

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).

The site is situated within Milnsbridge Conservation Area, as well as being a Grade II Listed Building.

Kirklees Local Plan:
- LP24 – Design
- LP35 – 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 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –
1. Principle of development
2. Impact on character and significance of Listed Building
3. Representations
4. Conclusion

1. Principle of development
The building in which this application relates to is a Grade II Listed Building (Historic England Ref. 1134283) meaning that the application is to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 stating the general duty for the protection of listed buildings. For development that impacts upon these, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting,

including any features of special architectural or historic interest which it benefits from.

Policy LP35 further outlines that proposal affecting designated heritage assets should preserve and enhance the significant of the asset. This is also reiterated in the National Planning Policy Framework which also set out how Local Planning Authorities are to determine proposals that impact upon Listed Buildings and Conservation Areas. In particular Chapter 16 that relates to the importance of the historic environment, as paragraph 190 states how LPAs are to identify and assess the significance of any heritage asset that may be affected by a proposal, which should be taken into account when considering the impacts upon this asset.

Paragraph 192 also sets out what LPAs are to consider when determining these applications; including the sustainability and enhancement the significance of heritage assets and putting them into viable and appropriate use, economic viability and positively contributing to local character and distinctiveness.

In this case, the heritage asset is the original building, however, the proposal has the potential to affect its setting.

2. Impact on the listed building

As outlined above the application relates to no. 8 Dowker Street in which forms a grade II listed building, along with no. 8a. In this case, given the amendments sought it has been considered that the development would be sensitive to the historic environment, as a traditional approach has been undertaken. The submitted plans also show the alterations/improvements to be appropriate for the context of the site, in order to split the dwelling into two flats. The development is also considered to respect and enhance the original character of the listed building, given that the scheme will retain its original layout, and will bring the building back into use.

The application has also been assessed in detail by the Senior Conservation and Design officer who has provided detailed comments which have been captured below.

External alterations

With regards to the openings, officers have noted that the existing windows vary in date. The first-floor west elevation sash windows and the north elevation sash window to the existing bathroom are of late 19th century date. In this case, amended plans have been sought to show the retention of these, as replacement windows will have required clear and convincing justification.

The ground floor west elevation sliding sashes, if not the sash boxed themselves, have been replaced to match those on the first floor. The remaining windows are modern. The replacement of all these windows with new timber sash windows with double glazed units would be acceptable.

The existing door within the side elevation is of no architectural merit and therefore the replacement of this and the insertion of a new door for flat 1, in place of the existing modern window would cause minimal harm. Details of the replacement/new door have been provided as part of this assessment, whereby no concern has been raised by heritage officers.

Internal alterations
As part of this application, the interior of the ground and first floor will be altered significantly to convert the building into two flats. The building retains a stone staircase from ground to first floor and late 19th century doors and door surrounds to both floors. There is a chimney breast with late 19th century fire surround and modern gas fire to the room marked sitting room on the existing plans.

On the ground floor, the existing chimney breast and fire surround are to be retained, as evidence of how the house was heated following its late 19th century conversion (the existing chimney stack on the party wall between nos.8 and 8a could not have been used to heat most of no.8). The steps to the cellar in the existing kitchen will also be retained.

On the first floor, the internal four panel doors and moulded doors surrounds will also be kept and re-used. This has been considered acceptable, in order to sustain and enhance the buildings historic features.

Having undertaken a site visit and discussing the scheme with the applicant on site, it is also noted that at least some replastering will be required. In this case, KC Conservation and Design have requested that any repair or replacement of plasterwork to the interior face of any external walls to be undertaken in lime plaster and finished with a vapour permeable paint. This has been considered reasonable and therefore a condition will be attached to the decision notice.

Furthermore, the property shows noticeable evidence of damp including staining and algae growth to the render externally, blown plaster internally and timber decay to the ground floor room marked as a sitting room on the existing plans. It is advised that gutters, downpipes and drains are checked for blockages, cleared and repaired on a like for like basis (lead lined valley gutters, cast iron downpipes). The side elevations are covered with a cement-based render. It is advised that it would be beneficial for the conservation of the building and the interior environment for the render to be removed and either the natural stone walling left exposed and repointed with lime mortar or the elevations re-rendered in lime render. Re-rendering or re-pointing of the elevations would need to be included in a future listed building consent and details of the mixes and samples provided.

Significance
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 an application for planning permission on the setting of a heritage asset.

Section 16 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.

Policy LP35 of the Local Plan 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.

In this instance, nos. 8 and 8a Dowker Street are listed grade II and historically formed part of the adjacent Milnsbridge House. No.8 fronts onto Dowker Street, with 8a behind. The building is two storeys with pediment shaped gable ends, the gable to no.8 has a semi-circular window in the tympana. It has a large centrally placed ashlar chimney stack. Their former use is unknown, but a coach house and stables are probable for a house of such status. They appear to have been converted to a residential use in the late 19th century, when Milnsbridge House was also subdivided.

Milnsbridge House is a Grade II* building which stands apart from its neighbours in its grand classical style. It was built around 1748 as a country house close to the river Colne and the area has since built up around it. It was once home to magistrate Joseph Radcliffe, who played a key part in suppressing the Luddite riots in the Colne Valley. He tracked down the three millworkers accused of murdering Marsden mill-owner William Horsfall who were subsequently hanged for their crimes in 1813. Nos. 8 and 8a are critical to the setting of Milnsbridge House.

As such the repair and conversion of this building is supported as it is currently in poor condition and vacant. The amendments sought will also restore and retain the buildings historic features and will provide a sustainable and viable use for the building. As such, any harm caused to the significance of designated heritage assets is considered to be less than substantial and would be outweighed by the public benefits outlined in more detail below.

Weighing of harm against public benefits
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.

In this instance, the proposal would bring the building back into use, by providing two flats. This will further enhance the sites residential use and will sustain the long term viability of the Listed Building, given its sustainable location on the edge of Milnsbridge Local Centre.

In summary, it has been concluded that the proposal would be of a satisfactory design quality in keeping with the character of the area. The impact on the significance of the Grade II Listed Buildings has been assessed and concluded that the public benefits of the proposal would outweigh the harm caused. As such, subject to conditions, the proposal would accord with LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the NPPF.

3. Representations
None received.

4.Conclusion
Paragraph 193 of the National Planning Policy Framework discusses the nature of harm to the significance of a heritage asset, and whether such harm is deemed to be substantial or less than substantial. The impacts upon this Listed Building have been discussed, and it is considered that the proposals are of less than substantial harm complying with Paragraph 196. The harm caused against the Listed Building have been weighed up with the public benefits, including securing its optimum viable use, and it has been deemed that the works will provide for a continuing long term viable use despite the minor harm.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the duty of the Local Planning Authority with all decisions shall preserve or enhance the character of a Listed Building. The proposed development discussed in this report will not cause substantial harm to the significance of the Listed Building and as such will preserve the character and distinctiveness of the Listed Building.

Therefore, it is considered that Section 16 of the Act and Paragraph 196 of the NPPF regarding Listed Buildings, together with Policy LP35 of the Local Plan have been met and is acceptable for approval of Listed Building Consent.

Recommendation: Grant Consent

Decision Authorisation - Delegated Powers
Application Number: 2020/93298
Officer Recommendation: Grant Listed Building Consent

Conditions and Reasons
1. The development hereby permitted shall be begun within three years of the date of this permission.
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, to preserve the character and setting of the listed host Building, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Repairs to or replacement of plasterwork to the interior face of any external walls shall be undertaken in a lime plaster and finished with a vapour permeable paint.
Reason: In the interests of visual amenity to preserve the character and setting of the Listed host Building, to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the aims of the National Planning Policy Framework

NOTE: This listed building consent should be read in conjunction with the allied planning permission 2020/93297.

Plans and specifications schedule

Plan Type	Reference	Version	Date Received
Location plan	LP 01	-	8th October 2020
Existing floor plans and elevations	2020/043/01	-	8th October 2020
Design and access statement	-	-	8th October 2020
Door details	2020/043/04	-	23rd April 2021
Proposed floor plans and elevations	2020/043/03	B	23rd April 2021
Heritage statement	-	-	23rd April 2021

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. In this instance, additional information has been requested by KC Conservation and Design regarding the internal and external works proposed. As such, final amended plans were received on the 23rd April 2021.

Dated: 12th May 2021