

**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:** 2021/65/90386/W

**Site Address:** Wilshaw Village Hall, Wilshaw Road, Meltham,  
Holmfirth, HD9 4DX

**Description:** Listed Building Consent for installation of replacement  
windows (within a Conservation Area)

**Recommending Officer:** Craig McHugh

**DECISION - Refusal of Listed Building Consent.**

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

Nick Grimshaw

***AUTHORISED OFFICER***

**Date: 30-Mar-2021**

## Officer Report

### Site Description

Wilshaw Village Hall forms part of a grade II listed building originally constructed as a school and school master's house and now functioning as a village hall and private house respectively (36 Wilshaw Road). They were built in 1873 and designed by the architect John Kirk. They were commissioned by the textile manufacturer and philanthropist Joseph Hirst who established a model industrial community in Wilshaw in the mid-19<sup>th</sup> century.

The listed building is constructed of hammer dressed stone, with a pitched slate roof. The school building to the left is of a single storey, while the house is of two storeys. The design of the building is Jacobethan in style drawing freely on the architecture of the Elizabethan and Jacobean periods. The west side elevation of the house, with its three gables, are particularly reminiscent of the design of the old halls of the 17<sup>th</sup> century, while the shaped gables to the front and east elevation are Dutch in their styling.

The hall is of five bays, with the front entrance under a Dutch gable forming the fourth bay. Internally the fifth and rightmost bay is the kitchen, separated internally from the hall by a load-bearing masonry wall. The front entrance has a Tudor arch doorway with planked double doors with decorative hinge straps. There are three two-light mullioned windows with glazing in chamfered surrounds to left of the entrance and one to the right. There is one six-light mullioned and transomed window to the east gable. The glazing is single glazed, fitted directly into the stonework, panes of glass are separated by slender metal glazing bars. To each mullioned pair is one inward opening hopper unit forming part of a ventilated window system.

The level of detailing to the interior is good. The exposed timber roof structure is particularly noteworthy with three decorative king post trusses springing from corbels and deep purlins with chamfered edges and stops where they meet the trusses. There is also dado panelling around the walls of the hall and stop-chamfered details to interior four-panelled doors that are set within simple beaded surrounds. The kitchen area is plain with a modern suspended ceiling.

A small rear projection was replaced with a larger extension housing toilets and a storeroom after 1995. The window surrounds match those of the original building. They have timber framed windows, contrary to the requirement of a planning condition on listed building consent 95/9302, which required that all new window frames shall be inward opening hopper frames to match the existing windows in the Village Hall.

The front of the house comprises the entrance door to the left and to the right one two-light chamfered window opening to each floor, these retain their original sash windows with ogee shaped horns. The west side elevation is symmetrical and comprises three two-light chamfered window openings to each floor, those to first floor extend above eaves level, as dormers, with

gabled roofs. The windows to the west elevation have all been replaced without listed building consent and are of 'mock sash' design. Listed Building Consent has recently been granted to replace the unauthorised windows with more appropriate designs with double-glazed units (2019/93586).

To the front of the listed building is a lawned garden spanning both the school and house, it has stone paths and a coursed stone wall with quoin stones. Off-road parking for the house has recently been formed (2018/93138 and 2018/93139). The building is raised above the level of Wilshaw Road and is prominent in the street scene. The building is located at the eastern edge of the Wilshaw Conservation Area.

### **Description of Proposal**

Listed Building Consent for installation of replacement windows (within a Conservation Area)

The works comprise:

- Replacement of the existing single-glazed windows to the hall and kitchen with double-glazed windows

### **History of negotiations/amendments received**

The drawings submitted for consideration in this application were submitted along with three other options as part of a recent listed building consent application 2020/92896. The four alternative proposals submitted for 2020/92896 were:

- A timber framed option (the subject of this application 2021/90386)
- A steel framed option
- A direct double-glazed option as recently installed at Meltham Town Hall (unlisted)
- A lead framed option

The applicant was advised that as each option would involve differing levels of harm only one option could be considered as part of each application. The option resulting in the lowest level of harm to the listed building, the lead-framed option was granted listed building consent.

Further justification for the proposed works to the windows was sought as part of application 2020/92896, but none was provided beyond that contained in the Heritage Statement or Design and Access Statement.

### **Relevant Planning History**

| Reference No. | Proposal                                                                                                                               | Decision                    |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 95/93026      | DEMOLITION OF outhouses and erection of single storey extension and internal alterations. (Listed Building within a Conservation Area) | Conditional Full Permission |
| 95/93027      | Listed Building Consent for Demolition                                                                                                 | Consent                     |

|            |                                                                                                                                                                                                                                                                     |                             |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
|            | OF outhouses, erection of single storey extension and internal alterations (within conservation area)                                                                                                                                                               | GRANTED                     |
| 2018/93138 | Formation of vehicular access (Listed Building within a Conservation Area)                                                                                                                                                                                          | CONDITIONAL FULL PERMISSION |
| 2018/93139 | Listed Building Consent for formation of vehicular access and alterations to boundary wall (within a Conservation Area)                                                                                                                                             | CONSENT GRANTED             |
| 2019/93586 | Listed Building consent for interior and exterior alterations to dwelling and alterations to boundary wall (within a Conservation Area)                                                                                                                             | CONSENT GRANTED             |
| 2020/92896 | Listed Building Consent for replacement windows and new roof window, installation of mezzanine floor with glazed balcony, demolition of part of internal wall, minor structural works and reinstatement of external wrought iron gates (within a Conservation Area) | CONSENT GRANTED             |

## Consultation Responses

Officer report has been compiled by the Conservation and Design Officer

Meltham Town Council - supported the application

## Public/Members Response

The application has been publicised with a site notice and a press notice. No responses were received.

Date site notice expired: 12/03/2021

Publicity expiry date: 19/03/2021

## 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).

## Local Plan

- LP35 Historic environment
- LP48 Community facilities and services

## 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)

### **Access considerations**

None

### **Climate Change Emergency**

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The replacement of the existing single-glazed windows with double-glazed windows will improve the energy performance of the listed building.

### **Assessment**

#### *Significance of the affected heritage assets.*

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.

The applicant has provided a heritage statement, which partly fulfils the tests set out in Paragraph 189. There are no archaeological implications from the proposed development. The Historic Environment Record has been consulted by the case officer and no relevant material is held.

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.

The proposed development affects the grade II listed former school and school master's house and the Wilshaw Conservation Area.

Wilshaw is a rural village where the majority of properties date from the mid-Victorian period with key buildings built as a result of the philanthropy of Joseph Hirst (1805-1874) to create a model village ensemble. The Conservation Area consists of three building groups, and a Church in an attractive wooded setting.

The former school and school master's house make a positive contribution to the character and appearance of the conservation area. They are both of architectural and historic interest for their associations with Joseph Hirst and John Kirk. Kirk's practice designed many public buildings in and around Meltham and Wilshaw. The Jacobethan design of the building reflects late 19<sup>th</sup> century architectural tastes.

The windows and other ventilation details of Wilshaw Village Hall appear to be identical in design to those fitted at Meltham Church Memorial Schools, which also designed by John Kirk and completed just five years before. The opening ceremony was reported in the Huddersfield Chronicle on the 18<sup>th</sup> January 1868 and the windows were described as follows, *"All the windows are glazed with sheet glass in lead lights. The heating of the school is by hot air on Grundy's patent system, and the ventilation is from flues in the walls and patent iron casements in the windows for ingress of cold air and the egress of vitiated air is by a ventilating chamber above the collar beams in the roof and a large ornamental ventilator in the ridge."*

The existing windows retain the iron casements for the ingress of cold air. Sheet glass was invented in the mid-19<sup>th</sup> century and allowed for larger panes of glass to be made cheaply, such as those found in the building today. Approximately half of the windows panes have older glass with a characteristic ripple to it. This may be original. Evidence for the ventilating chamber can still be seen on the ridge of the Village Hall, it has now been truncated.

The application states that the windows were originally diamond leaded panes and therefore the original glazing may have been lost already. This is plausible, one such window was reportedly replaced above the main entrance with a double-glazed unit of a similar appearance. However, as no listed building consent application was made at the time this cannot be ascertained. The application also states that there is, *"some evidence in the stonework that some other form of opening window system was once used that may even have pre-dated the flap system."* Based on my site visit for application 2020/92896 and evidence from the contemporary account of the opening of Meltham Church Memorial Schools I have not given any weight to this theory.

Regardless of the authenticity of the glazing, the design of the windows incorporating ventilation reflects late 19<sup>th</sup> century public health issues and the paternalistic concerns of Joseph Hirst.

The level of detailing to the interior is good, particularly to the exposed timber roof structure, and this contributes to the architectural interest of the listed building.

In summary, the former school and school master's house forms part of an important group of historic buildings in the Wilshaw Conservation Area that illustrate the wealth generated by the textile industry in the mid-19<sup>th</sup> century and the philanthropy of enlightened industrialists.

#### *Impact of the proposed alterations*

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.

Policy LP 35 of the Local Plan requires that development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.

Paragraph 190 of the NPPF requires that the Local Planning Authority avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Case law (*The Forge Field Society & Ors, R v Sevenoaks District Council*) has established that the presumption in favour of preservation implies the need for a suitably rigorous assessment of potential alternatives.

#### Replacement of the existing single-glazed windows to the hall and kitchen with double-glazed windows

The existing windows make a positive contribution to the significance of the listed building as set out above. The windows have however been altered which has diminished their significance to a degree. Approximately 50% historic sheet glass remains with its characteristic distortions. Crudely detailed top opening casements have replaced the ventilating windows to the kitchen. Lower panes of glass have been replaced with opaque glazing to all windows.

Replacement of the windows would cause harm to significance of the listed building. The case officer has negotiated with the applicant to minimise that harm in accordance with paragraph 190 of the NPPF as part of application 2020/92896 and consent has been granted for a lead framed replacement option. A second application has now been made for a timber framed option.

The applicant has explored the option of retaining the existing windows and installing secondary glazing but this has been discounted on practical and aesthetic grounds. However, no evidence has been submitted from a supplier of secondary glazing indicating that these challenges cannot be overcome.

Secondary glazing would also have the benefit of insulating not just the glazed area but also the stone mullions and transoms.

The proposed replacement windows would have timber frames, with timber frames to the opening lights. This would result in a change of material from the existing windows, where the glazing is let directly into the stonework and separated by narrow metal glazing bars. The ventilation openings have metal frames.

The new windows would have double-glazed units 24mm thick, these would have a significant double-reflection effect and not replicate the appearance of the historic glass found in approximately 50% of the panes. The consented lead framed windows would have an outer pane of glazing replicating the appearance of traditional hand-blown glass, which breaks up the double-reflection effect.

The timber window frames would be significantly thicker than the existing direct glazing with metal framed ventilators. The frames would be 56mm deep for fixed lights and 80mm deep for opening lights. Accommodating frames of such thickness within the existing double chamfered mullions presents aesthetic challenges, as shown in Drawing 2 Section B:B and Drawing 3 (section unnamed) where the frame would project beyond the chamfer on the inside. The alternative would be to move the frame further to the outside, but this would result in the loss of any setback from the chamfered edge externally. The consented lead framed windows would be 33mm for fixed lights and 53mm for opening lights and could be accommodated with less harm to the appearance of the window.

The timber window frames would have significantly wider jambs, heads and bottom rail creating obvious sight lines compared with the existing windows which have no frames (except the ventilators) and are held in place with a narrow putty bead. The frames to fixed lights would be 34mm wide at the jambs and head and 44mm at the bottom rail. The opening lights would be 80mm wide at the jambs, 75mm at the heads and 94mm at the bottom rail. This would have a significant visual impact on the appearance of the listed building. The consented lead framed windows would be 25mm in width all around the frame to the fixed lights and 35mm to the opening lights.

The proposed glazing bars would be 22mm, this is similar to both the existing taking into account the putty pointing and the consented lead framed windows which also have 22mm glazing bars.

Opening lights would be top hung casements to the kitchen and side hung casements to the gable. The majority of the existing original windows to the front and rear elevations have one ventilated light, these are fixed in an inward opening position akin to a hopper style opening light. The existing kitchen has similar modern timber top hung casements similar to the proposed new windows. There are no opening lights to the gable end and no side hung timber casements of any significance within the listed building as whole (including the former school masters house). The proposed timber



windows would significantly alter the pattern of opening lights and introduce side hung casements to the gable end. Neither the applicant, nor the case officer has been able to identify a suitable hopper style window to replicate the design of the existing window system. The consented lead framed windows incorporated top hung metal openers, the placement of which is subject to a planning condition.

### Summary

Paragraph 193 of the NPPF requires 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.

On balance the proposed replacement windows would cause a high level of harm to the significance of the listed building. They would neither preserve nor enhance the designated heritage assets. The original window system would be replaced and characteristic historic glass would be lost. The replacement windows would be of different materials, have deep double-glazed units and thick frames that would have a significant visual impact on both the interior and exterior of the listed building. The pattern of opening lights would be changed and new forms of opening lights (side hung casements) would be introduced.

The proposals would cause slight harm to the significance of the Wilshaw Conservation Area, solely from the replacement of the historic window system and the characteristic historic glass. The level of harm to both the listed building and the conservation area would be less than substantial harm.

### *Justification*

Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

The replacement of the existing single glazed windows is justified by the applicant on the basis that the new windows would improve the appearance of the building, improve its energy efficiency and comfort and increase its appeal. Further justification for the works and evidence for the public benefits of replacing the windows was requested as part of the application 2020/92896 such as an energy survey, business plan or public consultation summary but none was provided. The timber window proposal is further justified by the applicant on the basis of cost and that the village hall extension and the attached schoolhouse already have timber framed windows and that therefore timber framed windows will also be an appropriate choice for the village hall.

That the windows would improve the appearance is disputed, since they are the original window system and could be repaired and repainted to improve their appearance. No assessment of the energy savings has been provided

and other means of achieving similar savings such as insulating the roof have not been considered. No evidence has been provided that the building is not appealing to potential users at present. No evidence of the differing costs has been provided.

Replacement windows would improve the comfort for users of the building and its energy efficiency, which are important considerations as the operation and maintenance costs of the building must be met by the Wilshaw Village Hall Trust, a registered charity. Financial information made available by the Charity Commission online (not submitted by the applicant) shows the Trust operating at a small surplus over the last 5 years of a few thousand pounds, but that is unlikely to provide for significant periodic maintenance and replacement without either grant funding, increasing letting income or reducing operating costs. Reducing the energy used to heat the building would also reduce its operational carbon emissions.

With regards to timber windows being used elsewhere in the listed building, the window designs differ on account of their differing function and aesthetics. The patron and architect of the building wished to provide a well-ventilated school hall for the benefit of its students to accord with the public health concerns of the day, which led them to the ventilated window system. With regards to aesthetics, the front elevation and west elevation are treated very differently, the school hall is single storey, whereas the school masters house is two storey, indicating that it was the architects intention to treat them differently. At the time of listing that difference in materials and design remained. It is therefore desirable to retain that distinction so far as is possible whilst balancing the need to allow the building to adapt to a lower carbon future. The listed building consent 95/9302 relating to the extension, required that all new window frames should be inward opening hopper frames to match the existing windows in the Village Hall.

The level of justification provided is not considered to be clear and convincing for the high level of harm that they would cause to the listed building.

#### *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.

Policy LP48 of the Local Plan requires that proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community.

Policy LP35 of the Local Plan requires that consideration should be given to the need to identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to

balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance

Wilshaw Village Hall is listed as an Asset of Community Value. The charitable purposes of the Wilshaw Village Hall Trust are to provide hall space and outdoor space for the village and surroundings as well as activities for all ages. The Trust has been in operation since 1982 and has recently acquired the freehold of the property. There are clear public benefits to the facilities and activities provided by the Wilshaw Village Hall Trust, which have been sustained for nearly 40 years. The proposed works would likely reduce operating costs for the Trust whether this would increase income from lettings is unknown. The replacement of the windows would reduce operational carbon emissions.

These public benefits are not considered to outweigh the high level of harm caused to the listed building but would outweigh the slight harm caused to the Wilshaw Conservation Area.

## **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.

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.

This application has been assessed against relevant policies in the development plan and other material considerations.

It is considered that the proposed alterations do not accord with the development plan and the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits of the alterations when assessed against policies in the NPPF and other material considerations in particular Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act.

## **Recommendation – REFUSE LISTED BUILDING CONSENT**

## Decision Authorisation - Delegated Powers

**Application Number:** 2021/90386

**Officer Recommendation:** REFUSE LISTED BUILDING CONSENT

### Conditions and Reasons

1. Alternative window designs, which would cause less harm to the significance of the listed building and achieve comparable energy savings, are available, suitable for the window openings and have been granted listed building consent subject to conditions (2020/92896). The application is therefore contrary to Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 190 of the NPPF.

2. Clear and convincing justification has not been provided for proposals that would cause greater harm to the significance of the listed building than those already approved. The application is therefore contrary to paragraph 194 of the NPPF.

3. Public benefits have not been demonstrated that would outweigh the less than substantial harm to the significance of the listed building. The application is therefore contrary to paragraph 196 of the NPPF.

Plans and specifications schedule: -

| Plan Type                               | Reference | Version | Date Received |
|-----------------------------------------|-----------|---------|---------------|
| Location Plan                           | YY100250  |         | 02/02/2021    |
| Proposed Windows Elevations             | Drawing 1 |         | 02/02/2021    |
| Detail of Main Hall and Kitchen Windows | Drawing 2 |         | 02/02/2021    |
| Detail of Main Hall Gable End Windows   | Drawing 3 |         | 03/09/2020    |
| Design & Access Statement               |           |         | 02/02/2021    |
| Heritage Statement                      |           |         | 02/02/2021    |

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 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:**

30/03/2021

