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:	2021/65/91824/W
Site Address:	132, Trinity Street, Huddersfield, HD1 4DT
Description:	Listed Building Consent for alterations to convert existing basement into two apartments (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – REFUSE 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 17-Sep-2021

Officer Report 2021/91824

Site Description

132 Trinity Street is a substantial stone-built semi-detached dwelling (the right-hand half of a pair) of two storeys with an attic and basement, built in stone with a blue slate roof. It has a small front yard and an extensive back garden. It is set in a residential area comprising dwellings of generally similar style and age, opposite Greenhead Park.

Description of proposed development

The proposal is for Listed Building Consent for alterations to an existing basement to form 2 no. 1-bedroom flats.

The external works would consist of:

- The formation of a new window and light-well to the front elevation on the left-hand side;
- The restoration of two infilled windows to the side elevation;
- The fitting of a new window in an existing opening to the rear on the right-hand side;
- A new rear entrance door to the rear below and to the right of the existing entrance door, at basement level;
- The formation of new external steps down to the basement to be constructed using the original steps up to ground floor;
- The formation of a steel staircase to ground floor from garden level in place of the existing stone steps.

Internally, the basement would be repartitioned to form a shared hallway and living space.

History of amendments

None.

Relevant Planning History

2020/90213, 90214: Conversion of dwelling to create house of multiple occupancy (HMO). Approved, not implemented. The permission applied to the ground and upper floors only. The basement was, on officers' advice, omitted from the final version of the scheme and left unconverted.

2020/93942 – Listed Building Consent for alterations to convert basement into two apartments (within a Conservation Area). Refused on the grounds of insufficient clarity and detail concerning the formation of the new rear entrance door and steps. No appeal.

2021/91823 – Alterations to convert existing basement into two apartments (Listed Building within a Conservation Area). Refused by Huddersfield Sub-Committee in accordance with officers' recommendation.

Representations
Final publicity date expires: 18-Jun-2021 (publicity by site notice and press advertisement).

No representations were 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 Planning Conservation & Design – Support in principle subject to window and door details.

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 within the Greenhead Park / New North Road Conservation Area on the Local Plan Proposals Map.

It is a Grade II Listed Building. Description:

> TRINITY STREET 1. 5113 (North Side) Highfield Nos 128 to 134 (even) SE 1316 33/1304 II 2. Mid C19. Hammer dressed stone. Pitched slate roof. Coped gables. 2 storeys. Modillioned eaves cornice. Raised quoins. 3 sashes each in plain raised frames on 1st floor. One sash each in moulded frame with moulded cornice on ground floor. Canted ground floor bays with sashes, moulded surrounds and moulded cornice, to No 128 (one) and No 134 (two). Doors with panelled jambs, moulded transoms, semi-circular fanlight, moulded voussoirs and anthemion cresting.

Kirklees Local Plan (LP):

- 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 20th July 2021, 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 16 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. This approach is supported by policy LP35 of the Local Plan.

2 – Impact on character and significance of Listed Building: The applicant proposes to extend the left-hand bay on the façade downwards at semi-basement level and insert a single window and a lightwell. Stone copings and a rendered or stone-faced retaining wall are proposed for the light wells. As this wall would only be visible from within the void and through the basement window this intervention is not considered to harm the significance of the listed building. In addition, the proposed wrought iron grill over the front lightwell is judged acceptable.

The new basement entrance to the rear would be accessed via the reconstructed stone steps, with a steel staircase with Victorian detailing and a slender balustrade proposed to access the ground floor doorway. In addition, a rear light well would be created to the rear, with simple metal balustrades

around both rear light wells which would reflect the Victorian character of the building.

Most aspects of the proposal would, in themselves, conserve the significance of the Listed Building. The internal works would not result in the loss of any historically important features. However, it is still considered that the removal of the dismantling of the existing external steps and their re-installation in a new position would harm the significance of the Listed Building. The degree of harm is considered very slight and would certainly amount to “less than substantial” harm. But even “less than substantial” harm must still be justified by a public benefit.

The Conservation Officer has taken the view that the benefits of bringing under-utilised space into use would, in this instance, outweigh the harm caused. Planning Officers are however entitled to take an opposing view, having considered all aspects of a proposal. In principle, bringing vacant floor space back into use can be a public benefit. In this instance it is not considered to be a public benefit since it would not result in the formation of living accommodation that would provide an adequate standard of living for future occupants, nor has it been demonstrated that the proposal represents the optimum viable use of the building. The reasons for this are set out in detail in the officer report to Sub-Committee for the associated planning application for conversion of the basement to two apartments, and in the reason for refusal.

It is considered therefore that the proposal would conflict with the aims of Policy LP35, NPPF Chapter 16, in particular paragraphs 200 and 202, and the Council’s obligations under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3 – Representations: No representations were made.

4 – 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 not constitute sustainable development and this is recommended for refusal.

Recommendation **REFUSE LISTED BUILDING CONSENT**

Decision Authorisation - Delegated Powers

Application Number: **2021/91824**

Officer Recommendation: Refuse Listed Building Consent

Conditions and Reasons

1. The removal of the existing steps would harm the significance of the Listed

Building. Whilst the degree of harm would be less than substantial, it has not been justified by a demonstrable public benefit as required by paragraphs 200 and 202 of the of the National Planning Policy Framework, since it is considered that the creation of two new apartments with severely substandard levels of amenity would not be a public benefit. It would therefore conflict with the aims of Chapter 16 of the National Planning Policy Framework, Policy LP35 of the Local Plan, and the Council's duty under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			06-May-2021
Supporting photographs			06-May-2021
Location plan	ZU/01		06-May-2021
Plans and elevations as existing and as proposed	ZU/02	C	06-May-2021
Planning and heritage statement			06-May-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. The applicant was not approached regarding amendments to the application because officers' view was that the planning issues could not be overcome through the submission of amended plans or other details. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

17-Sep-2021

Report Dated: dsfffsdf