

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2021/62/94671/W</b>
Site Address:	27, Elmwood Avenue, Huddersfield, HD1 5DA
Description:	Installation of roof lights and exterior alterations (Listed Building Within a Conservation Area)
Recommending Officer:	Tom Hunt

**DECISION – Conditional Full Permission**

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 25-May-2022**

## **Officer Report**

### **Site Description**

2021/94671 – 27, Elmwood Avenue, Huddersfield, HD1 5DA

The site is a two/three storey property located off Belmont Road just outside of the Huddersfield Town Centre within Greenhead Park/New North Road Conservation Area. The property is Grade II listed along with no.29 and forms one single building which has been divided up into two separate residential units. The property has a rendered finish to the north-eastern principal frontage containing a number of window openings. This had an informal but historically established footpath linking Belmont Street and Elmwood Avenue via a narrow access path which is now closed off. Its southeast elevation is rendered, potentially with render covering quoins appearing a blank elevation and the southwest elevation is rendered with no original architectural detailing features but with a small yard and a 1.5-storey original projection. Notably in 2011, this was described as stone with render finish. Pedestrian access can be gained to the rear of the property via Newhouse Place and along a footpath leading from Elmwood Avenue.

### **Description of Proposal**

Installation of roof lights and exterior alterations (Listed Building Within a Conservation Area)

#### **External alterations**

It is proposed to install two rooflights to the roof.

The northeast and southwest elevations would be lime rendered with the stone quoins remaining exposed on the northeast elevation. The capping stones would be removed, repaired and repointed when set back in the elevation. The uPVC window to the W.C on the rear projection would be replaced for a timber sash window and the timber window to the rear elevation serving a bedroom on the first floor would be repaired.

#### **Internal alterations**

It is proposed to subdivide the bedroom at the ground floor to three rooms serving a kitchen, ensuite and storeroom. A door would be inserted to the kitchen and also to the ensuite.

At first floor, two rooms would be subdivided to each have a bedroom and ensuite. An existing bathroom would have its door moved to serve a bedroom as an ensuite.

At second floor, the middle storeroom would be subdivided into three rooms, two shower-rooms and void. The shower rooms would have rooflights dedicated to the rooms and would serve two bedrooms (new door openings inserted).

This would serve a 6-bedroom property, with shared living/dining area, kitchen, storeroom. The bedrooms would have their own discreet ensuite/shower room facility. Apart from subdivisions and new doorway access installed, the original walls would remain in their position largely unaltered. Existing doors to be infilled would have their frames remain in situ with lightweight materials used to infill.

**Officer Note:** Plans indicate that the original projection serves as a half storey level W.C with access served by stairs from the first floor while between ground and first floor (shown on first floor plan). The window above the W.C on plans does not appear in order but would be approximately at the same position as the W.C door on floor plans.

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

Several revisions were necessary to secure Conservation & Design Officer's approval. These would be set out in the associated Listed Building Consent application 2021/94672 in full. A synopsis is added on main points. The Officer requested side elevations to be set out in submitted plans.

The amended plans were not republicized as these did not fundamentally change the development applied for.

### **Relevant Planning History**

94/90847 – Proposal: Listed Building Consent for Repairs and Renovation Works.

Decision: FC - Conditional Full Permission.

2011/93355 – Proposal: Change of use of dwelling to residential classification C4, house of multiple occupation (up to 6 people) (Listed Building within a Conservation Area). Decision: RF – Refused.

**Officer Note:** Refused on parking availability and highway safety, does not benefit from off-street parking and is in an area where parking is oversubscribed.

2012/90567 – Proposal: Change of use of dwelling to residential classification C4, house of multiple occupation (up to 6 people), and partial demolition of wall (Listed Building within a Conservation Area). Decision: FC - Conditional Full Permission.

**Officer Note:** Parking was supplied to the rear of the site with a cycle store which addressed concerns and in addition the sustainable location of the site was considered to, on balance, mitigate against harmful impacts.

2016/90652 – Proposal: Listed Building Consent for installation of roof window (within a Conservation Area). Decision: CG - Consent Granted.

2021/94672 – Proposal: Listed Building Consent for internal and external works (Within a Conservation Area). Decision: Pending.

## **Representations**

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 27/02/2022

Site Notice Expired: 21/02/2022

Publicity expired: 04/02/2022

Two representations have been received; a summary of the comments received is set out below and were on the originally proposed plans as amended plans were received post representations:

- Listed Building – negative comment on giving permission on new skylights and as it was a family home historically, it should remain in use as such.

**Officer Note:** The installation of skylights will be assessed further. The property has previously been given permission in application 2012/90567 as an HMO.

- Land ownership – Ownership disputed; half the back garden is not correctly marked out on plans as are in deeds. Permission not granted for building on.

**Officer Note:** The Design and Access Statement notes that under 'Boundaries' that the property boundaries are in line with the title deed for the site. Boundary disputes are outside planning control, with the application form stating the applicant is the owner of land outlined in red. There is no documentary evidence to dispute this. Planning Permission would not override private rights of access over land in the control of the applicant

- Use – plans indicate use as House of Multiple Occupation which is objected against citing impacts of 5 cars, parking and noise/litter pollution. It is a family area and should remain so. Previous use as HMO had complaints and issues.

**Officer Note:** There is no change of use proposed under this application. It only proposes operational development and interior reorganisation of the property. The use as HMO for up to 6 persons had already been given permission in application number 2012/90567 and the internal arrangement once again shows 6 bedrooms. Parking arrangements were considered acceptable in application number 2012/90567 (noted in Relevant Planning History) and no changes to this arrangement are proposed.

- Parking – Newhouse Place highway is inadequate for parking with narrowness and bottlenecks

**Officer Note:** The use as HMO had already been given permission in application number 2012/90567. The use is not intensified remaining as a 6-bedroom property and is in a sustainable location well supported by public transport.

**Officer Note:** There is no change to the HMO use or intensified use of the property through additional bedrooms and as such the Planning Officer has to limit the Assessment on what is proposed which is external and interior alterations only.

### **Consultation Responses**

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

- Conservation & Design – Following formal consultation and revisions, internal alterations are more sensitive than originally proposed with reversible stud walls and new single door openings. Externally the cementitious render is to be removed with lime render.

### **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 27<sup>th</sup> February 2019).

The site is in the Greenhead Park/New North Road Conservation Area on the Kirklees Local Plan. It is within a Bat Alert layer and a High-Risk Coal Area.

#### **Kirklees Local Plan (LP):**

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**

#### **Supplementary Planning Guidance**

- House Extension and Alterations SPD
- Highways Design Guide SPD

#### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF)

published 20<sup>th</sup> July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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.

- Chapter 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- 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 visual amenity (including any heritage considerations)
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters – e.g., trees/ecology (e.g., bats)
- 6) Representations
- 7) Conclusion

#### 1 – Principle of development:

The site is located within Greenhead Park/New North Road Conservation Area. Therefore, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This is mirrored in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 states “development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”. This harm will be assessed and discussed later in the report.

As stated above, the building is a Grade II Listed Building. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This is also reiterated within Policy LP35 of the Local Plan.

Alongside this, LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is also relevant and states that “good design should be at the core of all proposals in the district”.

## 2 –Impact on visual amenity and historic amenity:

In terms of the impact of the two proposed rooflights on visual amenity, the conservation style rooflights would be on the south roof elevation of the Listed Building and not visible from Belmont Street which would reduce its visual impact being not easily viewed from the highway. It would be viewed from the Elmwood Avenue however it would be regarded as a visually sensitive addition in the restrained use of conservation style rooflights detailing for the host.

The exterior re-rendering would be of a lime render by removing the cementitious render which is non-original and of poor condition. Visually the use of lime render would aid in an improved aesthetic with slight variations in colouring, softer edges and weathering differently gradually eroding whereby a cementitious render would fail in patches and be blown, detaching from the wall more easily and be more sharply defined. Officers are satisfied that this could be secured by condition to aid development.

The capping stones will be removed and repaired to be repointed with lime mortar and the windows to have an unauthorised uPVC frame to the rear projection on the southwest projection be replaced for timber frame and the window to the first-floor southwest elevation to have its modern and harmful repairs made good. Notwithstanding the submitted window frame section plan which sets out a plain window detail, Officers are satisfied that a condition requiring the full window details of a replacement sash window to be submitted to the Local Planning Authority will secure visual and historic amenity to the Listed Building. This is proposed on the allied listed building consent. The repairs and replacements would be sympathetic visually serving to have a cohesive and coherent design in its fenestration and capping stones. Conditions and footnotes will be attached to the allied listed building consent.

In terms of the impact on the Listed Building and the Conservation Area, Conservation and Design Officers were formally consulted regarding the development.

Paragraph 200 of the NPPF requires clear and convincing justification for any harm to the significance of a designated heritage asset from development within its setting, and paragraph 202 requires this harm to be weighed up against the public benefits of the proposal. LP35 requires proposals to maintain local distinctiveness and preserve and enhance the significance of heritage assets. As such, details of the public benefits of the scheme were requested from the applicant, along with any mitigation measures that could be put in place if the benefits do outweigh the harm.

The Conservation & Design Officer considers that the historic property would have its currently harmful, external cementitious render removed to be sensitively re-rendered in lime render offering great public benefit in aiding permeability and breathability of the building and rectifying the damage the previous cementitious render had conferred to the building. In addition, the repair of capping stones and window and the replacement of a uPVC window for a timber sash window secured by condition on the listed building consent would be a public benefit visually improving and making the primary and rear elevations be suitably coherent and improving its longevity rectifying contemporary harmful alterations/repairs. The small loss of irreplaceable, historic fabric to the roof for the conservation style window would be outweighed by the removal of harmful cement render, repair to the elevations and the lime rendering to the external walls of the host building over a significantly larger surface area aiding the building to be in sustainable and continued use for future generations.

The proposal, due to its external improvements in render, repair of windows and capping stones and replacement of a modern addition to the property, would ensure that Officers be assured that sufficient justification in public benefits has been submitted to outweigh the minor harm to the listed roof fabric through the installation of conservation style windows and therefore has an acceptable impact on visual amenity, the listed features of the wall and host listed building and on the Greenhead Park/New North Road Conservation Area in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

### 3 – Impact on residential amenity:

The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to *“provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.”*

Given that no changes to openings to wall elevations of the historic building are proposed and that the two conservation rooflights would be at 2m height from the floor level restricting views, with a condition to be applied on the replaced W.C. window retaining the obscure glazing, Officers are satisfied that no detrimental impacts on overlooking, overshadowing and overbearing would result. The use of the building would remain unchanged and thus there is no planning permission required for the internal reconfiguration of the building.

### 4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan and Principle 15 – Provision for parking and Principle 16 – Provision for waste storage of the adopted 'House Extension and Alterations SPD' have been considered along with the KC Highway Design guide.

The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The proposed development would not intensify use remaining to be a 6 bedroomed property which had been given prior permission in application 2012/90567 and therefore would not cause additional harm to highway safety.

## 5 – Other matters:

### *Climate Change*

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, House Extension and Alterations SPD and guidance documents to embed the climate change agenda.

Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development. The proposed works are for the installation of conservation style rooflights and the repair of historic fabric and the replacement of detrimental modern additions supporting the continued use of a historic building, which is positive in terms of use of embodied carbon. The replacement of render, uPVC window and repair of historic windows would aid in an historic building to breathe properly resulting in a building with reduced damp issues while using natural materials. The proposals also see the improvements to the building which will improve the overall thermal performance and of the building, which should reduce the amount of heating and energy use required. The HMO would remain in use close to sustainable transport and aid in supporting occupants in making low carbon transport choices due to proximity.

### *Biodiversity*

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest with the insertion of two rooflight windows and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward.

## 6 – Representations:

Two representations had been received and addressed in the Report.

## 7 – 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**

**Approve**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2021/94671

**Officer Recommendation:** Approve

**Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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, to preserve the significance of designated heritage assets and to accord with Policies LP01, LP02, LP35 and LP24 of the Kirklees Local Plan, and Policies within Chapters 12 and 16 of the National Planning Policy Framework

**FOOTNOTE:** Any paints shall ensure they are permeable, and none plasticised to ensure the movement of moisture.

**FOOTNOTE:** There shall exclusively be no use of cement or concrete in any of the proposed works to the host building.

**FOOTNOTE:** In relation to the infilling of existing interior doorways/door frames. The existing frames shall be retained in situ and the doorway infilled using a lightweight material.

**FOOTNOTE:** Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

**FOOTNOTE:** Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**FOOTNOTE:** The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct

access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plans – Location Plan	Location Plan. Project Reference: ODS 21/486. Drawing No. (EX)002. Revision: -	-	20/12/2021
Plans - Grouped Plans and Elevations	Existing GA. Project Reference: ODS 21/486. Drawing No. (EX)001. Revision: A.	A	19/05/2022
Plans – Existing Site Sections	Existing Sections. Project Reference: ODS21/486. Drawing No. (20)003. Revision: - .	-	17/02/2022
Plans - Grouped Plans and Elevations	Proposed GA. Project Reference: ODS 21/486. Drawing No. (20)001. Revision: D.	D	19/05/2022
Plans – Proposed Site Sections	Window Detail. Project Reference: ODS 21/486. Drawing No. (70)001. Revision: - .	-	26/04/2022
Supp Info – Design and Access Statement	Design and Access Statement. Orange.	-	20/12/2021
Supp Info - Conservation/Heritage Statement	Heritage Statement: 27 Elmwood Avenue.	-	17/02/2022

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 with the support of the Conservation & Design Officer undertook extensive negotiations with the

applicant to secure amended plans to ensure the scheme minimised the impact on heritage to a Listed Building and the Conservation Area.

**Report Dated:** 19/05/2022