

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:	2022/65/91433/W
Site Address:	15, Edgerton Road, Huddersfield, HD3 3AA
Description:	Listed Building Consent for replacement windows and door (within a Conservation Area)
Recommending Officer:	Sebastian Pickles

DECISION – Listed Building Consent Refused

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: 01-Jul-2022

Officer Report

Site Description

No. 15 Edgerton Road, Listed at Grade II is a large, detached dwelling. The building is on a prominent corner location within the Edgerton Conservation Area. The building is located on the corner of Luther Place and Edgerton Road. While the building does benefit from some buffering in the form of hedging and the surrounding stone boundary wall, the building holds a strong presence in the street scene.

The building is of the mid-19th century, constructed in fine ashlar to the principal elevation fronting Edgerton Road and coursed stone the sides and rear elevation. The building is of a double pile, with a slight stepping. The windows are mainly of a 1 over 1 sliding sashes with some historic float glass. There are some fixed lights to the northern elevation which includes a decorative stained-glass window with lead canes. To the southern elevation there is one casement stile window and in central first floor is an elongated curved head landing window. The roof is finished in pitched stone slates and has stone consoles to the eaves.

Description of Proposal

The applicant proposes the replacement of the existing windows and rear door with UPVC windows.

History of negotiations / amendments received

Upon receipt and assessment of the application concerns were raised with the agent, emailing on 18.05.2022, setting out that the applicant would not be supported in current form with the replacement of the existing windows with UPVC frames. The agent was given the opportunity to withdraw and resubmit and consideration should be given to modest improvements to the existing frames which are in a good state of condition.

The agent responded on 19.05.2022 suggesting aluminium frames as an alternative. A response was provided on 19.05.2022 setting out that aluminium would not be supported as it would still lead to the loss of the existing frames and windows which contribute to the character and significance of the building. Further comments were provided setting out that insufficient assessment has been made for the significance of the existing windows.

Further opportunity was provided to the agent to reconsider the application and withdraw the application which would not be supported. Reply was received from the agent to determine the application on the basis of the information submitted

Relevant History

None.

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.

As this application is not supported, climate emergency requirements are not relevant on this occasion.

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 were received:

Date site notice expired: 08/06/2022

Publicity expiry date: 05/06/2022

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 July 2021, 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 applicant proposes the replacement of the existing timber windows and rear door with UPVC frames.

No. 15 Edgerton Road, Listed at Grade II is a large, detached dwelling. The windows are mainly of a 1 over 1 sliding sashes with some historic float glass. There are some fixed lights to the northern elevation which includes a decorative stained-glass window with lead canes. The stain glass window while being a fixed light does form a part of character of the building. To the southern elevation there is one casement stile window and in central first floor is an elongated curved head landing window. The existing windows are single glazed and many of the windows do include historic float glass, which is evident from the uneven and ripple finish to the glazing. Most of the existing windows are considered to be of historic merit and significance to the building and the loss of the windows

The Heritage Statement states that the proposal is to replace the existing windows with off white uPVC sash windows. The existing leaded light windows are to remain intact. There is no detail provided to show that the existing windows are beyond economical repair and heritage statement sets out the existing windows are in fair condition. It further states that the existing are thin single glazed and do not fit properly allowing air through gaps allowing heat loss. The application has not demonstrated that the repair of the existing windows has been considered or justified their replacement with the proposed types. The loss of the existing windows, which are considered of merit and contribute the character and significance of the Listed building would have a harmful and negative impact to the Listed Building and Conservation Area.

Therefore, this application is recommended for refusal.

Conclusion

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.

Paragraph 199 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 200 of the NPPF states that ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from

development within its setting), should require clear and convincing justification.'

Paragraph 202 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."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy LP35 of the Kirklees Local Plan states 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.'

The proposal to replace the existing historic windows with modern replacements does not preserve or enhance the character and appearance of the conservation area.

The loss of the existing historic windows and replacement with a modern alternative, will harm the significance of the listed building and erode its architectural interest. It will also harm the character of this part of the conservation area, which is characterised by large, well-designed villas with bespoke detailing.

This application has been assessed against other relevant policies in the development plan and other material considerations. The public benefit of bringing the accommodation up to standard does not outweigh the less than substantial harm to the listed building and conservation area and the application is therefore recommended for refusal.

Recommendation Refuse Consent

Decision Authorisation - Delegated Powers**Application Number:** - 2022/91433**Officer Recommendation:** Refuse Consent**Reason for Refusal**

The applicant has failed to demonstrate that the proposed works are wholly necessary and has not demonstrated public benefits which outweigh the less than substantial harm caused to the listed building through the replacement of the historic existing timber windows and door with UPVC frames. The proposal fails to comply with paragraph 202 of the National Planning Policy Framework which requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The replacement of the windows will not preserve the building or features of architectural and historic interest which it possesses, as required by Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act and Policy LP35 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Proposed replacement windows & rear door – Elevations showing positions of new windows	No.1K/2905/2		28/04/2022
Proposed replacement windows & rear door – Plans Showing position of new windows	No.1K/2905/1		28/04/2022
Horizontal section through top sash	Evolves VS window		28/04/2022
Heritage Statement	Artech Design		28/04/2022

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 applicant was advised that the replacement of the existing historic windows would be unacceptable due to the harm this would cause to the significance of the listed building and character of the conservation area. The applicant asked for the application to be determined on the basis of the submitted details.

Report Dated:

30.06.2022