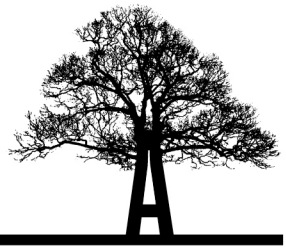
PLANNING REPORT

Site Name : 21 Bath Street,

Site Location : Huddersfield, HD1 5BQ.

Combined Planning, Heritage and Design & Access Statement in support of a planning application for the conversion of a basement into 1 no. apartment.



On behalf of

Mr S. Hemmings.

March 2023

Job Number C/0383/1

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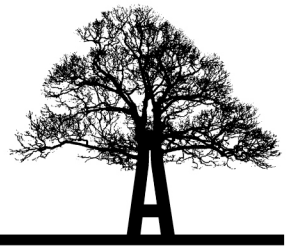

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1 Previous Appeal Decision.

1. Introduction.

1.1. Background

1.1.1. Acorn Planning Limited are instructed by Mr S. Hemmings. This statement, which comprises a combined Planning Statement, Heritage Assessment and a Design & Access Statement, has been prepared in support of a planning application for the change of use of a basement into a separate apartment dwelling, including the formation of an increased lightwell and an associated carpark space, at 21 Bath Street, Huddersfield.

1.1.2. This statement will go on to demonstrate that the proposal addresses issues identified at a previously dismissed appeal for the development, and is now fully compliant with National Guidance and Local Development Plan policy.

1.2. The Site and its surroundings

1.2.1. The application property, 21 Bath Street, is an existing terraced dwelling dating back to the mid 1800s. This is a 0.015ha mid terrace plot, at the south side of Bath Street, which is a residential street predominantly characterised by mid 19th century terraced dwellings.

1.2.2. The surrounding area, located to the north west edge of Huddersfield town centre, is predominantly characterised by a regimented housing layout of mid Victorian era terraced dwellings, with quite generous hard standing/ amenity areas to the rear, (which are directly accessed from Rook Street to the south). The application site, however, directly fronts on to two far more recent dwellings. There is also a contemporary development, the 3 storey Roseda House (which also has a basement level), some 150m east on the same side of Bath Street to the appeal site, nearer to the junction of Bath Street and St John's Road. Many of the other Victorian era properties in the immediate locality have been subject to extensive extension and modernisation, particularly to their rear aspect, and many have lightwells and basement windows.

1.2.3. The application site falls within the boundary of the Huddersfield Town Centre Conservation Area, which was designated pre 2007.

1.2.4. Image 1 below shows an approximate site boundary on an aerial photograph base. A site location plan at 1:1250 scale is included as Plan 1. The site location plan shows the extent and location of the proposal/application site edged in red.

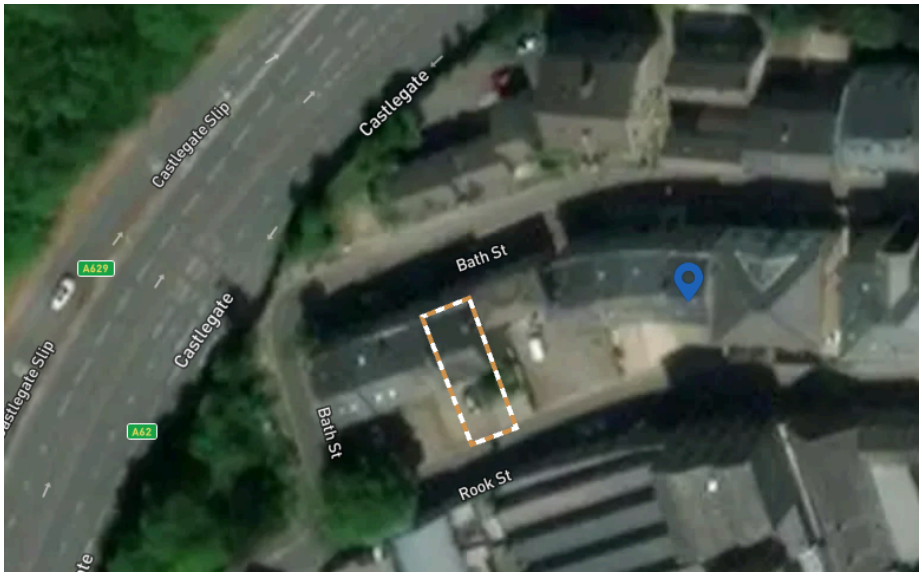


Image 1 – Aerial view of the application site.

1.3. Description of the Development.

1.3.1. The proposed development is the conversion of the basement level into a self contained apartment dwelling, with the associated formation of an increased lightwell, along with a carpark space to the rear .

1.3.2. Images 2 below show the existing front and rear aspect of the proposal site.





Images 2 – view of the front (from Bath St) and rear (from Rook St) aspect of the application property.

1.4. Planning History.

1.4.1. A previous application (ref 2021/62/94460/W) with the same (or very similar) description was submitted to the Council and validated on 10th December 2021. A notice of refusal was issued on 17th March 2022, and the refusal was subsequently appealed (Appeal ref APP/Z4718/W/22/3298281). A decision letter was issued on 13th September 2022, dismissing the appeal (attached at Appendix 1).

1.4.2. In deciding that appeal, Inspector F Wilkinson, (Bsc (Hons), MRTPI) identified two main issues:

1. whether the proposed development would provide acceptable living conditions for future occupiers with regard to outlook and levels of light; and

2. the effect of the proposed development on the character and appearance of the host property and area, including the Huddersfield Town Centre Conservation Area.

1.4.3. In respect of the second issue, Inspector Wilkinson found (at paras 11 and 13 of the decision letter, with my emphasis):

*"From the submitted evidence and my site visit observations, several of the properties on Bath Street have lightwells to the front. While a number of these are smaller than that proposed, there are examples of lightwells that take up a similar proportion of the frontage of the host property. The lightwell would not therefore appear as an incongruous feature in the street scape of Bath Street. I also observed basement windows with lightwells in nearby areas within the Conservation Area such as Fitzwilliam Street. The lightwell, while being wider than several of those that I observed, would not therefore be an uncharacteristic feature of the wider area…. **I conclude that the proposed development would not harm the character and appearance of the host property or the area, and it would preserve the character and appearance of the Conservation Are**a."*

1.4.4. In respect of the first issue, however, Inspector Wilkinson found (at paras 5 and 6 of the decision letter, with my emphasis):

"The bedroom and office to the front of the property would face generally north and the living area to the rear would face generally south. For the same reasons as set out above, ***I am not convinced that the proposed development would provide adequate levels of light for occupiers.*** *Although the windows would allow some daylight and sunlight penetration, based on the submitted evidence, I am not persuaded that light would reach all of the living accommodation. This would be especially the case for the bedroom and office given their orientation, and the kitchen space given its location to the rear of the room and the size of the window that would serve this area. It is therefore likely that artificial light would be required for much of the day to undertake many of the usual household tasks….I therefore conclude that, on the basis of the evidence before me,* ***the proposed development would not provide acceptable living conditions for future occupiers with regard to outlook and levels of light****."*

1.4.5. Inspector Wilkinson's reasons for dismissing the appeal were therefore that the development would not provide acceptable living conditions for future occupiers with regard to outlook and levels of light.

1.4.6. In identifying other benefits of the scheme, Inspector Wilkinson summarises these at para 14 of the decision letter:

"…the proposal would make a small contribution to the supply of housing, consistent with the Government's objective to significantly boost the supply of homes, in a location within the town centre and close to public transport. In addition, it would provide a type of accommodation identified in the 2016 Kirklees Strategic Housing Market Assessment as being required in the area. However, given that the proposal is for one dwelling, these benefits would be relatively limited and as such have limited weight.`"

1.4.7. s.70A of the 1990 Town and Country Planning Act addresses a Local Planning Authority's powers to decline to accept any re-submission. The courts have held that the power to refuse to consider a second application in similar terms to the first is one that should only be used in narrow circumstances such as a situation where the applicant is misusing the right to apply for planning permission by attempting to exert pressure on the planning authority: *R. (on the application of Jeeves) v. Gravesham BC [2006] EWHC 1249 [2006], J.P.L. 1743.*

1.4.8. This application presents a genuine and reasonable resubmission of a revised scheme seeking to address the previous appeal Inspectors concerns regarding outlook and levels of light, supported by a Daylight & Sunlight Assessment report ("DSA", EAL Consult, February 2023). The DSA report has been prepared to determine whether the proposed dwelling unit will provide residential accommodation considered acceptable in terms of daylight and sunlight. It includes a detailed assessment of daylight quantity and distribution, as well as sunlight availability, have been undertaken for the relevant habitable rooms.

2. Planning Policy.

2.1. Planning Framework.

2.1.1. The following sections will provide an analysis of key policy issues that impact on this proposal.

2.1.2. For the purposes of this application, the relevant development plan is the National Planning Policy Framework (NPPF, "The Framework") July 2021 and the adopted Kirklees Local Plan February 2019 ('KLP"). The KLP predates the more recent iteration of the Framework (of July 2021).

2.2. Delivering a sufficient supply of housing.

2.2.1. NPPF paras. 60 and 62 recognise that:

> *"60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
>
> *"62 Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*

2.2.2. Issues relating to the determination of this application.

2.2.3. The previous appeal Inspector acknowledged that *"the proposal would **make a small contribution to the supply of housing**, consistent with the Government's objective to significantly boost the supply of homes,"*

2.2.4. During the period over which the previous application was decided, on 14th January 2022, the government published the 2021 Housing Delivery Test results. The Kirklees result for the three years to 2021 is 87% which is above the threshold for passing the test but as delivery is below 95% this means an Action Plan is required.

2.2.5. One of the key actions identified in the resulting Kirklees Housing Delivery Test Action Plan July 2022 is "*Exploring opportunities for residential uses within town centres through Huddersfield and Dewsbury Blueprints and the progression of the Huddersfield Town Centre Living Plan.*". As confirmed by the appeal Inspector, *"the proposal would make a small contribution to the supply of housing, consistent with the Government's objective to significantly boost the supply of homes,* ***in a location within the town centre*** *and close to public transport.".* To this end the application proposal is considered to strongly align with this agreed action in the Housing Delivery Test Action Plan.

2.3. Promoting sustainable transport.

2.3.1. NPPF para 110 requires that in assessing applications for development, it should be ensured that (inter alia):

"a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;"

2.3.2. Issues relating to the determination of this application.

2.3.3. The consultation response received from the Councils Highways Department on 18th January 2022 to the previous application confirmed *"The site within the recognised centre of Huddersfield, approximately 400m from the main railway station. The location is close to many local amenities and public transport links and is considered to be in a sustainable location; nearby streets are protected by traffic regulation orders."*

2.3.4. As confirmed by the appeal Inspector, *"the proposal would make a small contribution to the supply of housing, consistent with the Government's objective to significantly boost the supply of homes, in a location within the town centre and* ***close to public transport****.".* The Inspector and the previous Highways response above view confirms that the proposed apartment would be sustainably located, allowing non car based trips to access essential services and commute.

3. Material Considerations relevant to this application.

3.1. Living conditions – outlook and daylight.

3.1.1. The sole grounds for the previous Inspector dismissing the previous appeal, and the main focus of this revised submission, is to overcome Inspector Wilkinsons findings that "*… on the basis of the evidence before me, the proposed development would not provide acceptable living conditions for future occupiers with regard to outlook and levels of light.*".

3.1.2. The current application is a genuine and reasonable resubmission to address the previous Inspectors grounds for dismissing the appeal, primarily through addressing the perceived **failure to evidence** that the scheme will provide acceptable living conditions for future occupiers with regard to outlook and levels of light.

3.1.3. In order to clearly evidence the above, a revised scheme has been designed and assessed by way of an up to date Daylight & Sunlight Assessment report.

3.1.4. The methodology set out in this report is in accordance with BRE's 'Site Layout Planning for Daylight and Sunlight' (BR209, 2022), which is accepted as good practice by Planning Authorities. In June 2022 a new version of the Guidelines was published, which changes the criteria and methodology to assess daylight and sunlight within newly proposed schemes. However, the aim of the new guidance is the same as the old one, which is "to help ensure good conditions in the local environment considered broadly, with enough sunlight and daylight on or between the buildings for good interior and exterior conditions", as stated in Paragraph 1.5 of the new guidance.

3.1.5. While the Design & Access section of this report will assess general design matters in more detail, the specific changes to the previous application are:

- The front lightwell has been significantly increased in size to form a sunken garden, so as to greatly increase the outlook and natural light levels
- The front window has been enlarged, in a style to match other properties on the street, again to increase the outlook and natural light levels.
- The rear lightwell has been increased in size to include the area adjacent to the existing access steps. This is intended to open up the outlook and increase natural light levels.
- This enlarged lightwell will be generally finished with paving, with the sloping area completed to form an element of sunken garden as above.
- The rear entrance door has been replaced with a fully glazed version and the rear window has been increased in size. This again is to provide increased outlook and natural light levels into the property.
- Fully glazed internal doors have been added to increase light transfer around the interior of the apartment.

3.1.6. An assessment of daylight & sunlight into rooms within the proposed development has been carried out. This is to ensure future residents will benefit from the well-being of adequately daylit rooms. This included the calculations of Target Daylight Factor Levels for each habitable room (kitchen, living room and bedrooms).

3.1.7. The assessment of daylight and sunlight to the proposed apartment dwelling, indicates that the target daylight factor of the residential unit at basement level meets the recommended values set by BRE for all habitable rooms.

3.1.8. It must be taken into account that the previous appeal Inspector did not have the benefit of technical evidence by way of a Daylight and Sunlight assessment, and hence the decision to dismiss the appeal on concerns over living conditions in relation to daylight must have been to some degree a subjective view.

3.1.9. Overall, the design has sought to strike the best possible balance taking into account the site constraints and the existing building layout and location of windows.

3.1.10. Outlook is a qualitative and subjective matter, although lightwells do not result in an inherently poor outlook as some of the examples below illustrate:







Images 3 – examples of light well "gardens".

3.1.11. The applicant would be entirely willing to accept a condition requiring agreement of a similar scheme of planting and landscaping in the proposed lightwell.

4. Heritage Impact Assessment.

4.1. Introduction.

4.1.1. This Heritage Assessment accompanies the planning application for the conversion of a basement into 1 no. apartment. It has been produced using the Historic England's Conservation Principles, Policies and Guidance (April 2008) and Advice Note 10: Listed Buildings and Curtilage (February 2018). A site survey was undertaken on 3 March 2023.

4.1.2. Information on the history of the site has been drawn from a number of sources. The list of sources used in the preparation of the report is presented on p.30.

4.2. Heritage Designations.

4.2.1. The locations of Designated Heritage assets in proximity to the application site are shown below:



Fig 1. Location of the appeal site (dotted in red) in relation to the Conservation Area boundary and Grade II Listed 9 Bath St (dotted in green).

4.2.2. Some 100m to the east of the appeal site on the same side of Bath St lies the Grade II Listed 9 Bath St, formerly the Huddersfield Hall of Science. (List Entry no. 1134411) The statutory listing description is as follows;

"1839. Originally called the Huddersfield Hall of Science. The foundation stone was laid by Robert Owne. Later used as the meeting place of the local chartists led by Feargus O'Connor. York stone, the facade dressed, the returns random-coursed rubble; three storeys (formerly two storeys but Hall divided horizontally without affecting fenestration); central pedimented block slightly advanced; five sash windows with glazing bars, the central with arched head, plain architrave, extrados and keystone; plain rectangular panel the pediment with apron-pieces and defaced inscription; central doorway at first floor level with plain architraves, slight cornice hood, rectangular barred fanlight and six-panelled door; stone steps and later wrought iron handrails; ground floor has two plain doorways with panelled doors and fanlights; string course; blocking course, parapet and moulded cornice; slates.".

4.2.3. The application site falls within the boundary of the Huddersfield Town Centre Conservation Area, which was designated pre 2007. No Conservation Area appraisal or management plan has been prepared by the Council, although one would surmise that it is the railway viaducts and station, along with the indoor market quarter to the south east of the appeal site, all fine examples of mid victorian municipal architecture, that forms the heritage core of this conservation area.

4.2.4. Given the proposal site lies within the conservation area boundary, and potentially impacts on the setting of the Grade II Listed 9 Bath St, this heritage assessment has been undertaken to assess impacts on the setting of this designated heritage asset.

4.3. Planning Policy and Guidance – Heritage Setting.

4.3.1. National Planning Policy Framework 2021 ("NPPF") – Conserving and Enhancing the Historic Environment.

4.3.2. Chapter 16 of the NPPF (2021) states the following in paragraph 199;

> *"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."*

4.3.3. NPPF also states the following in paragraph 202;

> *"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."*

4.3.4. The Planning (Listed Building and Conservation Areas) Act 1990.

4.3.5. The Planning (Listed Building and Conservation Areas) Act 1990 ("the Listed Building Act") requires decision makers to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

4.3.6. The statutory duty is reflected in the policies in the the adopted Kirklees Local Plan February 2019, the most relevant policy being Policy LP35, "Historic Environment" .

4.3.7. Adopted Kirklees Local Plan February 2019.

4.3.8. KLP Policy LP35, "Historic Environment", provides (inter alia):

"1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met:

a. the nature of the heritage asset prevents all reasonable uses of the site;
b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
d. the harm or loss is outweighed by the benefit of bringing the site back into use.

3. 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:

a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;
b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;
c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;
d. 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;
e. accommodate innovative design where this does not prejudice the significance of heritage assets;"

4.4. Heritage Setting Guidance.

4.4.1. Heritage Setting guidance is proved in the Historic England Good Practice Advice in Planning Note 3 (Second Edition).

4.4.2. The Good Practice Advice states that its purpose is to provide information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the NPPF and the related guidance in the national Planning Practice Guide (PPG).

4.4.3. It states that it should be read in conjunction with Good Practice Advice notes 1 (The Historic Environment in Local Plans) and 2 (Managing Significance in Decision-Taking in the Historic Environment). This good practice advice acknowledges the primacy of the NPPF and PPG, supporting the implementation of national policy, but does not constitute a statement of Government policy itself, nor does it seek to prescribe a single methodology or particular data sources.

4.4.4. Guidance – Settings and Views.

4.4.5. Part 1 of the Historic England Guidance, 'Settings and Views', refers to NPPF Glossary; 'Setting of a heritage asset' which describes 'setting' as follows;

- *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
- *A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*
- *Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.*

- *The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.*

4.4.6. The Guidance recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to the complexity of the case, from straightforward to complex:

Step 1: Identify which heritage assets and their settings are affected.

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated.

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it.

Step 4: Explore ways to maximise enhancement and avoid or minimise harm.

Step 5: Make and document the decision and monitor outcomes.

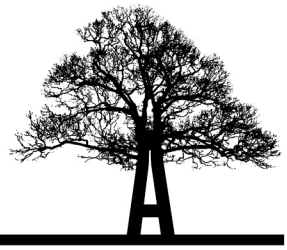
4.4.7. The Guidance states the following;

'Development proposals involving the setting of single and less significant assets and straightforward effects on setting may best be handled through a simple check list approach and can usefully take the form of a short narrative statement for each assessment stage'.

4.4.8. The Guidance suggested checklist, considers the significance of the heritage asset itself and then the contribution made by its setting as follows;

The asset's physical surroundings;

- Topography
- Aspect
- Other heritage assets (including buildings, structures, landscapes, areas or archaeological remains)
- Definition, scale and 'grain' of surrounding streetscape, landscape and spaces
- Formal design e.g. hierarchy, layout
- Orientation and aspect
- Historic materials and surfaces
- Green space, trees and vegetation
- Openness, enclosure and boundaries
- Functional relationships and communications
- History and degree of change over time



4.5. Case Law on Setting of Conservation Areas and Designated Heritage Assets.

4.5.1. I consider it useful to state the current legal position regarding issues relating to impact on the setting of designated built heritage assets in planning decisions.

4.5.2. The High Court recently handed down judgment in R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899. Her Honour Judge Belcher found for the Claimant on all grounds of challenge. In doing so, the Learned Judge clarified a number of important points concerning heritage policies.

4.5.3. In that decided case, the site was within the setting of the Haworth Conservation Area, albeit not within the Conservation Area itself. Thus **it was agreed that the duty within s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not apply, but national and local policy concerning the setting of heritage assets did apply.**

4.5.4. In addressing harm, the Court held there are only 3 categories of harm:

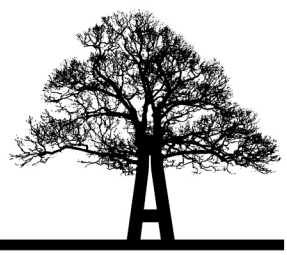
"34. In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm …"

4.5.5. Hence the Court determined that even limited or negligible harm was enough to fall within the bracket of 'less than substantial harm'.

4.5.6. In relation to degrees of harm and planning judgement, the Court determined:

"34…. It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial. There is no intermediate bracket at the bottom end of the less than substantial category of harm for something which is limited, or even negligible, but nevertheless has a harmful impact. The fact that the harm may be limited or negligible will plainly go to the weight to be given to it as recognised in Paragraph 193 NPPF."

4.5.7. It is therefore clear that while most harm will fall within the category of "less than substantial harm", it is the weight that is given to limited or negligible harm in the planning balance against public benefit that is commensurately reduced. It is not the case that less than substantial harm is given overriding weight in the planning balance irrespective of degree of harm or weight of public benefit.



4.6. Description.

4.6.1. The proposed development is the conversion of the basement level into a self contained apartment dwelling, with the associated formation of an increased lightwell, along with a carpark space to the rear.

4.6.2. The application property, 21 Bath Street, is an existing terraced dwelling dating back to the mid 1800s. This is a 0.015ha mid terrace plot, at the south side of Bath Street, which is a residential street predominantly characterised by mid 19th century terraced dwellings.

4.6.3. The surrounding area, located to the north west edge of Huddersfield town centre, is predominantly characterised by a regimented housing layout of mid Victorian era terraced dwellings, with quite generous hard standing/ amenity areas to the rear, (which are directly accessed from Rook Street to the south). The application site, however, directly fronts on to two far more recent dwellings. There is also a contemporary development, the 3 storey Roseda House (which also has a basement level), some 150m east on the same side of Bath Street to the appeal site, nearer to the junction of Bath Street and St John's Road. Many of the other Victorian era properties in the immediate locality have been subject to extensive extension and modernisation, particularly to their rear aspect, and many have lightwells and basement windows. An Area Analysis included in the application submission illustrates this prevalence of lightwells in the immediate vicinity.

4.6.4. No Conservation Area appraisal or management plan has been prepared by the Council for Huddersfield Town Centre Conservation Area, although one would surmise that it is the railway viaducts and station, along with the indoor market quarter to the south east of the appeal site, all fine examples of mid victorian municipal architecture, that forms the heritage core of this conservation area.

4.6.5. In the absence of a Conservation Area assessment it is extremely difficult to assess what is considered significant and/or sensitive in the immediate part of the Huddersfield Town Centre Conservation Area surrounding the appeal site. It is however immediately apparent that this is an area that has previously been considered capable of accommodating and absorbing quite significant change. The modern houses opposite the appeal site, and the Roseda House development being cases in point.

4.6.6. The Grade II listed 9 Bath Street is located beyond a slight bend east of the appeal site. The following viewpoint illustrates that this entirely prevents inter visibility between the appeal site and 9 Bath Street.



Image 4. View of appeal site from frontage of Grade II Listed 9 Bath Street, looking west along Bath Street.

4.7. Assessment of Significance.

4.7.1. Physical Impacts on Listed Buildings and other Heritage Assets within the proposal site.

4.7.2. There are no statutorily listed buildings or other designated heritage assets in proximity to the site that will be altered or directly impacted or affected by the proposal.

4.7.3. Contribution made by site to setting.

4.7.4. As the NPPF makes clear, setting comprises 'the surroundings in which a heritage asset is experienced' (Annexe 2 Glossary). Consequently, the contribution of setting goes beyond purely visual relationships to take in other aspects of a Site's use. The NPPF also notes, the 'extent is not fixed and may change as the asset and its surroundings evolve.'

4.7.5. The impacts of the proposal on the setting of the Huddersfield Town Centre Conservation Area have been assessed using the guidance contained within the Historic England document, Good Practice Advice in Planning – Note 3: The Setting of Heritage Assets (December 2017), which recommends a staged approach to assessment.

4.7.6. The proposed lightwell and basement windows will be below ground level, thereby almost totally reducing their visibility in passing views, and inter visibility from the Grade II Listed 9 Bath Street. Therefore I assess that the lightwell will only be visible in very immediate passing views from the pedestrian footpath, passing views from road users will be extremely limited or none existent.

4.7.7. Given the numerous other lightwells in the immediate vicinity of the appeal site (Area Analysis at Plan x illustrates) in my assessment the appeal proposal will "read" as neither visually intrusive or uncharacteristic in the context of the prevalent local character of this part of the Conservation Area.

4.7.8. This view was supported by the previous appeal Inspector. In the conclusions of the decision letter, Inspector Wilkinson confirms:

"I conclude that the proposed development would not harm the character and appearance of the host property or the area, and it would preserve the character and appearance of the Conservation Area."

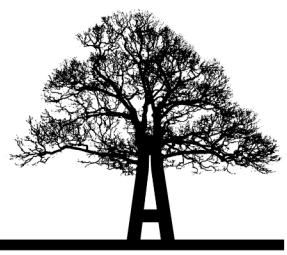
4.7.9. In reaching that view, the decision letter provides, at paras 9 – 11:

"The lightwell would extend across quite a length of the principal elevation of the property. However, once complete, it would be below ground level, a reasonable amount of the front garden would remain, and it would not diminish the principal elevation. As such, the lightwell would not detract from the character or appearance of the host dwelling.

The lightwell would be visible when approaching along Bath Street from its western end given the sloping nature of the street. However, from most vantage points, the lightwell would not be prominent in the street scene due to the screening effect of the front boundary wall and the wall between the host dwelling and the neighbouring property at no. 19.

From the submitted evidence and my site visit observations, several of the properties on Bath Street have lightwells to the front. While a number of these are smaller than that proposed, there are examples of lightwells that take up a similar proportion of the frontage of the host property. The lightwell would not therefore appear as an incongruous feature in the street scape of Bath Street. I also observed basement windows with lightwells in nearby areas within the Conservation Area such as Fitzwilliam Street. The lightwell, while being wider than several of those that I observed, would not therefore be an uncharacteristic feature of the wider area."

4.7.10. Note that the length /dimensions of the lightwell are unchanged from the previous submission considered by Inspector Wilkinson.



4.8. Heritage Impact Assessment.

4.8.1. Due to the demonstrable absence of any inter visibility between the proposal site and the Grade 2 Listed 9 Bath Street, there will be no harm in terms of impact on the setting of the Grade 2 Listed 9 Bath Street. This has been confirmed in the previous Inspectors decision.

4.8.2. The proposal does not intervene, interrupt or negatively impact on any important long views into or out of the main part of the Conservation Area. As such I assess these will be **no harm** on the setting of this part of Huddersfield Town Centre Conservation Area. This has been confirmed in the previous Inspectors decision.

4.8.3. Should the Council not concur with mine and the previous Inspectors view, and consider that some harm results to the setting of the Conservation Area, albeit surely at the very "lower end" of Less than Substantial Harm for the purposes of para 202 NPPF, any harm assessed as resulting from the proposal must be balanced by the public benefit the proposal will make, (as acknowledged by the previous Inspector, in terms of making a small contribution to the supply of housing, consistent with the Government's objective to significantly boost the supply of homes, in a location within the town centre and close to public transport. In the context of the "Bradford" case discussed in Section 5 above, the minimal impact of the proposed alterations to the host dwelling, as confirmed by the previous Inspector, to me indicates that in such circumstances "harm" should be given minimal weight against public benefit when considered in the "planning balance".

5. Design & Access.

5.1. Background.

5.1.1. The purpose of a Design and Access Statement is to communicate the design process and considerations that have informed this scheme, and also how the design considers the accessibility of the site.

5.2. Context.

5.2.1. Existing buildings/structures on and surrounding the Site

5.2.2. The proposed development is the conversion of the basement level into a self contained apartment dwelling, with the associated formation of an increased lightwell, along with a carpark space to the rear.

5.2.3. The application property, 21 Bath Street, is an existing terraced dwelling dating back to the mid 1800s, located at the south side of Bath Street, which is a residential street predominantly characterised by mid 19th century terraced dwellings.

5.2.4. Landform and Topography.

5.2.5. The context of the site is an urban townscape, located to the north west edge of Huddersfield town centre, is predominantly characterised by a regimented housing layout of mid Victorian era terraced dwellings, with quite generous hard standing/ amenity areas to the rear, (which are directly accessed from Rook Street to the south). The application site, however, directly fronts on to two far more recent dwellings. There is also a contemporary development, the 3 storey Roseda House (which also has a basement level), some 150m east on the same side of Bath Street to the appeal site, nearer to the junction of Bath Street and St John's Road. Many of the other Victorian era properties in the immediate locality have been subject to extensive extension and modernisation, particularly to their rear aspect, and many have lightwells and basement windows.

5.2.6. The site is flat with no marked changes in level.

5.2.7. Existing Access.

5.2.8. The proposed development has an existing rear access off Rook Street, which includes existing parking provision for 1 no. vehicle. The proposal involves no changes to existing access arrangements and is therefore anticipated as having no impact on highway safety. The previous application gave no rise to objections on highway safety grounds from the appropriate internal Highways consultees.

5.2.9. As confirmed by the previous Inspector, the site is sustainably located, being in a location that is walkable and cyclable to a range of community infrastructure, public transport infrastructure and places of employment located in Huddersfield Town Centre.

5.3. Design Principles.

5.3.1. Development Requirements.

5.3.2. The development requirement is the conversion of the basement level into a self contained apartment dwelling.

5.3.3. Scale and Appearance

5.3.4. The scale and appearance of amendment to the previous application, (as listed at para 3.1.5 above) are not considered to alter the essential scale and appearance of the proposal, as considered by the previous Inspector, who considered the proposal was acceptable in both design terms and in terms of potential impacts on built heritage assets.

5.3.5. As fully considered in detail at section 3 of this report, a detailed assessment of daylight quantity and distribution, as well as sunlight availability, have been undertaken for the relevant habitable rooms, which demonstrates that the previous Inspectors concerns regarding suitability of resulting living conditions by way of outlook and daylight have been fully addressed.

5.3.6. Sustainability & Green Design

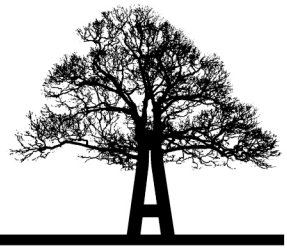
5.3.7. The NPPF puts great weight on considering local needs, and approving sustainable proposals without delay. The Framework defines three dimensions to sustainable development:

- An Economic Role
- A Social Role
- An Environmental Role

5.3.8. Economic: The application property is ideally located to provide accommodation for young professionals and others just accessing the housing market, thereby making a modest contribution to maintaining the vitality and viability of Huddersfield Town Centre as a shopping and employment centre.

5.3.9. Social: The application property will provide accommodation for others just accessing the housing market, which as confirmed by the previous Inspector, will "*make a small contribution to the supply of housing, consistent with the Government's objective to significantly boost the supply of homes".*

5.3.10. Environmental: No unacceptable adverse impacts on environmental sustainability are anticipated. There is potential to include a lightwell garden, thereby contributing to "urban greening".



5.4. **Access Principles**

5.4.1. Vehicular Access and parking

5.4.2. The proposal site is suitably located to accommodate sufficient vehicle manoeuvring and parking space for occupants, visitors and emergency vehicles. No additional access is proposed onto the highway network.

SOURCES USED IN THE REPORT.

National Planning Policy Framework (NPPF, "The Framework") July 2021

Adopted Kirklees Local Plan February 2019.

Historic England Good Practice Advice in Planning Note 3 (Second Edition).

