

# 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:	<b>2023/65/91531/W</b>
Site Address:	Edgerton Villa, 22/24, Edgerton Road, Edgerton, Huddersfield, HD3 3AD
Description:	Listed Building Consent for alterations to convert offices to 7 flats (within a Conservation Area)
Recommending Officer:	William Simcock

#### **DECISION – Grant Listed Building Consent**

**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: 20-Dec-2023**

# **Officer Report – 2023/91531**

## **Edgerton Villa, Edgerton Road – Listed Building Consent**

### **Site Description**

Edgerton Villa, located on the northern side of Edgerton Road, is a two-storey detached building with an understorey at the rear where the land is lower. It is built in stone with a blue slate roof. To the frontage there are small areas of ornamental planting but much of the forecourt is block-paved and gives access to the rear via an archway at understorey level on the right-hand (east) side of the building. There is a vehicular access to the highway in the centre of the frontage. At the rear is a substantial hard-surfaced area (block-paving and tarmac) which is used for the parking of vehicles. The building has a mainly flat façade with a semi-circular ground floor bay at the western end.

The surrounding area is dominated by Edwardian villas with mature trees on the frontage.

### **Description of Proposal**

The proposal is for Listed Building Consent for alteration of the building to convert it from its existing use, as offices, to 7 flats.

These would comprise:

- At basement level, a two-bedroom flat (floor area 101sqm);
- At ground floor level, one two-bedroom flat (74sqm), two single-bedroom flats (53sqm and 52sqm);
- At first-floor level, two two-bedroom flats (63sqm and 67sqm) and a single-bedroom flat (45sqm).

According to the applicant's supporting statement, the premises were leased for a period of around 20 years, divided into four suites, to tenants, but have not been fully re-occupied since the Covid pandemic and two units have been empty for approximately two years.

It is proposed that there would be minimal alterations to the exterior of the building. In the front elevation a new timber panel is to be installed with a top-hung window above in place of a timber screen (ground floor) and a new sliding sash window (first floor).

Internally, there would be some new partitions to create rooms and the installation of secondary glazing. Internal wall insulation and a plasterboard skim is proposed to the internal face of all external walls, with architraves and skirtings removed and reinstated. A false ceiling is proposed below the covings in Flat 1 to provide soundproofing and fire protection.

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

20-Oct-2023: Amendments to site layout and additional details of internal changes.

08-Dec-2023: Further amendments to internal alterations. This did not affect the general layout of the internal space.

The above plans were not subjected to new publicity because they were not considered to raise significant new issues.

## **Relevant Planning History**

2023/91530 – Planning permission for conversion to seven apartments and associated works. Conditional full permission.

## **Representations**

**Final publicity date expires:** 21-Jul-2023 (statutory publicity by site notice and press advertisement).

No representations received.

## **Consultation Responses**

KC Conservation & Design – Acceptable subject to conditions.

## **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 within a land that lies within the Edgerton Conservation Area on the Local Plan Proposals Map.

The building is Grade II Listed. Official Historic England list entry:

“EDGERTON ROAD 1. 5113 (North Side) Edgerton No 24 (Edgerton Villa) SE 1317 27/489 II 2. Mid C19. Hammer-dressed stone. Ashlar dressings. Pitched slate roof. Coped gable ends. 2 storeys. Moulded eaves cornice. Blocking course. Rusticated quoins. 3 ranges of sashes. One ground floor canted bay with moulded cornice and blocking course. Door with 2 Tuscan pilasters, full entablature and blocking course.”

## **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 19<sup>th</sup> December 2023, 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.

- 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: Internal wall insulation is a Building Regulations consideration rather than a requirement in a listed building and therefore thermal upgrades should be carried out sensitively to protect the significance of the building. Within the historic building the linings should be limited to walls of low significance and this needs to be made clear, with details submitted to show the extent of insulation within the building, impact on architectural details and the breathability of the

lining. It is recommended that a condition is applied, requiring details to be submitted for approval.

Insulation and floating floors were originally proposed to the ground and first floors. The applicant has confirmed that this is now only proposed within the 1980's extension and therefore this is acceptable as this part of the building has no significance.

Following negotiations, the applicant proposes to re-use original doors within the flats where fire doors are not required. This is acceptable, subject to the retained historic doors being fitted into existing historic openings.

Re-partitioning will ensure that historic walls are retained and therefore this has no impact on significance. However, where historic internal doorways are infilled, architraves should be retained in the hallways so that the historic floorplan can be understood.

Secondary glazing is deemed acceptable, subject to a sensitive design which protects the historic fabric and significance. As no information has been submitted, it is recommended that a condition is applied requiring details to be submitted for approval. This includes fixing details, frame design, openings lights and ventilation provision. The rear bay windows within flats 2 and 4 are particularly sensitive as the internal face of the mullions and transoms are fine ashlar stone. Any frame fixings must be into mortar joints and not drilled into the stonework, and frames must be in line with the structure so that they are not visible from outside.

The application form states that no changes are proposed to the existing windows, however, this has been amended and new windows are shown on the proposed drawings – one on the rear of the lower ground floor level, and the replacement of a modern window on the front elevation above the front door. It is recommended that a condition is applied requiring their details to replicate existing windows.

No details of extract vents for fans and cooker hoods have been submitted. It is recommended that a condition is applied requiring details to be submitted for approval. No vents shall be installed on the historic front elevation.

As the ceilings within Flat 1 are not overly ornate, the proposed false ceiling is acceptable subject to the intervention being fixed carefully and fully reversible, with no damage to the architectural details such as covings. This should, accordingly, be conditioned.

The living / dining room ceiling in Flat 2 is ornate and must remain exposed, without a suspended ceiling installed below. The applicant confirmed that this will be retained, with an intumescent doorway treatment applied to achieve the necessary fire protection. It is recommended that a condition is applied requiring details to be submitted for approval.

A new doorway is proposed on the first-floor landing to provide a private apartment entrance. The impact on significance will be low, subject to the frame being simply designed and set behind the decorative archway, with no fixings into the arch. Officers recommend that a condition is applied requiring details to be submitted for approval. No details have been provided for the replacement of rear fire door in the east wing and officers therefore recommend that a condition is applied requiring details to be submitted for approval.

Officers' assessment is that slight harm would be caused to the significance of the listed building by the proposed alterations, including providing thermal and sound insulation and minor alterations to the layout of the interior. Interior detailing such as the ornate ceiling and substantial fireplace in flat 2 are retained and the historic floor plan will still be understood where doorways are infilled to create private apartments. The slight harm is outweighed by the public benefits of bringing an underused building back into a viable and sustainable use and reinstating missing architectural details including a traditional sash window on the front elevation.

Subject to the aforementioned matters being conditioned, it is considered therefore that the proposal would accord with the aims of Policy LP35, NPPF Chapter 16, and the Council's obligations under Section 66 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 constitute sustainable development and is therefore recommended for approval.

**Recommendation  
CONSENT**

**GRANT LISTED BUILDING**

## Decision Authorisation - Delegated Powers

**Application Number: 2023/91531**

**Officer Recommendation:** Approve

### Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

**Reason:** Pursuant to Section 18(1) of the planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Order 2004.

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:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

3. Notwithstanding the information submitted, to avoid damage to significant architectural details or the build-up of moisture within the walls, details of the internal wall insulation proposed within the historic building (not including the later extension) shall be submitted for approval prior to this element of the work commencing. Details shall include a 1:100 floor plans showing the extent of proposed insulation within the historic building, a 1:10 section of the proposed insulated wall build-up to show its construction and materials, and a room schedule detailing the proposed alterations in each room including the impact on architectural details such as covings, architraves, and skirtings. The works shall be undertaken in full accordance with the details hereby approved.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

4. New floating floors shall be limited to the later extension and shall not be installed within the historic part of the building.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

5. Where existing historic internal doors are replaced with fire doors to the entrances of the flats, the new doors shall replicate the existing in terms of design and materials, and any retained existing doors shall be re-used in existing openings within the building.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

6. Where historic internal doorways are infilled, the historic architraves shall be retained on the communal hallway side of the walls.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

7. Notwithstanding the submitted plans and information, full details of secondary glazing units (joinery details at 1:5 and elevations at 1:20), including fixing details, frame design, openings lights and ventilation provision, shall be submitted to and approved in writing by the Local Planning Authority before their installation. The development shall be undertaken in accordance with the approved details and thereafter retained as such.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building, taking into account that these may also have to provide acoustic protection and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

8. Notwithstanding the submitted plans and information, the proposed replacement window of the proposed flat 5, bedroom 2 on the first-floor front elevation (shown on the proposed first floor plan), shall replicate the existing sash window of the living/ dining room of flat 4 (in terms of materials, colour, detailing, profiles, design, and opening light configuration and mechanisms), albeit with a deeper section to accommodate slim double-glazed units with a 4:8:4 section and black spacers. Visible trickle vents shall not be permitted. The works shall thereafter be completed in accordance with the approved details and thereafter retained.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

9. Notwithstanding the submitted plans and information, the proposed new window of the proposed flat 2, bedroom on the ground floor front elevation (shown on the proposed ground floor plan) shall replicate the existing window of the same room, albeit with a deeper section to accommodate slim double-glazed units with a 4:8:4 section and black spacers. Visible trickle vents shall not be permitted. The development shall thereafter be completed in accordance with the approved details and thereafter retained.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

10. Notwithstanding the submitted plans and information, the proposed new window of the proposed flat 7, living area on the lower ground floor rear elevation (shown on the proposed lower ground floor plan) shall replicate the adjacent top-hung casement window of the same room, albeit with a deeper section to accommodate slim double-glazed units with a 4:8:4 section and black spacers. Visible trickle vents shall not be permitted. The development shall thereafter be completed in accordance with the approved details and thereafter retained.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

11. No works to install external extractor vents shall take place until full details have been submitted to and approved in writing by the Local Planning Authority. No external extractor vents shall be installed on the front elevation. The works shall then be carried out in complete accordance with the approved details and shall be so retained thereafter.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

12. False ceilings installed within flat 1 shall be affixed in such a way as to avoid damage to the architectural details including covings and shall be fully reversible.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

13. Details of the intumescent paint treatment to the ceiling of the living/ dining room in Flat 2 shall be submitted to and approved in writing by the Local Planning Authority before painting is carried out. Details shall include the finish, colour and texture. Painting shall be undertaken in accordance with the approved details.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35 of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

14. Details of the new doorway behind the archway on the landing as shown on the approved plans, and of the replacement rear fire door in the east wing, including fixing details and design with joinery details at 1:5 and elevations at 1:20, shall be submitted to and approved in writing by the Local Planning Authority prior to installation, and the works shall thereafter be undertaken in accordance with the approved details and retained as such.

**Reason:** To ensure that the proposed works preserve the character and significance of the Listed Building and to accord with the aims of Policy LP35

of the Kirklees Local Plan Government policy as set out in the National Planning Policy Framework.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form			13-Jun-2023
Location plan			13-Jun-2023
Indicative existing layout			13-Jun-2023
Existing front elevation			13-Jun-2023
Existing lower ground floor plan			13-Jun-2023
Existing ground floor plan			13-Jun-2023
Existing first floor plan			13-Jun-2023
Proposed front elevation			08-Dec-2023
Proposed lower ground floor plan			08-Dec-2023
Proposed ground floor plan			08-Dec-2023
Proposed first floor plan			08-Dec-2023
Proposed site layout			20-Oct-2023
Heritage statement			15-Jun-2023
Design & access statement			13-Jun-2023
Climate change statement			15-Jun-2023

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 case officer requested amended plans and elevations in the interests of clarity and ensuring that any harm to the character of the building was prevented or minimised.

**Report Dated:** 20-Dec-2023