# 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**

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| Reference No: | **2023/65/91780/W** |
| Site Address: | 3, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR |
| Description: | Listed Building Consent for internal and external repair and refurbishment works |
| Recommending Officer: | Tom Hunt |

**DECISION – CONSENT GRANTED**

**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.**

Helen Bower

***AUTHORISED OFFICER***

**Date: 27-Oct-2023**

**Officer Report**
**Site Description**

3 Fernside Avenue is one of a pair of three-storey weavers' cottages dating back to the early or mid-nineteenth century, situated in the village of Almondbury. This Grade II listed building is constructed from hammer dressed stone with a stone slate roof and ranges of small, mullioned windows on the three floors of the south-east facing front elevation. The rear elevation is simpler, with pairs of mullioned windows on each floor and a lower level of architectural detailing.

**Description of Proposal**

The proposal is for internal and external repair and refurbishment work to bring the property back into habitable use.

**History of negotiations / amendments received**

Clarification of details were requested, and discussions with the agent confirmed that the use of impermeable insulation materials be controlled in order to avoid adverse damage, and these are summarised below:

- Insulation details to be amended to allow breathable function to avoid future damp and damage to the Listed Building.

The agent supplied additional requested details of the proposed insulative panels from the manufacturer to form a deeper understanding of how the interventions would affect the Listed Building's ability to respire.
Additional email confirmation from the agent, and amended plans removing reference to the LimeLite step and removing reference to 'Oldroyd Xv Clear Cavity' and 'Oldroyd Xp Plaster' membrane of the proposal were supplied to evidence that the proposal would not detrimentally harm the Listed Building by use of impermeable materials.

**Officer Note:** The previously approved LBC details have been carried over to the current permission. It is noted that condition 3, regarding windows, set out that *"External stone sills shall not be dressed to form a chamfer."* but this is still on the submitted plans.

**Relevant History**

2021/93101 – Listed Building Consent for internal and external repair and refurbishment work. Consent Granted.

**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.
The proposed alterations from the previous LBC included the replacement of the existing late 20th century timber framed windows, which are in a poor condition. The proposed replacements incorporate double-glazed units with an 8mm gap and Low E glass. These measures will improve the thermal performance of the windows and the building. In addition, a new heating system and energy efficiency improvements such as new updated internal wall insulation are proposed. It is therefore felt that the proposal complies with the climate emergency requirements.

**Consultation Responses**

Conservation and Design – Support.

**Public/Members Response**

The application has been publicised with a site notice and a press notice.

Date site notice expired: 20/07/2023

Publicity expiry date: 28/07/2023
No representations had been received.
Amended plans were not readvertised as they changed technical details of the proposal and the description of the scheme was unaltered.

**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 proposal is for internal and external repair and refurbishment work to bring this vacant property back into habitable use.
The building is currently vacant and in a state of disrepair, with some poor-quality repairs externally and little of significance remaining internally. The building does however retain characteristic architectural features of a 19th century weaver's cottage and makes a strong contribution to the character and history of Almondbury, where it is situated in prominent location within the village.
The existing storm proof timber framed windows were fitted in the late 20th century and are in a poor condition, and therefore their replacement is proposed. The new windows are timber framed fixed light and casement windows with simple chamfered beads and flush openers, incorporating slim double-glazed units. As the existing windows are not historic, the use of double-glazing is considered acceptable.
The rectification of previous poor quality fabric repairs is supported, including the careful removal of cement render and strap pointing, with re-pointing in lime mortar and stone repairs where necessary. Internally, existing damp and defective plaster is to be removed. Two conditions are recommended to ensure the long term viability of the Listed Building preventing use of cement or concrete and fillers or expandable foams as they would interfere with the natural breathability of the Listed Building
Breathable internal wall insulation with cavity gaps is proposed to the internal face of the external walls to improve the thermal performance of the building. As there is very little of significance internally, this intervention is acceptable. Again, the rebuilding of the twentieth century staircase within the property does not affect the historic fabric and is not of concern.
Gaps in party walls to be built up and/or infilled will be repaired using either aerated concrete blocks or stone wool fire barriers as appropriate to provide fire integrity whilst allowing breathability. This would adequately ensure that the building's respiration is able to function sufficiently for the long term while it is in use.
Deflection of the ceiling beams on the ground and first floor was noted in a structural report (previously reviewed by the Conservation & Design Officer within LBC application ref: 2021/93101). The proposal is to provide additional support with steel beams inserted alongside the historic beams. Where visible, the new beams will be clad to reduce their visual impact, and this will provide adequate support for the floors above while retaining the historic fabric.
Subject to conditions, the proposals above will ensure that the building is brought back into a viable use and provide residential accommodation of a high standard whilst ensuring breathability. It will enhance the building by

removing poor quality interventions, reinstating traditional details and carrying out essential repairs.

*Conclusion*

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 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.”

The proposal enhances the heritage asset by carrying out essential repairs and removing harmful interventions. The insertion of double-glazing causes less than substantial harm, however, the public benefits of carrying out repair and restoration work to bring this building back into a viable use with associated maintenance and heating outweighs this less than substantial harm.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building.

The proposed restoration and repair of this building will enhance the character and appearance of the listed building.

This application has been assessed against relevant policies in the development plan and other material considerations. The public benefits outweigh the less than substantial harm, and this application is therefore recommended for approval.

**Recommendation Grant Consent**

**Decision Authorisation -** Delegated
**Application Number**: - 2023/91780
**Officer Recommendation**: Grant Consent
**Conditions:**

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent 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 Act 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:** For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.
3. New windows shall be timber in a white painted finish, with mouldings and timber sections simple in design and profile with chamfered glazing beads. All slim double-glazed units shall have 4mm glass with an 8mm gap with black spacer bars. Opening casements shall be set flush with the frames with butt hinges and all new window frames shall be set back in the reveal by 75-100mm and shall not be fitted flush with the external wall. **External stone sills shall not be dressed to form a chamfer.**
**Reason**: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion in order to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.
4. Notwithstanding the details provided, new external doors shall be constructed in timber with a painted finish, with mouldings and timber sections to match the details of the timber front door at 1 Fernside Avenue. All slim double-glazed units shall have 4mm glass with an 8mm gap with black spacer bars. All new external door frames shall be set back in the reveal as existing and shall not be fitted flush with the external wall.
**Reason**: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion in order to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

5. All insulation to be used in any part of the works within the building or roof shall

ensure that it is entirely permeable, not make use of vapour barriers and making use of natural materials such as wool, wood fibre board, hemp board or similar. There shall be no use of impermeable, synthetic or artificial materials.
**Reason**: For the avoidance of doubt as to what is being permitted and to ensure the
satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, as well as policies contained within Chapters 2, 12 and 16 of the National Planning Policy Framework.

**NOTE**: In respect of Condition 5 materials such as Kingspan, Celotex or similar PIR
boarding would not be acceptable for use.

6. There shall be no use of cement or concrete in any part of the works.
**Reason**: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, as well as Chapters 2, 12 and 16 of the National Planning Policy Framework.

7. There shall be no use of filler or expandable foams in any part of the proposed works.
**Reason**: To retain the significance of the designated heritage asset and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, as well as Chapters 2, 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -
(in bold are plans or details amended since the previous Listed Building Consent)

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| **Heritage Impact Assessment** | **Heritage Impact Assessment by btp Architects.** | **Unamended** | **15/06/2023** |
| **Design and Access Statement** | **Design and Access Statement by btp Architects.** | **Unamended** | **15/06/2023** |
| **Supp Info – General** | **Wetherby Internal Wall Insulation System** | **Unamended** | **19/06/2023** |

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| | **Specification. Project Ref: AS_23-00162LR. Dated: 07/06/2023.** | | |
| **Supp Info – General** | **Proposed Site Section of Partition Wall and Lining Types. Drawing no. 120.** | **B** | **20/10/2023** |
| Proposed Site Plan. | Drawing No. 103. | 2 | 15/06/2023 |
| Existing Floor Plans. | Drawing No. 105. | Unamended | 15/06/2023 |
| **Proposed Floor Plans.** | **Drawing No. 106.** | **C** | **20/10/2023** |
| Existing Elevation Plans. | Drawing No. 107. | Unamended | 15/06/2023 |
| **Proposed Section of Property.** | **Drawing No. 109.** | **C** | **20/10/2023** |
| **Proposed Elevation Plans.** | **Drawing No. 108.** | **5** | **15/06/2023** |
| **Proposed Floor Plan with Structure Over, Splice Detail and Bearing Detail.** | **Drawing No. GA-001.** | **Unamended** | **07/07/2023** |
| Proposed Window Section/Profile and Patterns 1:20 and 1:5. | Drawing No. 117. | 1 | 15/06/2023 |
| External Door Design. | Drawing No. 118. | 1 | 15/06/2023 |
| Location Plan | Drawing No. 100. | Unamended | 15/06/2023 |
| **Supp Info – General** | **U-Value Calculation** | **Original** | **12/10/2023** |

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| | **and Condensation Risk Assessment. File ref: 1-HE-231011-092225-599. Sandstone.** | | |
| **Supp Info – General** | **U-Value Calculation and Condensation Risk Assessment. File ref: 1-HE-231011-082553-559. Kooltherm, Timber, Sandstone** | **Original** | **12/10/2023** |

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. Negotiations have taken place over the impact of the insulation interventions on the character and significance of the listed building and how to avoid harm long term.

**Report Dated:** 26/10/2023