

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:	2023/65/91967/W
Site Address:	Bankfoot House, 3 Bankfoot Lane, Armitage Bridge, Huddersfield, HD4 7NW
Description:	Listed Building Consent for replacement windows to front (within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – REFUSE

**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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 25-Jun-2024

Officer Report

Site Description

2023/91967 – Bankfoot House, 3 Bankfoot Lane, Armitage Bridge, Huddersfield, HD4 7NW

Bankfoot House is a Grade II listed, two-storey, detached house constructed in hammer dressed stone with a stone slate roof and with a single-storey garage at the northern end. It is situated within the Armitage Bridge Conservation Area close to the Brookes Mill complex. The northern part of the main house is 18th or early 19th century and much lower in height than the southern end which dates to the mid-19th century and is likely to have been a separate dwelling.

Description of Proposal

Listed Building Consent for replacement windows to front (within a Conservation Area)

Relevant Planning History

2006/94472	Change of use from part of residential property to office use as an independent financial advisor (Listed Building within a Conservation Area). <i>Conditional Full Permission.</i>
2008/90642	Use of part of residential property for office use as an independent financial adviser (Listed Building within a Conservation Area). <i>Full Permission Unconditional.</i>
2012/91855	Works to Trees within a Conservation Area. <i>Granted</i>
2021/91930	Listed Building Consent for addition of a bathroom on the first floor landing, replacement of garage door and driveway gates (Within a Conservation Area). <i>Consent Granted.</i>
2022/91643	Work to trees within a Conservation Area. <i>Granted.</i>
2023/91218	Replacement windows to front (Listed Building within a Conservation Area). <i>Withdrawn.</i>
2023/91219	Listed Building Consent for replacement windows to front (within a Conservation Area).

Withdrawn.

History of negotiations/amendments received

It was communicated (14/09/2023) that there was conflicting information and insufficient justification for the proposal on the basis that the windows required replacing however the Statement found that they were “*sound with no obvious signs of rot. The paintwork has been kept up to.*”. As such, Officers required justification to assess why the windows will need replacing as this would remove historic fabric from a Listed Building, and the reasons why the windows would need replacing when they are in good condition.

In addition, detailed joinery drawings were requested to provide greater clarification on what was being proposed as the limited detail provided would alter the appearance of the Listed Building.

A follow up email was sent (13/06/2024) requesting an update, however no response was received. Officers therefore moved to determination on the basis of submitted plans.

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, NPPF policies and guidance documents to embed the climate change agenda.

The proposal is to install double glazing to a Listed Building which would have some limited benefit in making it more weather tight, in addition to improvements to insulation. As such, this limited and minor scale of development would be acceptable in achieving carbon reduction aims, however this does not overcome Officers’ concerns regarding the heritage impact through loss of historic fabric and the unsubstantiated impact of the visual harm to the Listed Building.

Consultation Responses

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

- KC Conservation & Design – Recommend Withdrawal or Refusal on basis of lack of justification and conflicting information with regard to condition of historic windows.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via Site Notice and Press Publicity with a final expiry date of 25/08/2023.

No representations were received.

Policies and Legislation

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses”*.

Kirklees Local Plan:

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The following policies are considered relevant to this application:

- LP 1 – Achieving Sustainable Development
- LP 2 – Place Shaping
- LP 24 – Design
- 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 20th December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The site is a Grade II Listed Building (Historic England Listing ref: 1134410) in Armitage Bridge Conservation Area.

As previously discussed within 'History of Negotiations' section of this report, there have been serious concerns regarding the removal of historic fabric in original windows, which are still in good condition, without adequate justification and greater detail on window joinery to fully assess the impact to the Listed Building.

The submitted information shows a front elevation plan with a Building profile plan and two sections in a glazing bar and bottom casement closer. In addition, a Heritage Statement was received stating that the windows are in poor condition, single glazed, draughty and not weathertight. The replacements are stated to be double glazed, installed with linseed oil putty, draught seals and equivalent in appearance. The Statement included a Schedule of Works by Messrs Beardsalls Joiners which stated that .

“The existing windows to the road elevation are of softwood construction all of which are single glazed. Generally the condition of the woodwork is sound with no obvious signs of rot. The paintwork has been kept up to.”

It stated that the thickness of the glazing would be 12mm overall with a warm edge spacer bar and that the sash window replacements would appear “*very close visually*” to the previous albeit with a deeper rebate depth.

It concluded that “*following the proposed replacements and upgrades there will be negligible visual alterations to the property but with thermal and sound benefits gained from the double glazing.*”

Conclusion

Paragraph 205 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 208 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 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.

To conclude, Officers cannot support the removal of good condition, original windows/historic fabric to a Listed Building to the primary elevation without alternatives being explored such as secondary glazing. Alternate options

would not alter the appearance of the Listed Building and would have a neutral impact on visual amenity.

In addition, the lack of sectional and profile detail in drawings provided do not allow Officers, if replacements were supported, to evaluate the impact of the intervention on visual amenity and whether it would detrimentally impact on the Listed Building. A deeper rebate to the windows had been confirmed by the Conservation & Design Officer to have the strong potential to alter the appearance of the Listed Building undermining its heritage amenity. It follows that the Conservation Area would also be harmed by this loss of historic fabric and insensitive intervention if permitted.

While Officers support the intention of bringing the building back into use/continuing its use, we are currently unable to fully support the proposals based on several areas of serious concern. There has been inadequate justification for the works proposed, and the modest public benefit of increased thermal insulation and weather resistance for the long term maintenance of the Listed Building does not clearly and convincingly justify or outweigh the harm to the Listed Building in removal of good condition historic fabric and erosion of visual amenity.

It is therefore concluded that the proposed development is contrary to the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). As such, it is recommended for Refusal.

Recommendation

Refuse Listed Building Consent

Decision Authorisation - Delegated

Application Number: 2023/91967

Officer Recommendation: Refuse Listed Building Consent

Reason

1. The proposed works, by reason of removing windows of good condition to the primary elevation would fail to respect the original character and design of the Listed Building, harmfully eroding its historic fabric. It has not been adequately demonstrated through joinery drawings that the replacement windows would not visually harm the appearance or the significance of the Listed Building. The proposal would result in less than substantial harm to the significance of this Grade II Listed Building and to the Armitage Bridge Conservation Area. Public benefits to outweigh such harm have not been demonstrated. The proposal is therefore contrary to Policies LP01, LP02, LP24 and LP35 of the Kirklees Local Plan, Policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Plan Reference Number: TQRQM23122104801289	Unamended	17/07/2023
Proposed Elevation Plan	2323	Unamended	17/07/2023
Heritage Statement	-	-	17/07/2023

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 considered the application on review and requested further information to fully assess the proposal's impact to the Grade II Listed Building and to Armitage Bridge Conservation Area. This information was not supplied so Officers moved to determination on the basis of the submitted information.

Report Dated: 20/06/2024