

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:	2023/65/91971/W
Site Address:	114A, Fitzwilliam Street, Huddersfield, HD1 5PH
Description:	Listed Building Consent for Change of use, alterations, part demolition of boundary wall and erection of two storey side extension to convert from hot food takeaway to residential (within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – REFUSE LISTED BUILDING CONSENT

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.

Julia Steadman

AUTHORISED OFFICER

Date: 01-Feb-2024

Officer Report 2023/91971

114 Fitzwilliam Street, Huddersfield

Site Description

114 Fitzwilliam Street is a two-storey building on the northern side of the highway. It forms the right-hand half of a pair of semi-detached buildings, and is attached to no. 116, a clinic, from which it is stepped down. At the side of the property is a small yard, approximately 7m wide at the front, where the highway boundary is formed by a high mortared stone wall, and tapering to a narrow passageway at the rear where it provides access to a large car park (not part of the application site). To the right of no. 114 is a two-storey detached property known as Commerce House. All three properties are built in coursed stone and have ashlar stone frontages. Nos. 114 and 116 have parapet roofs.

Its most recent use was as a hot food takeaway. This occupied the front part of the building, with a small residential flat occupying the rear part of the ground floor. The existing floorplans do not show how the space on the first floor was divided up.

The property faces redundant college buildings but otherwise the surroundings are mostly residential.

Description of Proposal

The proposal is for Listed Building Consent for alterations to building, part-demolition of boundary wall and erection of a two-storey side extension, to form two dwellings.

The side extension would be a maximum of 4.0m in width, the first part of the side elevation built parallel to the existing side wall but then tapering into a width of 1.6m at the rear. It would be set in from the existing front wall by 650mm and would have a flat roof with a parapet.

Each dwelling would contain living accommodation over two floors. The rear dwelling would be accessed by means of a side door and would comprise about 40% of the ground floor plus the whole of the original first floor. This would contain 4 bedrooms. The other dwelling, which would be accessed from the front door and would contain two bedrooms, would consist of the remainder of the original ground floor accommodation, and both floors of the new extension.

One windows at ground floor would be blocked up completely, one adapted to form an internal door (all in the eastern elevation). Internally, there would be some re-partitioning of the internal space.

The extension would be externally faced with stone, with ashlar stone used at the front.

History of amendments

None.

Relevant Planning History

2023/90172, 2023/90252 – Planning permission and listed building consent for change of use, part demolition of boundary wall, alterations and erection of two storey side extension to convert from hot food takeaway to residential. Refused, no appeal.

2023/91970 - Change of use and alterations to building, part-demolition of boundary wall and erection of a two-storey side extension, to form two dwellings. Awaiting determination

Representations

Final publicity date expires: 18-Aug-2023. Publicity by site notice and press notice in accordance with Town & Country Planning (Listed Buildings and Conservation Areas) Regulations 1990.

No representations made.

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 Planning Conservation & Design – Do not support.

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 27th February 2019).

The site is within a land that lies within the Greenhead Park / New North Road Conservation Area on the Local Plan Proposals Map. The building is Grade II Listed.

Historic England list entry:

“FITZWILLIAM STREET 1. 5113 (North Side) No 114 SE 1316 33/537 II GV
2. Mid C19. Ashlar, Hipped slate roof. 2 storeys. Pitched slate roof. Moulded
eaves cornice. Blocking course. 2 ranges of sashes.”

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 20th July 2021, 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.

- 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:

The Heritage Statement observes that “there are several [sic] items that can be deemed detrimental to the aesthetic on the side elevation” in particular highlighting the two flues, metal railings on the sash windows, pipe work and damaged stonework around the external door. These, and the external wiring, undeniably have a negative impact on the appearance and character of the building. They could however be removed, and conservation repair works undertaken to address any harm caused by their removal. This might be undertaken in the context of a conversion scheme (to residential or another use) without new build. The Heritage Statement go on to say that the pitch of the roof will not be visible from street level, and that matching materials and design details will be used. None of these factors amount to justification for such a substantial extension.

The principal elevation is finished in the finer ashlar stone whereas the side elevation is finished in hammer-dressed stone. The elevation does still have details of note, including original window and door openings and stone corbel gutter hangers. The elevation has always been exposed and prominent and there is no historic evidence to show that there has ever been any structure in this location.

The previous proposal would also have required the removal of a large section of boundary wall which is independently listed (Historic England ref. 1134229) and also from a part of the character of the setting of the listed building and the street scene. This does not form part of the present proposal.

Despite having been reduced in size from the previous proposal, the proposed extension would enhance or better reveal the significance of the building. The extension itself, and the loss or obscuring of the historic fabric (including the ground floor window openings) would undermine its character and significance. It has not been demonstrated either that the present use is unviable or that it would be impossible to adapt or repurpose the building without extension or significant alteration. Whilst the harm to the significance of this heritage asset is judged to be “less than substantial” within the meaning of the NPPF, even less than substantial harm must be justified by a proportionate public benefit. Here, there is no justification for the proposal because there is no demonstrable public benefit that would outweigh the harm caused.

The Design Statement that accompanies the linked planning application, reference 2023/91971, also claims that the side passageway attracts anti-social behaviour and drug use. No objective evidence has been presented to back up this claim. Having the property brought back into an active use might have the effect deterring any crime or antisocial behaviour, but based on the evidence available it is considered that this does not amount to a proven and substantial public interest benefit that would justify granting permission for a development that would significantly weaken the building’s character.

The proposals are therefore unacceptable and do not accord with policies LP24 or LP35 of the Local Plan, Section 16 (paragraphs 205 and 208) of the NPPF, and to grant permission would be incompatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

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 adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

Recommendation

REFUSE LISTED BUILDING CONSENT

Decision Authorisation - Delegated Powers

Application Number: 2023/91971

Officer Recommendation: REFUSE LISTED BUILDING CONSENT

Conditions and Reasons

1. The proposed development, owing to the scale and siting of the proposed extension, and by its resulting in the loss or obscuring of original architectural features in the side elevation, would undermine the character and significance of the Listed Building. The degree of harm caused is deemed less than substantial within the meaning of the National Planning Policy Framework (NPPF), but it is considered that no public benefit has been demonstrated that would outweigh the harm caused in this instance. The proposals therefore do not accord with Policy LP35 of the Kirklees Local Plan, Chapter 16 (paragraphs 205 and 208) of the NPPF and would be incompatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			03-Jul-2023
Location / site plan and existing floorplans	UD-520-01		03-Jul-2023
Proposed site plan and floorplans	UD-520-01		03-Jul-2023
Existing elevations	UD-520-02		03-Jul-2023
Proposed elevations	UD-520-02		03-Jul-2023
Heritage Statement			03-Jul-2023
Climate Change Statement			03-Jul-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 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 advised the applicant during the application process that the proposal was unacceptable. The applicant did not submit any amended plans, the proposal was therefore assessed on the basis of the originally submitted plans.

Report Dated: 31-Jan-2024