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:	**2023/65/93585/W**
Site Address:	145, Trinity Street, Huddersfield, HD1 4DZ
Description:	Listed Building Consent for erection of extensions and alterations to form 4 flats (within a Conservation Area)
Recommending Officer:	Tom Hunt

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 06-Mar-2024

Officer Report

Site Description

2023/93585 – 145, Trinity Street, Huddersfield, HD1 4DZ

The application relates to the Grade II listed 145 Trinity Street which is group listed under (Historic England Listing ref: 1222838). This is a mid-terraced, two storey dwellinghouse with an understorey to front and a shared passageway running through it. There is a small front amenity space and rear amenity space. At the rear there is an understorey. It is constructed with natural stone and tile roof. As well as being listed, the property is within the Greenhead Park/New North Road Conservation Area. Some of the Listed Building in the terraced row have two-storey rear projections typically of half span to the host and with flat roofs.

Description of Proposal

Listed Building Consent for erection of extensions and alterations to form 4 flats (within a Conservation Area). This is discussed in detail in the assessment section of this report.

Relevant Planning History

2008/90898	Conversion of two dwellings into 4 no flats (Listed Building within a Conservation Area) *Conditional Full Permission.*
2008/90899	Listed Building Consent for conversion of two dwelling into 4 no. flats (within a Conservation Area). *Consent Granted.*
2013/90700	Listed Building Consent for alterations to convert existing dwellings into 4 flats. *Consent Granted.*
2023/93584	Erection of extensions and alterations to form 4 flats (Listed Building within a Conservation Area). *Pending.*

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as the proposal could not be supported on heritage amenity. The applicant was requested to allow an Extension of Time to consider the proposal more fully however did not agree this and the Officer proceeded to determination to determine the proposal in time.

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 predates 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 proposed alterations would bring the Listed Building back into residential use which would ensure that the Listed Building will be maintained. Replacement windows, doors and rainwater goods would be in pvc however would have some limited benefit in reducing drafts, increase thermal insulation, and improve weathertightedness; it is noted that a condition on natural materials such as timber and metal being used would be required to ensure historic amenity is not harmed. In addition, the proposed extension may have the marginal effect of thermally insulating the existing building envelope albeit over a limited elevational area. Therefore, it is felt the proposal complies with the climate emergency requirements however this would not be sufficient to override significant Officers concerns on the impact on heritage amenity to this 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 – Not supportive. Further details are as follows in the assessment.
- Historic England: Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.
- National Amenity Societies:
    - Garden Trust: We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage.
    - No other National Amenity Societies have responded to the consultation.

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 which expired: 01/03/2024.

Two representations have been received objecting to the scheme under the associated application ; a summary of the comments received is set out below:

- Intensification of property subdivided to 4 flats would increase parking pressure.
- Parking permits are not always able to be enforced and parking is oversubscribed
- Plans need to be more detailed to assess visual amenity and lighting

Amended plans were received however they were not readvertised as they did not change the description of development and did not materially have a detrimental impact on planning considerations. Plans are sufficiently detailed to assess the scheme for the purposes of the associated planning application ref: 2023/93584 and the concerns raised were addressed in the assessment of the planning application.

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 is 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 – Presumption in favour of 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

Significance
The building has been vacant for some time and the application proposes alterations to the host and to add a two-storey rear extension to bring this back into use. It is noted that the application site is within a group of Listed Building on a heavily trafficked road so it is in a visible and very sensitive location with regards to its group value and the Greenhead Park/New North Road Conservation Area setting. The Conservation & Design Officer was formally consulted to assess the impacts on significance.

With the submitted detail there is a Heritage Statement, however, we do not consider the submitted statement to be sufficient to meet the requirements of Section 16 paragraph 200 of the NPPF. The submitted statement does not provide any form of assessment of the significance of the building, except the inclusion of the list entry. There is equally no assessment of potential impact on the building, the considered level of harm and where there is harm how the proposals are considered acceptable.

Internal alterations
It is noted that there are insufficient details of the proposed finishes for walls, floors or ceilings. A previous assessment of the building revealed that there was a good amount of associated historic fabric and finishes, including floors, skirting boards, cornice details, doors, stairs and staircases, historic partition walls, lath and plaster ceilings and windows.

Within the basement it is proposed to demolish/ remove the extant historic stone stairs. An objection was raised by the Conservation & Design Officer as the extant stone stairs form a part of the character of the building, which contributes to its significance. The demolition would cause harm to the building, of which there is no justification. The internal steps would be required to be retained and incorporated into any proposed scheme with no support for their loss. In addition, the proposed works would incorporate a bathroom/WC into the basement area. It appears that there are extant stone flags within the basement and there do not appear to be any details as to how the fit-out would impact upon the historic stone flags. In principle, the reuse of the basement could be supported subject to sympathetic alterations and retention of internal historic fabric and steps.

To the ground, first and second floors, there are a series of alterations proposed. Concerns were raised as the proposed changes will impact the floor plan of the building, which contribute to the character of the building.

External alterations
While there is an existing roof light to the front roof plane it is prominently visible, and an additional roof light would fail to respect the original character of the Listed Building so Officers would raise concerns over this harm. The rear rooflight could be supported as it would not be prominently visible. In addition, it is not clear that the existing roof light and roof works ever gained consent.

It is proposed to replace existing timber windows and doors and existing metal rainwater goods to the host with uPVC versions. An objection was raised with regard to this proposed insensitive use of uncharacteristic, low-quality materials and details. The chosen materials would be alien to both the group of Listed Buildings and the expectations for the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, the proposed palette of materials for use within the scheme cannot be supported. Any replacement of the windows and doors would be required to be constructed in timber subject to joinery details being submitted for assessment. It is considered that any historic cast metal rainwater goods should be retained and repaired, if practicable, or replacements to be in matching detail/profile in cast metal finished in matt black.

Relevant to the two-storey rear extension, there was no sufficient assessment of the impact of sound justification for the extension. Looking along the row of terraces, there are other examples of extension, however, most of the extensions which are present are historic and are present from the late 19th/ early to mid-20th century.
It appears that towards the centre of the row of terraces, extensions were not considered, and this is likely to be in part due to access through the covered passage. As such the extension was considered to not preserve or enhance the special character and interest of the building. Additionally, with the existing space in the building, there is sufficient space to allow for its sensitive re-use without harm, the proposed scheme subject of this application has not been shown to be the sole way in which the full economic use of the building could be sustained.

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.

The proposed development would cause a high level of harm to the significance of the Listed Building within a group of Listed Buildings, particularly with the architectural interest of the original rear elevation and the loss of original fabric within the basement. The proposals would also harm the setting of adjacent listed buildings, particularly through the extension but also through the storage of bins etc for the level of accommodation being provided within the building. This results in a harmful and isolated form of development incongruous with the historic character and design of the host within the terraced row. The Local Planning Authority has not been able to reduce that harm to a sufficient degree through negotiations with the applicant for more time and it has not been clearly and convincingly justified. Even though this would be less than substantial harm, great weight should be given to that harm.

While Officers support the intention of bringing the building back into use, we are currently unable to fully support the proposals based on several areas of serious concern. The overall main concern is the lack of assessment and understanding of the significance and character of the building. This includes the original fabric in the basement. Additionally, there are areas where Officers consider where significant amendments to the materials proposed with approved details are required to ensure that the proposals meet the tests of both local and national policies and legislation. The proposed two-storey rear extension would fail to respect the original character and design of the host and area by adding a contrived rear extension, new rooflights to the front elevation and use of low-quality materials to the historic host leading to less than substantial harm identified. The proposed development has some modest public benefits, specifically, in bringing the host back into residential use and providing some additional residential accommodation. However, this would not be sufficient to outweigh the high level of harm caused by the proposals. Viability, raised as an issue by the applicant has not been a proven.

This very limited public benefit could be achieved without the two-storey rear extension which forms a harmful and isolated form of development incongruous with the historic character and design of the host within the terraced row. There are no sufficient public benefits to clearly outweigh the harm identified to the Listed Building and affecting its group value.

It is therefore concluded that the proposed development is contrary with 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: 2023/92385

Officer Recommendation: Refuse Listed Building Consent

Reason

1. The proposed works, by reason of the design and appearance of the two-storey rear extension, new rooflights to the front elevation, use of low-quality materials and internal alterations resulting in the loss of a stone stairway would fail to respect the original character and design of the listed building. This would result in less than substantial harm to the significance of this Grade II listed group of Buildings. 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.	Planning Portal Reference: PP-12602491v1.	Unamended	05/12/2023
Existing Floor and Elevation Plan.	Drawing no. SHAH-01-P1.	P1	10/01/2024
Proposed Site Plan with 45 degree rule.	Drawing no. SHAH.03.	Unamended	10/01/2024
Proposed Elevation, Floor and Section Plans.	Drawing no. SHAH-02-P2.	P3	22/01/2024
Design, Access & Heritage Statement.	Design, Access & Heritage Statement.	Unamended	05/12/2023
Climate Change Statement	-	-	15/12/2023

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 considered the application on review and sought no amendments as the proposal could not be supported on heritage amenity. The applicant was requested to allow an Extension of Time to consider the proposal more fully however did not agree this and the Officer proceeded to determination to determination.

Report Dated: 05/3/2024