Planning Inspectorate

Appeal Decision

Site visit made on 27 May 2025

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/Z4718/W/25/3361206
The Packhorse Centre, 19-31 King Street, Huddersfield HD1 2RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Zahid Iqbal on behalf of Z&F Properties Ltd against Kirklees Council.
- The application reference is 2023/62/93803/W.
- The development proposed is a change of use of the first floor from a Chinese buffet restaurant to form ten, one-bedroom, one-person apartments, including external elevation alterations on the King Street frontage and ten roof lights.

Decision

1. The appeal is allowed and planning permission is granted for a change of use of the first floor from a Chinese buffet restaurant to form ten, one-bedroom, one-person apartments, including external elevation alterations on the King Street frontage and additional roof lights at The Packhorse Centre, 19-31 King Street, Huddersfield, in accordance with the terms of the application, reference 2023/62/93803/W and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect on the character and appearance of the area with particular regard to the settings of the adjacent listed buildings and the setting of the conservation area.

Reasons

3. The proposal relates to the Packhorse Centre which is a 1970's commercial development that sits between the listed buildings of 15 and 17 King Street to one side and 37 King Street and 31 & 29 Cross Church Street to the other. The Huddersfield Town Centre Conservation Area includes most of the area of the town centre around the site but this commercial development and the buildings opposite have been excluded from it. The proposal would result in the first floor, which has previously been used as a large restaurant, being converted into ten small apartments. The first floor frontage of the building would be refurbished and changes made to the roof. I have omitted the reference in the description to the number of roof lights as this number has been amended by revised plans and retaining it would result in confusion.

4. Although the council failed to determine the application, it is evident from their statement that their concerns relate to the proposed appearance of the converted

building overall; its impact on the settings of the neighbouring listed buildings; and the setting of the conservation area which also includes those listed buildings.

5. The changes to the ground floor of the frontage would be limited but would amend the main entrance detailing which is currently a two storey gateway feature containing the Packhorse's main livery; and would unify the appearance of the alignment of the lower extent of the upper floor. The first floor has a mix of elements and materials including recessed glazed areas with low level glazed balustrades, blank panels and areas of near full height frontage glazing, under a flat roof. It has a relatively uniform parapet despite the sloping ground. It is generally accepted that its current appearance has a negative impact on the character of the area. The proposal would result in a refurbishment of the upper level, retaining the flat roof but introducing numerous, uniform height windows, with relatively random spacing, determined by the interior layout of the apartments. The upper level would be clad in a uniform, stone rainscreen, the full details of which have not been provided.

6. The refurbishment of the first floor frontage would be positive. The more uniform and updated appearance would improve upon the current, aging and mixed palette of materials. It would not result in it having an innovative or distinctive new appearance but to some extent, this would lessen its prominence within the street scene. Greater detail would be required to demonstrate how the more uniform lower level of the first floor would be achieved, given the sloping site, and how the proposed rainscreen would sit in relation to retained and new ground floor elements. Whilst greater detail of the rainscreen and the window openings would also be necessary, the precedent image provided indicates that the windows would be recessed and this would provide some welcome articulation and interest to the frontage. The works would uplift the current appearance of the building and as a result, would represent an improvement to the character and appearance of the area.

7. With regard to the adjacent listed buildings, the form of the building would not change. It would remain subservient to the scale of 15 and 17 King Street. The relationship with 37 King Street would also remain consistent with the current situation in terms of the height of the building and its form. The simpler, less fussy design, improved appearance and updated materials, would ensure that it would not compete with the form, detailing or materials of the listed buildings. It would also retain the evidence of a former historic roof form. Improving the appearance of the frontage in this way would ensure that the settings of all the neighbouring listed buildings, to both sides, would not be harmed and would actually be enhanced. The same would be the case with regard to the setting of the conservation area.

8. The council's concerns also relate to the planned changes proposed for the wider area which include the removal of the buildings opposite and the creation of a new public open space which would form the centrepiece of what is described as the new Cultural Heart of the town centre. My understanding is that the proposed town centre works would result in the frontage of this building being more prominent due to the proposed more open views of it. It would therefore have a greater impact on the character and appearance of the wider area, including the conservation area, in the future. The council consider that the preferred design approach would include a revised roof form to reflect that of the former pre-1970's buildings; and a full frontage redesign to re-instate the traditional building line and to respond positively

to the former historic context. The council advise that this would be in line with the aspirations of the emerging Conservation Area Appraisal and Management Plan.

9. There is no evidence to suggest that if this appeal fails, an alternative, more comprehensive scheme, would be forthcoming within a reasonable timeframe. The wider area is clearly in need of investment with numerous empty properties. The council describe that the special character of the conservation area is on the Historic England 'At Risk' Register which describes the condition of the conservation area as 'very bad' and in a 'deteriorating condition'. New investment at a cost to the character of the area should not be accepted but in this case, the character of the area would benefit, despite the scheme not being the preferred comprehensive redevelopment considered to be the most appropriate approach by the council.

10. Whilst the redevelopment of detracting buildings offers perhaps the greatest potential for significant improvements to the area generally, if this is not likely to be achieved in a reasonable timeframe, they are also likely to contribute most to its 'deteriorating condition'. This proposal would offer some, albeit limited, benefits to the character and appearance of the area, whilst maintaining existing commercial uses and introducing new activity from the occupation of the residential units. There appears to be a reasonable prospect that these benefits would be achieved, given the proposed change to a residential use.

11. With regard to the main issue, the proposal would not result in harm to the settings of the adjacent listed buildings or the setting of the conservation area. It would offer some benefits to the appearance of the area without harm to its existing character. Although perhaps not of the standard of design thought possible by the council, it would result in the refurbishment of this detracting building in a way that would represent a small but acceptable design improvement. The duties with regard to listed buildings and conservation areas, set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, would be met. The proposal would gain support from policy LP24 of the Kirklees Local Plan 2019 (LP) which encourages the re-use and adaptation of existing buildings where practicable and would also satisfy its design and heritage expectations; and those set out in policies LP17 and LP35.

12. LP policy LP15 relates to residential uses in town centres. It accepts first floor residential uses providing proposals would protect and retain existing ground floor uses and active frontages; and not prejudice existing established uses. Evidence of the viability of the restaurant use has not been provided. However, given the council's housing supply position and the support for town centre residential uses within policy LP17, the benefits of the provision of new housing, in such a central and sustainable location, would outweigh any conflict with policy LP15 in this regard, particularly as it would retain the ground floor units. The proposal would also satisfy the objectives within the National Planning Policy Framework 2024 with regard to town centre vitality, design and heritage matters.

13. The proposal would result in ten new residential units in this highly accessible location. As mentioned previously, the council do not have an appropriate supply of housing sites. These new units would result in considerable benefits with regard to social and economic considerations. The scale of these benefits would be substantial. Although I disagree with the council with regard to the potential for harm to the settings of the heritage assets, I consider that the public benefits would outweigh the harm that the council have described, in any event. The benefits

overall, are certainly sufficient to outweigh the council's concern that the design falls short of the highest standard; and as previously described, would also outweigh any concerns with regard to the loss of the now unused restaurant facility. A positive balance has been achieved in favour of the proposal.

14. In conclusion, whilst I have had regard to the concerns of the council, the benefits of the proposal are such, that it should be supported. I therefore allow the appeal.

15. The council have put forward a full range of conditions. The appellant has not commented on them. I have therefore considered their suitability in line with the requirements of the LP and the Framework. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning.

16. There has been considerable debate as to the suitability of the proposed materials to the front first floor elevation and the size and design of the windows. I am satisfied that in general terms the materials and details proposed would be acceptable. However, it is apparent that alterations to the ground floor, including the entrance and the areas above some shop fascia's, will also be required and materials have not been specified. There is also limited information with regard to how the rainscreen will sit, its profile, colour and texture and its relationship to the existing or newly required materials below it. I have therefore required that the details of all new materials be submitted to and agreed by the council to ensure that they are appropriate within this setting and integrate appropriately with the existing retained fabric of the building. I have also required this for the windows in terms of exact sizes, opening lights, frame details, depth of reveals and materials as the plans do not provide sufficient detail in this regard and the design may need to take account of escape requirements and noise and air quality measures.

17. I have imposed conditions regarding noise to ensure that the amenity of occupiers would be acceptable within this town centre, mixed use, environment. Although I have some waste disposal information, as I do not have floor plans for the lower ground floor area shown in the submitted document, I have imposed conditions with regard and the storage and collection arrangements for waste; and for bicycle storage, to ensure that the site functions appropriately and complies with the council's sustainability objectives, in accordance with LP policies LP22(g) and LP24d(vi). Measures to ensure security would be acceptable are required in the interests of crime prevention and to comply with LP policy LP24e. Given that the property lies within the Air Quality Management Area, I have required the suggested Air Quality Screening Assessment to ensure that any necessary mitigation measures are installed.

Peter Eggleton

INSPECTOR

Schedule of conditions

1 The development shall be begun not later than the expiration of three years from the date on this decision.

2 The development hereby permitted shall be carried out in accordance with the following plans: Location Plan A(SK)-9; Proposed Floor Plans A(PL)-04B; Proposed Elevations A(PL)-07B.

3 Prior to the commencement of external works, details of new roofing materials and all new external ground and first floor facing materials, including profiles and fixings and their relationship to new and retained fascia's; and details of all new windows, including sizes, materials, profiles, colour, opening light configuration and depth of reveals, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and shall be retained thereafter.

4 Prior to the commencement of internal subdivision works, a report specifying the measures to be taken to protect the residential units from noise from all significant noise sources that are likely to affect the proposed development, shall be submitted to and approved in writing by the local planning authority. The report shall determine the existing noise climate; predict the noise climate in living rooms (daytime) and bedrooms (night-time); and detail the proposed attenuation/design measures necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full; and such works shall be thereafter retained.

5 Prior to the commencement of internal subdivision works, written evidence shall be provided to the local planning authority to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55 dB Dntw + Ctr. If it cannot be demonstrated that the performance would be achieved, a scheme incorporating further measures to achieve it shall be submitted to and approved in writing by the local planning authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the performance level has been achieved, shall be submitted to and approved in writing by the local planning authority before the residential units are first occupied.

6 Prior to the commencement of internal subdivision works, details of suitable cycle storage facilities and access arrangements to them, shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided before the residential units are first occupied and shall be retained and made available for use at all times thereafter.

7 Prior to the commencement of internal subdivision works, details of a scheme for waste storage and collection, bin presentation points and access for collection of waste from the dwellings; and details of the management and maintenance of communal refuse storage areas, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the residential units are first occupied and shall be retained thereafter.

8 Prior to the commencement of internal alterations, a scheme setting out crime prevention measures to be incorporated into the building, shall be submitted to and

approved in writing by the local planning authority. The residential units shall not be occupied until all works and measures specified in the approved scheme have been carried out and such works and measures shall be retained thereafter.

9 Prior to the commencement of internal subdivision works, an Air Quality Screening Assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall consider the impact that air quality will have on the future occupiers of the proposed development and provide details of any necessary mitigation measures. The residential units shall not be occupied until the approved mitigation measures have been carried out and such measures shall be retained thereafter.