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:	**2024/65/90915/E**
Site Address:	Rashid Rabbani Madni Jamia Masjid, Northgate, Dewsbury, WF13 1DZ
Description:	Listed Building Consent for replacement of existing timber windows to ground and first floors (within A Conservation Area)
Recommending Officer:	Sue Brooks

DECISION – CONSENT REFUSED

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.

Helen Bower

AUTHORISED OFFICER

Date: 09-Sep-2024

Officer Report

Site Description

The Rashid Rabbani Madni Jamia Masjid is a substantial former Salem Methodist Chapel dated 1863 and situated within the Dewsbury Town Centre Conservation Area. This Grade II listed building is two storeys high with a basement level and is constructed from ashlar stone. The five-bay facade (the north-east elevation) is well-detailed, with a highly ornate carved pediment and ranges of large arched head six-pane single-glazed sash windows with narrow glazing bars, and historic stained-glass half round top panes surviving in many of the windows. The side bays are set-back and each has a flight of steps leading to the main entrance doors of the hall.

The rear south-west elevation is another prominent elevation, constructed in ashlar sandstone and with a decorative carved panel within the pediment, although overall less ornate than the north-east façade. Below this are ranges of arched head four over two single-glazed sash windows with narrow glazing bars and some surviving arched stained-glass upper panes.

To the rear (south-west) elevation of the entrance bays are two-over-two single-glazed sash windows with obscured glass and boarding. There is no evidence of stained-glass in these sashes.

Description of Proposal

The applicant proposes the replacement of 47 windows on the ground and second floors with new timber framed sliding sash windows. The proposed windows are painted in Moss Green (RAL 6005) with a central glazing bar and double-glazed units with a 16mm gap.

History of negotiations / amendments received

The agent was contacted to clarify anomalies within the application, submit a window schedule, provide details of how the stained glass will be retained, justify why the existing windows cannot be repaired, and, if justified, specify slim double-glazed units instead of 24mm units.

No further information was submitted and therefore the application is assessed on the information provided.

Relevant Planning History

2022/93785 - Listed Building Consent for replacement of 10 existing basement windows – Consent Granted.

2015/93465 – Planning Permission for removal of upper floors and installation of new ground, first and second floors, new steps and doors to entrance, access platform to internal lift, roof lights and solar panels to roof and repair of stonework and window (within a Conservation Area) - Conditional Full Permission
2015/93466 - Listed Building Consent for removal of upper floors and installation of new ground, first and second floors, new steps and doors to entrance, access platform to internal lift, roof lights and solar panels to roof and repair of stonework and window (within a Conservation Area) - 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 are for the replacement of existing single glazed sash windows, which are in a poor condition (although potentially repairable). The proposed replacements incorporate double glazed units with a 16mm gap. Such measures would greatly improve the thermal performance of the windows and would be compliant in so far as meeting the climate emergency requirements. However, the application is not supported on heritage grounds and it is considered that notwithstanding the thermal benefits that may be afforded, this does not outweigh the harm that would be caused to the special interest of the heritage.

Consultation Responses

Officer report has been compiled by the Senior Conservation and Design Officer.

Representations

The application has been publicised with a site notice and a press notice. No representations have been received.
Date site notice expired: 18/05/2024
Publicity expiry date: 24/05/2024

Policies
The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) applies. This 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-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 20 December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

Assessment
The applicant proposes the replacement of 47 windows on the ground and second floors with new timber framed sliding sash windows. The proposed windows are painted in Moss Green (RAL 6005) with a central glazing bar and 24mm double-glazed units with a 16mm gap.

The listed building is currently undergoing major refurbishment works and internal alterations, and the proposed replacement windows form part of this project.

The basement windows which were replaced under Listed Building Consent application 2022/93785 were in poor condition and had been altered significantly over time, with the insertion of casement opening lights in sub-frames within the sash windows, and the replacement of historic glass with

Georgian wired glazing. External grilles had also been fitted. The replacement windows matched the historic sash windows in terms of material, design, dimensions and detailing, albeit with a deeper section to accommodate double-glazing and slightly wider central glazing bar in each window to accommodate the weight of double glazing. The replacement glazing was justified as the existing glass was not historic and the replacement of Georgian wired glass was an enhancement, and the 24mm double-glazed units would be hidden by the obscured glazing.

The windows at ground and first floor levels are the subject of this application and are quite different to the replaced basement windows as there is extensive surviving historic fabric including stained glass. They therefore need to be assessed based on their contribution the special interest and significance of the asset and the information and justification submitted with the application.

North-East elevation (including returns)
This is a prominent facade, constructed in ashlar sandstone and with a highly ornate carved pediment and two doorways accessing the former chapel. Below this are ranges of arched head four over two sash windows with narrow glazing bars. The four lower panes of each window are either missing and boarded up or retain glazing which is either obscured glass or coated in obscured film. The two arched upper panes in each window are beautifully painted stained-glass windows which are likely to be original. The frames generally appear to be in poor condition, although no evidence has been submitted to demonstrate that they cannot be repaired and restored.

The basement windows are at pavement level on this elevation, with the ground and first floor windows at a higher level when viewed from Northgate.

South-West elevation (including returns)
This is another prominent elevation, constructed in ashlar sandstone and with a decorative carved panel within the pediment, although overall less ornate than the north-east façade. Below this are ranges of arched head four over two sash windows with narrow glazing bars. The four lower panes of each window are either missing and boarded up or retain glazing which is either obscured glass or coated in obscured film. Some of the arched upper windows have been replaced with a single obscured pane, while many of those on the south-east return retain the two arched stained-glass upper panes in each window. The frames generally appear to be in poor condition, although no evidence has been submitted to demonstrate that they cannot be restored.

Small south-east elevation to the rear of a main entrance

In this elevation are four two-over-two sash windows with obscured glass and boarding. There is no evidence of stained-glass in these sashes.

The brief Heritage Statement states that 'the external fabric has been retained without any significant alterations. However, repairs are needed to the existing timber windows.' It makes no reference to the replacement of 47 windows.

However, the Design Statement provides details of the poor condition of the windows but makes no reference to the stained glass. It states that 'It is proposed to replace the windows with new timber sliding sash windows which closely match the existing.' The submitted proposed joinery details show an elevation and section drawings of a two-over-two flat headed sash window with plain glazing bars and 24mm double-glazed units (4:16:4). These do not show the arched heads or historic stained glass incorporated into the windows and there are no existing joinery details to compare them with.

Existing drawings of each elevation have been submitted but are not cross referenced to the proposed windows in the submitted Wincotech schedule. This schedule shows different window types with a low level of detail and no indication of their location within the building. These do not all correspond with the existing window types.

In summary, the level of information submitted within the application is insufficient to make an informed assessment, and no further information or justification has been submitted. The replacement of all existing windows with new timber framed sash windows and clear 4:16:4 double-glazing will result in the extensive loss of historic fabric, including the stained glass, and will cause a high level of harm to the significance and architectural interest of the building.

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 206 states that:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. "

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.”

The proposal leads to less than substantial harm to the significance of the listed building by the loss of all the historic sash windows on the ground and first floor including the stained glass within the arched heads, and the introduction of 4:16:4 double glazing. No assessment or justification has been made within the application to demonstrate that the existing windows are beyond repair and cannot be conserved, or that the stained glass cannot be incorporated into the new windows. Limited details have been submitted to show how the proposed windows compare to the existing, with an inadequate window schedule and limited detail. Based on the information submitted, it is considered that no clear or convincing justification is provided for the replacement of the historic windows, in addition, insufficient public benefits have been demonstrated for the replacement of all upper floor windows to outweigh the identified harm.

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 replacement of all ground and first floor windows will result in the loss of a significant amount of historic fabric. It is not felt that the architectural and historic interest of the listed building is preserved.
Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
As this is a prominent building within the conservation area and highly visible from different aspects, this proposal does not preserve its character or appearance

Policy LP35 of the Kirklees Local Plan states that:
Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.

In this instance, the proposal does not preserve or enhance the significance of the heritage asset, and the public benefits are not considered to outweigh the identified harm.

It is therefore concluded that the proposed development does not accord 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).

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the less than substantial harm caused by granting listed building consent would outweigh any public benefits of the proposal when assessed against policies in the NPPF, particularly Chapter 16, and other material considerations.

Recommendation **Refuse Consent**

Decision Authorisation - Delegated Powers
Application Number – 2024/90915
Officer Recommendation – Refuse Consent

Reason for Refusal:
The applicant has failed to demonstrate sufficient public benefits to outweigh the harm of replacing the windows and the justification submitted is not clear or convincing. The existing windows are historic and contain some high-quality detailing and stained glass. Most of them are highly prominent and make a strong contribution to the significance of the listed building. There is inadequate information within the application, repairs have not been assessed as an option, and historic glass is not incorporated into the proposed windows. The proposal will not preserve the building or features of architectural interest which it possesses. It therefore fails to accord with Policy LP35 of the Local Plan, paragraphs 205, 206 and 208 of the National Planning Policy Framework (NPPF) 2023 and Section 16 (2) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Heritage Statement			3 April 2024
Design Statement			3 April 2024
East Elevation			3 April 2024
West Elevation			3 April 2024
North Elevation			3 April 2024
South Elevation			3 April 2024
Proposed Timber Windows – section and elevation			3 April 2024
Proposed window details			3 April 2024
Location Plan			3 April 2024

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 applicant was approached regarding amendments to the application, but no further details were submitted. For the reason set out in the Reason for Refusal the development would cause less than substantial harm to the significance of the listed building.

6 September 2024

Report Dated: