

**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:	<b>2024/65/90984/E</b>
Site Address:	Smiths Arms, 1, Town Gate, Highburton, Huddersfield, HD8 0QP
Description:	Listed Building Consent for replacement of 9 timber framed windows (within a Conservation Area)
Recommending Officer:	Sue Brooks

**DECISION – GRANT CONSENT**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

Emma Thompson

***AUTHORISED OFFICER***

**Date: 31-May-2024**

## **Officer Report**

### **Site Description**

The Smiths Arms is a Grade II listed public house dating from the mid-17th Century (datestone of 1669 above the door), with a 19<sup>th</sup> century wing to the rear. It is constructed from stone with pebbledash rendered external elevations and a stone slate roof, with ranges of mullioned windows on the east façade, a blank gable facing the road and two large casement windows in the rear west elevation. The building is located within the Highburton Conservation Area, close to a historic road junction within the village and opposite is the Grade II listed scheduled monument Burton Cross, a market cross with a mediaeval base and 18<sup>th</sup> century shaft and finial.

### **Description of Proposal**

The proposal is for the replacement of 9 timber framed windows on the front east elevation with like for like timber windows albeit with slim double-glazed units, replacement of stays and catches and the repair of any damaged external render and internal plaster finishes. The replacement of three uPVC windows in the extension with timber framed windows is also proposed.

### **History of negotiations / amendments received**

The application form, Heritage Statement and Design and Access Statement specified the replacements of 9 windows, with single glazing proposed. By request, the documents were amended to show 12 replacement windows with slim double-glazed units to reflect the details shown on the proposed drawings.

### **Relevant Planning History**

2020//90242 - Listed Building Consent for replacement windows (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 include the replacement of the existing single glazed sash windows, which are in a poor condition. The proposed replacements incorporate double glazed units with a 4mm gap and Low E glass, which will improve the thermal performance of the windows and energy efficiency within the building. Therefore, it is felt the proposal complies with the climate emergency requirements.

### **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: 22/05/2024

Publicity expiry date: 25/05/2024

### **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 it possesses'.

#### *Kirklees Local Plan*

The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> 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 proposal is for the replacement of nine timber framed windows on the front east elevation with like for like timber windows, albeit with slim double-glazed units, with the replacement of ironmongery and the repair of any damaged external render and internal plaster finishes. The replacement of three uPVC kitchen windows with timber framed slim double-glazed windows is also proposed.

This application is a resubmission of the approved listed building consent application 2020/90242, which has expired.

The existing windows within the original part of the building (windows 1 to 9) are timber framed with chamfered horizontal glazing bars and single glazing and these are set into stone mullions. They appear from archive images to pre-date 1910, with the bottom hinged inward opening top lights shown on an archive image from the 1960's. They are in poor condition, with deterioration to the timber including the slender glazing bars which are beyond repair. Although historic they are not original, and some have been altered in the mid-20<sup>th</sup> century so their significance is relatively low. The application proposes replacement like for like windows, albeit with slim double-glazed units instead of single glazing to improve energy efficiency within the building. As the existing windows are not original, are beyond repair and have been altered, their replacement is acceptable.

The three windows within the 20<sup>th</sup> century kitchen extension were previously timber framed fixed lights and side hung casements and have been replaced with uPVC windows without consent. Their replacement with timber fixed lights and casements is proposed and is acceptable as this reinstates a traditional material with no impact on the significance of the host 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 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 replacement of the existing 19<sup>th</sup> century single glazed windows with timber double glazed units is considered to lead to less than substantial harm to the significance of the listed building by the removal of historic windows and the introduction of double glazing. However, this harm is slight as the existing windows are in poor condition, the replacement windows will match the detailing of the existing and slim double-glazed units with black spacer bars will be used to minimise the visual impact. The public benefits of maintaining the building and improving energy efficiency is considered to outweigh the slight harm. There is no impact on the setting of the nearby scheduled market cross.

*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.*

As the proposed works are minimal and justified, with like for like replacement timber windows, it is 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 the windows are like for like timber framed replacements, this proposal is considered to preserve the character and appearance of the conservation area.

It is therefore concluded that the proposed development accords 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 public benefits of the proposal outweigh the slight harm and is therefore recommended for approval.

**Recommendation      Grant Consent**

**Decision Authorisation - Delegated Powers**

**Application Number – 2024/90984**

**Officer Recommendation – Grant Consent**

**Conditions and Reasons:**

1. The development shall be begun within three years of the date in which this consent is granted.

**Reason:** Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

3. Notwithstanding the information submitted, the new windows shall be fixed lights and casements in timber with a white painted finish. All slim double-glazed units shall have 4mm glass with a 4mm gap and black spacer bars. Opening casements shall be set flush with the frames with butt hinges and traditional window stays (friction hinges shall not be permitted) and all new window frames shall be set back in the reveals as existing. Visible trickle vents shall not be permitted.

**Reason:** To retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Heritage Statement			21 May 2024
Design and Access Statement			21 May 2024
Ground floor layout and front elevation	2738-01	B	8 April 2024
Kitchen window details	2738-05		8 April 2024

Window details	2738-02	A	8 April 2024
Block plan	2738-03		8 April 2024
Location Plan	2738-04		8 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 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. Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions led to the submitted plans and information which accurately mirror those negotiations and are felt to be acceptable.

**Report Dated:**

28 May 2024