

HERITAGE STATEMENT

Proposal: Construction of one detached dwelling and associated works

Site address: Land adjacent to 9 Hyrst Gardens, Batley, WF17 7EH

Client: Adeel Ulhaq

Date: February 2025

Revision: 0

Prepared by: William Cartwright BA(Hons)
DipTRP MRTPI



OS map published 1941

HPD

Heritage Planning Design Ltd

Cringleford, Gawthorpe Lane
Bingley, BD16 4EJ

1.0 INTRODUCTION

This statement has been prepared on behalf of Adeel Ulhaq (the Applicant) in support of a planning application for the construction of one detached dwelling and associated works on land adjacent to 9 Hyrst Gardens. The land and adjacent dwelling is owned by the Applicant's father (Atsham Ul-Haq) and the proposal is for a self-build dwelling.

The main purposes of this statement are to identify nearby heritage assets; describe their significance in sufficient detail to enable the potential impact of the proposal to be understood; and to assess the likely heritage impact of the proposal. It should be read alongside the architectural plans and drawings by Planet Architecture.

Site Location & Description

The site is located at National Grid Reference (NGR) SE 23751 23099 on the northern side of a recently laid out cul-de-sac known as Hyrst Gardens, which is accessed from Track Road, Batley. Once existing consents have been fully implemented the cul-de-sac will serve five detached dwellings, one on the northern side of the highway and four to the south. The proposal seeks to make use of vacant land on the northern side of the highway, which is sited between no. 9 and Track Road. It includes a disused path but is predominantly surfaced with scrub and includes a number of trees.

The Proposal

The proposal is for a detached dwelling of two storeys plus attic accommodation. It has a symmetrical facade that features two projecting gables, chimney stacks and generous areas of glazing. High quality facing materials are specified including coursed natural stone, blue slates, and aluminium framed glazing.

In terms of architectural style, the building is a modern interpretation of early 20th century architecture, which is a feature of Track Road and the wider area.

A simple landscaping scheme is envisaged to complement the dwelling's wooded surroundings that are to be enhanced by the planting of 18 new select standard sized trees and 40 new holly plants to the understorey. Three parking spaces are proposed that are to be surfaced with a permeable material.

Identification of Heritage Assets

The only designated heritage asset in the vicinity is Hyrstlands, a grade II listed building (entry no. [1134621](#)) located approximately 30m to the north of the proposed site.

2.0 HYRSTLANDS & THE CONTRIBUTION OF ITS SETTING TO THE BUILDING'S SPECIAL INTEREST

Building Description

Hyrstlands (photo 1) was listed in 1984 at grade II and its list description is as follows:

Large detached house, now approved school. Dated 1891. Built as private residence of Sir Mark Oldroyd, MP and local mill owner. Ashlar. Double pile, hipped slate roof with moulded eaves cornice. Ashlar stacks with cornices. 2 storeys. 7 bays by 5 with moulded string course between floors. Bays are divided by rusticated pilasters to ground floor and paired Ionic pilasters to 1st floor which are surmounted by ball finials on moulded bases. Entrance front of 7 bays. The central bay breaks forward and is surmounted by square attic tower with pyramidal roof, and with clasping pilasters. Small pediment over window with ornately carved surround and flanked by tapering pilasters. Entrance and single light to each side, each have blind arch with elaborately carved foliage. Small shield over door with initials M.O. 1st floor oriel window with cornice and balustrade over. 3 bays to right include canted bay and conservatory.

Garden front has canted bay to left with cornice and balustrade. At 1st floor level is carved panel with date 1891 flanked by pilasters surmounted by carved pediment. To right, each floor has large 3-light window. Right side elevation of 5 bays of single sashes with architraves. (Ground floor centre window is 2-light). Pediment surmounts centre bay which breaks forward slightly. Left elevation has covered link to recent building.

Good interior with many original fittings including panelling and carved fireplaces. Hall has gallery with carved balusters. Wooden staircase with panelled dado. Pedimented doors. Some fitted furniture including sideboard and bookcases.

Today the building is occupied by the Indian Muslim Welfare Society who use the building and wider complex for religious, educational and community uses.

Photo 1: Front elevation of Hyrstlands from car park



Historic Development

Hyrstlands first appears on the 1890 Ordnance Survey (OS) (1:500) Town Plan of Dewsbury (not shown) and is also shown in detail by the slightly later (1:2500) OS plan of 1894. As the Town Plan was surveyed in 1889 the building may have been constructed slightly earlier than the list description states.

Figure 1: 1894 OS plan published at 1:2500 (NTS)



Originally, the principal formal approach to the house was probably via the entrance to the development site and a long tree-lined drive that led to the house. The development plot at this time was part of the property's extensive grounds but separated from its immediate setting by trees and a path. The site entrance to the west of Hyrstlands, which is the principal entrance today, was probably designed as a secondary less formal entrance that would have been used by domestic staff and for servicing.

By 1938 OS plans show that a tennis court had been constructed on part of the development site (cover figure).

It is not known when the entrance to the development site past the lodge ceased to be the principal formal approach to Hyrstlands but it is thought likely that this change occurred when the property became a school, probably in the mid-to-late 20th century.

Other notable changes that occurred in the late 20th century include the laying out of a car park and the construction of two large modern buildings to the north and northwest of Hyrstlands.

There have been further notable changes in the 21st century. These include the loss of the lodge, the laying out of Hyrst Gardens and the construction of associated dwellings, and the commencement of construction on a purpose built mosque immediately to the west of Hyrstlands.

The Contribution of the Building's Setting to its Interest

The phrase "setting of a heritage asset" is defined by the *National Planning Policy Framework* (up dated 2025) (NPPF) (annex 2, p. 78) as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral".

Hyrstlands once benefitted from a very high quality setting that comprised extensive landscaped grounds that will have been purposefully designed and laid out. They would have contributed significantly to the building's interest. Sadly, the quality of the building's setting and its interest has been diminished by changes that took place in the 20th century, most notably the laying out of a car park and the construction of new buildings. However, it is likely that these have ensured the building's survival by providing it with new and

viable uses (many other large historic houses were lost in the 20th century). Further changes in the 21st century, including the loss of the lodge and the construction of the mosque, have also arguably been detrimental (but this is not to say they are unjustified).

Notwithstanding the above, the setting of Hyrstlands continues to make a positive contribution to its interest, with notable positive contributions being made by its immediate gardens to the south and east, along with trees.

The proposed plot and the wider development of dwellings along Hyrst Gardens will always be historically associated with Hyrstlands, with a visible reminder provided by the elaborate entrance (photo 2). However, its contribution to the building's special interest and setting is limited and previous decisions to allow the redevelopment of a long-term vacant and neglected site were justified in HPD's opinion.

Photo 2: Former entrance to Hyrstlands, now entrance to site



3.0 ASSESSMENT

Legislative & Policy Context

Section 38 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. Furthermore, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.

Kirklees Local Plan Strategy and Policies (adopted 2019), includes policy LP35 (Historic Environment), which is closely aligned with chapter 16 of the NPPF *Conserving and enhancing the historic environment*.

The general policy position set by both local and national policy with respect to the proposal is that: the LPA should take into account the desirability of new development making a positive contribution to local character and distinctiveness; great weight should be given to the conservation of heritage assets; any harm should require clear and convincing justification; and proposals that preserve or enhance significance should be treated favourably.

The design of the proposed dwelling is briefly considered before moving on to specifically consider its impact upon the setting of Hyrstlands.

Design

The proposal was preceded by an earlier application (ref. 2023/62/90945/E) for a detached dwelling on the same site, which was refused permission on 7 June 2023. This earlier proposal was for a two storey building with a flat roof, which had a larger footprint that extended further to the north. In terms of its appearance, it shared many similarities with no. 9, which is inspired by contemporary Californian architecture but related to its context through the use of local natural stone. The LPA considered the design of the dwelling and its heritage impact to be acceptable but permission was refused due to its impact upon trees. The current proposal seeks to address tree concerns, in part by reducing the footprint of the building. To compensate for some of the lost floor space an alternative design with pitched roof and including attic accommodation is proposed.

Some dwellings at Hyrst Gardens are still under construction but all are of contemporary design and feature the use of natural stone and/or render, and most include a combination of both flat roofs and pitched roofs faced with natural slate. The wider surrounding area is diverse in terms of building ages, types, styles but the vast majority of buildings are dwellings of traditional design and feature pitched roofs.

As outlined above, the proposed dwelling is a modern interpretation of early 20th century architecture that includes a symmetrical façade, two projecting gables, chimney stacks and generous areas of glazing. It is to be constructed from high quality materials including coursed natural stone, blue slates, and aluminium framed glazing. Externally the building is complemented by a landscaping scheme that includes 18 new select standard sized trees and 40 new holly plants to understorey.

In HPD's opinion, the proposal is of high visual quality and an appropriate response to its diverse context.

Heritage Impact

The Officer Report for the previous application (ref. 2023/62/90945/E) states:

“Policy LP35 of the Kirklees Local Plan states:

“Development proposals affecting a designated heritage asset... should preserve or enhance the significance of the asset.”

In this instance, a separation distance of ~36m would be retained between the application site and the neighbouring listed building. Given that dwellings of a similar appearance have been approved and built at a similar separation distance (9 Hyrst Gardens), it is considered that the proposed development would not result in any additional harm to the heritage asset. The proposal would therefore comply with Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework”.

HPD considers this to be an accurate assessment of the previous proposal, which is also applicable to the current proposal, although there will be an increase in the separation distance.

The Officer's analysis might be read as implying the Hyrst Gardens development has harmed the setting of Hyrstlands. In HPD's judgement, although the loss of the lodge is regrettable, this is not the case because:

- The once extensive grounds of Hyrstlands have changed substantially since the early 20th century. Although not always desirable, it is likely some of these changes have helped to keep the building in active use and prevent its loss.
- The site was previously long-term vacant, unattractive and regularly subject to littering and fly tipping. It no longer made a positive contribution to the setting of the building and change was needed and accepted by the LPA.
- Hyrstlands has retained its dominance over new dwellings at Hyrst Gardens, which are visually subservient, despite their substantial size.
- Significant separation is provided between Hyrstlands and Hyrst Gardens by vegetation and distance.
- The new dwellings constructed are of high quality and have arguably made a positive contribution to local character and distinctiveness.

4.0 CONCLUSION

The proposed dwelling is appropriate for its diverse context, of the requisite high quality, and will uphold visual amenity and the setting of Hyrstlands. It therefore complies with Local Plan Policy LP35, chapter 16 of the NPPF, and is consistent with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.0 COPYRIGHT

This report remains the intellectual property of Heritage Planning Design Ltd. However, it may be used and reproduced without any amendment(s) by the named client(s) and the relevant authorities for the purpose(s) specified and/ or intended. It should not be used for any other purpose and it may not be sold, lent, hired, divulged or relied on by any third party without the prior written consent of the copyright holder.

© Heritage Planning Design Ltd

6.0 REFERENCES

Kirklees Council, (2019), *Kirklees Local Plan Strategy and Policies*

MHCLG (2024), *National Planning Policy Framework*

The National Heritage List for England, list entry numbers given in text, available here: <https://historicengland.org.uk/listing/the-list/>