

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 27 August 2020

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Subject:

To consider a Listed Building Consent application (20/01665/LBC) relating to minor internal and external amendments to existing listed building including: demolish, remove and replace internal stair, demolish and remove section of chimney at first floor only - ground floor and roof level chimney breast to remain. Alterations to external frontage with new external doors and windows throughout at 193 High Street, Wibsey, Bradford.

Summary statement:

The application involves a number of alterations to a listed building: the removal of the first floor chimney breast and internal stone staircase, new railings, canopy to the front door and use of uPVC for windows and doors and wall mounted mail box. All these elements would result in significant harm to this heritage asset which results in the proposal conflicting with the requirements of Policy EN3 of the Council's Core Strategy Development Plan Document and Paragraph 196 of the National Planning Policy Framework and would conflict with the statutory duties imposed on local planning authorities within the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore recommended for refusal.

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& Highways)

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration & Economy

1. SUMMARY

Listed Building consent is recommended to be refused for works relating to:

- Demolish, remove and replace internal stairs
- demolish and remove section of chimney at first floor only
- Alterations to external frontage with new external doors and windows throughout.

The proposals would result in considerable harm to both the fabric of the building and its appearance. The front appearance would be cluttered and inconsistent with the neighbours. The internal alterations lack substantive justification and would result in loss of original fabric. The alterations would fail to accord with the NPPF and policy EN3 of the core strategy.

2. BACKGROUND

Attached at Appendix 1 is a copy of the officer's report which identifies the material considerations of the proposal.

3. OTHER CONSIDERATIONS

None.

4. OPTIONS

- To refuse consent as detailed in the report of the Assistant Director of Planning, Highways and Transportation.
- To grant consent
- To refuse consent with alternate reasons

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from matters associated with the report.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

It is important to create a viable use for this listed building to ensure its upkeep and continued maintenance. Whilst refusal is recommended there is an extant listed building consent permission which potentially allows a viable use.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

No significant implications.

8.4 COMMUNITY SAFETY IMPLICATIONS

No significant implications.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report forming Appendix 1.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

None.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That listed building Consent is refused for the reasons set out in the report attached as appendix 1.

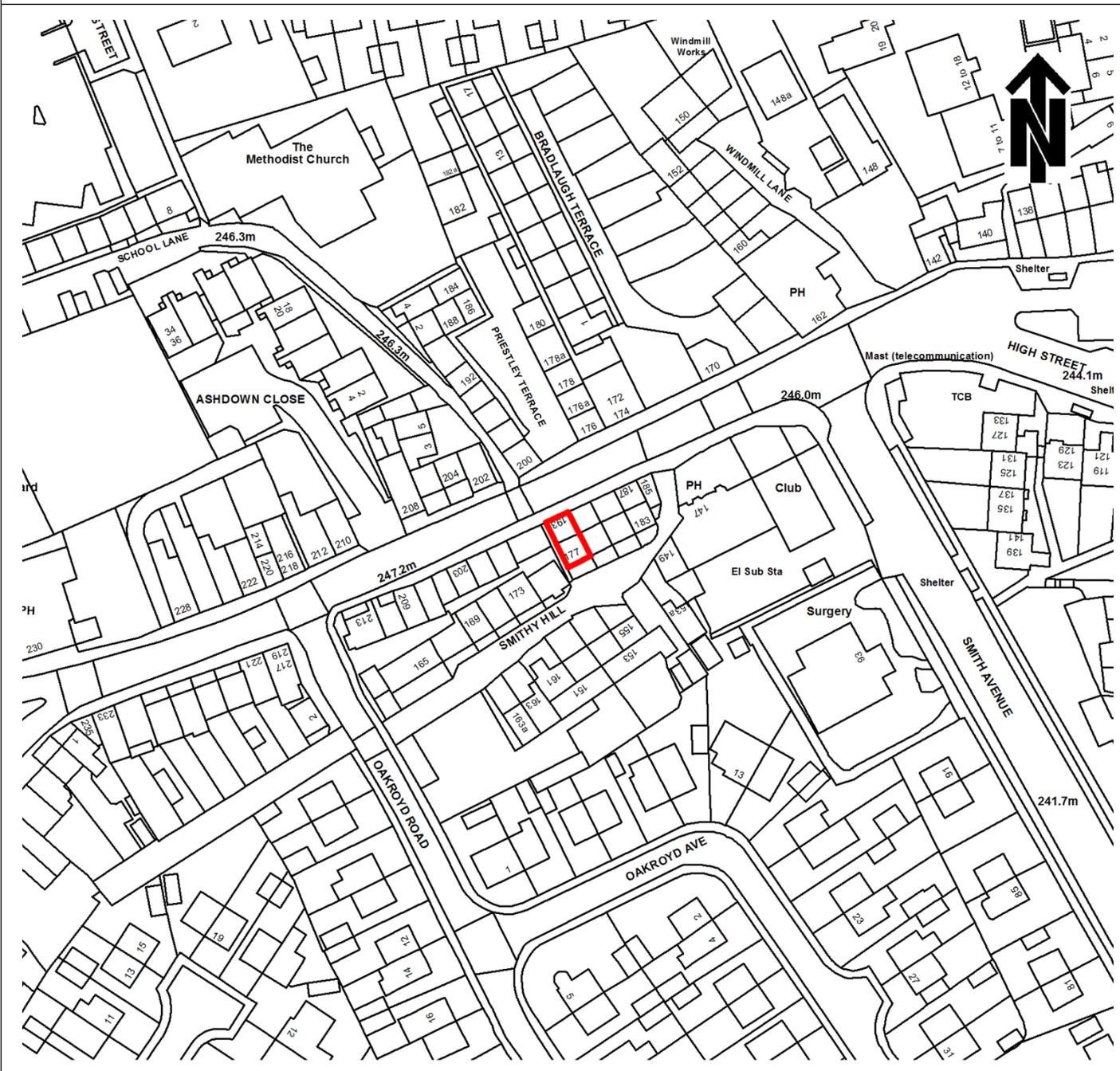
11. APPENDICES

Appendix 1 – Officer Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy Development Plan Document
Application file 20/01665/LBC

20/01665/LBC



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193 High Street
Wibsey
Bradford BD6 1JU

Ward: Wibsey

Recommendation:
TO REFUSE LISTED BUILDING CONSENT

Application Number:
20/01665/LBC

Type of Application/Proposal and Address:

Listed Building Consent for minor internal and external amendments to existing listed building including: demolish, remove and replace internal stair, demolish and remove section of chimney at first floor only - ground floor and roof level chimney breast to remain. Alterations to external frontage with new external doors and windows throughout at 193 High Street, Wibsey, Bradford.

Applicant:
Mr Paul Dunne

Agent:
J B Langley Planning & Design Studio Ltd

Site Description:

193 High Street forms part of a row of back-to-back cottages. The internal arrangement is unusual, with the accommodation to High Street being single storey whilst at the rear the properties are 2 storey. The attic space of the front properties oversails the rear dwellings. The cottages are faced in coursed stone under replacement concrete tile roofs. The windows are all simple 2-light mullioned openings, in the simple local vernacular.

The site is a mix of commercial and residential uses along High Street with residential uses in the streets to the rear. The site does not have any off-street parking and its only curtilage is a small area to the front of the property.

Relevant Site History:

19/03558/HOU Rear dormer windows, partial removal of chimney and steps to front elevation - Refuse 10.10.2019

19/03559/LBC Rear dormer windows, partial removal of chimney and steps to front elevation - Refuse 10.10.2019

Reason for refusal:

The proposed 2 dormer windows to the rear roof slope would be visible from the street behind the cottages. The roofscape is currently uninterrupted and the row of 5 cottages retain an unspoilt rhythm of fenestration. The dormers proposed would be incongruous and obtrusive and would cause material harm to the character of the host listed buildings. They fail to accord with policy EN3 of the Councils Core Strategy and Paragraph 196 of the NPPF and would not be in accordance with the duty of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application involves the removal of the chimney breast in the living room and internal stone staircase. These are part of the original fabric and their removal would

cause material harm to the character of the host listed buildings. They fail to accord with policy EN3 of the Councils Core Strategy and Paragraph 196 of the NPPF and would not be in accordance with the duty of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed front intervention including the alterations to the front steps is considered to be contrived and excessive. Relative to age of the property the railings are considered to be inappropriate in design. The proposed canopy to the door would be discordant and inconsistent with the other properties in the row along High Street and the wall mounted mail box only serves to add unnecessary clutter to the building. As such these elements fail to accord with policy EN3 of the Councils Core Strategy and Paragraph 196 of the NPPF and would not be in accordance with the duty of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on the new doors and windows including section details, which are required to open in a traditional manner and not as top opening casements that currently exist. The finish on the external joinery and stonework has not been detailed. Furthermore the details on the rainwater goods is lacking as is the external pointing detail and the proposed new roof slates. In the absence of this information this application cannot be fully assessed with regards to policy EN3 of the Councils Core Strategy and Paragraph 196 of the NPPF.

19/04405/LBC Minor internal and external amendments to an existing listed building, including new external windows and door, re-roofing, external steps and landing amendments, new internal timber stair with the existing to remain beneath GRANT
18.12.2019

Local Plan for Bradford:

The Core Strategy Development Plan Document (DPD) was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is partially within a local centre. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies:

Policy EN3 - Historic Environment

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increased supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Not applicable

Publicity and Number of Representations:

A site notice was displayed at the site and an advertisement was placed in the local paper. The statutory period of publicity expired on 10 July 2020. One letter of representations has been received from a Ward Councillor expressing support and requests that if Officers are minded to refuse the application it be referred to the Planning Committee for a decision.

Summary of Representations Received:

- Extremely small house unoccupied for some time as the size of the rooms makes it impossible to bring up to modern day standards.
- Proposals reflect a compromise that will retain the character of the building but also make it habitable and allow it to be brought up to modern standard otherwise the house will remain empty and fall into disrepair.

Consultations:

Conservation and Design: The proposals would result in considerable harm to both the fabric of the building and its appearance. The front appearance would be cluttered and inconsistent with the neighbours. The internal alterations lack substantive justification and would result in loss of original fabric. The alterations would fail to accord with the NPPF and policy EN3 of the Core Strategy DPD.

Summary of Main Issues:

Proposal
History
Heritage impact
Other Issues Raised in Representations
Conclusion

Appraisal:

Proposal

The application relates to:

- Demolish, remove and replace internal stairs
- Demolish and remove section of chimney at first floor only
- Alterations to external frontage with new external doors and windows throughout.

History

The scheme under 19/03559/LBC was refused which included removal of the chimney breast in the living room and internal stone staircase, front intervention (front steps and canopy to the door).

The subsequent scheme 19/04405/LBC reconciled the earlier reasons for refusal to include: new external windows and door, re-roofing, external steps and landing amendments, new internal timber stair with the existing to remain beneath.

Heritage impact

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works, the

local planning authority shall have regard to the desirability of preserving the building or its setting or any special architectural features or historic interest which it possesses.

This statutory duty is reflected in paragraphs 192-196 of the NPPF and Policy EN3 of the Core Strategy Development Plan Document (DPD). Paragraph 193 of the NPPF requires 'great weight' to be given to the conservation of heritage assets. Paragraph 194 notes 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 195 advises that 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.'

Staircase

The existing staircase is suggested to be non-compliant and dangerous but no evidence is provided to substantiate this. As an existing situation and with the protection of listed building designation, there is no requirement for compliance with current building regulations. The previous solution 19/04405/LBC of constructing a new timber flight in front of the existing structure, which was to be left in place appeared a more responsible and sympathetic solution. Removal of the existing staircase altogether would result in loss of original fabric with no justification or proven benefit.

Chimney breast

It is proposed to remove the chimney breast in the living room. This is not supported. The chimney breast is part of the original fabric and indicates which rooms in the property were heated, illustrating the status of the spaces.

Internally it is proposed to remove the chimney breast at first floor, but beyond a simple comment to its poor condition, no justification is given. Removal of original structural fabric is not supported and can harm the understanding and integrity of the listed building.

Front intervention

To the front elevation, the alterations to the front steps seem appropriate but the railing detail is somewhat elaborate. Simple vertical rails would be more consistent with the simple vernacular character of the cottage, without the circular details at the top. The proposed canopy to the door would be discordant and inconsistent with the other properties in the row.

The proposed use of uPVC for windows and doors is unacceptable. The material is historically inconsistent with the fabric of listed buildings and does not facilitate requisite finesse of appearance or detailing. Full details of new doors and windows are required before determination, with the windows opening in a traditional manner and all in timber. External joinery must have a painted finish. A wall mounted mail box only serves to add clutter to the building, when a conventional door mounted letter box would work. Any new rainwater goods must be detailed and external pointing subject

to a sample panel. The proposed new roof slates will need to be subject to approval of a sample.

Other Issues Raised in Representations:

The space gained by the removal of the chimney area is very small and the gain does not outweigh the harm to the permanent loss of the fabric of the listed building. Regarding the loss of the staircase a successful scheme has been demonstrated under 19/04405/LBC which would enable the building to be habitable leading to the desirability of its upkeep and maintenance. An appropriate timber construction window and door would enable the house to be brought to modern standards. An alternative design is possible for front railings. The proposed canopy to the door would be discordant and inconsistent with the other properties in the row. A wall mounted mail box only serves to add clutter to the building, when a conventional door mounted letter box would work.

Conclusion

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works, 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 proposals would result in considerable harm to both the fabric of the building and its appearance. The front appearance would be cluttered and inconsistent with the neighbours. The internal alterations lack substantive justification and would result in loss of original fabric. The substantial harm caused to the heritage asset does not satisfy the requirement of the NPPF and Policy EN3 of the Core Strategy DPD.

Reason for Refusing Listed Building Consent:

1. The application involves the removal of the first floor chimney breast and internal stone staircase. These are part of the original fabric and their removal would cause material harm to the character of the host listed buildings. They fail to accord with policy EN3 of the Council's Core Strategy Development Plan Document and Paragraph 196 of the National Planning Policy Framework and would not be in accordance with the statutory duty imposed on local planning authorities within the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Relative to age of the property the proposed railings are considered to be overly elaborate and as such inappropriate in design. The proposed canopy to the door would be discordant and inconsistent with the other properties in the row along High Street. As such these elements fail to accord with policy EN3 of the Council's Core Strategy Development Plan Document and Paragraph 196 of the National Planning Policy Framework and would conflict with the statutory duty imposed on local planning authorities within the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The proposed use of uPVC for windows and doors is historically inconsistent with the fabric of listed buildings and does not facilitate requisite finesse of appearance or detailing. The proposed wall mounted mail box only serves to add unnecessary clutter to the building. As such these elements fail to accord with policy EN3 of the Council's Core Strategy Development Plan Document and Paragraph 196 of the National Planning Policy Framework and would conflict with the statutory duty imposed on local planning authorities within the Planning (Listed Buildings and Conservation Areas) Act 1990.

