
Appeal Decision

Site visit made on 10 September 2018

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2018

Appeal Ref: APP/Z4718/W/18/3196832

Birdsall and Armstrong, 80 Fitzwilliam Street, Huddersfield, HD1 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Fong Bin Yong against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/93308/W, dated 21 September 2017, was refused by notice dated 1 February 2018.
 - The development proposed is the conversion of premises to 16 self-contained student apartments.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I saw at the site visit that much work to the building has already been carried out and is underway to convert the building into apartments. I have noted that permission and listed building consent was granted in 2015 for the conversion of the building to 34 bedsits and that a concurrent application for conversion to 16 apartments is pending. However I have determined this appeal on the basis of the plans submitted with this application.

Main issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of the future occupiers of the building in terms of light, outlook and space;
 - the special architectural and historic interest of the listed building at 80 Fitzwilliam Street and the character and appearance of the Huddersfield Town Centre Conservation Area.

Reasons

Living conditions

4. The development plan includes policies BE1 and D2 of the Kirklees Unitary Development Plan (UDP) which seek to ensure good quality design and protect residential amenity. Those policies in accord with the Framework in respect of those matters. I have noted the Council's reference to policies in the Kirklees Publication Draft Local Plan with similar objectives but as this has not yet been adopted by the Council they cannot carry full weight in this appeal.

5. The proposed self-contained apartments would be provided at basement, ground floor and first floor levels. The building has a long, narrow plan form with windows only in the front and rear elevations. In the rear part of the building the outer walls of the apartments would be set in from the side walls of the building. All windows within those apartments would be internal and would look onto a corridor along the western side and a void along the eastern side of the building. The proposal includes the removal of a section of roof on the western side of the rear part of the building and replacement with glazing to create light wells allowing natural light to penetrate down from the top floor through opaque panels in the floor through to the rear part of the basement. Rooflights would be installed on the eastern side of the building for similar reasons. The outer walls would be painted a light colour and mirrors fitted to bounce light around. Light penetrating through the western side of the building would also have to pass through a small number of opaque blocks installed in the corridor at ground floor level. Every room in each of in the rear apartments would be dependent on light from those sources.
6. Whilst the windows in the front elevation would serve the apartments in the front part of the building, not all of the bedrooms and kitchens in the front basement and ground floor apartments would benefit from that light. Two bedrooms and a kitchen would have no window and another bedroom would have a window onto a shared corridor.
7. The lack of direct natural lighting would result in insufficient light to the six apartments in the rear part of the building at ground floor and basement levels and in the front part of the building to one of the apartments at basement level and the two apartments at ground floor level. The outlook from each of the rooms referred to earlier would also be extremely poor, onto either a shared corridor or a void with no external view. I see no reason why students should not expect a reasonable outlook and adequate natural lighting, particularly as they could reasonably expect to study from home.
8. I also share the Council's concerns with regard to the limited space within some of the apartments. Each apartment would comprise two en-suite bedrooms with a shared kitchen and living room. The Council says that some would be less than 50 sq m and two at ground floor level would be approximately 43 sq m. I note from the plans that two of the rear ground floor apartments would have space for a single bed and a desk but no wardrobe or drawers space. The lack of storage and circulation space within those apartments would therefore be unacceptable and would add to the harm experienced in terms of light and outlook.
9. I have noted that the previously permitted scheme was for 34 en-suite bedsits also looking onto an open void on both sides of the building lit by rooflights and communal dining/kitchen areas in a separate area of the building. Whilst the appellant accepts that in the current scheme the light to the basement would be slightly reduced as it would be through glass light wells, he says that the amount of light to the ground and first floor is the same as the previous approval and that the communal areas in that scheme had no windows. He considers that each of the proposed apartments would be adequately lit and lighter than any of the previously approved bedsits. However the Council says that in the previous scheme each bedsit would receive acceptable levels of light due to its small size. Having seen that much work to the building has already

been carried out to create apartments and given that the appellant maintains that the bedsits would be difficult to let it seems very unlikely that the previous scheme would be implemented and I have given it little weight as a fallback position in the determination of this appeal.

10. For the reasons given earlier, I conclude that the proposed scheme is of a poor standard of design that would result in cramped and gloomy conditions, causing significant harm to the living conditions of some of the future occupiers, contrary to UDP policies BE1 and D2.

Listed building and Conservation Area

11. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 193 of the National Planning Policy Framework 2018 (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say 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 196 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
12. I have noted the Council's reference to policy PLP35 in the emerging Kirklees Publication Draft Local Plan but as this has not yet been adopted by the Council it cannot carry full weight in this appeal.
13. 80 Fitzwilliam Street is a grade II listed building dating from the mid C19th which was built as a Freemasons' Hall. It has two storeys and is an imposing stone building which forms one of a row of stone buildings in the street and contributes positively to the character and appearance of the Huddersfield Town Centre Conservation Area (CA). It retains much of its original character both externally and internally. Its historical significance derives from its former use and its architectural significance from the imposing façade and both the layout and the detail of the interior (including much wood panelling and decorative detailing) which reflect its former use.
14. The Council's decision refers to less than substantial harm to the setting of the CA and the listed building. In this regard, the decision refers only to the layout of the residential accommodation and it is unclear to me how it considers this would harm the significance of the building and the CA. Although there would be some changes to the plan form of the building both horizontally and vertically, the Council's Conservation and Design Officer raised no objection to the proposal as he considered there is little difference between this scheme and the previously permitted scheme and that any changes would not affect the historic fabric. I agree that the most important features of the building would be retained and that it would still be possible to read the original form and layout of the building. As such, the significance of the building would be

unharmful and there is therefore no need to consider the public benefits of the proposal in this regard.

15. I conclude then that the proposed development would not harm the significance of the listed building or the Conservation Area and that it accords in this respect with the Framework.

Other matters and planning balance

16. The proposed scheme would secure the long term future and viability of this grade II listed building which has been largely unused for 12 years. It would also increase the amount of student housing at a time when the Council accepts it cannot demonstrate a five year housing supply. However, the Council considers the principle of conversion to be acceptable. In the absence of any detailed viability information and despite the constraints of the building, I see no reason why an acceptable scheme could not be achieved. Thus, whilst the future of the building and the provision of student accommodation are important considerations they do not outweigh the significant harm that I have identified above in terms of living conditions.

Conclusion

17. For these reasons and notwithstanding my findings in regard to the listed building, my findings in terms of living conditions are significant and overriding. I conclude that the proposed scheme would be contrary to the development plan as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector