



Appeal Decision

Site visit made on 14 December 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/Z4718/Y/21/3272856

Wilshaw Village Hall, Wilshaw, Meltham, Holmfirth HD9 4DX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Wilshaw Village Hall Trust against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/65/90386/W, dated 1 February 2021, was refused by notice dated 30 March 2021.
 - The works proposed are listed building consent for installation of replacement windows within a conservation area.
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Decision

1. With regard to the front and rear elevations, the appeal is allowed and listed building consent is granted for installation of replacement windows at Wilshaw Village Hall, Meltham, Holmfirth HD9 4DX in accordance with the terms of the application Ref 2021/65/90386/W dated 1 February 2021, subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The aforementioned permitted works shall comprise replacement windows to the main hall, front and rear kitchen only.
 - 3) The development hereby permitted shall be carried out in accordance with the following drawings: Location Plan - Title Number YY100250; Dwg. No 1 – Proposed Windows, in respect of the main hall, front and rear kitchen only, and Dwg. No 2 - Detail of Main Hall and Kitchen Windows, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
 - 4) Prior to the removal of the existing windows or their frames, fully detailed and dimensioned drawings at minimum scales of 1:10 elevation and 1:5 plan, including a schedule of replacements including proposed frame colours and glazing specification shall have been submitted to and approved in writing by the Local Planning Authority. The windows shall be installed completely in accordance with the approved details and retained thereafter.
2. With regard to the replacement windows on the eastern gable elevation of Wilshaw Village Hall the appeal is dismissed, and listed building consent is refused.

Preliminary Matters

3. Although mentioned in the officer's report, the Council's decision does not specifically find harm in relation to the Wilshaw Conservation Area (WCA). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. As such I am required to consider the effects of the works on the WCA in my reasoning and both parties were invited to submit further comments in this regard during the hearing.
4. For the purposes of neutrality, I have used the description of development on the Council's decision in the heading.

Main Issues

5. The main issues are whether the works would preserve the Grade II listed Wilshaw Village Hall, or any features of special architectural and/or historic character that it possesses; and whether the works would preserve or enhance the character or appearance of the Wilshaw Conservation Area (WCA).

Reasons

Wilshaw Village Hall

6. Wilshaw is a highly distinctive upland village comprising loose clusters of predominantly stone Victorian buildings nestled within a woodland setting. The 1854 map indicates that most of the village's development occurred in the second half of the 19th century, when a local industrialist, Joseph Hirst, added institutional buildings and dwellings to the existing cottages and farmsteads in order to build a model industrial community. The largely linear form of the current village is punctuated by a series of those institutional and residential buildings, most of which were designed by the same local architect, John Kirk. These include the Grade II listed former school-house, now the Village Hall (Hall), as well as the Grade II listed almshouses, Mausoleum and St Mary's Church, and other locally important buildings, both listed and unlisted.
7. The Hall is a single-storey stone structure, with an attached two-storey former schoolmaster's house. The original building has a broadly L-shaped plan form, and is angled relative to the road. The eastern gable with dutch-style shaping and finial, frames a simple six-light window which is seen across open ground and which forms the main feature of the Hall when approaching Wilshaw from the east.
8. The Hall's principal front elevation is slightly elevated relative to the road, and presents with a dutch-style gable above the two storey dwelling and a similar but simpler and lower gable above the tudor-arched entrance door to the main school-house.
9. The school-house has paired metal-framed windows within chamfered stone mullions on the front and rear elevations, and stone hood moulds on the front elevation only. Metal transoms divide each light into equal parts and apart from the gable window, each pair of lights has a hopper style opening. The transoms appear to be secured directly into the stone mullions, and the glazing appears to be a mix of period and contemporary glass. The attached house

has paired sash windows on its front elevation, which contrast with the institutional design of the adjoining school.

10. The school's interior has an exposed roof structure with three decorated king trusses, and dado panelling up to the level of the deep window rebates.
11. Overall, the former school-house is remarkably intact, with a very high degree of retained and authentic historic fabric, both internally and externally.
12. There is conflicting evidence before me with regard to the authenticity of the existing windows. The officer's report refers to similarities between the Hall's windows and those fitted at Meltham Church Memorial Schools, and highlights the retained 19th century sheet glass. The presence of the ventilation chamber on the Hall's ridge supports the officer's report in respect of Grundy's glazing, heating and ventilation system described an edition of the Huddersfield Chronicle in 1868.
13. The appellant refers to a history of Wilshaw which suggests that the windows had diamond leaded panes. However, further evidence is not provided. Although some mullions appear to be rebated internally at a height unrelated to the existing transoms or the external quoins, in the absence of any explanation or other associated features, I have given this no weight.
14. There is no substantiation provided for the arguments advanced by either party in relation to the Hall's original windows. On the basis of my observations, I conclude that it is likely that the window design, frames and the configuration of fixed and opening lights is original, even if some of the glass and the opening lights in the kitchen have been replaced.
15. The Hall's significance is therefore derived from its intact historic fabric and original detailing, the distinctive styling and hierarchy of ornamentation on the different elevations, and the clear distinction between the Hall's former institutional and domestic functions. There is also historic and communal value to be derived from the illustrative and associative links with Joseph Hirst, John Kirk and Joseph Hirst's daughter Mary, as well as evidential value of the village's development and its reflection of Victorian socio-economic and religious values.
16. The proposals are for fixed timber casements with horizontal bars on the school's front and rear elevations. The casements would be in frames measuring 56 x 34mm, which would hold a 24mm double glazed unit. From the measurements I took on site I concluded that the section drawings do not appear to reflect the actual depth of the chamfered mullions and cills. As such it is unclear to me where the frames would actually be located. In any case, the removal of the existing windows would result in a loss of historic fabric and the fixed frames would be a little thicker than the existing lead frames. It is likely that the drip groove within the internal stonework would be concealed.
17. The two windows in the kitchen would have opening lights in the top third of the window, requiring a deeper frame. The opening light would also appear more bulky than the current arrangement of lead framed hoppers. The drawings suggest that the top opening light would be slightly less than the equal third that characterises the existing windows. No explanation is given for this but if the appeal was to be allowed, this could be controlled by condition.

18. The large gable window has six equal sized openings, arranged in two rows of three. Each contains a window with one transom which bisects the windows giving two equal sized panes. The proposals would comprise fixed panes in the top row and opening lights in the bottom row. As with the aforementioned fixed lights, the replacement non-opening windows in the top row would have slightly thicker frames than the existing leadwork. However, the opening lights underneath would have even thicker frames which would make the window appear bottom heavy and change the window's overall dynamic. The side opening lights would, when open, also add to the incongruity and detract from the gable's current simplicity.
19. Moreover, contemporary glazing has different reflectivity when compared to authentic 19th century glazing and this would detract from the appearance of the Hall and jar with other retained original features.
20. I conclude that the removal of the original windows and the possible evidence of an early ventilation system would fail to preserve the Hall or its special architectural or historic features. Moreover, the replacements and use of modern glass would detract from the Hall's overall appreciation, particularly in relation to the eastern gable and front elevation which are the elevations clearly designed to be in the public domain. This would lead to less than substantial harm as set out in Paragraph 199 of the National Planning Policy Framework (the Framework). This also states that great weight should be given to an asset's conservation irrespective of the level of harm.
21. As such the works would fail to preserve the Hall, contrary to Section 16 (1) of the Act and would be contrary to Section 16 of the Framework which is concerned with the conservation and enhancement of the historic environment.

Wilshaw Conservation Area

22. The significance of the WCA is derived from the high quality of its retained Victorian buildings, and their underlying architectural consistency and distinctiveness. It is also derived from the social, ecclesiastical and educational functions provided by those buildings within the former model village. These reflect the philanthropy of Joseph Hirst, as well as the familial association between the benefactor and his daughter. As such, aesthetic, historic, evidential and communal values contribute to the heritage significance of the WCA.
23. The Hall is the first building to be encountered on the left-hand side when approaching Wilshaw from the east, and as such is one of the WCA's key gateways, as identified in its Appraisal. The Appraisal highlights that the Hall and the opposing St Mary's Court form a sub-character area within the townscape appraisal. I see no reason to disagree with this assessment.
24. Although less ornamented than the Hall's front elevation the gable is prominent in views from the public domain. Given my reasoning with regard to the effect of the replacement gable windows on the appearance of the Hall, set out above, I conclude that the proposed works to the gable would have an adverse effect on the contribution the Hall makes to the WCA, and have a moderate adverse effect on the WCA's significance.

25. With regard to replacement windows on the Hall's front and rear elevations, for the reasons set out above I conclude that fixed lights to the front and rear elevations would have a minor adverse effect on the WCA and its significance.
26. The proposals for the kitchen lights with opening top lights would have thicker frames and would therefore be more intrusive than the existing slim framing. However, these windows have already been altered. Moreover, they are seen only from the private yard behind the attached house. Although harm to conservation areas is not necessarily predicated upon visibility from the public realm, I am satisfied that the degree of harm in relation to the rear kitchen lights would be slight adverse as a consequence of their location, and because the existing window is already compromised.
27. Overall, there would be less than substantial harm and the works would fail to preserve or enhance the character or appearance of the WCA. This would be contrary to the provisions of Section 72(1) of the Act, and Section 16 of the Framework which is concerned with the conservation and enhancement of the historic environment.

Heritage balance and conclusion

28. Paragraph 202 of the Framework requires that where there is less than substantial harm, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.
29. I see no reason to disagree with the appellant that the current windows are highly inefficient in terms of energy use and are not conducive to the Hall's use as an attractive community space. The poor condition of some of the windows indicates they need attention or replacement. This would be the case whatever the Hall's future ownership or function.
30. There is very limited information before me with regard to secondary glazing as an option. However, some of the mullions are in poor condition with flaking stonework. Fixing secondary panels to the stonework within the window rebate could damage the fabric of the building.
31. In any case, to ensure ventilation from the opening windows secondary glazing would have to be openable, to enable access to the hoppers. It would also have to be located some distance beyond the open hoppers. Although I am aware that there are hinged or sliding options for secondary glazing, the curved rebates would limit options in this regard. If located beyond the rebates, frames would need to be attached to the timber panelling and plasterwork. This would detract from and could damage the Hall's interior. Whilst secondary glazing for the opening windows would enable their retention, it could lead to additional internal damage, as well as detracting from appreciation of the Hall's simple but thoughtfully detailed interior.
32. There is a clear hierarchy to the Hall's elevations, with the front elevation and eastern gable being the most publicly visible and ornamented. I noticed that fixed lights have been installed in a rear extension and conclude that the use of fixed windows as proposed on the front elevation would not be particularly intrusive. The transoms would reflect the original arrangement, as well as retaining the existing distinction between windows at the school and the attached house. Even taking the increased reflectivity of modern glazing into account, with regard to the Hall's front elevation I am satisfied that there would

be benefits to be derived from a more comfortable facility and lower running costs. These would amount to public benefits sufficient to outweigh the harm arising from loss of original fabric and changes to appearance on the former school's front elevation. Similar arguments would apply in the case of the rear elevation.

33. The rear kitchen windows would have top opening lights which would necessitate thicker frames. I give moderate weight only to the loss of historic fabric here as the windows have already been altered. These windows can be seen only from the private yard of the attached dwelling, and they would not be seen in the context of the finer proportions of the proposed fixed lights. The public benefits arising from improving ventilation and heat efficiency in the kitchen outweigh the lesser harm identified above.
34. However, the Hall's eastern shaped gable is the first sight of the Hall when entering the village from the east. A combination of fixed and opening lights would result in inconsistency in frame thickness, and the simplicity and symmetry of this prominent window would be lost. The side hung opening windows at the lower level would add to the incongruity. Moreover, notwithstanding that I have some reservations regarding secondary glazing, this is one window where there are no opening lights, which would remove some of the obstacles to secondary glazing, as outlined above.
35. In the light of the above, in the case of the kitchen, front and rear elevations I conclude that the harm identified would be outweighed by public benefit. However, in the case of the gable window, I have concluded that the combination of inappropriate opening lights, thicker frames and asymmetry would not be outweighed by public benefit.
36. There are compelling arguments before me in relation to the difficulties experienced by the community in running this facility and the works are practically severable. Although I have concerns that if a split decision was implemented there would be no obvious means of ventilation in the main hall area, I am satisfied that this could be resolved. However, it is beyond my remit to suggest ways in which this could be addressed.
37. As such in relation to the front and rear elevations and the kitchen, I conclude that the works should be allowed, in line with Paragraph 202 of the Framework. However, in relation to the works to the gable, I conclude that the public benefit would not outweigh the harm and that those works would be contrary to the provisions of Sections 16 (2) and 72 (1) of the Act. They would also be contrary to the provisions of Section 16 of the Framework which is concerned with the conservation and enhancement of the historic environment.

Other matters

38. There is an extant consent for metal framed windows. The information provided in respect of the windows is generic and gives no information regarding the actual proposals for individual windows. As such, although this consent would also result in the loss of historic fabric, I am unable to assess its impact on the Hall's appearance and contribution to the WCA or to assess whether there would be a comparable, greater or lesser degree of harm to significance than the appeal before me. In the absence of more detailed financial information, I am also unable to conclude whether what is before me is more or less likely to be implemented than the extant permission.

39. Although the Council has agreed in principle to the removal of all the existing windows through the granting of the extant consent, this does not alter my reasoning which is concerned with the totality of the application before me.
40. Other concerns have been raised but procedural issues are outside the remit of the appeal. The pre-commencement conditions imposed on the extant consent reflect the generic nature of the approved drawings.
41. I give little weight to the difference in window design between the Hall and the school master house. It seems highly likely that the institutional design of the windows was always intended to be different from those of the dwelling.

Conditions

42. I have imposed the standard time condition and conditions identifying the consented works for the avoidance of doubt. As the detailed drawings are insufficiently dimensioned, I have also imposed a pre-commencement condition requiring the approval of further details to ensure that the works safeguard the heritage assets.

Conclusion

43. With regard to the Hall's front and rear elevations and the kitchen, the appeal is allowed and listed building consent is granted.
44. With regard to the Hall's eastern gable, the appeal is dismissed, and listed building consent is refused.

A Edgington

INSPECTOR