# 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**

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| **Reference No:** | 2018/65/91570/W |
| **Site Address:** | Springfield Lodge, 4, Thornhill Road, Edgerton, Huddersfield, HD3 3AU |
| **Description:** | Listed Building Consent for replacement guttering (within a Conservation Area) |
| **Recommending Officer:** | Francis Davies |

**DECISION - Refused**

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

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 30-Jul-2018**

Officer Report

Reference: 2018/91570

**Proposal:** Listed building consent for replacement guttering (within conservation area)

**Location:** Springfield Lodge, 4, Thornhill Road, Edgerton, Huddersfield, HD3 3AU

## Site Description

The application relates to a two storey, grade ll listed building, constructed from natural stone and designed with a hipped roof, hosting dormer windows. As noted on the submitted location plan the redline boundary extends to the front (southeast), side (north) and rear (northwest), offering parking provision and a small amount of private amenity space.

It is noted that the application property is located in close proximity to a number of other residential properties which form part of the Edgerton conservation area.

## Listed Description

Lodge. Late C19. Coursed squared limestone. Plain and fishscale tile roof. Stone ridge and end stacks. Tudor-Revival style. 2-storey octagonal entrance bay to left. Single-window range of single-storey plus attic to right. Porch of limestone with gabled tiled roof and bargeboards. Entrance has panelled door with moulded stone surround. Octagonal part has 2-light stone-mullioned windows to ground floor and first floor. All windows have hood moulds and label stops. Limestone quoins. Embattled parapet. Right part has 3-light stone-mullioned window to cellar, single-light window to ground floor and a gabled false dormer with bargeboard and pendant. All windows have hood moulds and label stops. Limestone quoins. Ornamental ridge tiles. Prominent site on junction of A4035 and road to Compton Wynyates.

## Description of Proposal

The application seeks listed building consent for the replacement of existing timber guttering with aluminium guttering of a similar colour and profile. It is noted that where possible the timber facia boards will be retained to preserve the existing appearance of the dwelling to a small degree.

## History of negotiations

Following an informal consultation with the conservation and design officer it was suggested to the applicant that cast iron guttering, free from joining lines or the replacement with like for like timber guttering would be preferable.

However, the applicant has advised that cast iron guttering would be too heavy for the existing supports and that the maintenance required with regard to timber is not suitable. As such the application falls to be determined as originally submitted.

**Relevant Planning History**

2014/92505 – Alteration and change of use to form mixed office (B1) and dwelling (C3 use) (Listed Building within a conservation area) (Conditional Full Permission).

2014/92506 – Listed Building Consent for internal and external alterations (within a conservation area) (Consent Granted)

2015/90654 – Discharge conditions 3 (window frame), 4 (window frame), 5 (rooflights) on previous permission 2014/92506 for listed building consent for internal and external alterations (within a conservation area) (Discharge of conditions approved)

2014/92496 – Non material amendment to previous permission 2014/92505 for alteration and change of use to form mixed office (B1) and dwelling (C3 use) (Listed Building within a Conservation area) (Approved)

2015/92495 – Listed building consent for installation of three windows (within a conservation area) (consent granted)

**Representations**

Final publicity date Expires: 28th June 2018

No public representations were received in respect of this application.

**Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Conservation and Design – Object to the proposal.

**Policy**

Section 38(6) 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. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local

Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework (2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and remains unallocated on Kirklees Publication Draft Local Plan. It is advised that the application property falls within Edgerton conservation area.

- Access considerations – None

**Kirklees Unitary Development Plan:**

- BE1 – Design Principles
- BE2 – Quality of Design

**Kirklees Publication Draft Local Plan (PDLP):**

- PLP24 – Design
- PLP35 – 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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving Sustainable Development
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

**Assessment**

The application seeks listed building consent to replace the existing timber guttering with aluminium guttering, on a grade ll listed building.

Section 16 (2) Planning (Listed building and Conservation Area) Act 1990 requires that in considering proposals which relate to listed building, Local Planning Authorities must have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historical interest which it possesses.

In addition to the above, paragraph 192 of the NPPF states that 'In determining applications, local planning authorities should take account of:

a) The desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation.
b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) The desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be)' (NPPF paragraph 193). The setting of a designated heritage asset is an important aspect of its significance.

The key consideration for listed building consent application is in relation to the impact on the Grade ll listed building. As such the application has been assessed by a conservation and design officer. The application has also been assessed with regard to Policies BE1 and BE2 of the Unitary Development Plan (UDP), Policies PLP24 and PLP35 of the publication draft Local Plan (PDLP) and guidance contained within the National Planning Policy Framework (NPPF).

Policy BE1 of the UDP states that new development should be of a good quality design that is both visually attractive in its own right and which creates or retains a sense of local identity. Policy BE2 states that the design of the development should ensure that it is in keeping with the surrounding development in respect of design, materials, scale, density, layout, building height and mass. The above requirements are also reflected in Policies PLP24 and PLP35 of the publication draft Local Plan.

The application proposes to replace the existing timber guttering with aluminium guttering. By way of justification it is stated that the existing timber guttering is in a poor state of repair. It is noted that the aluminium guttering would be the same colour and size as the existing guttering and that the existing fascia boards would be retained.

However, despite the above it is noted that the proposed construction materials would represent a significant departure from the construction materials used in the existing and oriental guttering system on the application dwelling. Its is also advised that the sectional nature of aluminium guttering would result in numerous joints being visible along the gutting to the application dwelling. Such a feature is considered to be particularly visible on this grade ll listed building given the overhanging eaves deign and low height of the eaves.

Consequently, the proposed addition is anticipated to be particularly visible, thereby detracting from the significance and character of the host grade II listed building. As such, on the basis of the above, it is believed that the scheme would lead to substantial harm. Equally, planning officers are not accepting that the justification offered, maintenance, outweighs the harm. The application therefore fails to accord with Policies BE1 and BE2 of the Unitary Development Plan, Policies PLP24 and PLP35 of the PDLP and guidance contained within Chapter 2, chapter 12 and Chapter 16 of the NPPF.

**Conclusion**

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

**Recommendation – Refuse listed building consent**

**Decision Authorisation - Delegated Powers**

**Application Number**: 2018/91570

**Officer Recommendation**: Refuse listed building consent

**Conditions and Reasons**

1. The proposed replacement of timber guttering with aluminium guttering, by virtue of its design and prominence on a Grade ll listed building would be detrimental to the character and appearance of the host building and introduce an unsympathetic construction material which would unduly detract from the character and historical significance of the Grade ll listed building. The proposal would not result in any significant public benefits, which would demonstrably outweigh its harm to the designated heritage asset. To permit such a development would be contrary to Policies BE1 (Criteria i and ii) and BE2 (Criteria i) of the Kirklees Unitary Development Plan (UDP), Policies PLP24 (Criteria a) and PLP35 (Criteria 1 & 3) of the Kirklees publication draft Local Plan and guidance contained within the Chapter 12 and Chapter 16 of the National Planning Policy Framework (NPPF).

Plans and specifications schedule:-

| Plan Type | Reference | Version | Date Received |
|---|---|---|---|
| Existing Floor Plans, Elevations and Site Location Plan | E01 | - | 14th May 2018 |
| Design & Access Statement | May 2018 | - | 14th May 2018 |
| Heritage Impact Assessment | May 2018 | - | 14th May 2018 |
| Site Location Plan | E10 | - | 14th May 2018 |

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 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. Detail the reasons behind refusing the application e.g.

The applicant was approached regarding amendments to the application but wished it to be determined on the basis of the submitted scheme. For the reason set out in the reason for refusal the development would not improve the environmental conditions of the area.

**Report Dated:** 30/07/2018