

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No: 2019/70/92303/E

Site Address: 34, North Gate, Upper Hopton, Mirfield, WF14 8ET

Description: Variation of condition 2 (plans and specifications) on previous permission 2018/92242 for Erection of single and two storey rear extension (Listed Building)

Recommending Officer: Jennifer Booth

DECISION – GRANT VARIATION OF CONDITION

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

Sarah Longbottom

AUTHORISED OFFICER

Date: 05-Sep-2019

OFFICER REPORT

Site Description

34 North Gate is a two storey terraced property with a small amenity space to the front, a garden to the rear which is split by the access lane and a single storey extension to the rear. The house is constructed with hammer dressed stone, slate roof tiles and timber framed windows. The adjoining terraced houses are also made of very similar materials. This property and the others within the road are grade II listed.

The property is surrounded by open fields, which are marked as Green Belt in the Kirklees Unitary Development Plan Proposals Map and in the Kirklees Publication Draft Local Plan.

Description of Proposal

Listed Building Consent was granted under 2018/92242 for the erection of a single and two storey extension to the rear.

The current application is seeking permission to alter the roof over the single storey element to a steeper slope with changes to the fenestration on the rear elevation and alterations to the internal walls on the ground floor.

History of negotiations

There were some concerns with the initially submitted plans in terms of the new roof form and the proposed roof lights. After discussion with the Conservation Officer, the scheme has been amended to remove the roof lights.

Relevant Planning History

2019/92204 – concurrent application for variation to the planning permission – yet to be decided

2018/92241 – single and two storey rear extension – approved

2018/92242 – listed building consent for single and two storey rear extension - granted.

Also of relevance are the two applications detailed below for the adjoining 32 North Gate

96/91081 – erection of two storey rear extension – granted

96/92200 – listed building consent for two storey rear extension - granted

Representations

The application was advertised by site notices and neighbour letters, which expired on 16/08/2019

As a result of the above publicity, no representations have been received.

Mirfield Town Council has been consulted although no comments have been received.

Consultation Responses

K.C. Conservation & Design – support the amended plans

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is Green Belt on the Kirklees Local Plan Proposals Map

Kirklees Local Plan Policies

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** - Design
- **PLP 35** - 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 19th February 2019, and 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 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

This application proposes alterations to an approved extension for a grade II listed building. Any alterations to a listed building should be assessed against the NPPF. This advises that when assessing such applications local authorities should take into account the significance of the heritage asset and minimise harm to their significance.

It is appreciated that the current plans show more internal alterations than the approved scheme and changes to the agreed upon extension in terms of the roof over the single storey element and changes to the fenestration proposed on the rear elevation. It is considered that the proposed changes to the agreed extension would not adversely affect the architectural character of the property. The proposed extension's size and scale together with its siting to the rear will ensure that the main house still remains the dominant feature and will still allow the narrative of the building's development to be read and understood.

In consultation with the Conservation Officer, it is considered that the changes to the design of the extension is similar to others within the grouping of cottages and it is proposed to have a sympathetic design with matching materials to the main house.

Therefore, it is considered that the size, scale, design and material palette of the proposed single & two storey rear extension will sustain the significance of the listed building, ensuring that it complies with NPPF chapter 16.

Conclusion:

In conclusion it is considered that the proposed work outlined in this application represents acceptable works to a Listed Building and therefore complies with Chapter 16 of the NPPF (Conserving and enhancing the historic environment) in terms of conserving the historic fabric, minimising conflict between the proposal and the heritage asset and sustaining the significance of the heritage asset. Furthermore the enhancements can also be considered to increase the energy efficiency of the property and would comply with the aims of chapter 14 of the NPPF.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation -

Grant Consent

Decision Authorisation - Delegated Powers

Application Number: 2019/92303

Officer Recommendation: Approve

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications schedule except as may be required by other conditions.

Reason: In the interests of visual amenity and to accord with Policy LP 35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

3. Notwithstanding the submitted details, the windows within the extension hereby approved shall be of a slim line timber construction with a painted finish using a colour from the Dulux Heritage Range or equivalent and thereafter retained.

Reason: To ensure that appropriate windows are installed within this Listed Building and to sustain the significance of the heritage asset in accordance with the aims of Chapter 16 of the National Planning Policy Framework.

4. All window frames shall be set back in the reveal by a minimum of 75mm.

Reason: To ensure that appropriate windows are installed within this Listed Building and to sustain the significance of the heritage asset in accordance with the aims of Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing plans	B01	758785	02/07/2019
Proposed plans	B03a	758783	02/07/2019
Proposed plans	B02c	766856	29/08/2019
Supporting statement	29.06.19	758786	01/07/2019

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 Planning 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.

There were some concerns with the initially submitted plans in terms of the new roof form and the proposed roof lights. After discussion with the Conservation Officer, the scheme has been amended to remove the roof lights.

Report Dated

03/10/2019
