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

Reference No:	2019/65/92645/W
Site Address:	5, Kiln Brow, Golcar, Huddersfield, HD7 4DU
Description:	Listed Building Consent to install a conservation roof window in a stone roof (within a Conservation Area)
Recommending Officer:	Craig McHugh

DECISION – GRANT LISTED BUILDING CONSENT

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.

Emma Thompson

AUTHORISED OFFICER

Date: 15-Nov-2019

Officer Report

Site Description

5 Kiln Brow forms part of the grade II listed building 4-5, Kiln Brow. It dates from the mid-19th century. 5 Kiln Brow is single storey and originated as a single room cottage. By the late 19th century a small outshut was added to the rear. It is constructed of hammer dressed stone with a stone slate roof. The front elevation has a door to the left and a four-light mullioned window to the right. The gable elevation is blank. There is a small window to the side of the outshut.

There is an area of garden to the front and side of 5 Kiln Brown. To the front is Kiln Brow an unadopted road that carries a Public Right of Way connecting Golcar with Milnsbridge. The rear is built close to a retaining wall for land adjacent to the south side of Scar Top (an unadopted road). There is a steep level change both to the front and rear of the property, Scar Top is higher and the rear roof slope of the listed building can be clearly seen.

Description of Proposal

Listed Building Consent for installation of a conservation rooflight to the front roof sloped.

History of negotiations/amendments received

A detailed drawing of the proposed rooflight was requested and supplied.

Relevant Planning History

None

Consultation Responses

Officer report has been compiled by the Conservation and Design Officer.

Public/Members Response

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 07/10/2019

Publicity expiry date: 18/10/2019

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).

Local Plan

- LP35 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 February 2019, together with Circulars, Parliamentary Statements and associated technical guidance.

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

- Chapter 16 (Conserving and Enhancing the Historic Environment)

Access considerations

None

Assessment

Significance of the affected heritage assets.

Paragraph 189 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has provided a heritage statement, which whilst not fully meeting the tests set out in Paragraph 189 has sufficient information to determine the application. There are no archaeological implications from the proposed development.

Paragraph 190 of the NPPF requires that the Local Planning Authority identify and assess the particular significance of any heritage assets affected and take this into account when considering the impact of the proposal on a heritage asset.

The proposed alterations affects 5 Kiln Brow, which forms part of a grade II listed building, 4-5 Kiln Brow. It forms part of a group of buildings of special architectural and historic interest including the adjacent two storey weaver's cottages (1-3 Kiln Brow) dating from the early to mid 19th century and cottages of a similar date and design on Scar Top. Together they illustrate working arrangements of the textile industry prior to mechanisation in the mid

19th century. As one of the earlier properties in Golcar it illustrates the development of the settlement, which experienced considerable growth in the 19th century fuelled by the textile industry. Such small cottages are also comparatively rare.

Impact of the proposed alterations

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that 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.

Policy LP 35 of the Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets

Externally the proposed alterations would result in the installation of a single rooflight in the front elevation. The proposed size 134 cm wide by 98 cm high is one of the larger models on the market. The design is a conservation style with a central glazing bar and black metal frame and opener. Whilst the rear elevation would ordinarily be preferable for a rooflight, the front elevation is less visible due to the local topography.

Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

On balance the proposed alterations will cause minimal harm to the historic and architectural interest of the listed building. The harm will therefore be less than substantial.

Justification

Paragraph 194 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

The alterations have been sought in order to provide additional ventilation and a secondary means of escape from the bed deck, which is raised above the ground floor. The property is unusually small, it has just two rooms, a living room / kitchen approximately 4.6m by 4.6m with a bed deck accessed by a ladder above and a bathroom approximately 2.6m by 1.8m. There is limited ventilation to both rooms and the kitchen is adjacent to the only means of escape. Rooflight models that are smaller in area, but are higher and

narrower, would either require alterations to the structural timbers of the roof or be too small for use as a means of escape.

The level of justification is considered clear and convincing for the minimal level of harm caused.

Weighing of harm against public benefits

Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The minimal level of harm to the listed building would be outweighed by the public benefit of ensuring the dwelling is adequately ventilated and provided with alternate means of escape.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation – GRANT CONSENT

Decision Authorisation - Delegated Powers

Application Number: 2019/92645

Officer Recommendation: GRANT CONSENT

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which consent 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 plans and specifications schedule listed in this decision notice except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

3. The rooflight shall be a Fakro FPP V/C 134 cm wide by 78 cm high conservation style rooflight, installed with a recessed flashing kit, unless otherwise agreed in writing by the Local Planning Authority.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the significance of the heritage asset and to accord within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan			11/09/2019
Rooflight technical drawing	FPP-V/C U3, FPU-V/C U3 preSelect		04/11/2019
Photo 1			04/11/2019
Photo 2			04/11/2019

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 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. The case officer undertook negotiations with the applicant to secure a detailed drawing of the proposed rooflight.

Report Dated: 15/11/2019