

**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: 2020/65/90803/W

Site Address: 112, Dunford Road, Holmfirth, HD9 2DT

Description: Listed Building Consent to re-instate roof over first floor terrace (within Conservation Area)

Recommending Officer: Ellie Worth

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 02-Jun-2020

Officer report

Site description

112 Dunford Road, Holmfirth is a Grade II listed (Historic Ref: 1216036) mid-terrace property which benefits from two storeys to the front and four to the rear. The property is grade II listed and dates back to the mid-18th century. The dwelling is constructed from stone with a stone slate roof. Pedestrian access can be taken from the front boundary onto Dunford Road. Officers are also aware that there is no off-street parking at the dwelling. To the rear the property benefits from private amenity space.

The properties listing description is:

Terrace. Mid C18 with mid to late C19 alterations. Hammer dressed stone. Quoins on west elevation. Stone slate roof. Five stone stacks. Two storeys to east. Four storeys to west. West elevation: symmetrical facade. Ground floor: two 4-light double chamfered stone mullioned windows. First floor: two 3-light double chamfered stone mullioned windows and two 2-light windows. Second floor: two 3-light windows. Third floor: one 4-light, one 3-light and two 2-light stone mullioned windows. East elevation: mid C19 with later addition to left.

The site and wider area is predominantly dominated by residential properties, most of which are similar in design and form. The common construction material within the area is natural stone.

The site is also located within Underbank Conservation Area on the Kirklees Local Plan.

Description of development

The applicant is seeking listed building consent to re-instate the roof over the existing first floor terrace.

This will include the use of natural Yorkshire stone slates to ensure that the roof finish matches the existing.

The new mullion windows will also be constructed from timber and painted white to match those that exist on the host property.

Three conservation roof lights will also be inserted into the roof slope to allow additional day light into the property.

History of negotiations or amendments sought

Amendments were sought to alter the proposed plans and to update the heritage statement in line with the comments provided by KC Conservation and Design. Final amendments were received on the 22nd April 2020.

Relevant Planning History

Application site:

2020/90802 - Re-instate roof over first floor terrace (Listed Building within Conservation Area) – pending consideration, allied application.

2012/91441 - Erection of decked area onto existing brick built patio area (within the curtilage of a Listed Building, within a Conservation Area) – Refused

2012/91443 - Listed Building Consent for erection of decked area (within a Conservation Area) – Refused

Representations

The application was advertised by a site notice, neighbour letters and the press. Final publicity expires: 22nd May 2020.

As a result of the above publicity, one representation has been received. A summary of these concerns are set out below:

- There is a lack of details submitted
- The location plan does not show the neighbouring properties
- The existing plans do not correctly show the adjacent dwelling at no.106
- The fenestration pattern at no's 106 and 108 is not shown on the submitted plans
- There is a lack of clarity regarding the fenestration at no.112
- The rear elevations of 106-112 are considered to be of primary importance
- The section plan is also incorrectly, consequently leaving the angle of the pitch incorrect
- Concern to whether the proposed windows are appropriate in the case of an emergency
- Guidance sets out that double glazing is unacceptable in historic buildings
- Roof lights are to compensate for the loss of light
- Previous internal alterations have been done in 2003
- The number, position and size of the rooflights are detrimental to the Listed Building
- No details about the guttering
- Incorrect policies have been used in the Heritage Statement
- The correct amendments should be sought in order to ensure that the listed building is put back to its original state

Holme Valley Parish Council: In support subject to the Listed Building's Officers consent.

Given the minor amendments sought to provide additional information regarding the scheme, it has not been considered necessary to re-advertise the application.

Consultation responses

- **KC Conservation and Design:** In support of the proposal.
- **Historic England:** No comments
- **National Amenity Society:** No comments provided

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 located within Underbank Conservation Area on the Kirklees Local Plan, as well as being Grade II Listed.

Kirklees Local Plan:

- LP 24 – Design
- LP 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, 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 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Impact on character and significance of Listed Building
3. Representations
4. Conclusion

1. Principle of development

The site is located within Underbank Conservation Area and is a Grade II Listed Building (Historic England ref: 1216036). Therefore, Sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of listed buildings or land within a Conservation Area. This is reiterated in Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

LP35 further outlines that proposals which affect designated heritage assets should preserve and enhance the significant of the asset. More specifically in cases likely to “result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm to the historic environment”.

This is also reiterated in the National Planning Policy Framework which also sets out how Local Planning Authorities are to determine planning applications that impact upon Listed Buildings and Conservation Areas. In particular Chapter 16 that relates to the importance of the historic environment, as paragraph 190 states how LPAs are to identify and assess the significance of any heritage asset that may be affected by a proposal, which should be taken into account when considering the impacts upon this asset. Paragraph 192 also sets out what LPAs are to consider when determining these applications; including the sustainability and enhancement the significance of heritage assets and putting them into viable and appropriate use, economic viability and positively contributing to local character and distinctiveness.

The main considerations in the determination of this application are whether the proposed development would preserve the special architectural and historic character of the building and its setting. In this respect consultation has taken place with the Councils Conservation and Design team who have provided detailed comments concluding that there are no objections to the works proposed to reinstate the historic building form.

2. Impact on visual amenity and heritage

The site forms part of a terrace row and is under the same listed as 106 Dunford Road, a grade II listed, mid-18th century property. As such, it has been noted that the external alterations would be prominent within the wider landscape, given the significant change in levels within the site and the area.

In this case, it has been assessed that the development would be sensitive to both the historic and natural environment, as the applicant is seeking permission to re-instate the roof over the existing terrace within the top floor of the cottage, which appears to have been created a substantial amount of time ago.

Heritage officers are also satisfied with the information provided within the heritage statement. In this instance, such development is needed as the existing open terrace is causing damage to the building, with the potential to cause structural defects and rot, which will ultimately cause harm to the significance of the listed building, the setting of the adjacent listed building and the character of the conservation area.

As such a traditional approach has been taken to reinstate the historic roof form on the rear elevation. Stone slate in diminishing courses will be used to match the host property. Three mullion windows would be installed on the rear elevation which is considered acceptable from a visual and heritage perspective, as these will be in keeping with those that exist on the host property and will be in the same location as those in which were removed. Timber fixed light and side hung casement windows will be installed and will follow the material, colour and configuration of the existing openings within this elevation. No concern has also been raised by heritage officers in regards to the use of slim double glazing, as this will help improve the energy efficiency of this space without any interventions to the historic windows.

The proposed conservation roof lights will also be installed into the section of roof in which has been missing for a significant amount of time and therefore there will be no historic fabric damaged as a result.

As a result, officers are satisfied that the work proposed would not result in any material changes to the character and setting of the building or neighbours Listed Building. In this instance, the works will reinstate the historic building form, protect the historic fabric from deterioration and enhance the significance of the Listed Building.

As such, the harm to the heritage significance would therefore be less than substantial, with the public benefits of securing the structural stability of the property, and the neighbouring dwellings. For these reasons, the proposal is considered to comply with LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

3. Representations

As a result of the above publicity, one representation has been received. A summary of the concerns raised alongside officer comments can be seen below:

- There is a lack of details submitted
Comment: This has been noted and therefore an amended plan and heritage statement has been sought to provide additional details on the scheme, in line with the initial comments raised by KC Conservation and Design.
- The location plan does not show the neighbouring properties
Comment: A location and site plan have been submitted as part of this proposal in which clearly demonstrates the site within its wider context.
- The existing plans do not correctly show the adjacent dwelling at no.106
Comment: Amended plans have been sought to show the property in the context of the terrace row.
- The fenestration pattern at no.s 106 and 108 is not shown on the submitted plans
Comment: These details are not necessarily required as part of forthcoming planning application, however amendments have been sought, which also show the existing fenestration on the rear elevations of the neighbouring properties.
- There is a lack of clarity regarding the fenestration at no.112
- The rear elevations of 106-112 are considered to be of primary importance
Comment: This has been noted, but such detail is not considered to be necessary to determine this application.
- The section plan is incorrect, consequently leaving the angle of the pitch incorrect
Comment: This has been noted, however, officers are satisfied that the amended plans clearly reflect the property in which is under consideration.
- Concern to whether the proposed windows are appropriate in the case of an emergency
Comment: This has been noted, however, the proposal would need to accord to building regulations which are covered by separate legislation.

- Guidance sets out that double glazing is unacceptable in historic buildings
Comment: KC Conservation and Design have raised no objection to this, the applicant proposes slim double glazing which can be acceptable in the correct context.
- Roof lights are to compensate for the loss of light
Comment: This has been noted.
- Previous internal alterations have been done in 2003
Comment: This has been noted, however the applicant is not seeking permission for any internal alterations as part of this proposal.
- The number, position and size of the rooflights are detrimental to the Listed Building
Comment: The impact in which the rooflights would have on visual amenity and heritage have been assessed within section 2 of the report, and the impact is considered to be acceptable.
- No details about the guttering
Comment: These details have been provided within the updated heritage statement.
- Incorrect policies have been used in the Heritage Statement
Comment: This has been noted and the statement has been updated.
- The correct amendments should be sought in order to ensure that the listed building is put back to its original state
Comment: This has been noted and a formal consultation has been undertaken with KC Conservation and Design.

4. Conclusion

Paragraph 193 of the National Planning Policy Framework discusses the nature of harm to the significance of a heritage asset, and whether such harm is deemed to be substantial or less than substantial. The impacts upon this Listed Building have been discussed, and it is considered that the proposals are of less than substantial harm complying with Paragraph 196. The harm caused against the Listed Building have been weighed up with the public benefits, including securing an enhanced home for the occupiers to support the continued maintenance of the listed building is considered to outweigh any harm.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the duty of the Local Planning Authority with all decisions shall preserve or enhance the character of a Listed Building. The proposed development discussed in this report will not cause substantial harm to the significance of the Listed Building and as such will preserve the character and distinctiveness of the Listed Building. Therefore, it is considered that Section 16 of the Act and Paragraph 196 of the NPPF regarding Listed Buildings have been fully met and is acceptable for approval of Listed Building Consent.

Recommendation: Approve

Decision Authorisation - Delegated Powers**Application Number:** 2020/90803**Officer Recommendation:** Granted Listed Building Consent**Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

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 and to preserve the significance of the host listed building and to accord with Policies LP24 and LP35 the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	19/582/01	-	11 th March 2020
Existing block plan	19/582/02	-	11 th March 2020
Existing floor plan, elevation and section plan	19/582/03	-	11 th March 2020
Proposed floor plan, elevation, section plan and roof detail	19/582/04	C	22 nd April 2020
Heritage Impact Assessment	19/582	Rev A	22 nd April 2020

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this instance, amendments were sought to alter the proposed plans and to update the heritage statement

in line with the comments provided by KC Conservation and Design. Final amendments were received on the 22nd April 2020.

Report Dated - 28/5/20