

Consultation Response from KC, Conservation and Design
2020/91084 Land off, Cowrakes Road, Lindley, Huddersfield, HD3 3ST
Outline planning application for erection of detached dwelling
Date Responded: 14/05/20 | Responding Officer: Craig McHugh | Responding Ref: HUD 20/404

The proposed development is within the setting of the grade II listed building 58-64 Cowrakes Road. It would result in the demolition of a row of garages to the south of the listed building and the development of an existing area of hardstanding. A range of buildings, possibly the current garages, are first shown on the 1933 25 inch to the mile OS Map. They detract from the setting of the listed building, there is no objection to their demolition. The proposed development shows a single dwelling with its ridge running north west to south east. The indicative layout would allow for views to the listed building from Cowrakes Road and from within the new development consented under 2019/93283.

At reserved matters stage, to minimise the impact of the proposed development on the setting of the listed building it should be of an appropriate form, layout, materials and appearance. A single storey with attic accomodation would be advisable. Permitted development rights for extensions should be removed. Subject to these provisions, the impact of the proposed development would not cause harm materially greater than that recently consented.

Consideration has been given to whether the garage block might be considered part of the listed building 58-64 Cowrakes, or indeed 80-82 Cowrakes. The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that the listed building comprises the building included in the statutory list and:

- any object or structure fixed to the building;
- any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,

The garages are not fixed to the listed building. With regards to curtilage case law has established that three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building:

- the physical layout of the listed building and the structure;
- their ownership, both historically and at the date of listing; and
- the use or function of the relevant buildings, again both historically and at the date of listing

The listed buildings(58-64 and 80-82) each have their own enclosed gardens to the front, which would ordinarily be considered to define their curtilage. A narrow lane separates nos. 58-64 from the garages. There is therefore a significant degree of separation.

Historic map evidence suggests that 58-64 Cowrakes were closely associated with the land on which the garages were built and the remainder of the land parcel on which the recent development has taken place (2019/93283). However, this and previous applications show no common ownership between the garages and the listed buildings in recent years. Instead they show they were associated with 66-70 Cowrakes (e.g. location plan submitted with 2011/93092).

In the absence of any other evidence, the garages would seem ancillary to the use of 66-70 Cowrakes, not the listed building.

On balance therefore, in the absence of clear ownership ties between 58-64 and the garages when built and at the time of listing, they would not be considered to be within the curtilage of the listed building.

Conclusion and Recommendations

Conservation and Design have no concerns about the principal of proposed development on heritage grounds subject to appropriate form, layout, materials and appearance. With regards to scale, a single storey with attic accommodation would be advisable. Permitted development rights for extensions should be removed.