

**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: 2020/65/91482/W

Site Address: 57, Underbank Old Road, Holmfirth, HD9 1AS

Description: Listed Building Consent for erection of single storey
side extension (within a Conservation Area)

Recommending Officer: Sam Jackman

DECISION – REFUSE CONSENT

**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.**

Emma Thompson

AUTHORISED OFFICER

Date: 02-Oct-2020

SITE DESCRIPTION – 2020/91482

57 Underbank Old Road, Holmfirth is a 3-storey stone end terraced property with a stone slate roof attached to a 2-storey cottage (not listed) and within Underbank Conservation Area.

The property has been extended with a 2-storey side extension, which albeit is a later addition would be considered to have been built before 1948.

The property sits on a site between two road frontages which join at the junction to the south of the property, with no amenity directly to the front or at the rear of the property, where the land directly to the side tappers to an almost point, used as amenity space which extend around to the front of the side extension providing some outside seating area, albeit small is the only amenity space immediately adjacent to the property.

The property also benefits from a rear porch and detached garage with access of Sweep Lane located to the rear of the side garden to No.53/55, approx. 15m away.

The following is the listing description.

Dwelling part of row. Early-mid C19. Hammer dressed stone. Stone slate roof. Coped gable and kneeler to south. One ashlar stack. West elevation; one 3-light stone mullioned window to each floor. Ground floor entrance to right.

DESCRIPTION OF PROPOSAL

The proposal is to create a single storey side extension on the south facing elevation. Due to the shape of the garden the extension tappers and measures approx. 3.75m by 5.5m reduced to 3.3m with a lean-to roof against the side extension at a height of 4m with the eaves at 2.7m. the roof then changes direction for the small projection, again a lean-to roof at right angles to the roof slope in line with the new eaves.

The proposed extension is shown to project forward of the extension side extension and in line with the main frontage, to provide a dining area.

The extension would be built from materials to match the host property.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91482>

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed a similar sized extension using stone with the upper portion having zinc cladding with a chamfered ridge following the existing boundary.

However, given the prominent position and concerns raised by Conservation & Design the scheme has been amended with more traditional materials and the footprint of the building to follow the actual boundary rather than extended into the road.

The application has been determined on the revised submitted drawings.

RELEVANT HISTORY

89/03884 – Listed Building Consent for replacement of rough stone with dressed stone below window and changing a window opening to a door.- consent granted

91/04447 – The erection of stone porch – Conditional Full Permission

91/04448 – Listed Building Consent for the erection of stone porch – consent granted

2002/93319 – detached garage – Conditional Full Permission

2020/91230 – Listed Building Consent for the installation of a new window opening.

PUBLIC/MEMBERS RESPONSE

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter.

As such, we have publicised this application via neighbour notification letters which expired on the 10.6.20, whereby 7 letters of representations have been received where their comments have been addressed on the planning application.

Holme Valley Parish Council comments to the original plans - Object because materials are not in keeping given Listed Building status and Conservation Area situation

CONSULTATION RESPONSES

K.C. Conservation & Design – objections raised to the initial plans, following receipt of amended plans Conservation & Design are happy to support the revised scheme.

POLICY

The statutory development plan comprises:

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 unallocated on the Kirklees Local Plan a grade II Listed Building within Underbank Conservation Area

Kirklees Local Plan (LP):

LP 1– Achieving sustainable development

LP 2 – Place shaping

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 14** – Meeting the challenge of climate change, flooding & coastal change.
- **Chapter 15** – Conserving and enhancing the natural environment

ASSESSMENT

Principle of development:

Chapter 12 of the NPPF introduces the presumption in favour of sustainable development, which is enshrined in policy LP1 of the Kirklees Local Plan. This policy stipulates that proposals that accord with policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the Local Plan is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development of the surrounding area as well as to preserve the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. Along with this is policy LP35 needs to be considered in relation to historic context of the building.

In terms of national planning regarding the historic environment Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: *“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...". Chapter 16 further details that an assessment has to be made in relation to the level of harm and any harm may be outweighed by public benefit.

Sections 66 (listed buildings) and 72 (conservation areas) of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which places a general duty on preserving the listed buildings and conservation areas or their setting and any special architectural features or features of historic interest. The above policy position and guidance will be considered in the report below.

An allied planning application has been submitted under application 2020/91481 which will specifically assess the impact of residential and visual amenity.

Impact on visual amenity:

The impact of the proposed development is on a Grade II listed property, Underbank Conservation Area and the wider visual amenity are important considerations for the development and will be assessed below. The application has also been assessed by the Councils Conservation Officer.

57 Underbank Old Road is a Grade II listed stone cottage dating to the early-mid 19th century. It is located in a prominent location at the junction of two roads, especially when viewed uphill from the south and within Underbank Conservation Area,. The cottage is very typical of the local vernacular, with hammer dressed stone walling and stone slates, along with short ranges of mullioned windows. The use of natural stone is very characteristic of this conservation area, appearing as a construction material for buildings, boundary treatments and retaining walls.

The applicant proposes a single storey extension on the southern end of the plot to create a dining room. Constructed of stone with a stone slate roof, the proposed extension is attached to an existing mono-pitch extension which is likely to date to the 19th century and is built onto the gable end of the main house.

Amended plans have been received showing a more traditional roof slope and design attached to this grade II listed Building. The Conservation Area officer has been consulted again where they considered the amendments to be acceptable. Due to the use of natural stone which blends in with the surrounding environment and the small scale of the proposed extension which is set into the hillside, it is not considered to harm the character of the conservation area. Extending the listed building causes slight harm to the significance of the listed building by creating an opening in the wall of the building, however the proposal is attached to a later addition to the listed cottage and there are no architectural features on this elevation. The original building is the most prominent structure on the site and is readily understood. The public benefits of increasing the living space and ensuring a sustainable use for the building is considered to outweigh the slight harm. However,

removing the small front projection would reduce the complexity of the roof in this case.

However, the property current has two plain gabled blank wall facing South where the extension will be attached to the smaller gable, it is accepted that a lean-to roof is acceptable in principle and the use of traditional materials again is considered to be appropriate however the stepped nature and change in direction of the additional front part, loses the simplicity and uniform of the gable when traveling along sweep from the south, creating a miss match of roof slopes. It could be argued this adds variety to the property, however officers feel it loses its simplicity linear form and character of this traditional weavers cottage in this case, which is exacerbated by the property being located on the junction with Sweep lane and in a very exposed position.

Other consideration are that historically the property has very little amenity space with the only space available close to the property is to the south and a small paved area in front of the existing side extension.

The proposed extension would be built on the only direct amenity space available to the property. the applicant has tried to address this by proposing to convert the existing garage and part of the drive to additional amenity space, however this is detached from the property and not historically part of the property. Therefore, it is considered that the amenity space to the side albeit small, adds valuable space to the host property, therefore losing this, officers considered it to be detrimental to the living condition of the homeowners and future occupiers.

Finally given that again this area of amenity space will be built on, the original site for the cottage would be considered to be overdevelopment leaving only a small strip 1m wide to the front of the existing extension. It is accepted that the size of the extension would be subservient to the host given the property is three- storey with a 2-storey 1900 extension.

In conclusion given the nature of the extension it is considered that albeit the side extension is relatively small would dominate the side elevation and with the forward projection would add an incongruous feature to this modest weavers cottage which is considered to be harmful to visual amenity and the character and appearance of the Listed building albeit not Conservation Area. The harm caused to the listed building and Conservation Area whilst considered to be less than substantial is not considered to be outweighed by any public benefit brought about by the development. The proposal would therefore be contrary to Policies LP24 and LP35 of the local Plan and Chapter 16 of the National Planning Policy Framework.

Other matters:

K.C. Conservation & Design – objections raised to the initial plans, following receipt of amended plans Conservation & Design are happy to support the revised scheme, however would prefer the small front projection element being removed.

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments' resilience to climate change.

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 application of policies in the NPPF that protect areas or assets of particular importance provide clear reason for refusing the development proposed.

Decision Authorisation - Delegated Powers

Application Number: 2020/91482

Officer Recommendation: REFUSE

1. The proposed extension, by reason of its position, form and design, would remove the simplicity and uncluttered characteristics of this Grade II listed cottage. This would fail to preserve the character of the Listed Building and would cause harm to its significance and Underbank Conservation Area. The harm is considered to be less than substantial harm, however, as required by paragraph 193 of the NPPF, great weight has been given to that harm in assessing the impact of the proposed development. Public benefits have not been demonstrated that would outweigh the harm caused in this case. The development would therefore be contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 (a

and c) and LP35 of the Kirklees Local Plan and Paragraphs 190, 193, 194 and 196 of National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan 1:1000	00-01		29.5.20
Proposed site plan 1:100	00-03	B	24.8.20
Existing & Proposed ground floor layout	00-04	B	24.8.20
Existing & Proposed front elevation	00-05	B	24.8.20
Existing & Proposed side elevation	00-06	B	24.8.20
Existing & Proposed rear elevation	00-07	B	24.8.20
Proposed section	00-08	B	24.8.20
Existing & Proposed CGis view 01	00-09	A	24.8.20
Existing & Proposed CGis view 03 excluding the long window in the rear elevation	00-10	A	16.9.20
Existing & Proposed CGis view 02	00-11	A	24.8.20

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. The Case Officer has been in discussion with the applicant, however an acceptable scheme could not be achieved to overcome offices concerns.

Recommendation and Authorisation Box

Report Dated:

30 th September 2020

Coal – low risk