

**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: 2021/70/90186/W

Site Address: 2, Edgerton Road, Edgerton, Huddersfield, HD1 5QS

Description: Removal of condition 4. (new rooflight) pursuant to permission no. 2020/91495 for Listed Building Consent for the installation of a rooflight

Recommending Officer: Craig McHugh

DECISION – Grant removal of Listed Building Consent Condition 4 (new roof-light) pursuant to permission no. 2020/91495.

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.

Nick Grimshaw

AUTHORISED OFFICER

Date: 31-Mar-2021

Officer Report

Site Description

No.2 Edgerton Road forms part of the grade II listed building 2 & 4 Edgerton Road, which dates from the mid-19th century. It is an elegant, two-storey, ashlar fronted building that faces directly onto the main road. No.2 forms that right-hand side of the building. To the rear is garden bounded by a drystone wall at the rear and separated from that of no.4 by a mature hedge.

Description of Proposal

Removal of condition 4. (new rooflight) pursuant to permission no. 2020/91495 for Listed Building Consent for the installation of a rooflight

Condition 4 of listed building consent 2020/91495 is as follows:

4. The new rooflight shall be installed so that its centre shall be aligned with the centre of the window below.

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.*

The application was accompanied by a photograph indicating the approximate position of the new rooflight. In the absence of a scale roof plan, the condition was applied to fix the position of the new rooflight in relation to the windows below. Subsequent to the grant of listed building consent, the applicant's roofing contractor has identified that this location is not suitable due to the location of the existing rafters.

All other details remain as approved as follows:

The new rooflight would be a Velux Conservation Rooflight UK04 (134cm wide by 98cm high) installed with a recessed flashing kit.

History of negotiations/amendments received

None required.

Relevant Planning History

2020/91495 - Listed Building Consent for the installation of a rooflight –
CONSENT GRANTED

2012/93465 - Demolition of brick built garden shed and erection of
replacement brick built shed (Listed Building) - CONDITIONAL FULL
PERMISSION

2012/93466 - Listed Building Consent for demolition of brick built garden shed and erection of replacement brick built shed - CONSENT GRANTED

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.

Date site notice expired: 12/03/2021

Publicity expiry date: 05/03/2021

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

Climate Change Emergency

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.

The proposed new rooflight will be required to meet Part L of the Building Regulations Conservation of Fuel and Power. The additional natural daylight will reduce the need for artificial lighting.

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.

As part of application 2020/91495 the applicant provided a heritage statement, which did not fulfil the tests set out in Paragraph 189. However, the West Yorkshire HER was consulted by the case officer and it holds no further information. 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.

Designed in the Neo-classical style fashionable at that time, nos. 2 & 4 Edgerton Road illustrate the affluence and architectural tastes of Huddersfield's middle classes in the mid-19th century.

Impact of the proposed alterations

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset.

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.

The proposed roof light (Velux Conservation Roof light UK04 134x98 with recessed flashing kit) is a conservation style with black frame and glazing bars. It has been sized to fit between the purlins and to allow sufficient light to enter the attic space. The north roof slope is to the rear of the building there is limited visibility of the roof from most vantage points, the colour of the rooflight frame and the recessed fitting of the rooflight will minimise its impact on the listed building

The impact of the proposed alterations on the listed building is therefore considered to be minimal and the level of harm is less than substantial harm.

Justification

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

The proposed rooflights will improve the levels of natural light in a poorly lit space reducing the need for artificial lighting, this is a reasonable level of justification for the minimal 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 will be outweighed by the public benefit of reducing the need for artificial lighting.

Planning conditions

1. Time limit – remains appropriate – reimpose to the day before end of previous decision (08/09/2023).
1. Plans & specifications – reimpose
2. Rooflight model and size – still relevant - reimpose

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 – APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2021/90186

Officer Recommendation: APPROVE

Conditions and Reasons

1. The development shall be begun prior to 8th September 2023.

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 new rooflight shall be a Velux Conservation Rooflight UK04 (134cm wide by 98cm high) installed with a recessed flashing kit.

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 received with the original application 2020/91495	TQRQM20154120144548		03/06/2020
Design and Planning Report received with the original application 2020/91495			26/05/2020
Heritage Report received with the original application 2020/91495			26/05/202
Internal and External Photographs received with the original application 2020/91495			03/06/2020

Plan Type	Reference	Version	Date Received
Aerial Photograph received with the original application 2020/91495			26/05/2020
Velux Product Information received with the original application 2020/91495	Centre-pivot pine roof window GGL		03/06/2020

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 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.

Report Dated:

31/03/2021