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:	2021/70/90513/W
Site Address:	3, Two Gates, Holme Lane, Slaithwaite, Huddersfield, HD7 5UG
Description:	Variation conditions 2 and 6 on previous permission 2020/90371 for Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwellng
Recommending Officer:	Craig McHugh

DECISION - Grant variation of conditions 2 and 6 on previous Listed Building Consent reference 2020/90371.

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: 14-Apr-2021

Officer Report

Site Description

3 Two Gates is a semi-detached property which is located on the outskirts of the village of Slaithwaite which is also a Grade II Listed Building. The property is two storeys in height and has an attached barn to the rear, which has previously been converted to residential use. Planning Permission and Listed Building Consent have recently been granted to reconstruct no.3 following unauthorised structural alterations and to erect a two-storey extension to the gable end and detached garage to the rear. Works are under way to reconstruct no.3 Two Gates and build the two-storey extension. The garage has been completed.

The property itself is within land without notation on the Kirklees Local Plan with the rear elevation of the property (excluding the barn) forming the boundary with the adjacent expanse of Green Belt. Residential properties are located to the east of the site with Slaithwaite Reservoir to the north, open fields to the south and to the west with Slaithwaite Junior and Infant School to the south-east.

Description of Proposal

Variation conditions 2 and 6 on previous permission 2020/90371 for Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling

This application seeks to vary condition 2 (approved plans and specifications) to allow for the following:

- Amendment to the location of the staircase and floor layout in the barn
- Replacement of the windows and doors in the barn to match the approved replacements for the main part of the house
- Repoint barn externally and internally with lime to match exterior of the main part of the house

Condition 6 was as follows:

6. Rainwater goods (gutters, downpipes and hopperheads) shall be in cast-iron painted black, the sectional profile for the rainwater gutters shall be half round supported by rise and fall brackets.
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 Local Plan Policy LP35 and the National Planning Policy Framework.*

It is proposed to use black ogee profile cast-iron gutters.

All other details remain as approved as follows:

Partial demolition

It is proposed that the existing side elevation extension would be demolished and replaced with a slightly larger structure and the existing south-west (side) elevation and south-east (front) elevation of the property would also be demolished.

Replacement dwelling

Following the demolition of the side extension and front and side elevations of the host dwelling it is proposed that these will be rebuilt with the addition of a larger side extension. The existing side extension is set a back from the front elevation of the property, projecting to the side by 3 metres with an eaves height of 2.8 metres and overall height of 3.8 metres. The replacement structure would be set back from the front elevation by 1 metre, projecting to the side by 3.1 metres. The eaves height would be 4 metres to match the eaves on the host property and would have an overall height of 5.3 metres with a pitched roof which would be set down from the existing ridge by 0.3 metres.

It is proposed that the external walls would be constructed of re-used natural stone with stone slates for the roof with the windows being timber, painted dark green.

Due to the extent of the works carried out within the property, it is currently supported by a full scaffold restraint system.

Planning permission was also granted conditionally for the development (2020/90371).

History of negotiations/amendments received

The applicant was asked to resubmit details submitted with applications 2021/90515 and 2020/94004.

Relevant Planning History

2021/90515 Discharge condition 10 on previous permission 2020/90371 for Listed Building Consent for Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
Pending Consideration

2020/94004 Discharge conditions 3,5,8,9,12 on previous permission 2020/90371 Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
DISCHARGE OF CONDITION(S) SPLIT DECISION

2020/90371 Listed Building Consent for partial demolition of existing dwelling and erection of replacement dwelling
CONSENT GRANTED

2020/90370 Partial demolition of existing dwelling and erection of replacement dwelling
Conditional Full Permission

2020/90321 Demolition of existing garage, erection of new garage to rear and dry stone wall
Conditional Full Permission

2020/90322 Listed Building Consent for demolition of existing garage, erection of new garage to rear and dry stone wall
Listed Building Consent Granted

1995/91622 Listed building Consent for re-use and adaptation of barn/outbuilding to form extension to existing dwelling
Consent Granted

1995/91524 Re-use and adaptation of barn/outbuilding to form extension to existing dwelling
Conditional Full Permission

1986/03534 Listed Building Consent for conversion of barn to form extension to dwelling and erection of porch
Consent Granted

1986/03533 Conversion of barn to form extension to dwelling and erection of porch (Listed Building)
Granted Conditionally

Representations

Final publicity date expired 26th March 2021 – no representations received

Consultation Responses

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

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 property itself is within land without notation on the Kirklees Local Plan with the rear elevation of the property (excluding the barn) forming the boundary with the adjacent expanse of Green Belt. The host property is also a Listed Building with the listing description as follows:

No 3 late C18. No 4 early C19. Two houses. Hammer stone. Quoins to No 3. Stone slate roof. Ashlar chimney to western end. 2 chimneys with square string course and water tabling. 2 storeys. South elevation: No 3: Ground floor; Two 3-light stone mullioned windows (recessed). One 2-light stone mullioned window (recessed). First floor; Three 3-light stone mullioned windows. No 4: Ground floor; One doorway with stone surrounds and tiestones (blocked). One doorway with stone surrounds to porch. One 3-light stone mullioned window. One 4-light stone mullioned window. First floor; One lO-light stone mullioned window (4 lights blocked). East elevation: Ground floor; Barn doorway and one doorway with stone surrounds and tie-stones and modern windows to extension. First floor; One 2-light stone mullioned window. North elevation: No 3: Ground floor; One doorway and one small window with stone surrounds. First floor; One window with stone surround. No 4. Ground floor; One modern window. First floor; One modern window. One 2-light stone mullioned window. West elevation: No 30 . One small window to gable apex with stone surround. Lean-to extension at western end with concrete roof. Single storey porch extension with monopitch stone slated roof at eastern end. Extension to rear of No 3 probably originally a barn.

Kirklees Local Plan:

- **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, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial 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

Significance of the affected heritage assets

Nos. 3 and 4 Two Gates is a good example of vernacular domestic and agricultural architecture. Together with nos. 1, 2 and 5 Two Gates they illustrate the origins of Two Gates as a settlement separate from the centre of Slaithwaite. As a former farmhouse, the relationship between No. 3 Two Gates and the surrounding farmland is an important feature of its setting.

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.

There is an extant consent for the partial demolition of the existing dwelling and the erection of a replacement dwelling. This application seeks to vary conditions 2 and 6, the impacts of these alterations are considered below.

LP 35 of the Local Plan requires that proposals affecting a designated heritage asset 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.

It is proposed to amend the location of the staircase and floor layout in the barn. As set out in the statement supporting the application, the existing layout varies from that approved by consent 1995/91622.

The drawings submitted for listed building consent in 1995 show that the barn and mistal comprised a full height open area to the south end (adjacent to the farm house) with a sliding door to the east elevation. The northern end was divided into three stalls with the floor level sloping down towards a (mucking out?) passage and doorway at the rear. This suggests it was used for keeping livestock. Above at the north end was a loft accessed via a stair adjacent to the west wall. The loft had a square window in the gable end, this indicates that it was used as a hayloft. The roof had a single king post truss with struts, the same as the two still existing in the house. The approved alterations retained the same basic layout omitting the stalls with a double height space to the south end of the barn and a loft area to the north accessed by a staircase against the west wall. The truss was replaced with a new one made to the same design.

The existing layout differs from the approved plans in that the location of the staircase had to be shifted towards the north wall in order to create sufficient head height between the stairs and truss. It is now proposed to relocate the stairs to the north west corner of the barn. This would cause slight harm as the original layout of the barn would be further altered.

The replacement of the windows and doors in the barn to match the approved replacements for the main part of the house would cause no harm. The existing windows and doors are modern replacements. The proposed replacement designs are appropriate.

The works to repoint barn externally and internally with lime to match exterior of the main part of the house would be an enhancement.

The use of ogee gutters in cast-iron supported on metal brackets would have a neutral impact.

Justification

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

The works requiring justification are the alterations to the layout of the barn. Replication of the original layout of the barn (as approved by 1995/91622) is not possible as this would create an unsafe staircase with insufficient headroom below the truss. Alteration of the truss would be more harmful and therefore relocation of the staircase is an appropriate option. Furthermore, the base of the west wall of the barn requires structural strengthening at its base, which would require the staircase to be moved further into the room.

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 benefits of stabilising the listed building and providing a safe staircase would outweigh the slight harm to the listed building.

Planning conditions:

In relation to the previous listed building consent:

1. Time limit – remains appropriate – reimpose to the day before the end of previous decision.
1. Plans & specifications – reimpose.
2. Reconstruction of west chimney - still relevant – rephrase as prescriptive condition to refer to stone sample submitted as part of application 2020/94004 and with the present application.
3. Stone roofing slate to match the existing - still relevant, prescriptive – reimpose.
4. Further details required prior to structural works to the roof - still relevant – reimpose.
5. Rainwater goods – still relevant, prescriptive - reimpose as amended by this application.
6. Window reveals - still relevant, prescriptive – reimpose.
7. Facing stonework to be lime bedded and pointed - still relevant – rephrase as prescriptive condition to refer to mortar specification and sample submitted as part of application 2020/94004 and with the present application.

8. Building contract - still relevant – rephrase as prescriptive condition to refer to contract submitted as part of application 2020/94004 and with the present application.
9. Window and door details – no longer relevant – detailed drawings approved as part of application 2021/90515 and with the present application – include in plans and specifications schedule.
10. Internal joinery - still relevant, new staircase to barn will be covered by same condition– reimpose.
11. Flag stone floor - still relevant – rephrase as prescriptive condition to refer to sample submitted as part of application 2020/94004 and with the present application.

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: 2021/90513

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun prior to 1st November 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 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, and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3. Prior to occupation of the dwelling, the chimney to the western end of the existing building shall be reconstructed of ashlar masonry sourced from Hill House Edge Quarry and retained thereafter.
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 Local Plan Policy LP35 and the National Planning Policy Framework.

4. Notwithstanding the submitted details the roof to the new extension shall be reclaimed natural stone slate laid in diminishing courses to precisely match the existing roofing materials adjacent in respect colour and texture.
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 Local Plan Policy LP35 and the National Planning Policy Framework.

5. Before the commencement of any works to the structure of the existing roof, details shall be submitted and approved in writing by the Local Planning Authority showing any components of the roof structure (including trusses, purlins and rafters) to be replaced and setting out the method of ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction. Such details to include structural engineering drawings and/or a method statement. The work shall be carried out fully in accordance with the method statement approved.
Reason: For the avoidance of doubt as to what is being permitted and to ensure that special regard is paid to protecting the special architectural and

historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to accord within Local Plan Policy LP35 and the National Planning Policy Framework.

6. Rainwater goods (gutters, downpipes and hopperheads) shall be in cast-iron painted black, the sectional profile for the rainwater gutters shall be ogee supported by metal brackets and retained thereafter.
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 Local Plan Policy LP35 and the National Planning Policy Framework.

7. The window frames shall be set back in the reveal by 75 - 100mm.
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 Local Plan Policy LP35 and the National Planning Policy Framework.

8. All facing stonework shall be bedded on and pointed with lime mortar comprising 1 part NHL 3.5 Lime to 1.5 parts Nosterfield Grit Sand to 1.5 parts Leighton Buzzard building sand. The stone types, sizes, colour, texture, joint thickness and finish profile shall match the sample panel of facing stonework provided and inspected on site. The sample panel shall be retained on site until the works are complete.
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 and to accord within Local Plan Policy LP35 and the National Planning Policy Framework.

9. The works shall be carried out in full accordance with the submitted binding building contract.
Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 asset and to accord within Local Plan Policy LP35 and the National Planning Policy Framework.

10. Prior to occupation of the dwelling, traditional timber staircases, skirting boards, internal doors and door surrounds shall be reinstated throughout the listed building. No works to the reinstate the interior shall be carried out until drawings to a minimum scale of 1:20 on elevation and 1:5 on plan and in section fully detailing the replacement staircases, skirting boards, internal doors and door surrounds have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the approved drawings and so retained thereafter.
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 Local Plan Policy LP35 and the National Planning Policy Framework.

11. Prior to occupation of the dwelling, a flag stone floor shall be reinstated to the dining area, the flag stones shall precisely match the Yorkshire stone flag flooring samples sourced from Pennine Demolition as inspected on site by the Conservation and Design Officer on 11/12/2020 and retained thereafter.
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 Local Plan Policy LP35 and the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan received with the original application 2020/90371	1106 (PL) 01		5th February 2020
Existing elevations and floor plans received with the original application 2020/90371	1106 (PL) 02		5th February 2020
Proposed elevations and floor plans received with the original application 2020/90371	1106 (PL) 03	Rev: E	5th July 2020
Demolition plan received with the original application 2020/90371	1106 (PL) 10		5th February 2020
Floor and wall details received with the original application 2020/90371	1106 (PL) 11	Rev: A	5th July 2020
Window details received with the original application 2020/90371	1106 (PL) 12	Rev: A	5th July 2020
Structural Report received with the original application 2020/90371	MDL-3248 dated 19th December 2019		5th February 2020
Design and Access Statement received with the original application 2020/90371			5th February 2020
Method Statement received with the original application 2020/90371			5th February 2020
Photograph of proposed gutter profile			09/02/2021
Barn Proposed Changes Supporting			09/02/2021

Plan Type	Reference	Version	Date Received
Information			
Photograph of ashlar stone sample Hill House Edge Quarry			12/04/2021
Photograph reclaimed walling and pointing sample			12/04/2021
Building Contract	JR02458		12/04/2021
Lounge Window Detail	1106 (PL) 13	Rev: A	12/04/2021

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 applicant was asked to resubmit details submitted with applications 2021/90515 and 2020/94004.

Report Dated: 14/04/2021