

**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: 2021/65/90578/W

Site Address: 128, Cowlersley Lane, Cowlersley, Huddersfield, HD4
5UJ

Description: Listed Building Consent for installation replacement
front windows

Recommending Officer: Craig McHugh

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.**

Teresa Harlow

AUTHORISED OFFICER

Date: 28-Jul-2021

Officer Report

Site Description

128 Cowlersley Lane is a grade II listed building dating from the early 19th century. It forms part of a terrace of seven (historically eight) similar dwellings of slightly different appearance and age under seven separate listings, they are number 118-130 Cowlersley Lane. All are two storey and constructed of hammer dressed stone with stone slate roofs. No. 118, the earliest of the group is set back from the remainder.

No.128 has one two-light mullioned and one three-light mullioned window to the first floor with timber jack sash openers and fixed lights. To the ground floor is one four-light mullioned window with timber side opening casement windows.

The property opens directly onto Cowlersley Lane at the front. To the rear is a small garden.

Description of Proposal

Listed Building Consent for installation replacement front windows

History of negotiations/amendments received

Detailed drawings of the proposed windows and a heritage statement were required so that the impact of the proposals could be assessed.

Relevant Planning History

None

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.

No representations have been received.

Date site notice expired: 11/04/2021

Publicity expiry date: 09/04/2021

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 July 2021, 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 existing windows are all single glazed, the replacements will be double glazed and therefore improve the thermal performance of the building and reduce carbon emissions from the building over their life time.

Assessment

Significance of the affected heritage assets

Paragraph 194 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.

The applicant has provided a heritage statement partly meeting the requirements of the NPPF. The Historic Environment Record has been checked by the case officer and holds no further information.

Paragraph 195 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.

The proposed works affect the grade II listed building 128 Cowlersley Lane. It is listed for its group value, it is a good example of a vernacular dwelling and illustrates the working arrangements of the textile industry in the early 19th century, which was dependent on domestic weaving.

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.

LP 35 of the Local Plan requires that proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

Paragraph 199 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.

Paragraph 195 of the NPPF requires that the Local Planning Authority avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

It is proposed to replace the first-floor windows. These are of architectural and historic interest as original or 19th century windows. They have arched tops. Openers are jack sashes i.e. operating without weights and balances. They have some historic glass. The replacement windows would be timber side hung casements and fixed lights with glazing bars to match the existing. They would incorporate slim double-glazed units with black edge spacers. Whilst not fully replicating the design of the original, they are appropriate to a building of this age and type. The replacements would cause slight harm to the significance of the listed building. That harm would be less than substantial harm as classified by paragraph 199 of the NPPF.

Justification

Paragraph 200 of the NPPF requires that the Local Planning Authority should require clear and convincing justification for any harm.

The variation in design from the original is justified on the basis that they would match the windows to the ground floor, be more thermally efficient, allow for improved means of escape in the event of a fire. Replacement is justified on the basis that the existing windows are beyond repair. This is considered clear and convincing harm for the slight level of harm caused.

Weighing of harm against public benefits

Paragraph 202 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 energy performance of the building will be improved by replacing existing single glazed windows with double glazed windows, this is a public benefit due to the reduction of carbon emissions. The alterations will also improve the means of escape from the building, which is also a public benefit. These benefits together are considered to balance the slight level of harm caused by the proposed alterations.

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 – GRANT CONSENT

Decision Authorisation - Delegated Powers

Application Number: 2021/90578

Officer Recommendation: GRANT CONSENT

Conditions and Reasons

1. The works shall be begun not later than the expiration of three years beginning with the date on which consent is granted.

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 works hereby consented 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 consent, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being consented and so as to ensure the satisfactory appearance of the works on completion, in the interests of the significance of the heritage asset and to accord with Policy LP35 of the Kirklees Local Plan and Policies within Chapter 16 the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	TQRQM210601243 57255		02/03/2021
Proposed Window Details			24/05/2021
Heritage, Design & Access Statement			24/05/2021
Digital Photographs			15/02/2021

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. Detailed drawings of the proposed windows and a heritage statement were required so that the impact of the proposals could be assessed.

Report Dated: 28/07/2021

