

**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: 2021/65/91020/W

Site Address: 13, Cuckoo Lane, Honley, Holmfirth, HD9 6AS

Description: Listed Building Consent for installation of replacement windows (within a Conservation Area)

Recommending Officer: Sue Oakley

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.

Nick Grimshaw

AUTHORISED OFFICER

Date: 04-May-2021

Officer Report

Site Description

13 Cuckoo Lane is a Grade II listed cottage dating to the early 19th century and situated on top of a steep hillside within the Honley Conservation Area. This end terraced property is constructed from partially rendered hammer dressed stone and a stone slate roof, with ranges of mullioned windows along with some single windows.

Description of Proposal

The applicant proposes the replacement of the existing timber windows with new, painted timber, slim-section, double-glazed windows in the same design as the existing.

History of negotiations / amendments received

None.

Relevant History

2006/92497 - Listed Building Consent for construction of external staircase, rebuild external wall with formation of new door and windows, take off and re-lay existing stone slates, new external staircase and internal alterations – Consent Granted.

2007/93728 – Listed Building Consent for internal alterations and formation of new window openings – Consent Granted.

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 replacement of the existing single and double-glazed windows is proposed. They were fitted in recent years and are in a poor condition, with water ingress, draughts, and decay. The proposed replacements are timber framed and will incorporate slim double-glazed units which will reduce draughts and leaks. These measures will improve the thermal performance of the windows and therefore it is felt the proposal complies with the climate emergency requirements.

Consultation Responses

Holme Valley Parish Council: No observation; defer to Kirklees Listed Buildings Officer.

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: 09/04/2021

Publicity expiry date: 25/04/2021

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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).

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 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).

Assessment

The applicant proposes the replacement of the existing timber windows with new, painted timber, slim-section, double-glazed windows in the same design. The existing windows are varied in design and age, with a mixture of single and double-glazed units.

The reinstatement of two blocked-up second floor windows on the north elevation was approved in 2007, with two pairs of new basement window openings and a second floor opening on the west elevation approved in 2007, although only two basement window openings were formed.

Although timber framed with traditional fixed light and side hung casements in many of the openings, the existing windows are not historic, and their replacement will not harm the significance of the listed building or result in the loss or damage of any historic fabric. The heritage statement states that many of them are rotting, leaking or draughty and are causing damage to the internal stonework and walls.

Slight harm will be caused by the replacement of single-glazing with double-glazing, but this will be mitigated by installing slim double-glazed units and detailing to match the existing. Black spacer bars will reduce the visual impact of the double-glazing and will be required by condition.

Consultation responses

Holme Valley Parish Council: No observation; defer to Kirklees Listed Buildings Officer.

Conclusion

Paragraph 193 of the NPPF states 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 196 goes on to state 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 replacement of the existing windows with timber double-glazed units is considered to lead to less than substantial harm to the significance of the listed building by the introduction of double glazing. However, this harm is slight as the existing windows are not historic, the replacement windows will match the detailing of the existing and slim double-glazed units with black spacer bars will be used to minimise the visual impact. The public benefits of improving energy efficiency without harming historic fabric is considered to outweigh the slight harm.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that any application for development must preserve the character and appearance of the listed building.

As the proposed works are minimal and justified, it is felt that the character and appearance of the listed building overall is maintained.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

As the changes are minimal, this proposal is considered to preserve the character and significance of the conservation area.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the public benefits of the proposal outweigh the slight harm and is therefore recommended for approval.

Recommendation Grant Consent

Decision Authorisation - Delegated Powers

Application Number: - 2021/91020

Officer Recommendation: Grant Consent

Conditions:

1. The development 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 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. New windows shall be timber framed with a white painted finish, with mouldings and timber sections simple in design and profile with chamfered glazing beads, to match the existing. All slim double-glazed units shall have 4mm glass with an 8mm gap and black spacer bars. All new window frames shall be set back in the reveal by 50-100mm and shall not be fitted flush with the external wall. Friction hinges shall not be used.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion in order to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Design, Access and Heritage and Statement			17 March 2021
Window schedule			11 March 2021
Location Plan			11 March 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 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 submitted details are felt to be acceptable.

Report Dated:

4 May 2021
