

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2021/62/91752/W

Site Address: 16, Kaffir Road, Edgerton, Huddersfield, HD2 2AN

Description: Installation of gates between existing listed stone gate posts (Listed Building within a Conservation Area)

Recommending Officer: Katie Chew

DECISION – Conditional Full Permission

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: 15-Jul-2021

Officer Report

Site Description

16, Kaffir Road, Edgerton, Huddersfield, HD2 2AN

The application site relates to a large stone-built two-storey Victorian style dwelling, which is stepped back from the public highway and fronted by Grade II listed gate piers. The property benefits from a large driveway to the front and garden/amenity areas to the front and rear. The host dwelling is also a Grade II Listed building. The listing description is as follows:

Dwellinghouse:

1.5113 SE 1217 SE 1317 27/700

KAFFIR ROAD (North Side)

No 16 (Woodlands) (Formerly listed as No 8 (Woodlands), KAFFIR ROAD)

II

2. Mid C19. Ashlar. Shallow pitched slate roof. Bracketed eaves. 2 storeys and attics. Continuous 1st floor sills. Front has gable to west slightly projecting. Ground floor has oblong bay with Tuscan piers, moulded cornice and blocking course. 1st floor has paired round-arched sashes with plain raised frame and moulded cornice. Attic has segment-headed sash. East range has paired segment-headed sashes in moulded frame with moulded cornice on ground floor. 1st floor has paired round-arched sashes with keys and moulded surrounds. 3-storey tower in re-entrant angle. Bracketed eaves cornice. Hipped fish-scale tile roof with weathervane. One range of round-arched sashes on each side, with keystones and moulded surrounds. On 2nd floor they are paired. On ground floor they have moulded impost band.

Gate Posts

Gatepiers. 16 Kaffir Road, Edgerton (Grade II) Mid C19. Ashlar. Cylindrical. Moulded caps. Ball finial.

Description of Proposal

The application seeks planning permission for the installation of a pair of gates between existing listed stone gate posts (Listed Building within a Conservation Area).

The gates would measure approximately 3.7m in width (total width) and 2m in height. The gates would be installed using the existing fixings which can be found within the gate piers, and have a design which includes ornate metalwork with collars, arrow heads and frame ends which are appropriate for the character of the conservation area and the age and character of the host building.

History of negotiations/amendments received

Amendments were sought to the submitted plans outlining that the gates would be fixed at the existing fixing points on the gate piers only and that no drilling or cutting to the base or column of either pier is proposed.

Relevant Planning History

2021/91753 – Listed Building Consent for installation of metal gates between existing listed stone gate posts (within a Conservation Area). Pending Consideration.

2003/90321 – Listed Building Consent for formation of new window opening (within a Conservation Area). Approved 11th March 2003.

2002/92910 – Erection of entrance gates (Listed Building within a Conservation Area). Approved 29th October 2002.

2002/92911 – Listed Building Consent for erection of entrance gate (within a Conservation Area). Approved 29th October 2002.

2002/90561 – Change of use from student hostel to 1 dwelling (Listed Building within a Conservation Area). Approved 16th April 2002.

2002/90504 – Listed Building Consent for removal of wall, alterations to openings, new tarmac and stone flags (within a Conservation Area). Approved 11th April 2002.

99/90303 – Listed Building Consent for installation of lightwell (within a Conservation Area). Approved 18th March 1999.

98/92486 – Listed Building Consent for internal alterations and installation of rooflight and waste pipe (within a Conservation Area). Approved 21st October 1998.

98/91573 – Listed Building Consent for installation of rooflight and internal alterations (within Conservation Area). Approved 28th July 1998.

98/90933 – Listed Building Consent to enlarge lower ground floor window (within Conservation Area). Approved 11th June 1998.

Representations

Final publicity date expires:

Neighbour Letters – Expired 17th June 2021.

Site Notice – Expired 15th June 2021.

Press Notice – Expired 18th June 2021.

No representations have been received to date. The revised plans were not re-publicised as these simply provided clarification of the methods of hanging the gates.

Parish/Town Council Comments

N/A.

Local Ward Members

N/A.

Consultation Responses

No technical consultations required however, under application 2021/91753 (supporting Listed Building application), the Council's Conservation & Design officers have been consulted on the proposals.

Planning Policy Background

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 application site is unallocated in the Kirklees Local Plan but is located within a Bat Alert Area, Edgerton Conservation Area and is a Grade II Listed Building (gates are also listed). It is also important to note that neighbouring properties to the east and west are also Listed.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and access**

- **LP22 – Parking**
- **LP24 – Design**
- **LP30 – Biodiversity and Geodiversity**
- **LP35 – Historic Environment**

Other Documents:

- Edgerton Conservation Area Appraisal
- Kirklees Highways Design Guide (2019)
- House Extensions and Alterations Supplementary Planning Document (2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 1) Scale, design and visual impact of the proposed development
- 2) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 3) Impact on highway safety
- 4) Other matters
- 5) Conclusion

1 - Principle of Development:

1.1 - Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

2 - Impact on Visual Amenity and Heritage Assets:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’

When making decisions on planning applications for development that would affect a Listed Building or its setting or are within a Conservation Area, there is a duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses and to consider the character and appearance of the Conservation Area. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Similar considerations apply under Local Plan Policy LP35 and Chapter 16 of the National Planning Policy Framework.

LP35 states that:

‘Development proposals affecting a designated heritage asset...should preserve or enhance the significance of this asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm’.

The proposed development affects the setting of 16 Kaffir Road and the gate piers which are both separately Grade II Listed, the proposals will also have an effect on the Edgerton Conservation Area. The Council has an adopted Conservation Area Appraisal for Edgerton (Kaffir Road is located in Area 1). The fine group of Victorian and later villas set in special grounds on Kaffir Road and elsewhere in Area 1 illustrate the affluence and taste of Huddersfield middle-classes in the late nineteenth and early twentieth centuries.

Given the nature of the proposals the Council's Conservation & Design officer was consulted. They note that the proposed design, scale and finish of the gates are appropriate for this entrance and would enhance the character and significance of the Conservation Area and listed structures. The officer does highlight however, that there is a single hole at high level on each gate post where the original gate fixing was located, these holes should be re-used with the bottom of the gate fixing into the ground rather than the gate pier, this is to ensure that no damage is caused to the stonework of the gate posts. Amended plans have been provided providing the requisite details to satisfy this point.

In conclusion, officers are satisfied that the proposal would have a positive impact on the historic environment, in accordance with LP35 of the Kirklees Local Plan, Chapter 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

3 - Impact on Residential Amenity:

The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -

'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings...'

Given the proposed location and nature of the development, the proposals are not considered to be detrimental to the amenity of any adjacent neighbouring residents in regards to overlooking, overshadowing, or the proposals appearing overbearing in nature. Therefore, the proposals are considered to comply with the aims of LP24 of the Kirklees Local Plan, Chapter 12 of the National Planning Policy Framework and the Council's recently adopted SPD 'house extensions and alterations'.

4 - Impact on Highway Safety:

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

In terms of highway safety there are no concerns given the location and nature of the proposed gates however, a condition has been attached which requires the gates to open inwards into the site, as shown on the submitted plans, rather than out onto the public highway.

For the above reasons it is considered that the scheme would not represent any additional harm in terms of highway safety and as such complies with

Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

5 - Other Matters:

Biodiversity

Given the nature and small scale of the proposals it is considered unlikely that the works would disturb roosting bats.

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 the development, it is not considered necessary to request specific measures to address the developments' resilience to climate change.

There are no other matters for consideration.

6 - 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: 2021/91752

Officer Recommendation: Approve.

Conditions & Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
1. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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, to retain the significance of designated heritage assets and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and the Council's adopted SPD 'house extensions and alterations'.

2. The gates hereby approved shall be hung as to only open inwards within the application site, such arrangements shall be retained thereafter.

Reason: In the interests of highway safety, and in accordance with LP21 of the Kirklees Local Plan.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Location Plan	05	2	17 th May 2021
Gate Proposal	11	02	15 th July 2021
Design and Access Statement – Supporting Information	-	-	27 th April 2021
Heritage Statement – Supporting Information	-	-	27 th April 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments were sought to the submitted plans outlining that the gates would be fixed at the existing fixing points on the gate piers and that no drilling or cutting to the base or column of either pier is proposed.

Report Dated:

15/07/2021