

**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: 2021/65/92001/W

Site Address: 22, Cinder Hills Road, Holmfirth, HD9 1EH

Description: Listed Building Consent for repair and replacement of
windows (Within a Conservation Area)

Recommending Officer: Sue Oakley

DECISION – CONSENT GRANTED

**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.**

Emma Thompson

AUTHORISED OFFICER

Date: 26-Jul-2021

Officer Report

Site Description

22 Cinder Hills Road is a three-storey end-terraced weaver's cottage, formerly two cottages, which dates to the early nineteenth century. It is situated on a hillside location within the Underbank Conservation Area. This Grade II listed building is constructed from hammer dressed stone with a stone slate roof, with ranges of small, mullioned windows on the second floors of the north facing façade and larger sash windows on the ground and first floors levels.

Description of Proposal

The applicant proposes the replacement of the four ground floor sash windows on the front elevation of the cottage, along with the repair of the other five sash windows on the same elevation. The proposed replacement windows have slim double-glazed units and spiral balances.

History of negotiations / amendments received

Amendments to the proposed replacement windows were requested and are summarised below:

- The new windows shall be like for like replacements, albeit with a deeper section to accommodate slim double-glazed windows.
- Spiral balances shall be omitted, with sash cords and weights or no cords specified instead.
- Glazing bars shall be full depth and not planted on.

The applicant responded with justification for using spiral balances and planted on glazing bars and this was acceptable.

Relevant History

None.

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 alterations include the replacement of four existing single glazed timber sash windows which are in poor condition and have reached the end of their serviceable life. The proposed replacement windows are timber with slim double-glazed units. These measures will improve the thermal performance of the building and therefore it is felt the proposal complies with the climate emergency requirements.

Consultation Responses

Holme Valley Parish Council: No observation; defer to Kirklees 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: 17/6/2021

Publicity expiry date: 25/6/2021

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 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).

Assessment

The applicant proposes the replacement of the four ground floor sash windows on the front elevation of the cottage, along with the repair of the other five sash windows on the same elevation. The proposed replacement windows have slim double-glazed units and spiral balances.

The existing two over two sash windows appear to date to the late 19th century, with single glazing, narrow glazing bars and simple sash horns. The repair of the upper floor windows is welcomed as the historic fabric will be retained rather than replaced. However, due to the poor condition of the four ground floor windows, which have extensive rot to the timber frames, their replacement is accepted in principle.

The use of spring balances is not a traditional mechanism; however, the applicant has justified this by confirming that the top sashes will be fixed in place so that spring balances will only be visible from inside the building. They will be discreetly placed internally to allow the bottom sashes to be opened easily without dropping, which could cause a safety issue.

Slim double glazing can effectively be fitted into like for like replacement frames with a slightly deeper profile without affecting the significance of the listed building and a condition has been applied to ensure the detailing is correct. Planted on glazing bars are proposed to ensure slim bars can be used with the double-glazing, rather than requiring thicker bars in these relatively small windows which are required to take the weight of the glass and will alter the proportions.

These proposals will retain the character and significance of the building by replacing the minimum number of windows possible, while ensuring the sustainability of the building, the safety and comfort of the occupants and improving energy efficiency.

Consultation responses

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

Conclusion

Paragraph 199 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 202 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 four historic sash windows leads to less than substantial harm to the significance of the listed building by the removal of historic fabric and introduction of double-glazing. However, the existing windows are beyond repair and their replacement is considered necessary and therefore the level of harm is low. The public benefits of sustaining the listed building in a good state of repair and improving the energy efficiency of the building outweighs this slight harm. The harm is mitigated by replicating the detailing of the existing windows.

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 this proposal is for the replacement of four deteriorated windows it 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: - 2021/92001

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. Notwithstanding the details provided, all windows shall match the existing joinery details in terms of material, profiles including chamfered glazing beads and simple sash horns, detailing, dimensions and colour, albeit with an increase in the internal section sufficient to accommodate slim double glazing. All slim double-glazed units shall have 4mm glass with an 8mm gap with black spacer bars. The windows shall be installed and retained in accordance with the aforementioned details.

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 Statement			13 May 2021
Location Plan			13 May 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. Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions led to the submitted plans which accurately mirror those negotiations and are felt to be acceptable.

Report Dated:

23 July 2021
