

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: 2021/65/94226/W

Site Address: 3, Waterfall Cottages, Marsden, Huddersfield, HD7 6NQ

Description: Listed Building consent for installation of bathroom window [within a Conservation Area]

Recommending Officer: Sue Brooks

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: 06-Jan-2022

Officer Report

Site Description

3 Waterfall Cottages (3 Ainsley Lane) is a two-storey mid-terraced cottage dated 1848 and situated on the edge of the Marsden (Tunnel End) Conservation Area. This Grade II listed terrace is constructed from hammer dressed stone with a pitched stone slate roof and a small projecting central gable on the south facing façade. On the façade, each dwelling has a three light stone mullioned window on each floor, and to the rear north facing elevation each dwelling has a later doorway, one three light stone mullioned window on the ground floor and one two-light stone mullioned window on the first floor. One property also has a later single first floor window.

Description of Proposal

The applicant proposes the insertion of a small first floor window opening on the rear north facing elevation of the cottage, with a timber framed window, painted to match the existing windows and with obscured double-glazing.

History of negotiations / amendments received

The proposed amendments were recommended, and agreed by the applicant:

- Omit the trickle vent
- Slim double-glazed units
- Obscured glass to be etched glass with no pattern
- Side hung casement windows to be specified, to match the details and colour of the adjacent pair of windows in the same property

The amendments above are included in this report as a planning condition.

Relevant Planning 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 proposal is for the insertion of a new window opening on the rear elevation, which incorporates double glazed units with an 8mm gap. A new window will allow natural daylight to enter the room, reducing the need for artificial lighting. It will also provide natural ventilation which will reduce the need for mechanical ventilation and improve the environmental conditions within the bathroom. Therefore, it is felt the proposal complies with the climate emergency requirements.

Consultation Responses

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

Representations

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 27/12/2021

Publicity expiry date: 24/12/2021

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, Ministerial 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 insertion of a small first floor bathroom window opening on the rear north facing elevation of the cottage, with a timber framed window painted to match the existing and with obscured double-glazing. As there is no existing window in the bathroom the only form of ventilation is a mechanical extractor fan with a small vent at high level. The lack of natural ventilation results in damp and mould within the room during the winter months. The provision of an opening window will provide ventilation which will reduce the build-up of mould and condensation, protecting the building fabric from damage as well as providing a healthier environment for the occupants. The prominent front elevation of the terrace is the most significant architecturally, with high quality but simple detailing, a projecting central gable and repetitive fenestration with groups of three light stone mullioned windows set into chamfered reveals. This elevation faces south across the valley. The rear elevation is much simpler in design, with little in the way of architectural detailing but broadly similar fenestration details to the façade, with three light mullioned windows on the ground floor and two light windows on the first floor. This elevation is less prominent within the conservation area, facing towards the rear yard area. The insertion of a new first floor window opening is proposed on the rear elevation, with a timber framed casement window in the same design and colour as the existing windows on this elevation. Although the insertion of a new opening alters the rhythm of the fenestration, the impact is low and therefore the harm to the significance of the terrace is low. The public benefits of improving the internal environment and ventilating the building are considered to outweigh the slight harm, which is also mitigated by the design and detailing of the proposed opening.

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 proposed window leads to less than substantial harm to the significance of the listed building and terrace by inserting a new opening on an elevation which has a degree of repetition. As the new opening is small and in the same design, materials, colour and configuration as the existing windows on this elevation, the level of harm is considered to be low. It is outweighed by the public benefits of providing natural ventilation within the bathroom which reduces the potential for condensation build up and subsequent damage to the fabric of the building, as well as improving the internal environment for the occupants.

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.

The proposed window is located on the rear elevation which is less prominent than the façade and has a lower level of significance. It is in the same design and configuration as the existing windows on this elevation and therefore it is felt that the character and appearance of the listed building and terrace 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 window is located on the rear of the building 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: - 2021/94226

Officer Recommendation: Grant Consent

Conditions and Reasons:

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 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. The new window shall be a side hung timber framed casement with butt hinges and a white painted finish, with mouldings and timber sections simple in design and profile with chamfered glazing beads. The opening casement shall be set flush with the frame and shall be set back in the reveal by 75-100mm and not fitted flush with the external wall. The slim double-glazed unit shall have 4mm glass with an 8mm gap with black spacer bars, and the obscured glass shall have an etched finish. Trickle vents will not be permitted.

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.

4. The new head, cill and jambs for the proposed window shall be of natural stone with the same square section as the bathroom window at 5 Waterfall Cottages. The stonework shall match the existing first floor window of 3 Waterfall Cottages in terms of stone type, bedding and tooling.

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
Heritage Statement			8 November 2021
Design and Access Statement			8 November 2021
Existing and Proposed Elevation Drawing			12 November 2021
Proposed window location internal view			8 November 2021
Proposed window location external view			8 November 2021
Example window at 5 Waterfall Cottages			8 November 2021
Location Plan			12 November 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 case officer undertook negotiations with the applicant to ensure that the design of the window respects the character of the listed building. These discussions led to planning condition three above which accurately mirrors those negotiations and therefore the proposal is felt to be acceptable.

Report Dated:

6 January 2022