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:	**2022/62/91379/W**
Site Address:	Tolson House, Dean Brook Road, Armitage Bridge, Huddersfield, HD4 7PB
Description:	Formation of doorway within altered existing window opening, installation of 2 conservation roof lights and minor alterations to utility room (Listed Building within a Conservation Area)
Recommending Officer:	Laura Yeadon

DECISION – Conditional Full Approval

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.

Stuart Howden

AUTHORISED OFFICER

Date: 29-Jun-2022

Site Description

Tolson House is a large Grade II listed building which is two storeys in height dating back to the late C18 or early C19 and located within the Armitage Bridge Conservation Area. The house is constructed from hammer dressed stone with a pitched slate roof and timber windows with ashlar surrounds. To the south-west is a two storey and single storey structure which appear to date to the late 19th century. At the north-east of the building is a substantial two storey extension approved in 1991, along with a porch on the north-west elevation and a large oak framed conservatory projecting beyond the building line of the south-east elevation of the original property. Access to the property is taken from a private section of road off Bean Brook Road. Lawned garden separate the property from the roadside with amenity areas surrounding the properties. The north-western boundary of the property forms the boundary with the adjacent Green Belt with built forms of development located to the east and south-east. Along the north-eastern boundary is a bridleway.

Description of Proposal

Planning permission is sought for the formation of a doorway within an altered existing window opening, the installation of 2 conservation roof lights and minor alterations to the utility room.

An application for Listed Building Consent for the works have also been submitted under application 2022/91380 which runs concurrently with this application.

It is proposed that the works would be contained to a small section of the property on the principal elevation facing Dean Brook Road. It is proposed that an existing doorway would be replaced with a door opening and roof lights inserted into the front elevation of the existing single storey utility room.

Alterations including replacing window details with stone jambs, head and cill to the garden facing opening of the utility room and replacement pointing on the utility room are also proposed.

History of negotiations/amendments received

None

Relevant Planning History

1987/03742 Erection to form utility, WC, dark room and conservatory extensions (Listed Building within a Conservation Area)
Granted Conditionally

1987/03743 Listed Building Consent to demolish outhouse with extension to form utility, WC, dark room and conservatory (within a Conservation Area)

1991/00880 Erection of extension to form hall, double garage, conservatory with granny flat over and porch (Listed Building)
Conditional Full Permission

1991/00881 Listed Building Consent for erection of extension to form hall, double garage, conservatory with granny flat over and porch
Consent Granted

2012/90539 Works to trees within a Conservation Area
Granted

2013/93468 Works to tree(s) within a Conservation Area
Granted

2018/90317 Erection of single storey extension (Listed Building within a Conservation Area)
Conditional Full Permission

2018/90318 Listed Building Consent for erection of single storey extension
Consent Granted

2019/92060 Listed Building Consent for replacement windows and doors
Consent Granted

2019/94000 Works to trees within a Conservation Area
Granted

2020/90546 Dead or Dangerous Tree
Noted

2022/90215 Works to trees within a Conservation Area
Granted

2022/91380 Listed Building Consent for formation of doorway within altered existing window opening, installation of 2 conservation roof lights and minor alterations to utility room (within a Conservation Area)
Under consideration – runs concurrently to this application

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters site notice and newspaper advertisement.

Final publicity date expired 5th June 2022 – no representations received

Parish/Town Council – not applicable

Consultation Responses

None required

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).

The site is a Listed Building within the Armitage Bridge Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 31** – Strategic Green Infrastructure Network
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, 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.

- Chapter 2 – Achieving Sustainable Development
- Chapter 4 – Decision Making
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD's)

- Kirklees Highways Design Guide SPD (2019)
- House Extensions and Alterations Supplementary Planning Guidance

Kirklees Council has adopted supplementary planning guidance on house extensions and alterations which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity, Conservation Area and the listed building
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

With specific regard to the House Extensions and Alterations SPD the key designs principles for consideration for this particular application are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment

- Key design principle 15: Provision for parking

The site is within the Armitage Bridge Conservation Area and is also a Grade II Listed Building. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of the Kirklees Local Plan.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

The listing description is as follows:

ARMITAGE FOLD 1. 5113 Armitage Bridge Tolson House SE 1313 47/123 II 2. C18 or early C19. Hammer-dressed stone. Pitched stone slate roof. 2 storeys. 3 ranges of sashes with glazing bars in moulded surrounds, those on ground floor with moulded cornices. Door with 6 panels (4 fielded) in surround with Tuscan pilasters and entablature. Rear has 2 ranges of stone mullioned casements with glazing bars.

In this case, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the listed building and Conservation Area, as well as other matters which will be discussed below:

2 – Impact on visual amenity, Conservation Area and listed building:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Paragraph 199 of the NPPF requires that when considering the impact of the proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

The proposed new opening would be located on the south-eastern elevation of the property to provide access from the kitchen area to the outside of the property.

As part of the assessment for the Listing Building Consent application which runs concurrently with this application, the Conservation and Design Team were formally consulted and raise no objections to the proposal.

It is proposed that the new doors would be constructed from hardwood with a heritage painted finish with slim line double glazing installed which is considered to be visually acceptable and would be in keeping with the host property and therefore Key Design Principle 2 of the SPD.

It is also proposed that the utility room window facing the garden area would be removed and replaced with stone cill, head and jambs which would be visual improvement to the external appearance of the utility room as the current head, cill and jamb are concrete. This would be in acceptable in term of Key Design Principles 1 and 2 of the SPD.

In addition, 2 no. conservation rooflights would be inserted into the roof of the utility room to assist in providing natural light.

Small internal works are proposed which do not require planning permission and would be assessed via the Listed Building Consent application.

In terms of the impact of the scheme on the Conservation Area and host listed building it is considered that the proposal would not be harmful to the setting or the character of the Conservation Area and would preserve the listed building.

The new doors and rooflights are not considered to compete for prominence with appropriate construction materials. It is considered that the works are acceptable.

Thus is it considered that the proposal would not cause detrimental harm to the visual amenities of the locality or harm to the significance of the conservation area or listed building, in accordance with, Policy LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the House Extensions and Alterations SPD, Chapter 16 of the NPPF and the Council's duty under Sections 66(1) & 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

3 – Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

There are no proposed extensions to the dwelling and therefore no harm in terms of overshadowing or being overbearing. The proposed doors would replace an existing window and the proposed rooflights are in the roof slope facing away from neighbouring property. It is therefore not considered that the proposal would have a detrimental impact on residential amenity in terms of overlooking, overshadowing or by being overbearing.

As such, it is considered that the proposal is acceptable and would accord with both local and national policy.

4 – Impact on highway safety:

None as the proposal would not result in an intensification of the site or impact on an existing parking area.

5 – Other matters:

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. No specific mitigation measures are required in this instance due to the minimal nature of the proposed works.

Strategic Green Infrastructure Network – The site is located within the Strategic Green Infrastructure Network and therefore Policy LP31 of the Local Plan needs to be considered. The Policy states that priority will be given to safeguarding and enhancing green infrastructure networks, assets and the range of functions they provide. As the proposed development is a house extension within an established residential area with no public right of access within the site, it is not considered that the any specific requirements to enhance the green infrastructure network.

Biodiversity - Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of

Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

None

7 – 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: 2022/91379

Officer Recommendation: Approve

Conditions

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.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP35 and LP51 of the Kirklees Local Plan, Key Design Principles 1, 2, 3, 5, 6, 8, 9, 10, 11, 12 and 15 of the Kirklees House Extensions and Alterations SPD and Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

NOTE: This decision notice should be read in conjunction with 2022/91380 for the allied permission for Listed Building Consent.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: This decision notice should be read in conjunction with application 2022/91380 for the allied Listed Building Consent.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan, existing and proposed elevations and floor plans	(0-) 02	Revision B	21st April 2022
Heritage, Design and Access Statement dated 12th April 2022	Project No. 186	-	21st April 2022

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 28th June 2022

Coal – low