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:	**2022/65/91385/W**
Site Address:	5, Kiln Brow, Golcar, Huddersfield, HD7 4DU
Description:	Listed Building Consent to replace flat roof covering with EPMD Firestone rubber roof covering and waterproof air vent (within a Conservation Area)
Recommending Officer:	Sue Brooks

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.

Helen Bower

AUTHORISED OFFICER

Date: 01-Dec-2022

Officer Report

Site Description

5 Kiln Brow is a small Grade II listed single storey end-terraced cottage situated on a hillside location within the Golcar Conservation Area. The building dates to the mid-19th century and is constructed from hammer dressed stone with a stone slate roof. On the south facing front elevation is a doorway and small, mullioned windows. Attached to the rear is a single-storey flat roofed structure set against a retaining wall and private path, with the land rising steeply to the north.

Description of Proposal

The initial proposal was for the replacement of the roof covering on the rear flat roofed structure with a sedum roof, along with the installation of a roof light. This application was retrospective. Following negotiations, the proposal was amended to replacement with a single ply roof covering with an extractor vent and no roof light.

History of negotiations / amendments received

Amendments were requested and are outlined below:

- Alterations to the design of the rooflight.
- Reconsideration of the roof covering, with the omission of the sedum roof following objections from a neighbour about self-seeding weeds.

The roof covering has been amended from a sedum roof with a tall upstand to a single-ply membrane with a low upstand and no sedum. The rooflight has been omitted, with a small vent stack proposed in the same location instead.

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 proposed alterations include the replacement of the existing flat roof covering and introduction of a roof light. The rooflight was subsequently omitted from the application. This work is not considered to have any impact on carbon emissions and therefore it is felt that climate emergency requirements are not relevant in this instance.

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. Three representations have been received, objecting to the proposal.

The following is a summary of the comments made:

- Work was carried out without planning permission and retrospective permission is already agreed.
- The roof has been raised above ground and obstructs a path which is used to access other properties and does not belong to the owner of the property. If it had remained underground this would not have been an issue.
- The sedum will spread onto neighbouring roofs and cause damage.
- The flat roof should run in line with the adjacent flat roof. Happy for it to be tiled, with the window, not fibre glass covering that is not in keeping with the rest of the row.

Date site notice expired: 07/06/2022

Publicity expiry date: 19/06/2022

Policy

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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 importance which is possesses'.

Kirklees Local Plan
The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). It is considered that the following policy and legislation is applicable to the determination of this application.

LP 1-Achieving Sustainable Development
LP 2 – Place Shaping
LP 24 – Design
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 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

Chapter 2 Achieving sustainable development
Chapter 12 Achieving well-designed places
Chapter 16 Conserving and enhancing the historic environment

Assessment

The proposal is for the replacement of the roof covering on the rear flat roofed projection with a sedum roof, along with the installation of a roof light. The application is retrospective as a sedum roof and rooflight have already been installed, however following negotiations, amendments have been made to replace the sedum roof with a single-ply membrane with the rooflight omitted and the introduction of a ventilation stack.

A rear projection is shown on historic maps dating back as far as 1893, although it is likely that it was added after the cottage was built. It appears to have been altered and enlarged over time and is currently used as a bathroom for the cottage. The structure is built into the hillside to the north, with the flat roof at ground level where the garden above has been terraced. Above this to the north is a further row of listed cottages at Scar Top.

The flat roofed annexe is set into the hillside where its visibility is extremely limited from the wider conservation area, and it is clearly subservient to the main cottage. The replacement of the previous modern roof covering will

ensure that the building is well maintained, with little impact on the significance of the listed building and no loss of historic fabric.

Amendments were requested and agreed, with the omission of sedum which could spread to the wider roofs and block gutters, and the removal of the rooflight which was designed for a pitched roof. To ensure airflow within the bathroom a ventilation stack has been proposed as an alternative.

In summary, the replacement of the roof covering will ensure that the building is weathertight and ventilated which will prevent deterioration, with a slight impact on the significance of the building and wider conservation area as the flat roof is set into the steep hillside to the rear of the building.

It is therefore concluded that the proposed development accords with the requirements of policies LP35 of the Kirklees Local Plan, policies within Chapter 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Three objections have been received for this application and they have been summarised below:

- Work was carried out without planning permission and retrospective permission is already agreed.

Response: Work has been carried out; however retrospective permission has not been approved.

- The extension has been raised above ground and obstructs a path which is used to access other properties and does not belong to the owner of the property. If it had remained underground this would not have been an issue.

Response: This appears to be a private right of access which is not a material planning consideration or a consideration in the assessment of a listed building consent application. Even if listed building consent is granted, this would not convey rights to block a private right of access. This matter would need to be resolved between the parties concerned. The applicant has been advised to amend the application to reduce the height of the extension roof and this has been agreed.

- The sedum will spread onto neighbouring roofs and cause damage.

Response: This has been raised with the applicant and the sedum roof has been omitted from the proposal.

- The flat roof should run in line with the adjacent flat roof. Happy for it to be tiled, with the window, not fibre glass covering that is not in keeping with the rest of the row.

Response: The applicant has omitted the roof window and changed the proposed roof covering from fibreglass to a single-ply membrane. A tiled roof would not be suitable for such a shallow pitch.

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 the previous modern roof covering will lead to less than substantial harm to the significance of the listed building by introducing a new modern roofing system to the rear annexe, along with a ventilation stack. However, this harm is low as the annexe is set into the hillside at the rear of the building where its visibility is limited from the wider conservation area, and the proposal will result in no loss or alteration of historic fabric. The public benefit of ensuring that the building is weathertight and ventilated outweighs the slight harm and this proposal is therefore acceptable.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposed works are in an area of low significance at the rear of the cottage and set into a steep hillside, and therefore it is felt that the architectural and historic interest of the listed building is preserved.

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 flat roofed extension is set against a retaining wall and the visibility from the wider conservation area is limited, 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: 2022/91385
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 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.

3. The roof covering shall be a single-ply membrane laid flush with the roof and with an edge trim of no higher than 30mm. The sedum roof covering, edge boarding and rooflight are not permitted.
Reason: In the interests of visual amenity and sustaining the architectural significance and conservation of the heritage asset in accordance with Chapters 2,12 and 16 of the National Planning Policy Framework and Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Heritage Statement			20 September 2022
Photograph of roof as existing			27 April 2022
Block Plan			22 April 2022
Location Plan			9 May 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 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: 28 November 2022