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:	**2022/65/93161/W**
Site Address:	35, Lea Lane, Netherton, Huddersfield, HD4 7DP
Description:	Listed Building Consent for demolition of existing wall and coal store and formation of vehicular access (within a Conservation Area)
Recommending Officer:	Tom Hunt

DECISION – Refuse Listed Building Consent

I hereby authorise the refusal 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: 12-Jul-2023

Officer Report

Site Description

2022/93161 – 35, Lea Lane, Netherton, Huddersfield, HD4 7DP

The application site is a four-storey end-terrace of a group of three dwellings, all of which are Grade II listed. It is situated on a steep hillside in a semi-rural Green Belt location within the Netherton (Corn Bank) Conservation Area, along with two other short terraces, of which 49-63b Lea Lane are also Grade II listed.

The building is constructed from hammer dressed stone with a stone slate roof and ranges of small, mullioned windows on the west facing facade. To the front of the property is a small yard with a detached, stone built, low coal store forward of the front elevation's ground floor window and a low stone front boundary wall with heavy flat copings and metal stubs showing evidence of historic railings. The front path is accessed via a pair of stone gate posts.

The other Listed Buildings have no front amenity boundary walls remaining. In the locality, front amenity spaces have been converted to driveways.

Description of Proposal

Listed Building Consent for demolition of existing wall and coal store and formation of vehicular access (within a Conservation Area)

It is proposed that there be demolition of the single skin garden wall and non-original coal store to create a parking space surfaced with stone flags or block paviours, made accessible from Lea Lane with widened 2.4m driveway entrance. The historic gate posts would be repositioned to have a wider access.

There would be the construction of a new stone wall with copings to match the existing front wall between the front amenity areas of 31-33 and 35 Lea Lane, constructed to match the original boundary wall using stone copings from the front wall.

It proposes an Electric Vehicle Charging Point (EVCP) to be installed to the front of the Listed Building. An ACO drain along the road frontage would manage surface water flows.

History of negotiations / amendments received

The case officer considered the application on review and notified the applicant that the proposal could not be supported on its impact to the Listed

Building. The applicant wished to proceed to a Determination with a view to Appeal.

Relevant Planning History

92/01555 – Listed Building Consent for Reinstatement of Roof using Natural Sandstone Slates. Granted.

2022/92532 – Demolition of existing wall and coal store and formation of vehicular access (Listed Building within a Conservation Area). Pending.

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 use and reuse of low carbon embodied stone material and the installation of a EVCP to support low carbon travel. Therefore, it is felt the proposal complies with the climate emergency requirements.

Consultation Responses

KC Conservation and Design – Object

Representations

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

Date site notice expired: 25/10/2022

Publicity expiry date: 11/11/2022

Policies

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). The following policies are considered relevant to 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 site is located within Netherton (Corn Bank) Conservation Area and is a Grade II Listed Building identified as '25, 27, 29, 33 and 35, Lea Lane' (Historic England Ref: 1300334). A synopsis of the listing is as follows: *"Formerly 3 identical large weaver's houses. Early to mid C19. Hammer dressed stone. Stone slate roof with moulded stone brackets to gutter. 4 storeys. No. 33 was formerly 2 houses. Altered ground floor with recent stone porch."*

The detailed assessment from the Conservation & Design Officer are as follows. Terraces of cottages, with small enclosed front gardens bounded by low stone walls, are a characteristic feature of the 18th and 19th century

settlements in the Holme Valley and surrounding areas, and they make a strong contribution to the special interest of the area. On this part of Lea Lane most of the front boundary walls have been demolished and this has removed the historic legibility of the buildings. The parking area formed at the front of 33 Lea Lane (prior to 2000) demonstrates the harm caused by the loss of the boundary wall, with parking directly in front of the house.

Demolishing the front boundary wall at 35 Lea Lane will result in the loss of the only surviving boundary wall and historic gate posts along this terrace, with off-road parking resulting in the loss of the enclosed front garden.

The works would have a section of historic stone wall boundary and the minor coal store removed, historic gate posts repositioned, a new shared boundary stone wall with its Listed Neighbour at No. 31-33 and to use the newly flag-stoned front amenity space for parking with an EVCP. The Conservation & Design Officer had raised no concerns over the coal store being demolished as it makes no contribution to the significance of the Listed Building.

The proposed paving, reduced boundary walls and use of the historic garden space for parking would fundamentally change and erode the group value, character and the historic setting of the Listed Buildings. In addition, the parked vehicle's bulk and massing and the EVCP within the small front amenity space would add an additional quantum of visual clutter which would appear as highly obtrusive modern elements positioned to the front of the building over the existing arrangement to the Listed Building and so would not benefit the Listed Building.

High quality natural stone is proposed to be used for sections of the boundary wall and the parking surface, this would be normally acceptable to Officers for walling material. However the use of the stone for parking would lead to a deterioration in the surface as it would potentially crack under the increasingly higher load burden of modern electric vehicles and would visually detract from the appearance of the Listed Building. Stone would not be considered a suitable high quality material in this regard for the proposed parking use.

The removal of historic stone front boundary wall and the repositioning of the gate posts would further erode the architectural details and historic legibility of the Buildings. While it could be conditioned to retain the material for re-use to the re-construction of the shared boundary wall to prevent the loss of material; however, this would still have the visual effect of changing the setting of the Listed Building's original character features and would not be sufficient in itself to warrant outweighing the less than substantial harm to the heritage assets.

The supplied Heritage Statement has commented that the changed nature of the now open frontages has significantly changed the character of the buildings with the removal of boundary walls to have eroded the character of the Conservation Area. Officers are in agreement with this however this proposal would result further erosion of the boundary walls to the front yards which is still regarded as adversely affecting the group of Listed Building(s).

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."

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 proposal would not form an enhancement or better reveal the significance of the building and would detract from the building's character and fail to respect the setting of the host and the group of the neighbouring Listed Buildings. The proposed works have thusly been identified to have less than substantial harm to the group of Listed Buildings. As such, public benefits are required to clearly outweigh this identified harm.

In this case, the justification, supplied in the Heritage Statement, is to have the parking to the front amenity space of the Listed Building thus removing a vehicle from the highway to improve safety which has been impacted by ongoing housing developments in the area. The Heritage Statement describes the particular location as:

> *"The carriageway narrows to only 5.7 meters outside No. 35 and this combined with a blind corner makes driving hazardous. Drivers are*

often confronted by another vehicle which suddenly appears from round the corner. There is the potential for vehicles to collide particularly in icy conditions because the road is on an incline and there is no space for avoiding action."

In consideration of this, a site visit of the road indicates that there is a slight bend in the highway with road surface markings advising drivers to slow their speed. There appears to be an ~4.5m width of carriageway (excluding the pavement), while a car parked there would further restrict this to ~2.1m width, this would be at the private risk of the owner to park in such a way to obstruct the highway at this point. Indeed, should one car be removed from the road at this point, this would not preclude another taking its place thus negating its slight benefit. Lea Lane opens out being wider in width further to the south which would appear a safer place to park. As such, the possible benefit is to the private vehicle newly parked off street which principally serves to benefit the individual and as such can only be considered a private benefit and is limited in its impact with regard to public benefits.

The other benefit identified is the EVCP. This would have the slight effect of improving air quality locally and would support the challenge of achieving net zero greenhouse gas emissions. This is tempered by the fact that it would charge one private vehicle for private benefit and accordingly would have slight positive impact to the reducing carbon emissions.

Those identified benefits would principally be private, with some restricted public benefits, those would not clearly outweigh the identified less than substantial harm to the Listed Building(s).

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting Listed Building Consent would significantly and demonstrably outweigh any benefits of the development when assessed against policies in Chapter 16 of the NPPF, LP35 of the Kirklees Local Plan and would be incompatible with the Council's duties under Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

Recommendation **Refuse Consent**

Decision Authorisation - Delegated Powers
Application Number: - 2022/93161
Officer Recommendation: Refuse Consent

Reason for Refusal:

The proposed demolition of the front boundary wall and formation of a parking area would erode the only surviving boundary wall to the group of Listed Buildings, alter historic gate posts along this terrace, with off-road parking resulting in the loss of the enclosed front garden and additional visual clutter which would fail to preserve the special interest of the group of Listed Buildings at '25, 27, 29, 33 and 35, Lea Lane'. This would cause less than substantial harm to the significance of the listed building. The public benefits submitted do not outweigh the harm to e designated heritage asset and therefore the proposal would fail to comply with LP35 of the Kirklees Local Plan, Chapter 16 of the National Planning Policy Framework and would be incompatible with the Council's duties under Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	35 Lea Lane	Original	09/09/2022
Existing Block Plan.	-	Amended	20/01/2023
Proposed Block Plan	-	Amended	20/01/2023
Heritage Statement.	Dated 28.03/2023.	Amended.	28/03/2023

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. The applicant was approached regarding the application's likely refusal but wished it to be determined on the basis of the submitted scheme. For the reasons set out in the reason for refusal, the development would not improve the visual or historic amenity of the group of Grade II Listed Buildings at '25, 27, 29, 33 and 35, Lea Lane'.

Report Dated: 11/07/2023