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:	**2023/65/90726/W**
Site Address:	33, Oak Road, Bradley, Huddersfield, HD2 1SN
Description:	Listed Building Consent for boundary wall alterations and proposed boundary fence
Recommending Officer:	Tom Hunt

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.

John Holmes

AUTHORISED OFFICER

Date: 04-Dec-2023

Officer Report

Site Description

2023/90726 – 33, Oak Road, Bradley, Huddersfield, HD2 1SN

The application site relate to the two-storey, end terraced and Grade II listed No. 33 which is part of a group of Listed buildings No. 33-37 Oak Road. It had been previously extended with a two-storey extension bringing it closer to the south boundary. It is of stone and slate construction with a small front, side and rear amenity space. The group of buildings is bounded by a low stone wall which allows easy views of the significant primary elevation of the terrace.

It is situated on the junction of Oak Road and Elder Lane which is an access drive/PROW (reference: HUD/11/10) through to Woodman Avenue. It faces out to Oak Road Recreation Ground & Oak Road Allotments, Bradley which is Urban Greenspace.

Description of Proposal

Listed Building Consent for boundary wall alterations and proposed boundary fence

The proposal affects the boundary to the south and southwest of the site abutting the PROW. It is proposed to have metal railings (0.7m height) atop the stone wall (0.9m height from ground level), a sliding double gate of similar design and 4.5m width.

The boundary treatment would replicate an historic stone wall with railings.

History of negotiations/amendments received.

Several negotiations took place on the acceptability of the original design and finding an alternative suggestion based on an historic photograph of the site in order to achieve an acceptable outcome.

Relevant Planning History

2015/90738 – Listed Building Consent for replacement windows. *Approved*.

2023/90725 – Boundary wall alterations and proposed boundary fence and gates. *Pending*

Enforcement
COMP/21/0288 – Alleged unauthorised demolition of wall and erection of fence (Listed Building). *Referred to submit a planning application and Listed Building Consent.*

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Heritage amenity section of the report):

- KC Conservation & Design – Support.

Representations

We are currently undertaking 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 press publicity with a final publicity date of 30/04/2023.

Within an associated application for listed building consent it is noted that five instances of representations have been received from two people; raising points in support. A summary of the comments received is set out below:

- Improves visual amenity with screening
- Does not alter the appearance of building or structure of cottage
- Improves privacy and safeguarding
- Other examples of fencing to front amenity spaces to the locality
- Traffic on road damages the buildings

Officer Note: Those comments will be addressed in the Visual amenity and Heritage sections of the report. The last comment is outside the control of the planning application and is not a material consideration which can be afforded significant weight in the planning balance of the proposal.

The amended scheme was not readvertised as it did not substantially change the description and was considered to enhance the historic significance of the Listed Building.

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). 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

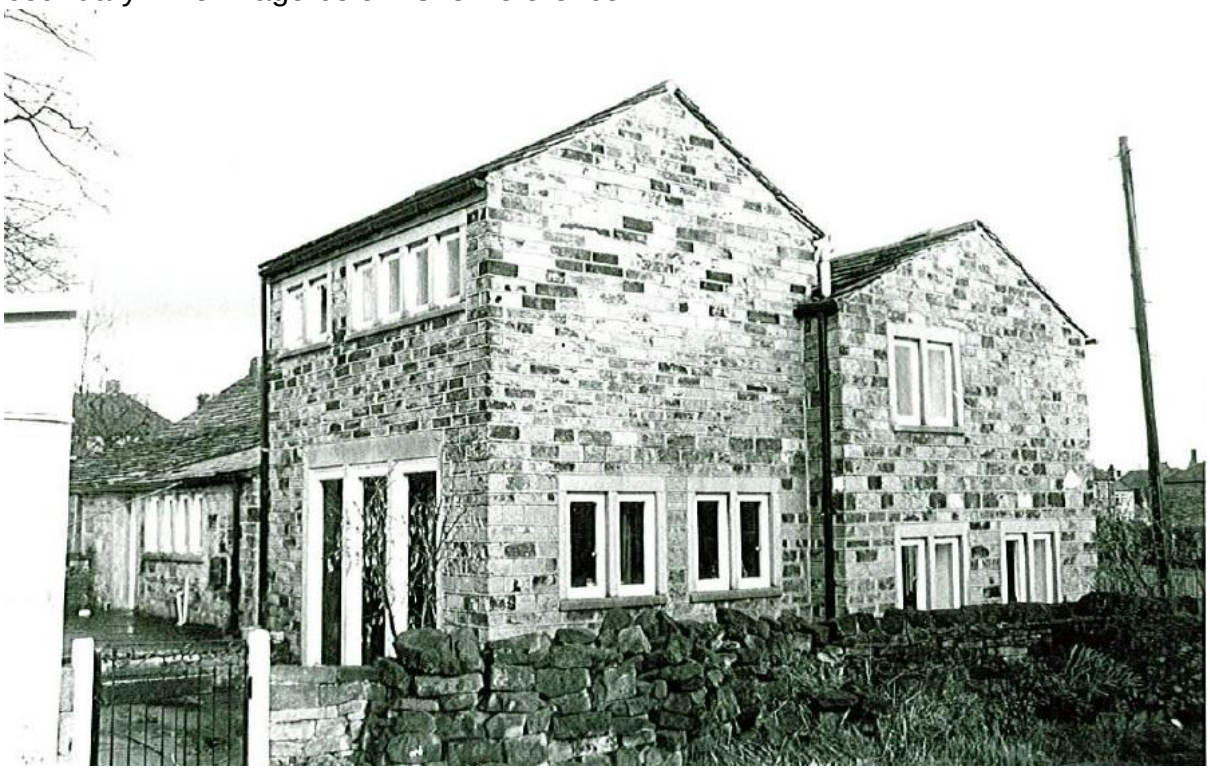
National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 05th September 2023, 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 Conservation & Design Officer was formally consulted on the associated LBC application reference: 2023/90726 and following negotiations and amended plans to restore historic features noted their support.
A review of historic archive images of the site from 1986 show that the site had historically a low-level drystone wall, which ran the length of the boundary. The image below is for reference:



The drystone wall was largely extant and unaltered up to 2012 and had boundary planting. In 2018, the wall had a run of vertical closeboarded timber fencing to the outside of the wall on posts. Between 2018-2021, the historic drystone wall was demolished in parts and altered with a reduced coursing of 3-4 courses and cement pointed. This indicates that a harmful erosion of the historic fabric of the wall had occurred in historic character, finish and height. The submitted Heritage Statement by Cadvis3d Limited stated that “the boundary wall does not form part of the heritage detail listing” and it does not

physically adjoin to the Listed Building. Nonetheless, the drystone walling is a historic structure within the curtilage of the Listed Building and the inappropriate alteration of this would affect its character as a building of special architectural or historic interest.

Following negotiations, the agent submitted the below photographic image:



It is proposed to reinstate the historic boundary treatment with metal railings using this photograph as evidence. The side gate and the use of the side and rear amenity space as parking with use of paving is considered to add to the erosion of the setting of the Listed Building. This would cause less than substantial harm to the setting of the Listed Building as such public benefits are required.

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 Statement states that the fence provide privacy to the occupants and to allow their work vehicle to be securely parked. Officers are in agreement that privacy has been achieved through boundary planting in the past which provided natural screening and that the removal of this screening increased the occupant's wish to have privacy. Those would be considered a private benefit to the occupants and not be public benefits. There have been supportive representations stating that privacy and safeguarding is improved to the occupants however those would not alter this conclusion.

Nonetheless the proposed restoration of the historic boundary treatment using high quality materials, detailing and natural stone walls would warrant public benefits to clearly outweigh this harm to the heritage asset. The quality of which would be sufficiently controlled by conditions within this application.

The high quality and small scale proposal is therefore regarded as acceptable for permission in this regard as it would enhance the Grade II Listed Building with public benefits outweighing the less than substantial harm.

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 enhance the setting of the Grade II Listed Building with the restoration of historic boundary detail using high quality materials.

It is therefore concluded that the proposed development does accord with the requirements of policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, policies within Chapters 2, 12 and 16 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Recommendation **Grant Consent**

Decision Authorisation: **Delegated**

Application Number: 2023/90726

Officer Recommendation: Grant Consent

Conditions and Reasons:

1. The development shall be begun within three years of the date in which this 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: To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policies LP2, LP24 & LP35 of the Kirklees Local Plan, as well as policies within Chapters 2, 12 & 16 of the National Planning Policy Framework.

3. Notwithstanding the details provided, the replacement sections of the boundary wall shall be of natural stone and shall replicate the stonework of the existing boundary wall in terms of stone type, colour, bedding and tooling. No power tool cuts or marks shall remain visible. The railings hereby approved shall metal and of a black colour finish. The materials of construction and colour finishes approved by this condition shall be retained thereafter.
Reason: 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 policies within Chapter 16 of the National Planning Policy Framework.

FOOTNOTE: This Listed Building Consent should be read with the Decision Notice attached to the associated full planning application 2023/92425.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan, Existing Elevation of Boundary.	Drawing no. A(00)-01.	A.	15/03/2023
Location Plan and Proposed Elevation, Detail and Site Plans.	Drawing no. A(10)-01.	D	23/11/2023
Heritage Statement	Heritage Statement by Cadvis3d Limited. Dated: March 2023 (revised). Job No. 2254.	Revised	15/03/2023

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 advised of concerns in relation to the design of the scheme which have been satisfactorily addressed by the submission of amended plans.

Report Dated: 27/11/2023