

**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:         | <b>2023/65/90834/W</b>                                                                       |
| Site Address:         | 32, Side Lane, Longwood, Huddersfield, HD3 4SR                                               |
| Description:          | Listed Building Consent for conversion of 2 dwellings into one dwelling and associated works |
| Recommending Officer: | Sebastian Pickles                                                                            |

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 01-Jun-2023**

## **Site**

The application is for Listed building Consent for No. 32 Side Lane. The building is an early 19<sup>th</sup> century dwelling, constructed in hammer dressed stone. The building is located on Side Lane, which is accessed off Leymoor Road to the west and Wood Street to the east.

The property is situated within a small court, with access to the site through a pair of central opening solid timber gates, with a drystone wall running along the northern boundary and a hedge running behind it. To the southern boundary is a large detached former barn, which is associated to the large former detached Broom Field House which is located further to the south.

## **Proposals**

The application is for listed building consent for historic conversion of 2 dwellings into 1 dwelling and works associated with this.

## **Relevant Planning History**

None

## **History of negotiations / amendments received**

There has been limited engagement with the agent, as the submitted detail was considered sufficient to make an assessment of the proposals.

## **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 proposals will have no climate change implications.

## **Consultation Responses**

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

## **Public/Members Response**

The application has been publicised with a site notice and a press notice.

Date site notice expired: 09.05.2023

Publicity expiry date: 06.05.2023

## **Kirklees Local Plan Policy**

LP 1-Achieving Sustainable Development

LP 2 – Place Shaping

LP 24 – Design

LP 35 Historic environment.

## **National Policies and Guidance:**

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 it possesses'.

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 proposals as set out is for listed building consent for the previous conversion of 2 dwellings to 1 large dwelling. The list entry for the building in the national heritage list for England (NHLE) list the building as no.32 Side Lane. However as shown there are two buildings which form the building. Looking at the historic OS maps it is clear that formerly there was No's 30 and 32 Side Lane. The mapping clearly shows the properties being divided, with separately dividing gardens areas to the south. Having reviewed registry for the property it appears that no's 30 and 32 became 1 single dwelling just after the mid-20<sup>th</sup>-century and this is discussed in the submitted heritage statement. It appears that at the time of listing no internal inspection was undertaken and therefore it was not recognised that the buildings were 1 single dwelling.

Internally there have been obvious works undertaken to create access between the two dwellings, with door opening being created at ground and first floor level. These openings were limited to only two and the original floor plan is overall intact. While there have been some obvious alterations there is still a high amount of extant historic fabric and the significance of the building is intact.

## **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.*

This application has been assessed against relevant policies in the development plan and other material considerations. As set out the application is to address the historic conversion of the two dwellings into 1 dwelling. As set out the works to convert the building has been relatively minor and the overall character and significance of the building is intact. The application is therefore considered to be acceptable and necessary to address the outstanding discrepancy.

It is therefore concluded that the proposed development accords 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 Powers****Application Number:** - 2023/90834**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.

Plans and specifications schedule: -

| Plan Type                    | Reference       | Version | Date Received |
|------------------------------|-----------------|---------|---------------|
| Existing Floor Plans         | 2022 Enquiry 75 |         | 15/03/2023    |
| Existing Elevations          | 2022 Enquiry 75 |         | 15/03/2023    |
| Existing Location/ Site Plan | 2022 Enquiry 75 |         | 15/03/2023    |
| Heritage Statement           | 2022 Enquiry 75 |         | 15/03/2023    |
| Climate Change Statement     |                 |         | 15/03/2023    |
| Supplementary Aerial images  |                 |         | 15/03/2023    |
| Design and Access Statement  | 2022 Enquiry 75 |         | 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 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. Following engagement and discussions with the agent and applicant pre-application the proposals are considered to be acceptable.

**Report Dated:**

|                           |
|---------------------------|
| 25 <sup>th</sup> May 2023 |
|---------------------------|