

# 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>2023/65/91100/W</b>   |
| Site Address:         | Dirker Bank Cottage, Dirker Bank, Spring Head Lane, Marsden, Huddersfield, HD7 6AU |
| Description:          | Listed Building Consent for external alterations                                   |
| Recommending Officer: | Sebastian Pickles  |

#### **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: 16-Jun-2023**

## **Site**

Dirker Bank Cottage is a Grade II Listed property located to the north of the centre of Marsden. The Cottage is located on Spring Head Lane, which is a historic cart track. The Cottages are dominant in views over the valley below.

The cottage is thought to originally be of the late 18<sup>th</sup> or early 19<sup>th</sup> century. As existing, it is one single dwelling, however historically the house was divided in the middle, forming two dwellings. The building is constructed in pitched stone, is of two storeys with a pitched roof, finished in stone slates. To the eastern elevation there is an external chimney breast.

## **Proposals**

The application is for listed building consent for external alterations, which focus on the existing truncated external chimney breast.

## **Relevant Planning History**

None

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

There has been some pre-engagement with the agent prior to the application being submitted, as the application follows on from the approved application in 2022.

## **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 impact in relation to climate change policy.

## **Consultation Responses**

The officer report has been compiled by the Senior Conservation and Design Officer.

## **Public/Members Response**

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

Date site notice expired: 19.05.2023

Publicity expiry date: 27.05.2023

## **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 are possessed'.

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**

As set out the works focus on the existing external chimney breast, which is located on the north-eastern elevation. The chimney breast at some point has been reduced and capped. However, it is understood that the stack did originally reach the roof line.

The intention is to build up the external breast back to the height of the roof ridge line, as shown on the plans. The stone to do this will be matching to the existing stonework and laid in courses to match the existing. Given the external breast is extant, albeit, in a diminished form, it is considered acceptable for the breast to be reinstated, as it will be reinstating a lost detail.

## **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.*

*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.*

This application has been assessed against relevant policies in the development plan and other material considerations. As set out the proposals is for the external breast to be fully reinstated for it to meet the roof line as it would have formerly been. The proposals will therefore reinstate a lost detail and are therefore considered to be acceptable.

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:** - 2023/91100

**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. Notwithstanding the submitted details, the replacement stonework shall be of a match to the existing.

**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 LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, as well as policies contained within Chapters 2, 12 and 16 of the National Planning Policy Framework

Plans and specifications schedule: -

| Plan Type                        | Reference   | Version | Date Received |
|----------------------------------|---|---------|---------------|
| Existing and Proposed Elevations | 01  |         | 12/04/2023    |
| Location Plan                    |   |         | 12/04/2023    |
| Design and Access Statement      | Alterations to Dirker Bank Cottage Spring Head Lane Marsden Rev B |         | 12/04/2023    |
| Heritage Statement               | Alterations to Dirker Bank Cottage                                |         | 12/04/2023    |

|  |                                   |  |  |
|--|-----------------------------------|--|--|
|  | Spring Head Lane<br>Marsden Rev B |  |  |
|--|-----------------------------------|--|--|

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 additional details were submitted and the proposals are considered to be acceptable.

**Report Dated:**

14<sup>th</sup> June 2023