

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2023/62/91474/W</b>
Site Address:	94, New North Road, Edgerton, Huddersfield, HD1 5QP
Description:	Alterations to building and erection of bin store (within a Conservation Area)
Recommending Officer:	Laura Yeadon

**DECISION – CONDITIONAL FULL PERMISSION**

**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:** 21<sup>st</sup> June 2024

## **Officer Report**

[Website](#)

### **Site Description**

94 New North Road is a large detached building located within the Greenhead Park/New North Road Conservation Area. The property is two storeys in height when viewed from the front elevation with 3 storeys to the rear which dates back to the mid to late 19<sup>th</sup> Century. The building fronts New North Road with the rear elevation clearly visible from Cemetery Road and from the Cemetery itself. Hardstanding is located to the front, side and rear of the building with both the front and rear elevations both hosting floor to eaves height bay windows. The property currently hosts flats.

Whilst the property is not a Listed Building, the adjacent properties to either side of the property are Listed Buildings.

### **Description of Proposal**

The application is for alterations to the building and the erection of a bin store.

#### *Alterations to building*

It is proposed that to the rear of the building, the existing bay window would be re-clad and the windows altered. It is proposed that the cladding would be plank cladding and finished with Hardie Arctic White. The fenestration details would result in the upper ground floor and first floor openings being shorter and more squat in length. It is proposed that the openings would be double glazed uPVC.

#### *Bin store*

There is a proposed detached bin store which would be located behind the existing conservatory to the rear of the property. The building would be 3m x 2m with a mono-pitched roof that would have an eaves height of 1.3m and overall height of 2.3m. The walls would be constructed from coursed sandstone with the roof being blue slate. The store would have an open frontage on the south elevation.

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

Lengthy discussions have taken place between Officer's and the Agent and applicant with regards to the chimney stack, fenestration details and cladding details for the proposed works. In conclusion, the removal of the chimney stack has been removed from the proposed works and shall be retained, the fenestration details now include more elongated openings and glazing bars and the cladding details have been agreed as detailed above.

Whilst the description of development has changed to remove the demolition of the chimney and amendments have been made to the fenestration and cladding details, as the development reduced the overall extent of the works, it was not considered necessary to re-advertise the scheme.

### **Relevant Planning History**

1990/01762 Conversion and refurbishment of 5 no. flats to 6 no. flats (within a Conservation Area)  
*Conditional Full Permission*

2005/93897 Erection of conservatory/porch (within a Conservation Area)  
*Conditional Full Permission*

### **Representations**

We are currently undertaking the legal 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 newspaper advertisement.

Final publicity date expired 7<sup>th</sup> July 2023

Parish/ Town Council – not applicable

As a result of the public consultation period one representations have been received with the summary of comments set out below:

- Missed the application when originally logged however wanted to note feeling as a final decision is yet to be made
- Owner wants to remove chimney stack and make various small, inappropriate, other changes
- Superb building in the Conservation Area and, per David Griffiths 'Highfields a most handsome suburb' was built in 1851 with John Hirst, wool merchant, as its first owner
- Conservation and Design makes same points we would favour, and so hopefully those thoughts have been taken into consideration before decisions are made

The amended plans were considered to make marginal changes to the proposal's design (reductions and alterations to fenestration details along with the retention of the chimney stack) and as such were not publicised on the basis it was considered the plans as advertised adequately alerted the public to the nature of the proposed development.

### **Consultation Responses**

K.C Conservation and Design – initial concerns raised with regards to the removal of the chimney stack, the redesign of the openings and the large areas of panelling. Following lengthy discussions and the submission of

amended plan 23/874/06C along with brochure details, the proposal is now acceptable subject to the panelling being conditioned to be Arctic White as contained within the submitted brochure.

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is within the Greenhead Park/New North Road Conservation Area on the Kirklees Local Plan with Listed Buildings adjacent to each side of the property.

### Kirklees Local Plan:

- **LP 1**– Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 53** – Contaminated and unstable land

### Supplementary Planning Documents:

- House Extensions and Alterations SPD

### National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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 interest which it possesses'.

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

## **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity and Conservation Area/ Listed Buildings
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

### 1 – Principle of development:

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

*“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

Policy LP2 of the Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

## 2 – Impact on visual amenity and Conservation Area or Listed Buildings:

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a listed building or its setting, attention must be given to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires the Local Planning Authority to ‘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 NPPF offers guidance relating to design in Chapter 12 whereby paragraph 131 provides a principal consideration concerning design which states:

*“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

Kirklees Local Plan Policy LP2 and particularly LP24 also seeks to achieve good quality, visually attractive, sustainable design to correspond with the scale of the development in the local area, thus retaining a sense of local identity with Policy LP24 stating that proposals should promote good quality design by ensuring that:

*‘the form scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.’*

Chapter 16 of the NPPF states that in determining applications local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets. If harm would result this should not be allowed without a clear and convincing justification. This approach is affirmed by Policy LP35 (a) which says that the form, scale, layout and details of development must respect the character of heritage assets.

In terms of this proposal, the proposed works would be to the rear of the building which is currently occupied as flats. The works involve the replacement of the existing cladding to the bay window to the rear of the building which is currently uPVC cladding and the replacement of this with

Hardie Arctic White plank cladding along with general maintenance to the property including the replacement fenestration details. The existing flat roof to the by window would have a small shallow pitched roof. The works are intended to improve the overall thermal efficiency of the building.

There is a proposed detached bin store which would be located behind the existing conservatory to the rear of the property which would be constructed from natural coursed sandstone and blue slate.

Initial concerns were raised from the Council's Conservation and Design Team with specific regard to the loss of the chimney stack, the proposed fenestration details and the cladding details. Following discussions and email correspondence with the Agent and applicant, details with the Team have been agreed including amended fenestration details, the retention of the chimney stack and the use and colour of the proposed plank cladding which shall be conditioned to be Arctic White.

Following the submission of further details, the proposed works to the building itself are considered acceptable and it is noted that no adverse concerns have been raised with regard to the proposed bin store on visual amenity grounds of the impact on the Conservation Area or the adjacent Listed Buildings.

At paragraphs 205 – 207 the NPPF is clear, that where development leads to substantial harm, this is necessary to achieve substantial public benefits that outweigh that harm or, in the case of less than substantial harm this should be weight against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Having regard to the response of the Conservation Team and the nature of the proposed alterations it is considered that the proposal would have an acceptable impact upon the Conservation Area and in this regard the proposal would not lead to harm to an identified heritage asset.

Conditions to ensure the development is undertaken in the materials and colour finishes as proposed are recommended. Subject to conditions it is therefore considered that the proposed alterations to the building and the erection of a bin store would comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

### 3 – Impact on residential amenity:

The Kirklees Local Plan sets out, within policy LP24 (part b) that development will only be acceptable if it would provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

There are no proposed alterations to internal layout of the building as a result of the works.

In this case, the proposed works to the building itself would not result in an increase to the footprint of the building and therefore, no further harm to the

amenity of neighbouring properties with regard to overshadowing or being overbearing. The proposed openings would have a different style of openings than the existing however, it is not considered that these would cause any increased harm from overlooking.

With regard to the bin store, this would be a detached building located to the rear of the site, adjacent to existing conservatory. To the rear of the site is residential unit known as 94B New North Road which is a detached building which recently gained planning permission for external alterations including changes to fenestration under application number 2022/94073. The side elevation of the bin store would face the side elevation of the door and window within No. 94B. Whilst the bin store may create some overshadowing due to its overall height of 2.2 metres due to the proposed roof form being mono-pitched and with the window opening within 94B being a secondary opening, it is not considered that there would be undue harm to this neighbouring property in terms of residential amenity. As the bin store would be located adjacent high boundary wall to the adjacent property No. 96, it is not considered that undue harm would be caused from this detached structure.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, as well as policies within chapter 12 of the National Planning Policy Framework.

#### 4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

In this case it is not considered that the proposed works would cause any loss of parking for the flats as there are no proposed works to the forecourt of the property and only a small loss of hardstanding area to the rear for the proposed bin store.

#### 5 – Other matters:

*Climate Change* - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations

consider the use of renewable energy and designing water retention into the proposals.

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.

A Climate Change Statement has been submitted with the application that identifies that the proposed works would enhance the thermal efficiency of the building and therefore the works are considered acceptable in terms of the climate change agenda.

*Biodiversity* – Paragraphs 180, 186, 187 and 188 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. This is as there would be no interruption to the existing roof form.

However, as a cautionary measure, and to ensure accordance with the aims of Chapter 15 of the National Planning Policy Framework, a footnote shall be attached to the permission setting out that, should any bats be found using the building then works must cease and appropriate advice sought.

#### 6 – Representations:

One representation has been received with the following being a summary of comments and LPA response:

- Missed the application when originally logged however wanted to note feeling as a final decision is yet to be made

#### Response: Noted

- Owner wants to remove chimney stack and make various small, inappropriate, other changes

Response: Amended plans have been received which demonstrates the retention of the chimney stack and alterations to the fenestration and cladding details

- Superb building in the Conservation Area and, per David Griffiths 'Highfields a most handsome suburb' was built in 1851 with John Hirst, wool merchant, as its first owner

Response: Noted

- Conservation and Design makes same points we would favour, and so hopefully those thoughts have been taken into consideration before decisions are made

Response: Noted

### 7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2023/91474

**Officer Recommendation:** Approve

**Conditions:**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 51 of 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP35 and LP53 of the Kirklees Local Plan and to accord with Policies within Chapters 2, 4, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. The external cladding to the bay window to the rear of the building shall be finished in plank cladding which shall be Hardie Arctic White and shall thereafter be retained for the lifetime of the development.

**Reason:** In the interests of the New North Road/Greenhead Park Conservation Area, the setting of the adjacent listed buildings and general visual amenity and to accord with Policies LP1, LP2, LP24 & LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 the National Planning Policy Framework.

4. The materials of construction of the walls of the bin store shall be natural stone and the materials of construction of the roof shall be blue slates. The materials of construction shall be retained thereafter.

**Reason:** In the interests of the New North Road/Greenhead Park Conservation Area, the setting of the adjacent listed buildings and general visual amenity and to accord with Policies LP1, LP2, LP24 & LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 the National Planning Policy Framework.

**NOTE:** The Council's GIS system indicates that the property is within a bat roost area and may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	23/874/01		31 <sup>st</sup> May 2023
Existing block plan	23/874/02		31 <sup>st</sup> May 2023
Existing plans and elevations	23/874/03		31 <sup>st</sup> May 2023
Proposed block plan	23/874/04		31 <sup>st</sup> May 2023
Proposed bin store details	23/874/05		31 <sup>st</sup> May 2023
Proposed elevations and floor plans	23/874/06C		24 <sup>th</sup> January 2024
Detail A (window and cladding)	23/874/07		31 <sup>st</sup> May 2023
Climate Change Statement	23/8274		31 <sup>st</sup> May 2023
Heritage Impact Statement	23/8274		31 <sup>st</sup> May 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.

Lengthy discussions have taken place between Officer's and the Agent and applicant with regards to the chimney stack, fenestration details and cladding details for the proposed works. In conclusion, the removal of the chimney stack has been removed from the proposed works and shall be retained, the fenestration details now include more elongated openings and glazing bars and the cladding details have been agreed.

**Report Dated:**

17<sup>th</sup> June 2024

Coal – none