

**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>2023/65/91477/W</b>  |
| Site Address:         | 75, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BL  |
| Description:          | Listed Building Consent for demolition of existing side extension and erection of replacement single storey side and rear extensions with associated alterations of grade II listed building (within a Conservation Area) |
| Recommending Officer: | Tom Hunt  |

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 10-Jul-2024**

## Officer Report

### Site Description

2023/91477 – 75, Birkby Lodge Road, Birkby, Huddersfield, HD2 2BL

The application site relates to a Grade II Listed Building which is a semi-detached dwellinghouse. It is of two-storeys, traditional stone built design with stone slate roof and has a small front yard. It has a single-storey side extension with pitch roof faced in an artex style white render slightly forward of the host and towards the rear of the pitch roof extension, a lean-to roofed single-storey side extension. There is also a detached single-storey garage positioned to the rear of the plot with a side driveway leading up to it and a rear garden.

The plot is on a hillside slope with the ground level falling from north to south and so has a retaining stone boundary wall to the front with the driveway gently rising to higher ground.

The area is residential with a mix of housing styles and ages. The site is located within the Birkby Conservation Area and relates to and is adjacent to a number of Grade II Listed Buildings.

The listing description for the host dwelling on the Historic England website is:

*'BIRKBY LODGE ROAD 1. 5113 (West Side) Birkby No 75 SE 1317 27/191 II GV 2. C18 or early C19. Hammer-dressed stone. Pitched stone slate roof. 2 storeys. Stone brackets to gutter. Two 2-light stone mullioned windows (one with mullions removed) on 1st floor. One 3-light stone mullioned window on ground floor'.*

### Description of Proposal

Listed Building Consent for demolition of existing side extension and erection of replacement single storey side and rear extensions with associated alterations of grade II listed building (within a Conservation Area)

### Relevant Planning History

2005/93229  
alterations.

Listed Building Consent for internal and external  
*Consent Granted.*

2023/91320

Demolition of existing side extension and erection of replacement single storey side and rear extensions with associated alterations of grade II listed building (within a Conservation Area).  
*Pending*

### Pre-application

2022/21057 Householder Development

**Officer note:** This submitted the proposed design assessed as follows with strong recommendations to supply a sufficient Heritage Statement to justify the scheme.

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

An inadequate Heritage Statement was submitted which did not set out the impacts of the development on heritage amenity in accordance with paragraph 200 of the NPPF. On later review of the scheme without any updates from the agent, the Officer considered that the lack of an adequate Heritage Statement justifying the impact of the proposed extension protruding past the host's rear by the agent, in this very isolated instance, could be potentially overcome by the benefits to the Listed Building and proceeded to determination. Conditions were reviewed by the applicant and agreed.

### **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, NPPF policies and guidance documents to embed the climate change agenda.

The proposal would have increased daylighting from the rooflights lessening the demand for energy intensive lighting. The proposed internal alterations to layout and external works to the non-historic additions have been arranged so as to aid efficient heating and improved circulation. The proposal would therefore be in keeping with the aims of carbon emissions reduction for net zero.

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Conservation & Design – Concerns raised initially. See History. Supportive of scheme with conditions.

### **Representations**

In accordance with statutory publicity requirements, we have publicised this Listed Building Consent application via Site Notice and Press Publicity with a final expiry date of 06/07/2023.

One Objection have been received from Huddersfield Civic Society; a summary of the comments received is set out below:

- A Heritage Statement should be submitted
- Substantial changes are proposed with an oddly shaped extension upsetting the shape and profile of the property

**Officer note:** Addressed in the 'Visual Amenity and Heritage Amenity' section of the report.

## **Policies and Legislation**

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"*.

### *Kirklees Local Plan:*

The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> 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 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 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving and enhancing the historic environment

## **Assessment**

The Conservation & Design Officer was formally consulted and now supports the proposal with conditions.

The proposal seeks to remove a visually detractive and poor condition side extension as demonstrated by its discordant appearance and roofline when compared to the side extension positioned at the primary elevation of the Building.

This would be replaced by a harmonised design in natural stone to match the host and roofed to match the existing front/side extension. There would have rooflights positioned to the rear ensuring a low visual profile and impact. Materials and rooflights could be satisfactorily conditioned as such for visual amenity.

It is noted that the works proposed to the alteration/replacement of the side extensions are not to historic additions and would not have the removal of historic fabric. Officers note that the proposed plans seeks to remove what appears to be a historic front door in good condition (thus removing a prominent piece of historic fabric) and recommend that this is excluded from the approved scheme by condition to aid in preserving heritage amenity.

Whilst this extension would protrude past the rear elevation of the Building thus distorting in part the original design and layout, this is designed to be of modest proportions, of low impact to the streetscene and would not give rise to this distortion being regarded as significant to heritage amenity. Nonetheless this would have less than substantial harm to the heritage asset.

The proposal also wishes to install painted windows to the side extensions, those would be visually of an approximate style that could be acceptable, as demonstrated by the stone surround to the front and lintel and cills to the side elevations, however there are concerns raised over the profile, thickness of the double glazing and details. Those matters were resolved with updated drawings and sections demonstrating a 4:8:4 ratio and improved design. It is noted that the front window's design and alignment would appear more visually integrated with the host and improve the visual amenity of the building. The restricted use of stone to the side elevation fenestration of heads and cills would be acceptable being on a secondary elevation and therefore as expected to a historic building of this nature.

The guttering is to be cast iron to appear consistent throughout the Building and its extension which would have a visual benefit to the host and heritage amenity of the heritage assets. Officers note that the proposed plans seeks to remove what appears to be a historic front door (thus removing a prominent piece of historic fabric) and recommend that this is excluded from the approved scheme by condition to aid in preserving heritage amenity.

The most significant works to the Building would remove harmful cementitious render to the host and its additions, with new pointing, which would have substantial improvements to the Listed Building's breathability. It is noted that cement render is very harmful to the host by creating an impermeable barrier which can create spalling and damp issues. In addition, the artex style 'decorative' finish is visually harmful to the host and is on a very prominent elevation when approaching from the south. Visually the removal of render

would improve the quality of the host by revealing the natural stone construction. However, it follows that the removal of the cement render could reveal damaged stonework of a degree that it would appear unattractive, in this event, a lime render is proposed. The nature of lime render would allow the Building to breathe effectively and would still have an attractive soft finish appropriate to the construction of the heritage asset. Officers recommend that conditions can be applied to ensure the visual amenity of the Conservation Area and the Listed Building is not harmed, i.e., method of removal, inspection of the stonework (once cement render is removed), with mix/finish and application of lime render to be agreed.

### *Conclusion*

Paragraph 205 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 208 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.*

To fully evaluate the impact of this proposal against policy and legislation, a Heritage Impact Assessment is required as set out by paragraph 200 of the NPPF:

*“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

Officers concur that whilst this was requested at the pre application stage and the supplied version is clearly not adequate with an updated assessment requested; it would be expedient to support the Listed Building by improving its breathability and visual appearance. In this truly isolated instance, given the clear and demonstrable improvements to the host, Officers recommend that this is acceptable with the following assessment of its impacts.

As identified, there is less than substantial harm incurred to the host by the extension projecting past the rear elevation of the host and disrupting the

original plan form. As such public benefits would be required to clearly and demonstrably outweigh the harm.

The proposal would replace a poorly designed and visually detractive side/rear extension with a version more in keeping with the pitch roof design of the side extension to the fore and would significantly improve the visual amenity of the host. It would make use of high-quality natural materials and fenestration more in keeping with the host historic features thus leading to a significant visual improvement to the host and side extension. The replacement of the wooden guttering for cast iron guttering would prevent damp issues or water ingress arising from poor quality rainwater goods. In addition, the removal of unattractive, cementitious render would improve the visual amenity of the Building for public benefits and also the breathability of the Building for long term maintenance and avoidance of damp.

Given the above reasons, Officers conclude that the proposal would offer clear and convincing public benefits to the Listed Building and Birkby Conservation Area to overcome the less than substantial harm identified.

The proposal complies with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraph 199 of the NPPF and Policy LP35 of the Kirklees Local Plan, and therefore the application is recommended to have consent granted.

**Recommendation**

**Grant Listed Building Consent**

## **Decision Authorisation - Delegated**

**Application Number:** 2023/91477

**This Decision Notice for the full planning application should be read in conjunction with the Decision Notice attached to the associated Planning application 2023/91320.**

**Officer Recommendation:** Grant Listed Building Consent

Condition 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.
1. 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:** In the interest of preserving the historic and architectural interest/setting of the listed heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. No render works, including the removal of render, shall take place until a Construction Method Statement on the method of removal of the existing cement render and repair of external walls to make ready for lime render finish have been submitted to and approved in writing by the Local Planning Authority. All removal of render and pointing shall

be undertaken using hand tools only. There shall be no use of cutting or grinding tools. The works shall be carried out in accordance with the approved specification thereafter. **Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Following the approval of the Construction Method Statement in condition 3 and the subsequent removal of the existing cement render, written notification shall be given to the Local Planning Authority to provide a period of 4 weeks in which to inspect the exterior of the building to identify and record any sections of spalled/damaged stone material to be lime rendered (if agreed to be necessary) and features of architectural interest that may have been revealed by the works.  
**Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. No works of lime rendering or plastering shall take place until the mix, finished texture and colour of the lime render have been submitted to and approved in writing by the Local Planning Authority. This shall also include a 1 sq. metre sample panel prepared on site for the inspection and approval in writing by the Local Planning Authority. Thereafter the lime rendering shall be undertaken in accordance with the details so approved.  
**Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. No pointing works shall take place until a lime-sand mortar mix together with its sand/aggregate specification and the proposed pointing finish has been submitted to and approved in writing by the Local Planning Authority. Raking out for pointing shall be to a depth of a minimum of 50mm, unless alternative details have first been submitted to and approved in writing. The aggregates shall be well-graded and washed. The replacement pointing shall be tamped back using a churn brush to ensure it is pressed into the joints. The pointing shall ensure that it is flush to the stone/ brickwork. This shall also include a 1 sq. metre sample panel prepared on site for the inspection and approval in writing by the Local Planning Authority before pointing is commenced. The works shall be carried out in accordance with the approved mortar mix and pointing finish thereafter.  
**Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The replacement windows shall be finished to the window head, mullions, jambs and/or cill using burnt sand mastic, which shall be painted over once cured.  
**Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. Notwithstanding the submitted plans, this permission does not extend to the replacement of the historic front door for a four panel door.  
**Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The cast iron guttering and rainwater goods hereby approved shall be in black matt finish and the guttering shall have an ogee profile. They shall be installed and retained for the lifetime of the development hereafter.  
**Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. All insulation to be used in any part of the works within the extension permitted and its roof shall ensure that it is entirely permeable, not make use of vapour barriers and making use of natural materials such as wool, wood fibre board, hemp board or similar. There shall be no use of impermeable, synthetic or artificial materials.  
**Reason:** In the interest of preserving the historic and architectural interest/setting of the heritage asset pursuant to the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**FOOTNOTE:** In respect of Condition 10, materials such as Kingspan, Celotex or similar PIR boarding would not be acceptable for use.

**FOOTNOTE:** There shall be no use of filler or expandable foams in any part of the proposed works.

**FOOTNOTE:** Any paints shall ensure they are permeable, and none plasticised to ensure the movement of moisture.

**FOOTNOTE:** There shall exclusively be no use of cement or concrete in any of the proposed works to the host building.

Plans and specifications schedule:-

| <b>Plan Type</b>  | <b>Reference</b>   | <b>Version</b> | <b>Date Received</b> |
|---|--|----------------|----------------------|
| Location Plan.<br>Planning Portal                         | Reference: PP-<br>12133876v1   | Unamended      | 04/05/2023           |
| Existing Floor and<br>Elevation Plans.                    | Drawing No.<br>9807/01.  | Unamended      | 04/05/2023           |
| Existing and<br>Proposed Site Plans<br>and Location Plan. | Drawing No.<br>9807/04.  | Unamended      | 04/05/2023           |
| Proposed Elevation<br>and Floor Plans.                    | Drawing no.<br>9807/02B  | Unamended      | 09/08/2023           |
| Proposed Window<br>Sections.                              | Drawing no.<br>9807/03B.   | Unamended      | 09/08/2023           |
| Initial Bat Scoping<br>Report                             | Initial Bat Scoping<br>Report by<br>Oatlands Ecology.<br>Dated: April 2023 | -              | 04/05/2023           |
| Climate Change<br>Statement                               | -  | -              | 15/05/2023           |

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. An inadequate Heritage Statement was submitted which did not set out the impacts of the development on heritage amenity in accordance with paragraph 200 of the NPPF. On later review of the scheme without any updates from the agent, the Officer considered that the lack of an adequate Heritage Statement justifying the impact of the proposed extension protruding past the host's rear by the agent, in this very isolated instance, could be potentially overcome by the benefits to the Listed Building and proceeded to determination. Conditions were reviewed by the applicant and agreed.

**Report Dated:**

03/07/2024