

**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:	2023/62/91633/W
Site Address:	4, Jim Hill, Chain Road, Slaithwaite, Huddersfield, HD7 5TY
Description:	Installation of new gable window (Listed Building)
Recommending Officer:	Sam Jackman

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: 25-Jul-2023

Officer Report – 2023/91633 – planning

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2F91633>

Site Description

4 Jim Hill, Slaithwaite is a small cottage attached to 1-2 Jim Hill, forming a simple linear row of dwellings, at the rear is a single storey extension with a cat-slide roof, where the floor level is below ground level, lower than the cottage by 4 steps, which indicates the building could of original been for livestock.

The stone store has now been demolished and a new detached timber garage built.

The following is the listing description;

Late C18/early C19. Pair of houses. Hammer dressed stone. Pitched stone slate roof (bitumen covered). 2 storeys. SE elevation has Ground floor; One 4-light stone mullioned window. One 6-light stone mullioned window (2-lights blocked). 2 entrances with stone surrounds (one has later porch). First floor; (No 3) has former 9-light stone mullioned window, now two 3-light stone mullioned windows (each end and central lights blocked). Continuous sill. No 4) has 3-light stone mullioned windows. NW elevation has two 2-light stone mullioned windows (one has mullion removed) and 2 storey lean-to extension, with catslide roof, with two 2-light stone mullioned windows.

The property is both at right angles to the road and set down, situated at the end of a small cluster of properties. The property has been extended with a 2–storey side extension and has extended the domestic curtilage with off-street parking provided to the front of the property.

DESCRIPTION OF PROPOSAL

The proposal is to create a small rectangular first-floor window in the gable of the side extension. A fixed pain with clear glazing having stone surround.

HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

The original plans showed the window to be a round bullseye design, which has been replaced with a small rectangular window.

RELEVANT HISTORY

93/04728 Erection of two-storey extension.
 Approved

- 93/93433 Listed Building Consent for erection of two storey side extension, removal of brick chimney and replacement windows. *Consent granted.*
- 2019/90664 Erection of single storey rear extension, dormer and raising the roof
Refused Appeal dismissed.
- 2019/90665 Listed Building Consent erection of single storey rear extension, dormer and raising the roof.
Refused Appeal dismissed.
- 2020/92783 The erection of single storey rear extension & detached garage.
Approved
- 2020/92784 Listed Building Consent for the erection of single storey rear extension & detached garage. Approved
- 2023/91634 Listed Building Consent for the installation of a new gable window - pending.

PUBLIC/MEMBERS RESPONSE

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, press advert and site notice which expired on the 14.7.23, whereby no representations have been received.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised.

CONSULTATION RESPONSES

K.C. Conservation & Design – informal discussion with Listed Building officer who confirmed that the bullet window is not characteristic to a former weaver's cottage nor does the adjacent barn have any circular windows.

POLICY

The site is designated Green Belt on the Kirklees Local Plan, is a grade II listed building and falls within an area with a known presence of bats.

Kirklees Local Plan (LP):

- **LP 1**– Achieving sustainable development.
- **LP 2** – Place shaping

- **LP 22** - Parking
- **LP 24** – Design
- **LP 30** - Biodiversity and geodiversity
- **LP 35** – Historic environment
- **LP 57** - The extension, alteration or replacement of existing buildings

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 21st July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th 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 12** – Achieving well-designed places.
- **Chapter 13** – Protecting the greenbelt.
- **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.

ASSESSMENT

Principle of development:

The general principle of extending and making alterations to a property are assessed against Policy LP24 of the Local Plan and Chapter 12 of the National Planning Policy Framework regarding design. These require, in general balanced considerations of visual and residential amenity, highway safety and other material considerations.

The site is within the Green Belt. The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF also identifies five purposes of the Green Belt, the most relevant in this case being to assist in safeguarding the countryside from encroachment. Paragraph 147 of the NPPF states that inappropriate development should not be approved except in very special circumstances. Certain forms of development are exceptions to 'inappropriate development'. These are set out within paragraphs 149 and 150 of the NPPF.

Within paragraph 149 the exception listed at part c) is for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy LP57 of the Kirklees Local Plan sets out that the extension, alteration or replacement of buildings in the Green Belt will normally be acceptable

provided that the original building remains the dominant element both in terms of size and overall appearance including the design and materials as well as having regard to previous extensions and the proposal does not result in a greater impact on openness in terms of the treatment of outdoor areas.

The current application is for the installation of a new first-floor window into the gable elevation of the existing extension; therefore, no extension is being created in this case. The proposed alteration is not considered to have a significant impact upon openness over and above that of the existing building or be a disproportionate addition and the development accords with the requirements of paragraph 149 and LP57 of the Kirklees Local Plan.

In terms of national planning Policy Chapter 16 of the NPPF needs to be considered which in paragraph 193 states: “*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...*”. Chapter 16 further details that an assessment has to be made in relation to the level of harm and any harm may be outweighed by public benefit.

Sections 66 (listed buildings) and 72 (conservation areas) of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which places a general duty on preserving the listed buildings and conservation areas or their setting and any special architectural features or features of historic interest. Along with this is policy LP35 of the Local plan needs to be considered in relation to historic context of the building. The above policy position and guidance will be considered in the report below.

An allied listed building consent has been submitted under application 2023/91634 which will specifically assess the impact of the works on the listed building.

Impact of the proposals on significance of designated heritage asset & Visual Amenity

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 2 of the Council’s adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

As the proposal is within the grounds of a listed building the impact of the development will need also to be assessed against national policy in Chapter 16 of the NPPF and the general duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “in the exercise of (of planning functions), with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’. This is mirrored in Policy LP35 in the Kirklees Local Plan.

4 Jim Hill is a Grade II listed dwelling dating back to the late C18 and part of a historic farm cottages, set in a rural landscape on the hills above Slaithwaite. The building is constructed of hammer dressed stone walls with stone slate roofing, typical of the local vernacular.

The proposed alterations to the building are for the creation of a small non-opening window in the gable of the existing side extension to the host property. Where the window has been amended from a round window to a rectangular one, reflect the style of the cottage.

Therefore, by virtue of its scale, materials, siting and design, the new window would not detract from the overall character and appearance of the existing dwelling or the street scene. The proposal is in accordance with Policy LP24 of the Kirklees Local Plan. Along with policy LP35 of the Kirklees Local Plan and advice in chapter 16 of the National Planning Policy Framework. The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area or the listed building.

Impact on residential amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

With regard to residential amenity and the impact of the development on adjoining dwellings or any occupier of adjacent land by way of overshadowing, overbearing or overlooking has been assessed. It is considered that there will be no adverse impact on neighbouring properties as the proposal is to the north of the attached neighbours where only the applicants garden will be overlooked by the proposed new window.

Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan & The Council's adopted Highway Design Guide are considered to be relevant to the consideration of this application.

In terms of highway safety, there are no highway issues as the access is unaltered and the drive can still accommodate 2 cars. The application therefore accords with policies LP21 & LP22 of the Kirklees Local Plan and advice in the Highways Design Guide.

Other matters:

K.C. Biodiversity – 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 due to the fact the alterations are for the creation of a new window in an existing room.

As such the development would have little impact on bats and would be in accordance with Chapter 15 of the National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan.

Climate Change - 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.

Due to the size, scale and limited nature of development, it was not considered necessary to request specific measures to address the developments’ resilience to climate change.

Representations:

It should be noted that no representations have been received as a result of site publicity.

The amended plans were considered to have a reduced impact on neighbours than the original submission and as such were not publicised.

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.

Decision Authorisation - Delegated Powers

Application Number: 2023/91633

Officer Recommendation: APPROVE

Conditions and Reasons

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 LP01, LP02, LP24, LP35 & LP57 of the Kirklees Local Plan and advice in the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form			7.6.23
Location Plan 1:1250			5.6.23
Proposed floor plan & elevations	2042 07	A	20.7.23
Heritage Statement			5.6.23
Climate Change Statement			5.6.23

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. The Case Officer requested amended plans during the process of the application to seek an amendment which would minimise the impact of the scheme on the listed building.

Recommendation and Authorisation Box

Report Dated:

21.7.23

Coal – none