

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2023/70/92914/W
Site Address:	West Lodge, New Hey Road, Fixby, Huddersfield, HD2 2EJ
Description:	Variation of condition 4 (external doors) on previous permission 2022/92245 for Listed Building Consent for demolition of link extension
Recommending Officer:	Sue Brooks

DECISION – GRANT VARIATION OF CONDITION 4

**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: 27-Nov-2023

Officer Report

Site Description

West Lodge is a Grade II listed entrance lodge building dating to the late 18th century and formerly associated with Fixby Hall to the east. The lodge is formed from two small single-storey buildings flanking a central stone entrance gateway. They are constructed with ashlar stone facades and hammer dressed stone to the rear, with stone slate roofs. The two lodge buildings have both been extended to the rear, with a substantial late 20th century extension on the south building which is attached to the listed building by a small single storey link.

Description of Proposal

Permission is sought to vary Condition 4 (external doors) on previous permission 2022/92245 for Listed Building Consent for the demolition of a link extension.

Condition 4 stated:

The external doors on the elevations of the listed building and extension, where the link building is removed, shall be of vertical boarded timber construction to match the existing timber door in this location.

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.*

It is proposed to install a timber panelled door to match other external doors at the property instead of a vertical boarded timber door as previously proposed.

History of negotiations / amendments received

None.

Relevant Planning History

2022/92245 - Listed Building consent for demolition of link extension –
Consent Granted.

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 installation of timber panelled external doors instead of vertical boarded timber doors is not considered to have any impact on carbon emissions and therefore it is felt that climate emergency requirements are not relevant in this instance.

Consultation Responses

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

Representations

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 08/11/2023

Publicity expiry date: 10/11/2023

Policies

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'.

Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) allows the variation of a condition attached to a listed building consent application.

Kirklees Local Plan

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th 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 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

It is proposed to install timber panelled external doors instead of vertical boarded timber doors as previously proposed.

The proposed doors will match other external panelled doors around the property and follow the existing character. The doorway is located to the rear of the building where it is not visible from outside the site. Given the design and location of the door, this minor change to the original proposal will have no impact on the significance and character of the listed building.

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.”

The proposal will result in no harm to the significance of the listed building. The proposed door reflects the existing character, and no historic fabric is affected, thereby ensuring that significance is preserved.

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.

As the proposed works are minimal and justified and there is no impact on historic fabric, it is felt that the architectural and historic interest of the listed building is preserved.

It is 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).

This application has been assessed against relevant policies in the development plan and other material considerations. The proposal preserves the significance of the listed building and is therefore recommended for approval.

Recommendation Grant Variation of Condition 4

Decision Authorisation - Delegated Powers

Application Number: - 2023/92914

Officer Recommendation: Grant Variation of Condition 4

Conditions and Reasons:

1. The development shall begin by 17 November 2025

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: 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
Image of existing door in building			2 October 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. The submitted plans and information are felt to be acceptable.

Report Dated:

13 November 2023

