

# 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>2023/65/93020/W</b>                                                                                                                                                               |
| Site Address:         | 9 & 11, Wentworth Street, Huddersfield, HD1 5PX                                                                                                                                      |
| Description:          | Listed Building Consent for partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of existing car parking area (within a Conservation Area) |
| Recommending Officer: | Lucy Taylor                                                                                                                                                                          |

### 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.

John Holmes

***AUTHORISED OFFICER***

**Date: 07-Mar-2024**

## **Officer Report.**

### **Site Description**

9 & 11 Wentworth Street are two storey terrace properties. The external walls of the properties are faced in stone with tiled gable roofs above. Within the wider curtilage, the properties benefit from private amenity space to their rear elevations. On-site parking amenity space is available to the rear of the properties, accessed via the highway of Back Wentworth Street.

A strong sense of similarity is established within the streetscene of Wentworth Street, with all of the properties terrace in their construction style, with tiled gable roofing forms and faced in matching exterior materials.

The properties are Grade II Listed Buildings and are Allocated within the Greenhead Park/New North Road Conservation Area.

### **Description of Proposal**

Listed Building Consent is sought for the partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of existing car parking area.

One of the walls around the existing car parking bay to the rear of the properties is to be removed to facilitate the parking of two vehicles. The other remaining walls are to be repaired as necessary and the first 1 metre of the western boundary wall of the car parking bay is to be reduced to a height of 90cm for vehicle visibility.

The parking area is to be surfaced in a permeable surface and is to facilitate parking for five parking spaces.

The existing stone wall along the southern boundary is to be extended (to match existing) by a length of approximately 11.3 metres. The first 1 metre of the wall will be reduced in height to 90cm for vehicle visibility.

Along the back of the proposed car parking area, a 1.5-metre-high timber fence is proposed. The fence would be dark brown in colour to match the appearance of existing fencing at the site.

### **History of Negotiations / Amendments Received**

Following a consultation response from KC Conservation and Design, amended plans were submitted to demonstrate the following:

- The first 1 metre of the new wall and the western boundary wall of the car parking bay are to be reduced to a height of 90cm for vehicle visibility.

- Boundary of car park with neighbour No. 7 Wentworth Street a stone wall to match the existing stone wall along this boundary.
- Reduced height of fencing and annotations included regarding the colour of the fencing.

The determination of this application is based on the latest plan submitted 1<sup>st</sup> March 2024, Dwg No. PP3/02D.

As a result of the submitted amendments, the case officer changed the description of proposal accordingly.

- Original description of proposal: Listed Building Consent for partial demolition of boundary wall, erection of 1.8 timber fencing and enlargement of existing car parking area.
- Updated description of proposal: Listed Building Consent for partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of existing car parking area.

Although amendments were sought and submitted for this Listed Building Consent application, officers did not consider it necessary to re-advertise the scheme as a result of the amendments made. This was because the description and principle of development remained broadly similar to that originally proposed, seeking permission for boundary treatments and car parking.

### **Relevant Planning History**

- 99/90863 – Listed Building Consent for alterations to kitchen/dining room and outhouse. *Consent Granted.*
- 99/93142 – (1-25 Wentworth Street) – Listed Building Consent for rebuilding stacks, re-roofing, new doors, windows, and general refurbishment. *Consent Granted.*
- 2007/93055 – Listed Building Consent for erection of replacement porch. *Consent Granted.*
- 2007/93190 – Erection of porch extension. *Granted Conditional Full Permission.*
- 2020/90713 – Listed Building Consent for interior alterations. *Consent Granted.*
- 2020/91720 – Change of use of C3 (dwelling) to C2 (residential unit) and alterations. *Granted Conditional Full Permission.*

- 2020/91721 – Listed Building Consent for alterations to convert C3 (dwelling) to C2 (residential unit). *Pending determination.*
- 2022/91905 – Listed Building Consent for new roof to part single storey extension, installation of WC and associated works. *Consent Granted.*
- 2022/93821 – Change of use from C3 (Dwelling House) to C2 (Residential Unit) and internal modifications. *Granted Conditional Full Permission.*
- 2022/93822 – Listed Building Consent for change of use from C3 (Dwelling House) to C2 (Residential Unit) and internal modifications. *Consent Granted.*
- 2023/93019 – Partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of car parking area. *Pending determination.*

## **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 a site notice and newspaper advertisement.

Final publicity date expired: 1<sup>st</sup> December 2023.

No representations were received.

## **Consultations**

KC Conservation and Design (formal & informal) – Do not raise concerns to the overall principal of the works and consider the loss of the small section of wall to be on balance acceptable. Wish to see the retention of stone wall along boundary of car park with neighbour No. 7 Wentworth Street.

## **Climate 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 predates 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.

Given the principal of development sought, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

The proposed development would therefore comply with Chapter 14 of the NPPF and Policy LP51 of the Kirklees Local Plan.

## **Policy**

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:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP24 – Design
- LP35 – 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 December 2023, together with Circulars, Parliamentary 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 Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

## **Assessment**

When making a recommendation in respect of a planning application affecting a Listed Building, attention must be given to Section 16 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 possess'.

The application site is Grade II Listed with the listing description being as follows: *Mid C19. Ashlar. Pitched slate roof. 2 storeys. Moulded eaves cornice. Blocking course.*

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

Paragraph 205 of the NPPF requires that when considering the impact of the proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure that they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated heritage assets.

## **Significance**

The application relates to the Grade II Listed 9 & 11 Wentworth Street.

### **Impact of the Proposal on Significance**

The proposal being considered is for the partial demolition of boundary wall, erection of stone wall and timber fencing and enlargement of existing car parking area.

As existing there is the end boundary wall and a small section of detached stone wall with a double central opening gate. The submitted details state that this is of no historic merit. However, the Council's Conservation and Design Team would disagree with this, appearing to be the remains of a former outbuilding. It is however unclear whether this former outbuilding has been altered to result in the form which is present today. Whilst been in a poor state of repair, it does offer some contribution to the historic development and character of the site.

The plans indicate that the inner section of the former outbuilding is to be removed, to allow for greater use of the space. This would see the loss of the section of the wall which is considered to have a positive contribution on the character and development of the site. However, on balance, it is considered that the loss of this section of the wall is acceptable.

The end boundary section of the wall shall be retained and indicated as being repaired where required. Upon any grant of Listed Building Consent, a number of conditions would be imposed, to ensure:

- that any repairs to the end wall be undertaken using lime mortar only, with no use of cementitious mortars.
- The height of the stone wall matches that of the adjoining, existing, stone wall

- Materials of the wall match that of the adjoining wall.

With the section of wall removed, the area will form a parking area. The plans indicate that the finish will be of a permeable surface. The Council's Conservation and Design Team consider that the use of tarmac or other bitumen finishes would be unacceptable and consider that it would be most appropriate to continue the cobble sets which are in part surviving at the beginning of the rear entrance. Therefore, , a condition is considered necessary to require that suitable details are submitted prior to the extended parking area been brought into use. Given the inclusion of such a condition upon the application for planning permission it is not considered necessary it is replicated as part of this application for listed building consent given any listed building consent could not be undertaken without planning permission (in relation to the surfacing works).

To the rear of the car park, a 1.5-metre-high timber fence is proposed. Initial concerns with relation to the fence have been overcome on the basis the fence is of a dark brown colour finish, which reduces the visual impact it has. This fence will match the finish of existing fencing at the application site. It is considered that, given the siting, height and matching appearance of this fence, it would be acceptable on the basis it is subject to condition requiring its colour finish is dark brown.

The southern boundary of the car park with neighbour No. 7 Wentworth Street is to be a stone wall. Upon any grant of Listed Building Consent, a condition is to be imposed to attain the submission of samples for the construction of this wall, prior to development of it commencing.

Taking account of the amendments to the scheme from that of the scheme as initially proposed and the response of the Conservation Team, as well as the recommended conditions, the proposal is not considered to lead to harm in this case.

With the inclusion of the aforementioned conditions, the proposal is considered to comply with Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 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 Powers**

**Application Number: 2023/93020**

**Officer Recommendation: Grant Listed Building Consent**

**Conditions and Reasons:**

1. The permission shall be begun within three years of the date in which this 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, in the interests of the significance of the heritage assets, and to accord with Policies LP1, LP2, LP24 and LP35 of the Kirklees Local Plan, as well as Chapters 2, 12 and 16 of the National Planning Policy Framework.

3. Any repairs to the end boundary section of wall, as indicated on Dwg No. PP3/02D, shall be undertaken using lime mortar only. There shall be no use of cementitious mortars.

**Reason:** In the interests of visual amenity and the heritage significance of the site, in accordance with Policies LP2, LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the National Planning Policy Framework.

4. The 1.5-metre-high timber fence along the rear boundary of the car parking area shall be finished in a dark brown colour. The colour finish of the fence shall be thereafter retained whilst ever it is in situ.

**Reason:** In the interests of visual amenity and the heritage significance of the site, in accordance with Policies LP2, LP24 and LP35 of the Kirklees Local Plan and Chapter 12 and 16 of the National Planning Policy Framework.

5. The materials of construction to the new stone boundary wall and in any repair works to the existing boundary walls shall, in all respects, match those used in the construction of the existing stone wall to the southern boundary of the site. The development shall not be brought into use until the new stone boundary wall and repair works to the existing boundary walls have been completed in accordance with materials of construction approved by this condition. The materials of construction approved by this condition shall be retained thereafter.

**Reason:** In the interests of visual amenity and the heritage significance of the site, in accordance with Policies LP2, LP24 and LP35 of the Kirklees Local Plan and policies within Chapter 12 and 16 of the National Planning Policy Framework.

6. The height of proposed stone wall along the southern boundary shall be constructed at a height which does not exceed the height of the existing stone wall along this boundary which shall thereafter be retained.

**Reason:** In the interests of visual amenity and to accord with Policies LP2 & LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

**Note:** This decision notice should be read in conjunction with application 2023/93019 for the allied planning permission.

Plans and Specifications Schedule: -

| <b>Plan Type</b>                     | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--------------------------------------|------------------|----------------|----------------------|
| Location Plan                        | PP3/01           | -              | 11/10/23             |
| Location Plan                        | -                | -              | 11/10/23             |
| Existing & Proposed Site Plans       | PP3/02D          | -              | 01.03.24             |
| Additional Information               | -                | -              | 23.10.23             |
| Heritage & Design & Access Statement | -                | -              | 11.10.23             |

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 Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Amended plans were submitted in response to the consultation from KC Conservation and Design.

**Report Dated:** 05.03.24