

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:	2023/65/93163/W
Site Address:	57-59, Cliff Road, Holmfirth, HD9 1UY
Description:	Listed Building Consent for erection of extensions and alterations to one dwelling to form 2 dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations
Recommending Officer:	Lucy Taylor

DECISION - REFUSED

I hereby authorise the refusal of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 24-May-2024

Officer Report.

Site Description

57-59 Cliff Road is a three-storey Grade II Listed property located in Holmfirth. The external walls of the property are faced in natural stone and the roofing forms are infilled with natural stone slate tiles. The property is currently a three bedroomed single dwellinghouse. Within the wider curtilage, the property currently benefits from one off-street car parking space and outdoor amenity space to the front and rear elevations.

The property of 57-59 Cliff Road shares a similar construction style and design with the other terrace properties to which it adjoins to its south and the use of stone is a prominent feature of the immediate vernacular.

Description of Proposal

Listed Building Consent is sought for the erection of extensions and alterations to one dwelling to form 2 dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations.

The proposed extension would be two-stories in height (ridge height of 6 metres) and would project from the west / rear elevation of No. 57-59 Cliff Road. The extension would have a projection of 3 metres and a width of 4.2 metres, retaining a separation of 0.6 metres from the shared boundary with No. 55.

Some of the external walls to the existing single storey lean-to external store are to be retained, with some additional walling to increase eaves levels and new lean-to roof.

The layout of 57-59 Cliff Road would be as follows:

- 3 bedroomed dwelling – living / dining & kitchen to ground floor, two bedrooms & a bathroom to first floor and master bedroom with en-suite to second floor.
- 4 bedroomed dwelling – hall, WC, larder / utility, kitchen & dining to ground floor, 3 bedrooms & a bathroom to first floor and living space & bedroom with en-suite to second floor.

The plans show two car parking spaces.

The external steps to the front of the building would be extended to the side of No. 57 to provide separate access and the steps in conjunction with the car parking spaces and garden to the front would be reconfigured.

History of Negotiations / Amendments Received

In response to informal initial comments from the Conservation and Design Officer, the applicant / agent submitted amended plans and addressed the Conservation and Design Officer's comments as follows (via email):

- The proposals were amended to illustrate a more traditional vertical panel door to front elevation.
- Lean to store – propose the retention of the external walls with some additional walling to increase eaves levels and new lean-to roof.
- Updated proposal for the rear door to No. 59 updated to enable retention of existing mullion.
- Happy to retain existing stonework regarding the stonewalling projecting which abuts the rear of No. 57.
- Scheme altered to a smaller extension of 2 stories with low eaves level. This minimises the mass of the extension whilst enabling a first-floor bedroom to remain in the scheme. This approach enables some of the existing stonewalling projecting to remain visible above the roofline, thus maintaining reference to the historic alteration and development of the building also.
- Amended plans to retain ground floor wall, although have proposed increasing the width of the opening.
- The replacement of staircases is relatively significant to the proposed scheme, most evidently to No. 59 in which the stair is accessed from the hallway side rather than the existing kitchen. On this basis, we seek more support on this matter.
- First floor internal walls – perhaps install a humidistat triggered extractor fan to address concerns regarding a new partition crossing an existing beam.
- The internal walls in No. 59 appear to be modern stud partitions with no significant heritage value. Can try and provide more evidence is required.
- The intention is to retain existing windows.
- Anticipate retaining existing floorboards throughout.

The Conservation and Design Officer was informally re-consulted on the amended plans and email communication from the planning agent as set out above. Their comments are summarised within the below 'Consultation Responses' section of this report. These comments were made available to the planning agent via email, however, no response was received.

The planning agent was made aware that the application would be moved to determination.

It should be noted that, whilst amended plans were submitted, officers did not consider it necessary to re-advertise the application. The reasoning for this was because the amendments saw the retention of the same description of proposal and the revisions reduced the overall extent of built form proposed.

Relevant Planning History

- 97/91465 – Listed Building Consent for installation of door and alterations to yard area. *Listed Building Consent Granted.*
- 2005/94904 – Change of use, alterations and extension to dwelling to form 2 no. dwellings. *Withdrawn.*
- 2005/94905 – Listed Building Consent for extension and alterations to convert dwelling into 2 no. dwellings. *Withdrawn.*
- 2006/90704 – Change of use, alterations and extension to dwelling to form 2 no. dwellings. *Granted Conditional Full Permission.*
- 2006/90705 – Listed Building Consent for extension and alterations to convert dwelling into 2 no. dwellings. *Listed Building Consent Granted.*
- 2023/93162 - Erection of extensions and alterations to one dwelling to form 2 dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations (Listed Building). *Refused.*

Representations

We are currently undertaking the legal statutory publicity requirements, as set out in 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: 15th January 2024.

No representations were received.

Consultations

Holme Valley Parish Council – no comment. Defer to Kirklees Listed Building Officers.

KC Conservation and Design (informal) – Whilst acknowledge that there has been a series of amendments to the proposals, of which address some of our concerns, we do still have concerns in relation to the lean-to and the proposed rear extension.

Historic England – In this case, not offering advice.

National Amenities Societies – No comments received from Amenity Societies.

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.

The proposal is to create two dwellings in place of one existing dwelling with external and internal alterations. Given that the proposal seeks to utilise an existing building, 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. A Climate Change Statement was submitted with the application with set out various mitigation measures.

The proposed development would therefore comply with Chapter 14 of the NPPF, Policy LP51 of the Kirklees Local Plan and Policy 12 of the Holme Valley Neighbourhood Development Plan.

Policy

57-59 Cliff Road 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 and Beautiful 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’*.

57-59 Cliff Road has the following listing description: *‘Formerly 2 houses, part of row. Mid to late C18 origin with house to left, and upper floor of house to right, of early C19. Hammer dressed stone. Quoins to right. Stone slate roof with gable copings on cut kneelers. Central ashlar stack. Three storey...’*

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 refers to the Grade II Listed 57-59 Cliff Road.

Impact of the Proposal on Significance

With regards to the erection of the proposed rear extension, it is considered that the loss of the existing external wall which forms a part of this

development, would result in harm to the building, as it is considered integral to its understanding. Furthermore, the two-storey rear extension itself is not considered to be subservient in size / scale and, while consent was previously granted at the site for an extension, this was only a modest single storey addition, which was set back from the elevation and incorporated the extant historic section of external wall.

For the reasons set out above, KC Conservation and Design concluded within their informal consultation response that, given that there is no additional supporting detail or information to support the proposed two-storey extension, they consider there to still be a lack of justification for the proposed addition. Furthermore, the amended plans continued to see the loss of stairs/staircases, with no evidence submitted to justify that they are not of historic merit. Without the submission of such justification, the application cannot be submitted, on the basis of posing harm to the Listed Building.

In addition, KC Conservation and Design set out that they would be unable to support the level of loss of internal walls which form part of the historic plan form of the building. The planning agent responded to this via email communication setting out that they were believed to be 'modern stud partitions with no significant heritage value', however, no evidence was submitted.

To conclude, whilst it is accepted that permission has previously been granted for a rear extension at the site, this was of a modest single storey size / scale and was set back from the elevation and incorporated the extent historic section of external wall. This proposal would see an extension which would compromise the historic fabric of the building, adding a piecemeal addition to the rear elevation, which would appear disjunct in its relationship to the existing built form of the host dwelling and adjoining neighbouring dwelling. Further to this, a lack of evidence / justification has been put forward regarding the loss of stairs / staircases and internal walls, which both pose risk of harming the historic fabric of the building.

Therefore, based on the above, it is concluded that there would be less than substantial harm arising to the significance of the Listed Building through the proposed rear extension and internal modifications which would, negatively detract from the setting of the Listed Building, leading to the officer determining that there would be a negative impact on the visual amenity and historic environment of the site.

Conclusion

Chapter 16 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.”

It 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.”

The NPPF requires great weight to be given to the conservation of the listed building, with clear and convincing justification provided for any harm. Any harm must be outweighed by the public benefits of the proposal.

No clear or convincing public benefits have been put forward which would outweigh the impact / harm. Any harm must be outweighed by the public benefits of the proposal.

The proposals are therefore unacceptable and do not accord with policy LP35 of the Local Plan, Section 16 (paragraphs 205 and 208) of the NPPF, and to grant permission would be incompatible with the Council's duties under the Planning (Listed Building and Conservation Areas) Act.

Officer Note: It is important to note that a full allied planning application at this site is in at the Council, reference number 2023/93162.

Recommendation: Refuse Listed Building Consent

Decision Authorisation: Delegated Powers
Application Number: 2023/93163
Officer Recommendation: Refuse

The proposed extensions and modifications to No. 57-59 Cliff Road would have a detrimental impact on the setting and heritage significance of the building by adding a piecemeal addition to the rear elevation which would compromise the historic fabric of the building, as well as the loss of stair / staircases and internal walls without the submission of any justification and / or evidence as to their historical significance. This would result in less than substantial harm to the significance of the listed building for which no public benefits to outweigh this harm have been demonstrated. The development is contrary to Policy LP24a and LP35 of the Kirklees Local Plan, Chapters 12 and 16 of the National Planning Policy Framework and the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan	(10)01	-	30.10.23
Existing Site Plan	(11)01	-	30.10.23
Existing Ground Floor Plan	(20)01	-	01.11.23
Existing First Floor Plan	(20)02	-	01.11.23
Existing Second Floor Plan	(20)03	-	01.11.23
Existing Elevations	(30)01	A	01.11.23
Proposed Site Plan	(12)01	C	23.11.23
Proposed Site Section	(41)01	-	23.11.23
Proposed Ground Floor Plan	(22)01	E	27.03.24

Proposed First Floor Plan	(22)02	C	27.03.24
Proposed Second Floor Plan	(22)03	B	27.03.24
Proposed Elevations	(31)01	D	27.03.24
Heritage, Design and Access Statement	548A (97) 01	-	30.10.23
Climate Change Statement	-	-	14.11.23

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 by the applicant / agent in response to Conservation and Design comments.

The second consultation response from KC Conservation and Design was sent to the planning agent with no reply.

Report Dated:

24.05.24