

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:	2024/65/90506/W
Site Address:	6, Yew Tree, Yew Tree Lane, Slaithwaite, Huddersfield, HD7 5UD
Description:	Listed Building Consent for demolition of existing lean-to, erection of single storey rear extension, installation of 2no. new windows and alterations
Recommending Officer:	Laura Yeadon

DECISION – CONSENT 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.

John Holmes

AUTHORISED OFFICER

Date: 17-Apr-2024

Officer Report

[Weblink](#)

Site Description

6 Yew Tree is a mid-terraced cottage, constructed from stone with a blue slate roof. The property was formerly 2 no. dwellings which have been converted into one and the submitted location plan indicates that No. 5 is also within the ownership of the applicants. The property is located within the Green Belt and is also a Grade II Listed Building.

The property is in a significantly elevated position from Yew Tree Lane which is the road leading to the property off Varley Lane and has a rear elevation which faces towards the valley below and has a front elevation which faces open fields. There is a porch and garden area to the front of the dwelling and to the rear is a single storey extension and lawned garden.

Description of Proposal

Listed Building Consent is sought for the demolition of the existing lean-to, erection of a single storey extension, the installation of 2 no. new windows and alterations. An application for planning permission has also been submitted for the works under application number 2024/90505 which runs concurrently with this application.

Demolition of existing lean-to

The existing extension to the rear of the property is to be demolished to facilitate the development. The extension is single storey in height and has a footprint of 2 metres x 3.2 metres and is constructed from brick.

Erection of single storey extension

The proposed single storey extension would be located on the rear elevation of the property. The extension would project 3 metres from the rear elevation of the property and would span the full length of the dwelling (formerly 2 no. dwellings) being a total width of 13 metres with an eaves height of 2.4 metres and overall height of 3.6 metres. It is proposed that the extension would be a green oak frame above a natural stone plinth with stone slates for the roof.

Installation of new window

It is proposed that a new window opening would be located within the first floor of the rear elevation which would host 2 mullioned windows. The proportions of the windows would be similar to the existing.

Relevant Planning History

2024/90505 Demolition of existing lean-to, erection of single storey rear extension,

installation of 2 no. new windows and alterations
Not yet determined – runs concurrently with this application

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 neighbour notification letters, site notice and newspaper advertisement.

Final publicity date expired 14th April 2024

As a result of the public consultation period no representations have been received.

Consultation Responses

K.C Conservation and Design - formally consulted and object to the proposed works

Historic England – Advises to refer to KC Conservation and Design Team

The Georgian Group – Object due to irreversible loss of historic fabric

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'.

It is considered that the following policy and legislation is applicable to the determination of this application.

Kirklees Local Plan

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 December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

Chapter2	Achieving sustainable development
Chapter12	Achieving well-designed & beautiful places
Chapter16	Conserving and enhancing the historic environment

Assessment

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework are relevant.

Policy LP35 states the following:-

'development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.'

The application site sits within a terraced row whereby the host property and attached No. 5 are Listed Buildings. The listing description for the application site is as follows:

Early to mid C19. With recent alterations. House, part of terrace. Hammer dressed stone. Pitched stone slate roof (bitumenised) - footstones to east. 2 storeys. South elevation has: Ground floor; Entrance in modern stone porch. One 4-light stone mullioned window; (part recent) two single lights (later). First floor; two 3-light stone mullioned windows and two 2-light stone mullioned windows. North elevation has: First floor; two 2-light and one 3-light stone mullioned windows.

Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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."*

Listed Buildings are designated heritage assets and paragraph 201 of the NPPF states that *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise."*

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 206 goes on to state that *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from*

development within its setting), should require clear and convincing justification.”

Policy LP35 of the Kirklees Local Plan echoes this guidance and states that: *“Development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

The Council's Conservation and Design Officers have been formally consulted on the proposed works and cite that the application proposes to demolish the existing small mono-pitched extension on the rear elevation and due to its low significance, there are no objections to the removal of this structure.

The comments go on to note that consent was granted for a single-storey mono-pitched extension with a green oak frame on the rear elevation of No. 5 in 2017 and that this was constructed against the rear elevation of that property and to the side of a two storey gabled extension which was raised in height in the late 20th Century which partially hides it from view.

Whilst the design of the proposed extension is similar to that on No. 5, the proposed extension is significantly larger and as the north wall is constructed from stone, the impact of the proposed extension would be far more harmful. Although the use of natural stone is used at low level and for the proposed WC, with a stone slate roof, a long range of green oak framed windows is proposed that do not respect the character of this visible elevation, which is characterised by few openings and extensive coursed stone walling.

The Georgian Group have also made comments on the proposed works and state that there are significant concerns with the proposed works which involves the demolition and irreversible loss of a considerable amount of the historic ground floor external south wall and would also harm the evidential value of the building as a well preserved example of its type with good historical plan form and room volumes.

The comments go on to state that the proposed extension is furthermore massive and assertive and would considerably alter the appearance of the rear elevation, eroding the building's historic character and aesthetic value on the elevation which is publicly visible from Yew Tree Road.

The comments conclude that the proposal fails to give the due 'great weight' to the asset's conservation as required under paragraph 205 of the NPF and also that the proposal is not considered to clearly or convincingly be justified as required by paragraph 206 of the NPPF nor does it deliver any clear public benefits to be weighed in the balance under paragraph 208.

It is therefore considered that the works would cause significant harm to the Listed Building resulting in an irreversible loss of historic fabric and harm to the buildings historic character and aesthetic value.

With regard to the pair of mullioned windows within the first floor of the building, there is no objection, subject to details being submitted for approval demonstrating that these are painted white, constructed from timber, slim double glazing with ashlar surrounds.

Taking all the above into consideration, it is considered that with particular regard to the extension, this would lead to less than substantial harm to the significance of the host Listed Building by introducing a substantial structure with extensive glazing whereby no public benefits have been demonstrated to outweigh the identified harm. In addition, the works would result in an irreversible loss of historic fabric with the removal of a large section of original walling leading to the erosion of the building's historic fabric and aesthetic value. Therefore, the proposal fails to comply with the statutory duties under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24 and LP35 of the Kirklees Local Plan and paragraphs 205, 206 and 208 of the National Planning Policy Framework

Representations:

None

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 adverse impacts of granting listed building consent would significantly and demonstrably outweigh any benefits of the development and refusal is therefore recommended.

Recommendation

REFUSE

Decision Authorisation - Delegated Powers

Application Number: 2024/90506

Officer Recommendation: Refuse

1. By virtue of its materials of construction, extensive glazing, size, scale and design the development would fail to respect the original character and appearance of the host property. In addition, the development would result in an irreversible loss of historic fabric with the removal of a large section of original walling leading to the erosion of the existing building's historic fabric and aesthetic value. The development would lead to less than substantial harm to the significance of the Grade II Listed Building whereby no public benefits have been demonstrated to outweigh the identified harm. The development would have a harmful impact upon visual amenity and the setting of a grade II listed building contrary to the Local Planning Authority's statutory duties under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies LP24 and LP35 of the Kirklees Local Plan and paragraphs 205, 206 and 208 of the National Planning Policy Framework.

Plan Type	Reference	Version	Date Received
Location plan, existing site plan, block plan, elevations and floor plans	23 J 56 - 01		27 th February 2024
Proposed site plan, elevations and floor plans	23 J 56 – 02		27 th February 2024
Heritage Statement	Dated February 2024		27 th February 2024
Climate Change Statement	Appendix A		27 th February 2024

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 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. No negotiations have taken place with the applicant/agent due to the application needing a redesign to be considered acceptable.

Report Dated:

16th April 2024

Coal – none