

**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:	2024/70/90888/W
Site Address:	Reap Hirst House, Reap Hirst Road, Birkby, Huddersfield, HD2 2DD
Description:	Variation of conditions 2. (plans) & 3. (spiral spring balance mechanisms) on previous permission no. 2023/91257 for Listed Building Consent for demolition of existing conservatory, and erection of single storey extension, new rear entrance canopy, replacement windows and door and reintroduction of mullions and chimney, minor external modification and internal modifications of modern partitions
Recommending Officer:	Sue Brooks

**DECISION - Grant Consent for Variation of Conditions 2 and 3 of
Application 2023/91257**

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: 22-May-2024

Officer Report

Site Description

Reap Hirst House is a Grade II listed detached dwelling dating to the 18th century and in a semi-rural setting on the edge of Birkby. This two-storey building is constructed in hammer dressed stone with quoins and a stone slate roof. The property had been extended, with a two-storey extension to the rear, a uPVC conservatory on the north gable, and a stone porch on the east façade.

Description of Proposal

The proposal is for the variation of conditions 2 (plans) and 3 (windows) on previous permission 2023/91257 for Listed Building Consent for demolition of existing conservatory, and erection of single storey extension, new rear entrance canopy, replacement windows and door and reintroduction of mullions and chimney, minor external modification and internal modifications of modern partitions.

Condition 2 – The following amendments are proposed to the approved drawings: Removal of proposed stone finials, change sliding sash windows for casements and fixed lights on the north and west elevations of the main house and the proposed conservatory.

Condition 3 - Amend the sash window mechanisms from sash cords and weights to concealed spring balance mechanisms.

History of negotiations / amendments received

The revised proposed drawing 3536 (0-) 05 revision D includes an iron balustrade on the ledge outside the second-floor gable window. This is the subject of Condition 4 of application 2023/91257 and the agent has confirmed that a separate discharge of condition application will be submitted.

Timber casement and fixed light window joinery detail drawings were requested and submitted.

Relevant Planning History

2023/91257 - Listed Building Consent for demolition of existing conservatory, and erection of single storey extension, new rear entrance canopy, replacement windows and door and reintroduction of mullions and chimney, minor external modification and internal modifications of internal partitions – Consent Granted.

2023/91256 - Demolition of existing conservatory, and erection of single storey extension, new rear entrance canopy, replacement windows and door and reintroduction of mullions and chimney, minor external modification and internal modifications of internal partitions – Conditional Full Permission.

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 proposal is for the amendments to the proposed window types and other minor changes to the approved proposal. This work 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 Senior 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: 08/05/2024

Publicity expiry date: 18/05/2024

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

Condition 2

This variation of condition seeks to amend the approved elevation drawing 3536 (0-) 05 Rev C and substitute it with drawing 3536 (0-) 05 Rev D. The amendments are to remove the proposed stone finials from the approved drawing and change the proposed sliding sash windows on the north and west elevations of the main house and the proposed conservatory for casements and fixed lights with horizontal glazing bars.

Two stone finials were shown on the approved drawing 3536 (0-) 05 Rev C, located on the two-storey extension and modern porch. As there are no historic precedents for finials on the building their omission is acceptable.

The existing windows are uPVC, and prior to this they were timber framed fixed lights and casements fitted prior to the date of listing. An archive image submitted with the approved application shows that the windows on the front (east) elevation were historically small sliding sashes and fixed lights with glazing bars, set into mullioned openings. This variation on condition application proposes to retain the approved sash windows on this principal elevation and the prominent south elevation, reinstating the historic window types as evidenced in the archive image, with no replacement or loss of historic fabric. Timber framed fixed lights and side hung casements are now proposed on the other elevations and the modern conservatory, reinstating the type in place at the time of listing, albeit with the introduction of horizontal glazing bars to reflect the configuration of the new sashes.

Condition 3

This variation of condition seeks to amend the proposed sash window mechanisms from sash cords and weights to concealed spring balance mechanisms. As the windows are new, with no replacement of historic fabric and the balances are hidden behind casings, this is acceptable.

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 proposed variations outlined above will have a neutral impact on significance and have no impact on the historic fabric and are therefore acceptable.

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 changes are minimal with no impact on the historic fabric, it is felt that the architectural and historic interest of the listed building is preserved.

It is therefore 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 significance and architectural interest of the building is preserved, and it is therefore recommended for approval.

Recommendation Grant Variation of Conditions 2 and 3 of 2023/91257

Decision Authorisation - Delegated Powers

Application Number - 2024/90888

Officer Recommendation: Grant Variation of Conditions 2 and 3 of 2023/91257

Conditions and Reasons:

1. The development shall begin by 10 November 2026.

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.

3. New sash windows shall be hardwood timber double-glazed sliding sashes with concealed spring balance mechanisms and a pebble grey painted finish. All slim double-glazed units shall have 4mm glass with a 12mm gap using warm black spacer bars. The works shall be carried out in complete accordance with the details approved by this condition and retained thereafter.

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.

4. Notwithstanding the information submitted, new casement windows and fixed lights shall be hardwood timber double-glazed with a pebble grey painted finish. All slim double-glazed units shall have 4mm glass with a 12mm gap using warm black spacer bars. Opening casements shall have butt hinges and traditional window stays (friction hinges shall not be permitted) and all new window frames shall be set back in the reveal by 100-125mm and not fitted flush with the external wall. Visible trickle vents shall not be permitted. Obscured glazing shall have a plain etched finish and not be in patterned glass.

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
Proposed elevations	3536 (0-) 05	D	26 March 2024
Typical casement window details	3536 (2-) 16		2 May 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 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. Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions led to the submitted plans which accurately mirror those negotiations and are felt to be acceptable.

Report Dated:

21 May 2024