

**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:	2024/65/92156/W
Site Address:	80, Lascelles Hall Road, Lascelles Hall, Huddersfield, HD5 0BD
Description:	Listed Building Consent for erection of new stone steps and walls and rebuilding/repairs to existing stone walls
Recommending Officer:	Joanna Rednall

DECISION – Listed Building 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 19-Nov-2024

THE SITE

Location: 80, Lascelles Hall Road, Lascelles Hall, Huddersfield, HD5 0BD

The application site relates to part of the curtilage of a large property in generously sized grounds accessed off Lascelles Hall Road. The property was previously used as a residential care home and has since changed its use to one dwelling.

The property is a Grade II listed building approximately 25m to the east of the site are two properties which are also Grade II listed. Within the listing description the host property is detailed as being a large detached house built in the late 1800s from ashlar stone with raised quoins, hipped stone slate roof and ashlar stone stacks.

The site is set within spacious grounds to the north and west of the host property, to the south is a reasonably sized area of amenity space which backs on to a large stone wall.

THE PROPOSAL

Listed Building Consent for erection of new stone steps and walls and rebuilding/repairs to existing stone walls. The application has been submitted retrospectively.

The applicant proposes the erection of new stone steps and walls and rebuilding/repairs to existing stone walls. Two stone walls are proposed to the front of the building; one measuring approximately 12.6 meters in length and the other 10 meters in length. The stairs are located approximately 14 meters in front of the building and are constructed of stone.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Design and Access Statement dated July 2024

The document sets out the following summarized points:

- The site of a dwelling on this site dates back to 1175
- The Large Detached house was built in the late C18
- The building is Grade II listed and was listed in 1984
- The property had been empty for some time but has been renovated into a private dwelling

- The work is to improve the setting of the Listed Building and all materials will be natural and match existing
- The proposal is in keeping with a large detached dwelling of this nature and enhances the setting and status of the listed building

PLANNING HISTORY

An application dated 15th August 1990 granted consent for the change of use from 1st floor residential home to 7 apartments / bedsits, since the granting of that consent there has been permission for change of use to one dwelling. As such the 1990 consent is not considered to be of significant relevance in the determination of this application. The most relevant planning history is therefore considered to relate to the following planning applications:

2024/92247: Erection of new stone steps and walls and rebuilding/repairs to existing stone walls – **Pending determination**

2018/92565: Change of use from residential institution (C2) to printing business (B1) and dwelling (C3) and associated works (Listed Building): **Approved** 6th November 2018 with the associated listed building consent, ref: - 2018/92566, was approved on 28th November 2018.

2019/91245: Work to trees TPO 09/82: **Approved** 24th May 2019

2019/91639: Change of use from residential care home to dwelling and internal and external alterations (Listed Building): **Approved** 30th October 2019 with the associated listed building consent, ref: - 2019/91640 approved on that date also.

2019/93877: Variation of condition 2 (plans) on previous permission 2019/91640 for Listed Building Consent for change of use from residential care home to dwelling and internal and external alterations: **Approved** 20th January 2020.

2022/91018: Erection of detached garage, formation of retaining walls and driveway (Listed Building): **Approved**

2023/91903: Dead Or Dangerous Tree to TPO 09/92: **Noted**

REPRESENTATIONS

The application has been publicised by site notice & newspaper advertisement in accordance with the Council's adopted Development Management Charter. The expiry of the advertisement period was 15th November 2024

Letters of Objection

None

Letters of Support

None

Letters of Comment

- The works have been completed before applying for planning permission

Officer note: although the application is retrospective, this does not give the application any weight and the application is assessed on the basis of the impact on the Listed Building and its setting.

CONSULTATIONS

The following consultations have been undertaken for this application with the summarised responses listed below.

Conservation Officer (Kirklees Council) – Object. Further details are set out in the assessment.

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 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, NPPF policies and guidance documents to embed the climate change agenda.

As this application is not supported, climate emergency requirements are not relevant on this occasion.

ALLOCATION AND 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'.

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.

Chapter 2 Achieving sustainable development

Chapter 12 Achieving well-designed & beautiful places

Chapter 16 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.'

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

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.”*

The applicant proposes the erection of new stone steps and walls and rebuilding/repairs to existing stone walls. Two stone walls are proposed immediately to the front of the building: one measuring approximately 12.6 meters in length and the other 10 meters in length. The stairs are located approximately 14 meters in front of the building and are constructed of stone.

The submitted Design and Access Statement states that *‘the work is to improve the setting of the Listed Building and all materials will be natural and match existing’* and *‘The proposal is in keeping with a large detached dwelling of this nature and enhances the setting and status of the listed building’*.

According to photographs held by the Council, the walls prior to the development were constructed with fine ashlar stone with no capping stone. There were also a matching pair of stone ball finials at the base of the stairs. It appears that these stone balls have been removed, and the walls built under this application have not been constructed in matching stone but have been constructed using tumbled and dyed stone with flat capping stones. As such, officers consider the rebuilt walls unacceptable as they fundamentally alter the character of the entrance, making use of materials which do not preserve or enhance the character of the Listed Building. Officers also note the stone balls must be reinstated as they form a part of the character and detail of the building. They were present at the time of listing and do not have consent for removal, so their loss would not be supported.

Turning to the stone steps, officers consider the principle of the steps as acceptable as the steps do not harm the setting or character of the frontage of the Listed Building. Despite this, the stone used for the steps is the same as that used for the front wall, and this type of stone is therefore considered unacceptable as it does not reflect the character or significance of the Listed Building.

Officers consider the stone steps and walls unacceptable as they fundamentally alter the character of the entrance, making use of materials which neither preserve nor enhance the character of the Listed Building. As such it is

considered that the proposed development would have a harmful impact on the character and appearance of the Listed Building, of which there does not appear to be a clear nor convincing justification, or sufficient benefit to outweigh the identified harm. Therefore, this application is recommended for refusal.

Conclusion

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 208 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.”*

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.”*

Officers are unable to support the harmful impact to the host building. The replacement walls in a prominent position to the front of the building have not been constructed in matching stone but have been constructed using tumbled and dyed stone with flat capping stones. This would not appear in keeping with the historic architectural design of the host and be incompatible with Council’s duties under the Planning (Listed Building and Conservation Areas) Act to have regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is therefore concluded that the proposed development does not accord 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).

Recommendation

Refuse Consent

Decision Authorisation - Delegated Powers

Application Number: 2024/92156

Officer Recommendation: Refuse Consent**Reason**

1. The new stone steps and walls and rebuilding/repairs to existing stone walls, by virtue of the materials used in the development, fails to respect the original character and appearance of the host building. The proposal would result in less than substantial harm to the significance of this Grade II Listed Building and the applicant has failed to demonstrate sufficient public benefits to outweigh the harm of the development, and the justification submitted is not convincing. The proposal therefore fails to accord with Policy LP35 of the Local Plan, paragraphs 205, 206 and 208 of the National Planning Policy Framework (NPPF) 2023 and Section 16 (2) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	31/07/2024
EXISTING SITE PLAN AND LEVELS	03	A	07/08/2024
PROPOSED SITE PLAN AND LEVELS (NEW PAVING TO DRIVEWAY)	02	C	07/08/2024
PROPOSED SITE PLAN	SK1	A	05/09/2024
Application form	-	-	09/08/2024
Design and Access Statement	-	-	07/08/2024

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 amendments were sought as it was considered that there were no amendments to overcome the harm of the proposal.

Report Dated: 18/11/2024

