

# KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	<b>2024/62/92780/E</b>
Site Address:	Hopton Hall, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EL
Description:	Installation of 3 rooflights, alterations to bay window to create french windows and erection of fence to the moat (Listed Building within a Conservation Area)
Recommending Officer:	Edward Cheseldine

#### **DECISION – Conditional Full Permission**

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 03-Feb-2025**

## **Officer Report**

2024/92780 - Hopton Hall, Hopton Hall Lane, Upper Hopton, Mirfield, WF14 8EL

### **Site Description**

Hopton Hall is a grade II listed hall, located in the centre of the Hopton Conservation Area. The building is two storey structure with period features. It contains a front, side and rear outdoor area which is surrounded by a moat on the north-east and north-west boundary. The building faces onto Hopton Hall Lane.

Listing description:

Hall. C16 with C19 substantial alterations. Timber framed gables and hammer dressed stone. Stone slate roof. Two storeys. H-plan, though left wing does not project at rear. Central part is double pile with central stacks, symmetrical, and is part of the C19 rebuild. 2 bays of 3-light windows with entrance to left and right. Left wing timber framed with projecting gable, vertical studding and diagonal strutting. Projecting 1st floor 3-light bay window and 3-light ground floor window both with some early glazing. Later stone plinth obscures footings of posts. Right gable the same except ground floor is in C19 stone, and ornamental barge board with pendant finial at apex. The rear of the left wing has a timber framed gable and 1st floor part infilled with brick. The rest of the rear elevation is C19. Left elevation has 2 and 3-light C19 windows. Right elevation also C19 with central gabled porch and gable to each side with mullioned and transomed bays to ground floor and similar flush windows to 1st floor.

### **Proposal Description**

The applicant is seeking planning permission for installation of 3 conservation rooflights, alterations to bay window to create French doors and erection of fencing to the moat.

3 rooflights will be installed on the south-western wing of the hall. No. 2 will be set on the east facing plans, No. 1 will be set on the west facing plane. The rooflights will be ~0.60(w) x 0.95m(l).

Alteration to the bay window on the north-eastern elevation to form external opening doors. The doors shall be constructed in timber and painted to match the existing bay window frames. The doors will be ~1.19m(w) x 1.83m(h).

A black metal fence will be erected with concrete foundations along the wall of the moat as indicated on drawing 20-061-305. The fencing will be 1.05m from ground level.

### **Public Representations**

The application was advertised by site notice, press notice and neighbour letters.

Site notice expiry: 05-Nov-2024

Press notice expiry: 21-Nov-2024

Neighbour letters: 05-Nov-2024

As a result of the publicity, there were no objections.

### **Amendments/Negotiations**

The agent submitted details relating the conservation roof lights and a plan for the erection of the fencing.

### **Relevant Planning History**

2024/92781 - Listed Building Consent for internal alterations, installation of 3 rooflights, alterations to bay window to create french doors and erection of fence to the moat (within a Conservation Area) – Pending Decision

### **Consultation Responses**

KC Conservation & Design – No objection, subject to condition relating to conservation style rooflights and fencing colour.

### **Policy & Legislation**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the Upper Hopton Conservation Area on the Kirklees Local Plan Proposals Map.

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.

#### Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Parking
- LP 22 – Highway safety
- LP 24 – Design
- LP 30 – Biodiversity
- 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 2024, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial 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 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

## Other Material Considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990

## **Assessment**

- 1) Principle of Development
  - a) Sustainable Development
  - b) Historic Environment
- 2) Impact on Visual Amenity
- 3) Impact on Residential Amenity
- 4) Impact on Highway Safety
- 5) Environmental Matters
- 6) Conclusion

### Principle of development:

#### *Sustainable Development*

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be assessed.

The site is located within the Upper Hopton Conservation Area on the Kirklees Local Plan Proposals Map. Policy LP2 states that:

*“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”*

#### *Historic Environment*

Hopton Hall is a grade II listed building and is located within the Upper Hopton Conservation Area.

Paragraph 212 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 214 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 alterations include minor changes to the fabric of the listed building and its setting.

Rooflights provide lighting for the internal floor plan changes. Under the application for Listed Building Consent, works reinstate a staircase and floor plates. The building is large in scale due to its original use. Rooflights will provide the new internal staircase with natural light which is suitable for modern habitable standards. There are public benefits in terms of the conservation of the heritage asset considering the buildings scale. supporting the viability of the building’s use. It will be conditioned on the Listed Building Consent application that the rooflight are ‘conservation style’ and flush to the roof as per the specification received.

Metal fencing will be erected around the moat, again there will be minor harm to the setting of the building. The fencing is appropriately designed and simple in nature. It will be conditioned on the Listed Building Consent application that the fencing is painted black to ensure a suitable appearance. The applicant has submitted a design and access statement, noting the fencing is for safety, due to the drop of the moat. The proposal is suitable to support family living and therefore supports the use of the listed building.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.

Section 72 (1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The rooflights are sensitively located, they are a modest in size, to ensure the preservation of the listed building it will be conditioned they are conservation style openings as per the received specifications. The alteration to the bay window is considerate to the existing display, the timber windows will be painted to match the frames of the adjacent openings. In terms of the railing the height and spacing of the columns is appropriate, they will be painted in a black colour which will be conditioned on the application for Listed Building Consent.

It is hereby concluded that the proposed development accords with the requirements of policies LP1, LP2, 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) and the principle of development is acceptable.

#### Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states, 'Proposals should promote good design by ensuring the details of all development respects and enhances the character of the townscape and heritage assets.

Policy LP35 of the Kirklees Local Plan states, 'proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The alterations are sympathetic to the listed hall. They are designed appropriately appearing in keeping with the original building. The impact to the heritage asset and its setting has been assessed within the Principle of Development section of the report and are appropriate with public benefits to support the alterations.

The alterations therefore accord with Policy LP24 & LP35 of the Kirklees Local Plan.

#### Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, development minimising impact on residential amenity of future and neighbouring occupiers.

In terms of the impact residential amenity, there will be new rooflight openings erection. Given the direction of the openings, and their high level, there will be no impact to the neighbouring buildings. The french doors will replace existing windows, which will have no impact considering they are replacements to existing openings.

There will be no impact to residential amenity from the railings.

### Impact on Highway Safety

Policy LP21 & LP22 relate to parking and highway safety. 'Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.

The works will support additional floorspace within the south-west wing of the building, increasing the number of bedrooms to 8. There is a large parking area for vehicles to the west of the property which is suitable for 4 vehicles with the ability for further tandem parking. The number of spaces is therefore suitable for the development.

### Environmental Matters

#### *Ecology*

The applicant has submitted a bat habitat assessment for potential roosting which displays the condition of the eaves and roof space. The application site rests within a high alert bat layer on the Council's GIS mapping system. Works do not directly affect areas where bats are likely to roost and given the supporting information, there is no risk to roosting bats. A cautionary note will be added that if bats are found during the development, then work must cease immediately, and the advice of a licensed bat worker sought.

#### *Carbon Budget*

The proposal is a small scale domestic development to an existing dwelling. As such, 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.

### **Conclusion**

The application for alterations to Hopton Hall has been assessed against relevant policies in the development plan as listed in the policy section of the

report, the National Planning Policy Framework and other material considerations. Given the impact to the historic environment and other material considerations the application is acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**Approve**

## Reasons and Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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, and to accord with Policy LP24 & LP35 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

**NOTE:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone to intentionally kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether bats are present or not. If bats are discovered on site, development shall cease, and the applicant is advised to contact Natural England for advice.

**NOTE:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

### Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	-	-	26 September 2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing site plan / block plan	20-061-005	-	26 September 2024
Existing floor plans	20-061-010	-	26 September 2024
Existing roof plan	20-061-011	-	26 September 2024
Proposed fence location	20-061-305	-	23 January 2025
Proposed floor plans & sections	20-061-311	RevA	23 January 2025
Proposed roof plan	20-061-312	RevA	23 January 2025
Existing south and east elevations	20-061-020	RevA	23 January 2025
Existing north and west elevations	20-061-021	RevA	23 January 2025
Existing bay window	20-061-011	-	26 September 2024
Proposed bay window	20-061-313	-	26 September 2024
Proposed fence	20-061-301	-	26 September 2024
Bat Habitat Assessment		-	26 September 2024
Conservation/Heritage Assessment	-	-	26 September 2024
Gen 01 – Conservation rooflight specifications	-	-	23 January 2025
Design and access statement	-	-	26 September 2024
Climate change statement	-	-	26 September 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 has, 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.

The agent submitted details relating the conservation roof lights, a plan for the erection of the fencing.

