

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:	2024/65/93120/W
Site Address:	Lindley Cottage, 6, Lidget Street, Lindley, HD3 3JB
Description:	Listed Building Consent for Change of use from care home to dwelling and associated alterations'
Recommending Officer:	Elenya Jackson

DECISION – Listed Building Consent - Granted

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 12-Jun-2025

Officer Report.

Reference: 2024/92856

Location: Lindley Cottage, 6, Lidget Street, Lindley, Huddersfield, HD3 3JB

Proposal: Change of use from care home to dwelling and additional alterations.

Site Description.

The site is Lindley Cottage, 6, Lidget Street, Lindley, Huddersfield, HD3 3JB which is Grade II Listed, with the following listing description:

LIDGET STREET 1. 5113 (East Side) Lindley No 6 SE 1118 20/800 II 2. Mid C19. Ashlar. Hipped slate roof. 2 storeys. Moulded eaves cornice. Rusticated quoins. 3 ranges of sashes. Door with oblong fanlight in Tuscan porch with coved cornice, below which are open panels with stone balls inset (cf Dud Lea House, Longwood Gate, Longwood).

Description of Proposal.

Planning permission is sought for the change of use from a residential care home (C2) to a dwelling (C3) with associated alterations.

The scope of works to the building are as follows:

- Alterations to the internal fabric to facilitate the conversion to a utility room
- The addition of a toilet
- Addition of an additional door into rear elevation to access garden
- Removal of internal wall at ground floor level
- Floor level increased in building
- Garage converted into kitchen and internal partitions removed
- Eastern door and window on eastern elevation removed and replaced with bi fold door
- A dome roof light into kitchen
- An opening formed between building 2 and 3 to create open plan space
- Ramp removed and replaced with stairs
- Existing wall between building one and two will be removed and replaced with full length glazing
- Window replacing a side door
- Partition wall removed and restoration of original staircase
- Bedroom two will have an ensuite which features covering matching host room
- Partition erected in bedroom one with partition profiled around coving
- Alterations to original staircase

During the course of the application, works have been undertaken to the roof of the property to re-felt the roof.

History of Negotiations.

During the course of the application, alterations were requested to remove a first-floor extension, changes to the external design of the garage alterations, alterations to the access to appease comments made by KC Highways and Trees and a discussion regarding the proposed materials for the windows.

Relevant Planning History.

At the application site:

94/94038 - Listed Building Consent for internal alterations and formation of door opening - Consent granted

2024/93120 - Listed Building Consent for erection of first floor extension and change of use from care home to dwelling - Pending consideration.

Representations.

We are currently undertaking 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, a site notice and within the newspaper, collectively expiring on 20th December 2024.

In response to publicity, no comments received.

Consultation Responses.

KC Environmental Health (formal) – Officers reviewed this application and supporting documents and do not consider there to be any significant Environmental Health impacts with this development. Therefore, no objection to the proposal.

KC Highways Development Management (formal) – Requested further details relating to parking and the access gate.

KC Trees - Objection relating to the alterations to the access gate and its potential impact on Tree Preservation Order (TPO).

KC Conservation & Design (informal) – The Conservation & Design Team requested alterations to the design of the proposal which sought the removal of the first floor extension and alterations to the fenestration design. Amended plans have been received and conditions are recommended

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'.

The site has a TPO area located to the front and rear of the site

The application site is in a low risk coal area.

Kirklees Local Plan:

- LP1 – Achieving Sustainable Development
- 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 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 and Beautiful Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Legislation:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Listed Building & Conservation Areas) Act 1990
- The Planning and Compulsory Purchase Act 2004

Assessment.

1) Impact on Visual Amenity and Historic Environment

Paragraph 135(c) of the NPPF sets out that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, LP35 of the Kirklees Local Plan requires development proposals affecting a designated heritage asset to

preserve or enhance the significance of the asset, retaining those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensuring that proposals maintain and reinforce local distinctiveness.

Paragraph 210 of the NPPF is also of relevance and states that *“in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; a) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and b) the desirability of new development making a positive contribution to local character and distinctiveness”*.

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 215 of the NPPF 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.”*

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.

The submitted Design & Access Statement and supporting plans sets out the scope of the works to the building.

The external alterations to the building consist of:

- Replacing the existing windows with timber windows
- New window into northern elevation
- New terrace over existing ramp on northern elevation
- New bi-fold door into northern elevation
- Dome roof light to serve new kitchen area
- Door opening replaced with a window on western elevation
- Removal of existing ramps

The internal alterations consist of:

- floor level increased in the northern building to match those in proposed utility room
- removal of partition walls in ground floor northern buildings to facilitate conversion to kitchen and utility rooms

- removal of internal doors in main building
- removal of upstairs partition wall to form bathroom and en-suite
- removal of upstairs wall to form master bedroom and dressing room
- stud walls to form dressing room
- addition of a toilet
- stud walls to form en-suite to bedroom two.

As part of the assessment and determination of this planning application, an informal consultation was undertaken with KC Conservation & Design. Following the receipt of amended plans, the proposed alterations have been considered acceptable.

Officers consider that as the proposal would have some alterations to the external appearance of the Listed Building and would impact the internal fabric of the listed building and as a result would impact the architectural merit of the building.

Officers consider that the harm caused to the significance of the listed building would be less than substantial. As a result, officers would be required to justify the works to the building by assessing what the public benefits would be for the works to be undertaken.

The property has most recently been in use as a residential care facility; however, this use has ceased and google imaging of the site indicates that windows have been boarded up on the property since 2016. The proposed change of use of the property to a family dwelling would re-instate a use for the building and some of the works would preserve the buildings to prevent it falling into disrepair. As the property has had boarded up fenestration in recent years, officers consider that re-instating a use for the building would improve the buildings contribution to the character of the street scene and prevailing area.

It is considered that as the proposal would have limited external alterations but those requested would improve the external perception of the building, the public benefits would outweigh the less than substantial harm to the architectural merits of the building.

As the proposal would be making alterations to the fabric of the building which has been identified as original to the property and highlighted as having efforts to retain, it is considered that conditions are necessary to preserve the details where applicable and limit the harm to the building. Officers would require the following details to be conditioned:

- window and door details to be submitted to ensure those proposed are appropriate to the character of the building
- Details of architraves and internal details to ensure they respect the original details
- Details of preserving existing coving to understand if this would be removed/disturbed as officers consider that the coving can be

preserved by the walls proposed to be removed not being removed to ceiling height.

- Demolition methodology relating to the removal of original internal walls and protection of coving.
- The re plastering in the building to be lime plaster on external walls to improve the buildings breathability and prevent degradation of building fabric.

Therefore, for the reasons set out above and subject to conditions, the proposal is considered to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

Officers consider it necessary to add conditions to the application as it is to be read in conjunction with 2024/93120

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation: Grant Consent
Decision Authorisation – Delegated Powers
Application Number: 2024/93118
Officer Recommendation: Approve

Conditions and Reasons:

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP21, LP22, LP24, LP30, LP31, LP33, LP35 and LP51 of the Kirklees Local Plan and policies within Chapters 2, 4, 9, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. Prior to the insertion of any new windows and external doors, details shall be submitted to and approved in writing by the Local Planning Authority. These shall include product specifications, 1:5 sections and 1:20 elevations showing their appearance including materials, finish, colour, design details of the external reveals, heads, cills and jambs. The approved scheme shall thereafter be implemented

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. All new windows shall be timber framed sliding sash with a painted finish and appropriate horns. All mouldings and timber sections simple in design and profile with chamfered glazing beads. All double-glazed units shall be slim in section, with 4mm glass and an 8mm gap with black spacer bars. Friction hinges and visible trickle vents 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. Any obscured glass shall be plain frosted and not patterned.

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

5. Notwithstanding the submitted details any repairs or repointing to the historic fabric of the building shall be undertaken using lime mortar only. There shall be no strap or ribbon pointing to the building.

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.

6. Notwithstanding the submitted details any plastering/ replastering works to the walls forming the historic fabric of the building shall be undertaken using lime plaster only.

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

7. Notwithstanding the submitted details there shall be no use of filler or expandable foams or silicone sealants in any part of the works which would intersect or touch the historic fabric.

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.

8. Prior to the commencement of demolition or the removal of listed building fabric, a demolition methodology shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the method of protection

of the retained building fabric including propping, weatherproofing, protection of adjacent and adjoining historic fabric. This applies to the interior and exterior of the building. Demolition shall be undertaken in accordance with the approved methodology.

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

9. Details of any proposed external lighting, fixings, CCTV cameras and external equipment fixed to the building and curtilage structures, along with the locations and fixing methods, shall be submitted for approval in writing by the Local Planning Authority prior to installation. Fixings shall be into mortar joints and not into the stonework. All existing modern redundant equipment replaced by the new equipment shall be removed carefully and the surfaces made good. The approved scheme shall be implemented 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.

10. Prior to the insertion of new internal openings and adaptation of existing openings within the existing building, details shall be submitted to and approved in writing by the Local Planning Authority. These shall include demolition methodology, 1:5 section and 1:20 elevations showing design details of new doors and joinery including architraves, materials, finish and samples. The approved scheme shall be implemented 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.

NOTE: This Decision Notice should be read in conjunction with Decision for the associated Listed Building Consent application reference: 2024/93118

NOTE: Any paints used shall ensure they are permeable, and none plasticised to ensure the movement of moisture.

NOTE: In order to avoid damage to the Listed Building, care should be taken in the choice of materials to avoid thermal bridging or other issues that may affect the breathability of the Building.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to 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 they are present or not. If bats are discovered on

site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Location Plan		-	7/03/2024
Proposed Site Plan	(100)04	B	7/03/2024
Proposed floor plans	(100) 03	B	20/03/2025
Existing site plan	(100) 02		1/11/2025
Existing floor plans and elevations	(100) 01		1/11/2025
Climate change statement			1/11/2025

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.

Alterations were requested to remove a first-floor extension and amended plans were received to change access layout.