

# 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:         | 2024/62/93576/E                                                                             |
| Site Address:         | 32, Station Road, Shepley, Huddersfield, HD8 8DG                                            |
| Description:          | Erection of stone garden walls and timber gate (Listed Building within a Conservation Area) |
| Recommending Officer: | Jennifer Booth                                                                              |

#### DECISION - 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.

Emma Thompson

***AUTHORISED OFFICER***

**Date: 11-Mar-2025**

## **OFFICER REPORT**

### **Site Description**

32 Station Road is a two storey dwelling constructed of stone and stone slate for the walling and roofing materials. The dwelling has an extension to the side. Included within the red line boundary of the site is an area of amenity space to the side and front of the house and a driveway and area of hardstanding to the side. The dwelling is Grade II listed.

Surrounding the site is predominantly residential with dwellings of different appearances.

### **Description of Proposal**

The applicant is seeking permission for a new boundary wall and gate.

The walling has a height of 1.8m and the gate has a width of 3.6m and a maximum height of 1.6m.

The wall has been constructed using stone with timber for the gates.

### **Relevant Planning History**

2018/92170 – Erection of single storey extensions and garage and external and internal alterations - approved

2018/92171 – Listed Building Consent for erection of single storey extensions and garage and external and internal alterations - approved

2020/92120 – Listed building consent for erection of single storey side extensions - approved

2020/92119 - Erection of single storey side extension - approved

2024/93097 - erection of outbuilding - refusal

### **History of negotiations**

Kirklees Development Management Charter together with the National Planning Policy Framework and the DMPO 2015 encourages negotiation/engagement between Local Planning Authorities and agents/applicants, this is only within the scope of the application under consideration. The proposals are unacceptable in terms of impact on the listed building, conservation area and visual amenity. Amended plans have not been sought.

## **Representations**

The application was advertised by neighbour letters, site notice and press notice, which expired on 04/03/2025

As a result of the above publicity, no representations have been received.

## **Consultation Responses**

K.C. Conservation & Design – informal discussion. Given the design and material of construction of the walling, the walling does not relate well to the character of the listed building and the wider conservation area detracting from both heritage assets. The walling is not acceptable.

## **Policy**

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 27<sup>th</sup> February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map. However, the property is sited within the Shepley Conservation Area

On 12<sup>th</sup> 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 22** – Parking
- **LP 24** - Design
- **LP 30** – Biodiversity
- **LP 35** - Historic Environment

Kirklees Council adopted supplementary planning guidance on house extensions on 29<sup>th</sup> June 2021 which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its

policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to house extensions.

### **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 6<sup>th</sup> 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 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

### **Assessment**

#### Principle of development:

The site is within the Shepley Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Policy LP35 of the Kirklees Local Plan together with guidance in Chapter 16 of the National Planning Policy Framework. Visual amenity, residential amenity and highway safety will be assessed in this report. There is no Conservation Area Appraisal for this Conservation Area.

#### Impact on heritage asset:

The property is a Grade II Listed Building and within Shepley Conservation Area and as such, the scheme needs to be assessed having regards to Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework. Paragraph 218 of the NPPF requires the submission of a heritage impact assessment which should describe the significance of the heritage asset and the impact the proposals would have. The applicant has provided a heritage statement describing the heritage asset; however, it does not adequately assess the impact of the walling and gate. In paragraph 6.03, the statement asserts that “the natural coursed stone wall and timber gate is sensitive towards and will not adversely harm the character of 32 Station Road” and that the proposals will enhance security and safety for the

occupant. However, the wall is in a highly visible location from the street, and its construction style—including its height, stone size, and flat horizontal coping—does not complement the character of the listed building or the surrounding conservation area. Due to its design and scale, the walling and gate have a detrimental and negative effect on both the listed building and its setting. When considering harm, as set out by paragraph 212 of the NPPF, great weight should be given to the asset's conservation. Paragraph 213 goes on to state that any harm should require clear and convincing justification. The development results in less than substantial harm which will be weighed against the public benefits of the proposal. While paragraphs 4.6, 4.7, and 6.04 of the statement highlight security benefits for the applicant, these considerations do not constitute a public benefit or provide sufficient justification for the harm caused to the listed building and conservation area. As such the development proposals would result in harm to the character and setting of the listed building and conservation area contrary to Local Plan Policy LP35 and Chapter 16 of the NPPF.

#### Impact on visual amenity:

Key Design Principle 1 of the House Extensions & Alterations SPD does state that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene.

The wall is prominently visible from the street, and its construction style—including its height, stone size, and flat horizontal coping—does not harmonize with the character of the listed building or the surrounding conservation area. Consequently, due to its design and scale, the works have a detrimental impact on both the listed building and its setting which are intrinsic in terms of the character of the area and visual amenity. Therefore, the walling and gate are not considered acceptable in terms of visual amenity.

Having taken the above into account, the proposals cause a negative impact in terms of the appearance of the host dwelling and the wider street scene, thereby failing to comply with Policy LP24 of the Kirklees Local Plan, KDP 1 of the House Extensions & Alterations SPD and the aims of chapter 12 of the National Planning Policy Framework.

#### 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, minimising impact on residential amenity of future and neighbouring occupiers. The House Extensions & Alterations SPD goes into further detail with respect to Key Design Principle 3 on privacy, Key Design Principle 5 on overshadowing/loss of light and Key Design Principle 6 on preventing overbearing impact.

Given the height of the walling and its position relative to the neighbouring property, there would be no overshadowing or overbearing impacts.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties, Key Design Principles 3, 5, 6 & 7 of the House Extensions & Alterations SPD and Paragraph 135 (f) of the National Planning Policy Framework.

Impact on highway safety:

The proposals will not result in any intensification of the domestic use. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policy LP22 of the Kirklees Local Plan along with Key Design Principles 15 & 16 of the House Extensions & Alterations SPD.

Other matters:

*Biodiversity*

The development is for a wall to the front of the dwelling. Whilst the property is sited in area, which is known to include bat habitats, in this instance, given the nature of the works proposed, then it is considered unlikely to have an impact on the bat population.

*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.

There are no other matters for consideration.

Representations:

None

Proposed conditions

None as the recommendation is for refusal.

Conclusion:

This application for a wall and gate to the front of 32 Station Road has been assessed against relevant policies in the development plan as listed in the

policy section of the report, the House Extensions & Alterations SPD, the National Planning Policy Framework and other material considerations.

The walling and gate, given the prominent position together with the construction style, height, stone size and use of flat, horizontal coping does not harmonise with the character of the listed building or the surrounding conservation area and as such has a negative impact on the heritage asset and visual amenity. To permit the proposals would be contrary to Policies LP24 & LP35 of the Kirklees Local Plan, KDP1 of the House Extensions & Alterations SPD along with Chapters 12 & 16 of the National planning Policy Framework.

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. For the reasons set out above it is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Recommendation**

**Refuse**

**Decision Authorisation - Delegated Powers****Application Number:** 2024/93576**Officer Recommendation:** Refuse**Reasons for refusal**

1. Due to the height, method of construction, materials, including stone size and use of flat, horizontal coping, as well as the prominent position, the walling and gate do not harmonise with the character of the listed building or the surrounding conservation area detracting from the character of the host building, its setting and designated heritage assets. To permit the proposals would be contrary to Policies LP24 & LP35 of the Kirklees Local Plan, KDP1 of the House Extensions & Alterations SPD along with Chapters 12 & 16 of the National planning Policy Framework.

Plans and specifications schedule: -

| Plan Type                      | Reference | Web ID  | Date Received |
|--------------------------------|-----------|---------|---------------|
| Plans as existing and proposed | P01       | 1072055 | 06/01/2025    |
| Heritage assessment            | -         | 1072056 | 06/01/2025    |

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 2025 and otherwise actively engaged with the applicant in dealing with the application.

The proposals are unacceptable in terms of impact on the heritage asset, conservation area and visual amenity. Amended plans have not been sought.

**Report Dated**

10/03/2025

