

**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>2025/62/90398/W</b>
Site Address:	202, Blacker Road, Edgerton, Huddersfield, HD2 2AA
Description:	Installation of roof lights, creation of dropped kerb and gated access and removal of external store and associated alterations and works (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.**

John Holmes

***AUTHORISED OFFICER***

**Date: 18-Jun-2025**

## **Officer Report – Planning Permission**

2025/90398 - 202, Blacker Road, Edgerton, Huddersfield, HD2 2AA

### **Site Description**

202 Blacker Road is a grade II listed two-storey, detached dwelling formed with stone exterior coursed walling and a cross-pitched roof clad in blue-slate tiles. The property has a modest front, rear and side garden. The property is bounded by a low coursed stone wall, it currently does not have a vehicular access. Blacker Road is a category C road. The site is surrounded by a bank of protected trees (HU1/71/a39). It is also within the Edgerton Conservation Area.

The listed building has a collective identity shared with listed structures within the former Ellerslie Estate situated to the east of the site.

List description:

*BLACKER ROAD 1. 5113 (North Side) Edgerton No 202 SE 1317 27/203 (Lodge to Ellerslie) II 2. Mid C19. Hammer-dressed stone. Pitched slate roof. 2 storeys. Coped gables. One canted bay on ground floor: moulded cornice and blocking course. Paired sash above, colonnette with foliate capital. One range of sashes on right, 1st floor with gabled dormer over, coping on kneelers: 2-centred arch on colonnettes with stylised foliage capitals.*

### **Application Proposal**

The applicant is seeking permission for the installation of roof lights, creation of dropped kerb and gated access and removal of external store and associated alterations and works (Listed Building within a Conservation Area).

Planning permission is required for the formation of a new access from a category C road. Removing a section of 3.75m of stone walling and forming a parking space to the side of the building.

Alterations to the boundary of a listed building and new window openings on the side and rear of the building are the subject of this application also.

External alterations and internal alterations are also being applied for under Listed Building Consent application reference 2025/90399.

For clarity, the description has been updated to reflect that associated alterations / works comprise part of the development. It is not considered this

requires further publicity and the public was adequately alerted to the nature of the development by virtue of the publicised description.

### **Amendments/Negotiations**

The applicant was asked to reduce the number of skylights on the side elevation to one window. Amended plans were received to include reducing the number of side elevation skylights.

### **Public Representation**

The application was advertised by way of a site notice and press notice:

Site Notice Expiry: 11-Apr-2025

Press Notice Expiry: 19-Apr-2025

As a result of the publicity there were no representations.

### **Consultations Responses**

KC Conservation & Design – No objection, requested window openings were reduced.

The amendments were received, satisfying the request of Conservation & Design.

KC Highways – No objection, subject to condition

West Yorkshire Archaeological Advisory Service – Recommended a condition that a scheme of archaeological investigation is provided. Following a site visit, officers are confident detailing within the building will be retained and original features that contribute to the building's archaeological significance will be preserved. Therefore, Officers are satisfied a condition for a scheme of archaeological investigation will not be necessary in this case.

It should be noted that cognisance was given to the requirements of the 'Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021'

At table 3 this specifies that Notice of applications for listed building consent and of

the decisions taken by local planning authorities on those applications must be given

for works for the demolition of a listed building; or for works for the alteration of a listed building which comprise or include the demolition of any part of that building.

For the purposes of interpretation of this requirement, it is specified within the direction that a proposal to retain less than 50 per cent of the surface area of that

part of a principal building represented on any elevation (ascertained by external

measurement on a vertical plane, including the vertical plane of any roof) is treated

as a proposal for the demolition of a principal external wall;(b) a proposal to demolish

any principal internal element of the structure including any staircase, load-bearing

wall, floor structure or roof structure is treated as a proposal for the demolition of a

substantial part of the interior.

The size and scale of the external store to be removed, and extent of removal of the wall to create the access is such that, in this case, it was not considered that there was a requirement to consult the national amenity societies.

### **Relevant Planning History**

2005/92224 – Erection of kitchen extension – Full permission granted

2005/92225 – Erection of kitchen extension – Consent granted (LBC)

2005/92226 - Erection of kitchen extension Full permission granted

2005/92227 - Erection of kitchen extension – Consent granted (LBC)

2019/91102 – Listed Building Consent for alterations to boundary wall (within a Conservation Area) – Consent granted

2025/90399 – Listed Building Consent for internal alterations, installation of roof lights, boundary works and gated access, and removal of external store (within a Conservation Area) – Pending decision

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

The site is located in the Edgerton Conservation Area in the Kirklees Local Plan.

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 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity & Geodiversity
- **LP 33** – Trees
- **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 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 2 – Achieving sustainable development
- Chapter 4 – Decision-making

- Chapter 6 – Building a strong and competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- 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
- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Impact on Highway Safety
- 4) Environmental Matters
- 5) Conclusion

#### Principle of development:

#### *Historic Environment*

The application building is grade II listed, it is also within the Edgerton Conservation Area, therefore an assessment of national and local policy in respect of the historic environment will take place.

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.

Planning permission is sought for the formation of a vehicular access which will remove a section of original boundary wall. Part of the side garden will be

converted to include a car parking space and one tree within the residential curtilage will be removed.

A section of stone walling will be removed which is 3.75m to allow the access of vehicles. Ashlar stone pillars will be installed, and an iron gate will run along the new access.

A new side window will be installed on the first-floor of the building which will be visible from the public domain, forming a new opening. Insertion of roof lights form part of the proposed development.

The work are considered to be minor in scale. Alterations will occur due to the introduction of parking spaces within the curtilage of the listed building. The parking spaces are to the side of the property, and would not obstruct views of the principal elevation of the listed building which pertains the architectural significance of the building. A sufficient proportion of the front walling will be retaining including the original posts for the existing footpath gate. Other openings are to the rear of the building, they will not be visible from the public domain. Conservation rooflights will be used for the new openings which will be conditioned on application for Listed Building Consent reference 2025/90399.

It is not considered the proposed works will cause harm to the setting of the architectural and historical significance of the listed building or conservation area. Works are sympathetic given the proposed materials and conservation rooflights. The architectural features set within the principal elevation are preserved due to the placement of the parking areas. The site is surrounded by a collection of trees partially concealing the sight of the parking areas. Furthermore, the changes to the boundary treatment are sympathetic to the original style of the building and boundary. Landscaping details will be conditioned under Listed Building Consent reference 2025/90399.

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.”*

There will be less than substantial harm to the significance of the listed building and setting of the conservation area due to the removal of historic material from the alterations to the boundary wall, removal of the store and forming of new window openings.

The building does not currently have any off-street parking associated with the site. In the interest of highways safety, it is reasonable to allow for two off-street parking places to avoid parking on Blacker Road and this would be a public benefit associated with the development.

The site is surrounded by a thick canopy of protected trees (HU1/71/a39). It is recognised this may affect light levels within habitable rooms. It is reasonable to allow minimal alterations to increase the flow of light into habitable rooms. It will reduce the strain to prune protected trees, whilst improving the usability of the dwelling, which benefits the vitality of the use of the historic asset.

The application is for the removal of a tree within the curtilage of a listed building, its removal is not considered to impact upon the setting of the listed building, due to the surrounding treescape and fact the tree to be removed is not considered to provide a significant contribution in this case.

The principle of development is considered to be acceptable when assessed against Chapters 2 and 16 of the National Planning Policy Framework and Section 16(2) & 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

#### 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 visual impact of the development is concluded to respect the grade II listed building. They include the appropriate use of materials, conservation type roof lights and minimal alterations to the architecture of the buildings. Conditions to ensure an acceptable visual impact as a result of the development would be included upon any grant of permission / listed building consent. Subject to

inclusion of conditions the proposal would accord with Policies LP24 & LP35 of the Kirklees Local Plan.

#### Impact on Residential Amenity

Section B of LP24 states that development should:

*‘...minimise impact on residential amenity of future and neighbouring occupiers.’*

Works include the installation of new window openings on the side and rear elevation of the building. 202 Blacker Road is located in a relatively isolated position with the nearest residential dwelling being on the opposite side of Blacker Road, being 28.30m from the front elevation of the application dwelling. Given the distance from other residential dwellings, there will not be an impact to privacy, a loss of light, a loss of outlook or an overbearing impact. Development therefore accords with LP24b of the Kirklees Local Plan.

#### Impact on Highways Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

The application is for the formation of a new vehicular access leading onto Blacker Road that serves the dwelling. Development is for two parking spaces, with no turning area, therefore cars would be required to reverse onto Blacker Road at times.

KC Highways were consulted as to the suitability of the parking area and access.

Blacker Road is a 30mph two-way single carriageway local distributor road of approximately 8m width with footways on both sides and street lighting present. KC Highways have confirmed there have been no recorded traffic accidents in the past 5 years close to the site. They confirmed visibility splays of 2.4m x 43m can be achieved.

They concluded, on balance the benefit of providing off-street parking spaces would outweigh the possibility of cars being parked on the category C road. Specifically stating:

*'Due to Blacker Road being a C-class road, this manoeuvre to park would usually be discouraged but in this single case we consider that the benefits of removing vehicle parking from C629 Blacker Road would outweigh the disbenefits of not being able to turn on site and so, on balance we consider the proposals acceptable on highways grounds with the following condition'.*

In this case, they raised no objection to the construction of an access and two-parking spaces.

A condition relating to surfacing and an advisory footnote relating to a S184 agreement required to be entered into via a separate process is recommended to be included.

On the basis of the above condition and footnote, and the recommendation of appropriate development by KC Highways, the works are concluded to accord with LP21 & LP22.

### Environmental Impact

#### *Ecology / BNG*

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 as the proposal is for house holder development and there is no required for BNG to be provided in respect of the legislation.

The development is for a works that affect the main roof of an existing building where bats may roost. As such, an advisory footnote will be included within that if signs of bats are discovered during construction, works must cease and the advice of a licenced bat expert sought.

#### *Trees*

The site is surrounded by a bank of protected trees (HU1/71/a39). Ground level works include the resurfacing of the parking area. The parking area is currently surfaced in paving stones, which will be improved using materials to match the existing. Works are surface level where roots are unlikely to appear given the boundary treatment.

The applicant has a duty of care to the adjacent trees and hedges, if damages or death occurs because of the construction of the development, they may be liable to damages.

The duty is to take 'reasonable care' whilst undertaking the works, and they may be liable if they damage their neighbour's tree/s or cause them to become unstable. It is therefore unwise to undertake works without first consulting an arboriculturist.

Any parts cut off from the tree remain the property of the tree owner, so they should be offered back. An informative note advising the applicant / developer of this is recommended.

### *Carbon Budget*

The proposal is a small scale development. 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 works at 202 Blacker Road 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 acceptable principle and design, and lack of harm in terms of visual amenity, residential amenity highway safety and environmental matters, the proposed development is considered to be 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**

**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 to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout

**NOTE:** The changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** It is noted there are mature trees adjacent to area of development. The applicant has a duty of care to the adjacent trees and hedges, if damages or death occurs because of the construction of the development, they may be liable to damages. The duty is to take 'reasonable care' whilst undertaking the works, and they may be liable if they damage their neighbour's tree/s or cause

them to become unstable. It is therefore unwise to undertake works without first consulting an arboriculturist.

**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 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	BR01	-	14 February 2025
Existing site plan	BR02	-	14 February 2025
Proposed site plan	BR06	RevA	16 June 2025
Existing floor plan	BR03	-	14 February 2025
Proposed floor plan	BR07	RevA	16 June 2025
Existing elevations	BR04	-	14 February 2025
Proposed elevations	BR08	RevA	16 June 2025
Existing street scene plan	BR05	-	14 February 2025
Proposed street scene elevation	BR09	-	14 February 2025
Conservation/Heritage Assessment	-	-	14 February 2025
Climate change statement	-	-	14 February 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 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 2024 and otherwise actively engaged with the applicant in dealing with the application. The applicant was asked to reduce the number of skylights on the side elevation to one window. Amended plans were received to include reducing the number of side elevation skylights.

