

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:	2025/65/90725/E
Site Address:	285, Halifax Road, Hightown, Liversedge, WF15 6NE
Description:	Listed Building Consent for removal of fireplace in the kitchen and repair the chimney stack
Recommending Officer:	Edward Cheseldine

DECISION – GRANT LISTED BUILDING CONSENT

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.

Emma Thompson

AUTHORISED OFFICER

Date: 29-May-2025

Officer Report

2025/90725 - 285, Halifax Road, Hightown, Liversedge, WF15 6NE

Site Description

285 Halifax Road is a two and one storey, detached building that currently serves as a residential dwelling. It has rendered external walls and a pitched roof, featuring a cat-slide on the elevation facing Halifax Road. The dwellings contain modest window openings and simplistic features. It is a grade II listed building.

List Description:

Detached house. C.17. Rendered walls. Recent stone slate roof with recent stacks. 2 storeys. Outshut to road gives single storey with central and 2-light window with mullion removed and one 4-light window to each side, all double chamfered. The rear elevation has two 5-light windows to ground floor and two 4-light windows to 1st floor, all double chamfered and each with 2 mullions removed. Round arched, blocked, fire window to extreme right.

Description Proposal

The applicant is seeking Listed Building Consent for removal of fireplace in the kitchen and repair of the chimney stack.

History of negotiations / amendments received

None necessary.

Relevant Planning History

None relevant.

Access Considerations

None required.

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 pre-dates 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.

Consultation Response

KC Conservation & Design – No objection, subject to conditions.

Representations

The application was advertised by a site notice and press notice.

Press notice expiry: 15-May-2025

Site notice expiry: 19-May-2025

As a result of the publicity, there were no public representations.

Policies & Legislations

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'.

Kirklees Local Plan

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). The following policies are considered relevant to this application:

LP 1 – Achieving Sustainable Development

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 2024, 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 places

Chapter 16 – Conserving and enhancing the historic environment

Assessment

The chimney stack shows signs of slight structural instability. The condition requires remedial repairs to prevent further deterioration. Should the stack fail, it could cause damage to the roof structure.

The internal fireplace is not original. It is likely a mid to late 20th century addition. It will be conditioned that if an original lintel is uncovered during demolition the advice of the Local Planning Authority is sought.

Conclusion

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 chimney stack will be taken down and repaired with matching materials. It will be conditioned; the chimney is taken down course by course and put back in the same coursing.

The fireplace is not original, it will not lead to a removal of an original feature.

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.”

It is not considered the works will cause harm to the listed building or its setting. Chimney repairs will preserve an original feature of the dwelling. The fireplace is not a part of the historic fabric of the listed building.

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.

This application has been assessed against relevant policies in the development plan and other material considerations.

Recommendation Grant Consent

Decision Authorisation - Delegated Powers

Application Number: - 2025/90725

Officer Recommendation: Grant Consent

Conditions and Reasons:

1. The development shall be begun within three years of the date in which this consent is granted.

Reason: Pursuant to Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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.

3. Notwithstanding the submitted plans, the chimney stack shall be taken down course by course. The bricks shall be reused within the chimney stack and put back up in the same courses as original. The external material of the chimney stack shall match the colour and appearance of the existing material.

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. Notwithstanding the submitted plans, if during the demolition of the fireplace in the kitchen an original stone lintel is uncovered the advice of the Local Planning Authority shall be sought in writing. This application does not extend to the removal of the lintel should it be located.

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: 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	-	-	17 March 2025
Gen 01 – external view of house	-	-	17 March 2025
Gen 02 – Fireplace	-	-	17 March 2025
Gen 03 – Chimney stack	-	-	17 March 2025
Conservation/Heritage Statement	-	-	17 March 2025
Method statement	-	-	17 March 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 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.

No amendments were sought.

