

**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:	<b>2025/65/90868/E</b>
Site Address:	110, Oaks Road, Soothill, Batley, WF17 6LT
Description:	Listed Building Consent for installation of replacement windows (9 in total) with replica working sash windows (within a Conservation Area)
Recommending Officer:	Sheena Campbell

**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.**

Sarah Longbottom

***AUTHORISED OFFICER***

**Date: 30-May-2025**

## **Officer Report**

### **Site Description**

110 Oaks Road, Soothill, Batley, dating from late 18<sup>th</sup> Century with 19<sup>th</sup> Century alterations, is constructed in natural coursed stone with a stone slate roof, set back from the road in its own grounds.

### **Description of Proposal**

The applicant proposes the replacement of the existing non-original single glazed timber windows with new timber slim double-glazed windows replicating the existing design, with a painted finish in off-white. The double-glazed units have up to an 8mm gap. None of the existing windows are original as evidenced by photographs taken in 1998 of dereliction.

### **History of negotiations / amendments received**

Further information was requested to justify and clarify the details within the application, and this is summarised below:

- Joinery details of the proposed windows were requested and supplied

### **Relevant Planning History**

2002/93841 - Listed Building Consent for re-use and renovation of derelict cottage & gates, railings– Consent Granted

2005/91931 – Listed Building Consent for internal alterations, new windows/doors, pointing, wider driveway relocating gate piers – Consent Granted

2013/91283- Listed Building Consent for internal and external alterations – Consent Granted

### **Access Considerations**

None.

### **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.

The proposed alterations include the replacement of the existing non-original single glazed windows, which are in poor condition with rotten frames. The proposed replacements incorporate double glazed units with up to an 8mm gap. These measures will improve the thermal performance of

windows. Many of the existing windows have reached the end of their serviceable life. There is an issue of the embodied energy lost using replacement materials but overall it is felt the proposal complies with the climate emergency requirements.

### **Consultation Responses**

Officer report has been compiled by the Senior Conservation and Design Officer.

### **Representations**

The application has been publicised with a site notice and a press notice. No representations have been received.

Date site notice expired: 15/5/2025

Publicity expiry date: 29/5/2025

### **Policies**

The building is Grade II listed and therefore Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) applies. This 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 27<sup>th</sup> 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 applicant proposes the replacement of all these non-original windows as they are in poor condition with new timber slim double-glazed windows. The double-glazed units have up to an 8mm gap.

This late 18<sup>th</sup> Century cottage retains its original plan form but has had 19<sup>th</sup> Century additions and has been renovated following dereliction after 2002.

The existing windows are timber mainly mullion windows with a central horizontal bar and some sliding sash openers.

Further detailed information was provided by the joiner contractor who will be undertaking the work. The existing windows are mostly in poor condition with extensive rot to the frames, which is causing water ingress and draughts, with potential damage to the building fabric.

The proposed new slimlite windows will have the same width of glazing bars at 20mm with sections and mouldings to match existing with springbalance mechanisms. Slight harm will be caused by the replacement of single glazing with double glazing, but this will be mitigated by installing slim double-glazed units with traditional window frames and detailing. The joiner has demonstrated quality replacement windows on other sites.

### *Conclusion*

Paragraph 205 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 208 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 replacement of the existing single glazed windows with timber double glazed units leads to less than substantial harm to the significance of the listed building by the introduction of slimlite double glazing to the minimum extent possible. However, a strong justification has been submitted as the windows are non-original and in very poor condition and the replacement windows are traditional in design and slim double-glazed units will be used to minimise the visual impact. The public benefits of improving energy efficiency minimising harm to historic fabric and eliminating deterioration of the building fabric is considered to outweigh the slight harm.

*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.*

As the existing windows are in very poor condition and the proposed replacements are traditional timber slimlite fixed and sliding sashes, it is felt that the architectural and historic interest of the listed building is preserved. It is therefore concluded that the proposed development accords with the requirements of policies LP1, LP2, LP24 and 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).

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the public benefits of the proposal outweigh the slight harm and is therefore recommended for approval.

**Recommendation      Grant Consent**

**Decision Authorisation - Delegated Powers**  
**Application Number – 2025/90868**  
**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:** 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.

3. New windows shall be timber framed slimlite double glazed units with an off-white painted finish. All double-glazed units shall be slim in section, with 4mm glass and up to an 8mm gap with black spacer bars. Visible trickle vents shall not be permitted and all new window frames shall be set back in the reveals either by 100-150mm or to match existing and not fitted flush with the external wall. The works shall then be carried out in complete accordance with the approved details.

**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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Heritage Statement			28 March 2025
Plans and Elevations	SH01		28 March 2025
Window Information Document 2			28 March 2025
Heritage sliding sash with 4-8-4 glass	PJ016-027		21 May 2025
Bespoke glazing bar profile 4-4-4 glass			8 April 2025
Proposed Elevations all windows			29 May 2025
Location Plan			4 April 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. Negotiations have taken place over the impact of the proposals on the character and significance of the listed building. These discussions led to the submitted plans and information which accurately mirror those negotiations and are felt to be acceptable.

**Report Dated:**

30 May 2025