

**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:	2025/62/91763/W
Site Address:	8, Giles Street, Netherthong, Holmfirth, HD9 3EF
Description:	Replacement windows, doors and front external wall (retrospective) (Listed Building within a Conservation Area)
Recommending Officer:	Joshua Merriman

DECISION - REFUSE

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 22 August 2025

Officer Report – 2025/91763

Site Description

The application site refers to 8, Giles Street, Netherthong, Holmfirth, HD9 3EF, a three-storey detached property faced in natural stone, with a pitched tiled roof, and uPVC windows and doors having replaced the buildings' original timber windows and doors. The application property lies in a uniform street scene, as part of the Netherthong Conservation Area, with surrounding properties being of a similar size, scale, character, appearance, and age, excluding the uPVC windows and doors that are the subject of this application. Furthermore, the application property benefits from a small area of amenity space to the front, as well as a garden area to the rear, and an outbuilding used for rental on-site.

Description of Proposal

The Scheme

The applicant is seeking permission for replacement windows, doors, and front external wall (retrospective) (Listed Building within a Conservation Area).

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Planning Statement

It is noted that within this supporting statement, details of the Council's website and an email from the Conservation team at the time have been included, both of which state the application property to be unlisted and not located within a Conservation Area. Despite the receipt of this information at the time, it is considered that these false details cannot be used presently to form a determination for this application, and the correct designations of the property being a Grade II Listed Building within the Netherthong Conservation Area must be used and assessed accordingly.

History of Negotiations / Amendments Received

No amendments have been requested by Officers as it was considered the proposal could not be amended to be deemed acceptable in principle.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2015/91833 - Listed Building Consent for installation of replacement windows and aluminium rainwater system, re-pointing and external alterations (within a Conservation Area) – Consent Granted.

2015/91834 - Installation of aluminium rainwater system, re-pointing and external alterations (Listed Building within a Conservation Area) – Conditional Full Permission.

2020/90812 - Demolition of outhouse and former coal shed and formation of off street parking (Listed Building within a Conservation Area) – Conditional Full Permission.

2020/90813 - Listed Building Consent for demolition of outhouse and former coal shed and formation of off street parking (within a Conservation Area) – Consent Granted.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

The application has been publicised as affecting the setting of a listed building, affecting the setting of a conservation area, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 14/08/2025.

Letters of Objection

The following summarized objections have been received:

- Keen that the character of the area is maintained and 'plastic creep' is not allowed into the village.

Officer Comments: This has been addressed in the 'Visual Amenity' section of this report.

- The reason for the previous owners applying for retrospective planning permission was to enable the property's sale. It therefore seems inconceivable that the applicants (the current owners) were unaware of its listed status when they purchased the property in 2015/2016.

Officer Comments: Noted.

- Any incorrect information and advice given to the applicants by the Council does not amount to an abuse of power and therefore should not be used as a reason to allow planning permission and listed building consent to be given.

Officer Comments: This has been addressed in the opening sections of this report, with the same stance being taken by Officers.

- Whilst the replacement of the windows and doors may have been necessary due to decay / general wear and tear, there is no reason why the applicants could not have replaced them like for like i.e. timber for timber. The previous owners' replacements were like for like and Grade II listed approved.

Officer Comments: Noted.

The objections are addressed within the 'Assessment' section of this report.

Letter of Comment

The following summarized comments have been received.

- Holme Valley Parish Council have been consulted regarding the application, but have chosen to offer no comments, deferring to Kirklees officers.

Officer Comments: Noted.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Conservation & Design – Object to the proposal on the grounds of harm to a Grade II Listed Building and the Netherthong Conservation Area, therefore, timber windows to match those in the original building should be re-instated.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is allocated in the Netherthong Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also a designated Grade II Listed Building located in a bat alert layer and twite buffer.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP21 Highway and Access
- LP22 Parking
- LP24 Design
- LP30 Biodiversity and Geodiversity
- LP35 Historic Environment

LP51 Protection and Improvement of Local Air Quality

Holme Valley Neighbourhood Development Plan

The Holme Valley Neighbourhood Development Plan was adopted on 8th December 2021 and therefore forms part of the Development Plan. Policies within the plan relevant to the consideration of this application are listed as follows:-

Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.

Policy 2 – Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design.

Policy 3 – Conserving and Enhancing Heritage Assets

Policy 12 – Promoting Sustainability.

Policy 13 – Protecting Wildlife and Securing Biodiversity Net Gain.

The application site is located within Landscape Character Area 5 (Netherthong Rural Fringe) of the Holme Valley Neighbourhood Development Plan. The key characteristics of which are below:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.
- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

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.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter2 Achieving sustainable development

Chapter12 Achieving well-designed places

Chapter14 Meeting the challenge of climate change, flooding and coastal change

Chapter15 Conserving and enhancing the natural environment

Chapter16 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
House Extensions & Alterations SPD (adopted June 2021)
Holme Valley Neighbourhood Development Plan – 2021

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character of appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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 interest which it possesses’.

Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Representations
6. Conclusion

1 – Principle of Development

Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

The site is located within the Netherthong Conservation Area on the Kirklees Local Plan. Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of the development is unacceptable, is not considered as ‘good design’, and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact on character and appearance of the area (including impact upon historic environment):

Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’.*

Key Design Principle 2 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) seek to ensure development is subservient to the host property and in keeping with the character of the locality.

Historic Environment

Section 66 of the Planning (Listed Buildings & Conservations Areas) Act (1990) states that for development which affects a listed building or its setting, 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.

Section 66 of the Planning (Listed Building & Conservation Areas) Act (1990) is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Furthermore, Policy LP35 states that: *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm.”*

As the property is Grade II Listed and located within the Netherthong Conservation Area, it is considered that the dwelling must remain in keeping with the surrounding character, street scene, and the original appearance of the application property itself. The addition of uPVC windows and doors in place of the original timber windows and doors at the property is not considered to do this, as there are no examples of uPVC windows and doors in the immediate vicinity of the property, and the uPVC replacements do not follow the form, scale, layout, details, and character of the townscape, heritage assets, and landscape, as well as the street scene and locality. Considering this, and comments made by KC Conservation & Design, it is considered that the proposal has a significant impact upon the character and appearance of the Netherthong Conservation Area and a Grade II Listed Building and therefore cannot be supported.

As a result, it is considered that the design characteristics of the proposal do not respect the character of the local area and the original house, failing to comply the requirements of Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, policies within Chapter 12 of the NPPF, and Key Design Principle 2 of the House Extensions and Alterations SPD.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

As the windows proposed are direct replacements for those existing in the property, it is considered that there will be no increased impacts on neighbouring properties with regard to overlooking, privacy, outlook, overshadowing, or overbearing.

It is therefore considered that in terms of residential amenity, the proposed development would have an acceptable impact and fulfil all relevant policies.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

Principle 19 of the Council's adopted House Extensions & Alterations Supplementary Planning Document (SPD) requires the provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

Although the submitted plans do not detail the storage of bins at the property, there is adequate space on the site for the provision of waste storage.

The proposal would not increase the number of bedrooms on site nor decrease the hardstanding parking area to the front of the dwelling, therefore, the existing parking provision on site is acceptable to remain. Furthermore, as the application property will remain the same distance back from the pavement and closest highway, there will be no significant impact upon highway safety.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, Principle 15 of the Council's Street Design Guide and Chapter 9 of the National Planning Policy Framework.

5. Climate Change

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 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.

Considering the scale and nature of the proposed development, especially that it is for private use, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Representations

All representations received have been addressed in the earlier 'Representations' section of this report.

7. 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, the proposed development would not constitute sustainable development and is therefore recommended for refusal.

Recommendation

REFUSAL

Decision Authorisation: Delegated Powers

Application Number: 2025/91763

Officer Recommendation: Refusal

Reason(s) for Refusal

1. The replacement windows and doors would fail to respect the original character and appearance of the Listed Building, and the features of architectural and historic interest which it possesses. The proposals would result in less than substantial harm to the significance of this Grade II Listed Building and to the Netherthong Conservation Area. Public benefits to outweigh such harm have not been demonstrated. The proposal is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan, and policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	01	-	02/07/2025
Existing Block Plan	02	-	02/07/2025
Existing Floor Plans	03a	-	02/07/2025
Existing Elevations	04	-	02/07/2025
Window Schedule	05	-	02/07/2025
Door Schedule	06	-	02/07/2025
UPVC Map Plan	07	-	02/07/2025
Application Forms	-	-	02/07/2025
Planning Statement (A)	-	-	02/07/2025
UPVC Map Photos	-	-	02/07/2025

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 Authority have, 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 as it was considered that the proposal could not be amended into an acceptable position due to its retrospective nature and the application being sought.

Report Dated:

14/08/2025

