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**Report of the Head of Development Management**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 09-Mar-2017**

**Subject: Planning Application 2016/91344 Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling 141 A, Church Street, Netherthong, Holmfirth, HD9 3EAA**

**APPLICANT**

Mr & Mrs Farmiloe

**DATE VALID**

25-Apr-2016

**TARGET DATE**

20-Jun-2016

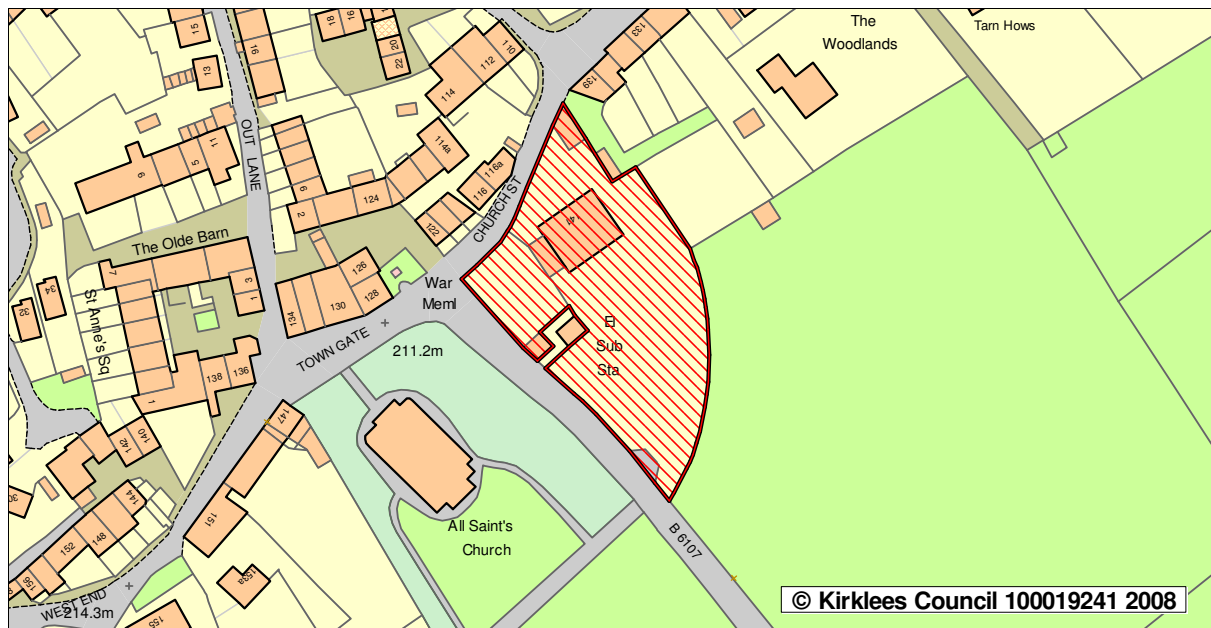
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Holme Valley South**

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Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.**

**1.0 INTRODUCTION:**

- 1.1. The application seeks listed building consent for the erection of an extension to 141a Church Street at Netherthong, and for the erection of an attached dwelling within its amenity space. 141a Church Street is a Grade II listed dwelling located within the Netherthong Conservation Area. The scheme proposes to extend and reconfigure the layout of the listed property, and to erect a three storey attached dwelling within the residential curtilage to the west.
- 1.2. The proposal would not have a detrimental impact on the existing listed building, the setting of neighbouring listed buildings or the Netherthong Conservation Area.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises 141a Church Street at Netherthong, a three storey listed weavers cottage located on the corner of Church Street and New Road. The dwelling is attached to the more substantial 141 Church Street.
- 2.2 141a Church Street has an existing vehicular access off New Road leading to a paved area of off-street parking and a grassed amenity space. A stone boundary wall screens the site from Church Street and New Road, and an internal stone wall separates the rear of 141a and 141 Church Street from the amenity space.
- 2.3 The site is unallocated on the Unitary Development Plan Proposals map. It is however included within the Netherthong conservation area which extends from the north of the village and includes 141 and 141a Church Street and its amenity spaces. Land to the south of the application site is not included within

the Conservation Area. The nearest listed buildings include 128 Towngate to the west of the site, and 131-135 School Street to the east of the site.

### **3.0 PROPOSAL:**

- 3.1 The application seeks permission for the erection of a three storey extension and alterations to the existing 141a Church Street to reconfigure the internal space. The proposed extension would be constructed of natural stone and stone slate.
- 3.2 Permission is also sought for the erection of an attached dwelling in the existing amenity space to the west of the existing dwelling. The proposed dwelling would also be three storeys in height. Externally it is proposed to divide the space to the rear into two private amenity spaces.
- 3.4 It is proposed that both the extended and newly created property would utilize the existing vehicular access onto New Road leading to an area of off-street parking. It is also proposed to create a new exit point onto Church Street. It is intended vehicles would enter from New Road and exit onto Church Street. Visibility at the Church Street exit would be improved by the reduction in height of the existing boundary wall to 900mm, which would also give some visibility improvement at the Church Street / New Road junction.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2015/93291 – Change of use of dwelling (C3) to hotel use (C1) (Listed Building within a Conservation Area) - Withdrawn
- 4.2 2015/93274 – Listed Building Consent for change of use from a dwelling (C3a) to hotel use (C1) (within a Conservation Area) – Withdrawn
- 4.3 2016/91343 – Erection of attached dwelling and erection of extensions and alterations to existing dwelling – pending a decision
- 4.4 2016/91356 – Erection of two detached dwellings – pending a decision

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 A reduction in the height of the attached dwelling by 600mm to mitigate the impact on neighbouring properties directly opposite the site.

### **6.0 PLANNING POLICY:**

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations

2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 None

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 Chapter 12 – Conserving and Enhancing the historic environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was initially advertised by neighbour letter, site notice and press notice. The period of publicity expired 3<sup>rd</sup> June 2016. As a result of that publicity 4 letters of objection have been received.

**7.2 Heritage Issues**

- The proposal would damage the character and environment of the village, this land is the only open space. The proposal would destroy views and alter the spatial relationship between buildings.
- There has never been any previous building on site. The listed cottage has no land of its own and belongs to the attached house.
- Key views and vistas in the conservation area including the view from Towngate and the war memorial south east across the valley will be lost.
- There are two sites on the north site of the village (St Mary's and Deanhouse) proposed for development, both are outside of the village and the conservation area. No more development sites need adding with the inadequate infrastructure.
- The building and its gardens and mature trees add to the character of the conservation area and are a good example of Georgian building and gardens which should be preserved.
- The proposal will have a detrimental impact on the conservation area. The development is on the main approach route into the village.
- The extensions are staggered in height and width which looks disjointed and unnatural to the existing building and surrounding rural area.
- The large house and listed building are a centre piece to the older part of Netherthong

- The proposals are without sympathy to the conservation area and distinctive rural location. The buildings will diminish the character of ‘the big house’.

### **7.3 Other Issues**

- Access through the village is restricted with frequent blockages as lorries and buses are unable to negotiate the bends. Any further development will cause congestion. The application is hazardous proposing access and egress very near to the junction of Church Street and New Road. At school opening and closing times Church Street clogs with traffic, inevitably tempting drivers exiting the site to use the entry point with a risk of accidents.
- Few houses have off-road parking where the proposed development is.
- School pupils walk to school in both directions adjacent to the site
- The area cannot accommodate more traffic, the streets are narrow with parked cars. There is no capacity for on-street parking.
- Concern how construction traffic would reach the site.
- Query how cars would exit when residents park opposite.
- The ingress from New Road could be problematic, school parents park there.
- The private access could become a short cut to miss the top of New Road.
- The entrance from New Road is close to a junction with Towngate and a 90 degree badly sighted bend. This is a blind spot and potentially dangerous.
- The entrance would impact on people walking on New Road which is currently dangerous given that there is no footpath.
- This area is difficult to access at certain times of the day and if parking is restricted on Church Street vehicles will park on New Road.
- On-street parking effectively means all three roads at and leading away from this junction are limited to single file traffic.
- Wildlife and green space will be lost forever
- Concern about an increases in noise, dirt and dust
- A new build will not blend in with the village, will spoil views, cut out light and sense of space.
- Concern about loss of view.
- The primary school is over-subscribed, this would entail further use of cars
- The built on terraced houses with de-value Holmleigh.

### **7.4 Holme Valley Parish Council – Support the application subject to Listed Building Officer being satisfied.**

7.5 The amended plans were advertised by neighbour letter. The period of publicity expired 23<sup>rd</sup> November. 1 objection and 6 letters of support have been received. A summary of the comments received is set out below:

### **7.6 Points in Support:**

- The proposals have been sympathetically designed to fit into the village. The development will be in keeping with the organic way in which the centre of the village has evolved throughout its history.

- The dwellings follow the lines of existing properties and have been sensitively arranged to be consistent in both proportion and in their materials, echoing the local identity and fitting in with listed buildings.
- The houses are designed to provide privacy and open space for their occupants as well as good physical separation from adjacent properties.
- The proposals will help address the under supply of housing in Netherthong and will provide much needed accommodation for people and families who will support local amenities.

## **7.7 Additional Objections:**

No additional points have been raised.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C Conservation and Design** – No objections

### **8.2 Non-statutory:**

## **9.0 MAIN ISSUES**

- Heritage issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Heritage Issues

- 10.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority or Secretary of State shall be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.2 The site forms part of the curtilage to No's 141 and 141a Church Street which is a grade II listed, three storey, early/mid 18<sup>th</sup> century weavers cottage and adjoining 19<sup>th</sup> century dwelling. The site also sits within the Netherthong Conservation Area.
- 10.3 A number of concerns have been raised in the representations received regarding the impact on views within the conservation area, and the design and proportioning of the extensions.
- 10.4 Paragraph 128 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 131 states local planning authorities should take account of the

desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. There are views looking towards the southern boundary of the Conservation Area from New Road, and views of the site from within the village.

- 10.5 Alterations and extensions to a building should be designed to be subordinate to the main building (both physically and visually) and sympathetic to its character, both original and existing. Extensions need to respect the form and character of the listed building and its setting and be subordinate in nature to the existing building. Where a traditional approach is intended proportions, detailing and materials need to be appropriate for the context of the site, including the roof form. Officers are satisfied that the proposed development, whilst being of an uncharacteristic and unprecedented scale would not adversely impact upon the architectural significance of the adjoining Grade II listed building, 141 Church Street as it largely complies with the points raised above. Whilst it could be argued that its scale and height are not reflective of a subordinate structure, Officers consider that what is being proposed does not prejudice the heritage assets as a structure any lower would appear contrived in the given context.
- 10.6 With regards to its impact upon the Netherthong Conservation Area, Officers are satisfied that the development has been designed with consideration to Netherthong's organic and haphazard form, and therefore conclude that the development will preserve its special character and appearance in accordance with UDP policy BE5 and the objectives of paragraph 131 and 137. The proposal would be seen from immediate views within the centre of the village, but would be relatively concealed from views looking towards the southern boundary of the conservation area due to the existing mature trees.
- 10.7 The proposal would result in some harm to the fabric of the listed building and to its setting. Paragraph 134 of the NPPF states 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. The public benefits of the proposal include the provision of housing at a time when the Council is unable to demonstrate a five year supply. It is concluded that in terms of their size, scale, design and material palette the addition of the proposed extension and dwelling would not cause undue harm to the setting of the adjoining listed buildings and furthermore would not undermine the character of the Netherthong Conservation Area. The application is considered to be compliant with the objectives of paragraphs 131, 132, 134 and 137 of the NPPF as well as policies BE1, BE2, BE11 and BE13 of the UDP. This is subject to the imposition of appropriate conditions to secure appropriate materials and design features.

## Representations

- 10.7 5 letters of objection and 6 letters of support have been received in all. The heritage matters raised have been addressed above, and all planning matters have been addressed in the corresponding planning application Ref 2016/91343.
- 10.8 The Holme Valley Parish Council support the application subject to the Listed Building Officer being satisfied.

### **11.0 CONCLUSION**

- 11.1 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 that the development would constitute sustainable development and is therefore recommended for approval.

### **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)**

1. Time limit for development
2. Development to be carried out in accordance with the approved plans
3. Development to be constructed of regular coursed natural stone and the roofing materials of natural stone slates
4. Windows and Doors shall be set in a reveal a minimum of 75mm and shall not be mounted flush with the face of the building
5. All windows and external doors to the extensions shall be of timber construction with a painted finish
6. All double glazing shall be of a slim profile and shall be no thicker than 12mm
7. Guttering shall be of timber or cast-aluminium construction and shall have a painted black finish.
8. Downpipes shall be of a cast aluminium construction and shall have a painted black finish
9. Specification of any structural support required and a method statement



10. All flues shall have a factory applied black powder coated/painted finish where they externally project

11. Details of boundary treatments

**Background Papers:**

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91344>

Certificate of Ownership – Certificate A signed: