

**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:	2024/62/93209/W
Site Address:	65A, Westgate, Almondbury, Huddersfield, HD5 8XF
Description:	Alterations to existing ground floor garage and first floor to extend living accommodation (Listed Building within a Conservation Area)
Recommending Officer:	Molly Storer

DECISION – Full Conditional 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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 12-Feb-2025

Officer Report

Site Description

The application site related to 65a Westgate, a terraced property located in the area of Almondbury, Huddersfield. The property is a Grade II Listed Building which was formally No.65 but has since been split into two separate properties comprising of a garage, hallway and utility at the ground floor and an open plan living area, bathroom and open bedroom at the first floor.

It is natural stone built to the front elevation with stone slate roof tiles and a stone chimney and is rendered on the rear elevation. The property is situated off an unadopted access road which leads to the main 'Westgate' and the town centre of Almondbury.

The site is located within the Almondbury Conservation Area and adjoins the Grade II Listed Building of 65B Westgate and within the setting of other Listed Buildings to its north/northwest.

Description of Proposal

Planning permission is sought for alterations to existing ground floor garage and first floor to extend living accommodation (Listed Building within a Conservation Area)

For the following elevations, it is proposed to make the below alterations:

West facing, front elevation:

- Removal of existing garage door which will be walled up with natural stone. The existing stone cills and mullins will be retained.
- Formation of a new three panel window which will serve the living/kitchen in the location of the previous garage door.
- An existing window which is currently glazed on the first floor will be replaced with obscure glazing to suit the new bathroom location.
- Garage to be converted to a kitchen/living room.

North facing side elevation:

- Existing access door will be replaced with new window within the existing opening. It will have a blockwork and render finish to a low level.

East facing, rear elevation:

- There will be two new windows on the ground floor of the rear elevation.

History of negotiations/amendments received

The agent was contacted after comments were received from highways officers with concerns that two off-street parking spaces would be required for a two bedroom house given the loss of the garage space.

The agent responded with amended plans showing the property retained as a one bedroom house having removed the second bedroom hence, the dwelling will remain as one bedroom negating the need for two parking spaces. As the dwelling will only have one bedroom the single parking space provided on the driveway is sufficient. The amended plans also show the original external rear door omitted from the scheme.

Relevant Planning History

2003/90313 – Listed Building Consent conversion of garage to form bedroom (within a Conservation Area). Consent Granted.

2024/93187 – Listed Building Consent for alterations to convert existing ground floor garage to living accommodation and internal alterations (within a Conservation Area) - Associated application. Pending.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters and site and press notice which expired on: 29th December 2024.

One representation was received. They are summarised below and will be discussed further in the representations section of the report:

Objection 1:

- I would allow obscured glass in windows, not prepared to grant anymore right to light across garden/ land which affects peaceful enjoyment of property and garden

Amended plans were not readvertised as the modifications did not substantially alter the proposal.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- K.C. Conservation & Design (Informal) – No objections.
- K.C. Highways (Formal then informal follow up) – Initially objected due to lack of adequate car parking. On receipt of amended plans,

objections removed due to the proposal being a one bedroom property and one parking space being provided.

Policy

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 27th February 2019).

The site is on unallocated land for development on the Kirklees Local Plan. It is within Almondbury Conservation Area and is a Grade II Listed Building and affects the setting of nearby Listed Buildings.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity & Geodiversity**
- **LP 35 – Historic Environment**

Supplementary Planning Guidance

- Highways Design Guide SPD
- House Extensions and Alterations SPD

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.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on heritage amenity
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

The site is located within Almondbury Conservation Area and is a Grade II Listed Building and affects the setting of others. Section 66 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 should 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. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

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

This is mirrored in Chapter 16 of the NPPF of which paragraph 212 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 including, where appropriate, securing its optimum viable use.

A detailed consideration of the impact on the heritage assets will be considered below.

Policy LP24 of the KLP is also relevant and states that “*good design should be at the core of all proposals in the district*”. Alongside this, 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 NPPF.

The aforementioned policies are taken into account within the following report. Having regard to the nature of the proposal and the aforementioned policies,

the principle of development could be considered acceptable, subject to the following material planning considerations.

2 –Impact on heritage amenity:

The building's original listing refers to "Barn behind number 65 Westgate".

A shortened ` synopsis is as follows:

'WESTGATE 1. 5113 (South Side) Almondbury Barn behind No 65 SE 1614 45/75 2.6.76. II GV 2. C18 or early C19. Coursed rubble. Pitched stone slate roof. 2 storeys. Barn door with segment-headed arch. Door with loading door above. Crown post trusses. Extension to south-west has a door with 6 ft monolithic lintel.'

The Conservation & Design Officer was informally consulted and was supportive of the proposal subject to details approved controlled by condition; those are to be included in the associated Listed Building Consent application 2024/93187.

The works would retain the main entrance doorway to the front elevation and will block up the secondary entrance in the side elevation which was used to enter the garage from the outside. The only other alterations to this elevation would be the removal of the garage door which is to be walled up in natural stone with a new three panel window with existing stone surrounds and obscure glazing added to the new bathroom on the first floor.

It is likely that this was once a cart entrance within the form dwelling/barn before it was split into two dwellings. The garage door with stone head and jabs was a recent modification.

From a heritage viewpoint, the introduction of a stone surround double window in the place of the existing garage door will improve the situation and have a more positive impact on the building. The window will be small in scale and although slightly bigger, will harmonise with the three panel window on the front elevation. This window will be slightly bigger as will sit within the existing garage opening, yet retaining the stone mullion, head, cill and jambs to be in keeping with the original house. Therefore, the proposed waling up of the garage and replacement window will break up openings on this elevation, more befitting the historic building. This would be a visual improvement to the historic building.

To the rear elevation there are two small windows proposed on the ground floor Conservation Officers stated that this was an acceptable design as one of the windows matches and is in line with the existing window on the first floor and the other window is in line with the proposed, creating a harmonious design.

The works have been identified to have less than substantial harm to the Listed Building and the setting of Almondbury Conservation Area. As such,

public benefits are required to clearly outweigh this identified harm. In this case the small windows would provide light and ventilation to the house which would help prevent or reduce potential damp issues which, acting to preserve the building envelope.

The works would make the historic building more habitable with high quality materials, making efficient use of space while replacing the unsympathetic modern garage door addition. Subject to conditions being placed on the allied application for listed building consent, the proposal would serve to improve the visual amenity and historic amenity of the Listed Building and ensure that the building is watertight and suitable for habitable use. In addition, the works would service the Listed Building by ensuring that it would be repaired, heated and maintained for future generations. This is subject to conditions controlling details as set out on the allied application for listed building consent.

For these reasons, Officers are adequately satisfied that the public benefits of the proposal would clearly outweigh the identified harm. As such the development is considered to comply with national and local Heritage policies for the Listed Building and Almondbury Conservation Area.

3 – Impact on Visual amenity

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan, Key Design Principles 1 and 2 of the House Extensions and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape, heritage assets and protect amenity.

As discussed in the Heritage Amenity section above, the proposal would serve to have a complementary visual impact using high quality materials and removal of harmful interventions on the host and its setting complying with the above policies.

To conclude, it is considered that the proposed development would meet the aims of Chapters 12 and 16 of the NPPF by contributing positively to Almondbury Conservation Area and to the Listed Building and would also be in accordance with Kirklees Local Plan Policies LP2, LP24 and LP35.

3 – Impact on residential amenity:

Section B and C of Policy LP24 of the Kirklees Local Plan 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 2024 states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Key Design Principles 3-6 of the Kirklees Householder Extensions and Alterations SPD sets out expectations for alterations to properties to ensure high quality residential amenity.

With regards to privacy it is considered that there would be no properties directly affected by the additional glazing to the front and the property most likely to be affected by the side window would be 65b however this would face onto a blank wall at this property. Therefore, it is considered that privacy would not be significantly impacted as a result of these windows.

With regards to the rear windows these will look onto the garden areas of No. 57, 53a and 51a. With regard to Nos. 53a and 51a these properties are located over 10m away from the property, behind boundary treatment in the form of hedges and planting further providing screening. The additional windows are not considered to cause further significant harm than the existing situation at the rear of this row of terraces. There are multiple existing windows located on the ground floor of this elevation along the terraces and the additional window is not considered to result in a significant additional impact. There would be no additional bulk or massing to lead to overshadowing and overbearing concerns.

Future Occupiers

With reference to Key Design Principle 7 of the House Extensions and Alterations SPD, the site does not have an existing private amenity space available to future and present occupiers nor can it supply one. The occupancy of the building would not be increased with additional bedrooms and therefore it is recommended that this be a neutral impact taking into account site constraints with no additional adverse impacts.

The proposal would therefore be in general conformance with LP24b of the Local Plan and the principles relating to residential amenity of the House Extensions and Alterations SPD.

4 – Impact on highway safety:

For a 1 bedroom dwelling, the Highways Design Guide SPD recommends that it should have a minimum of 1 off street parking space to meet need and to ensure on street parking impact is limited. Although the garage space will be no longer be available for parking there is a parking space available in the driveway. The proposal is to update an existing dwelling to render it more habitable for modern use, it would be in a highly sustainable location with close access to facilities, services and recreation near Almondbury District Centre with frequent public transport links nearby. The proposal would be in accord with Policies LP21 and 22 of the Local Plan, Key Design Principle 15 – 16 of the House Extensions and Alterations SPD, KC Highway Design Guide SPD and Chapter 9 of the NPPF.

5 – Other matters:

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. The small scale alterations are considered to comply with the climate emergency requirements.

Biodiversity

Whilst considering Biodiversity, Key Design Principles 12 –13 of the House Extensions and Alterations SPD, and LP 30 and LP 33 of the Kirklees Local Plan is relevant.

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

6 – Representations:

One representation has been received, summarised below:

- I would allow obscured glass in windows, not prepared to grant anymore right to light across garden/ land which affects peaceful enjoyment of property and garden.

Officer response: it is considered that the additional overlooking as a result of the limited scale windows in the rear elevation will not create any further significant overlooking than those existing in this elevation and on this row of terraces.

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 that the

development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation - Delegated Powers

Application Number: 2024/93209

Officer Recommendation: Approve

Conditions and Reasons

This Decision Notice should be read in conjunction with Decision for the associated Listed Building Consent application reference: 2024/93187

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 or the 2024/93187 Listed Building Consent's permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted, to retain the significance of designated heritage assets and to accord with Policies LP01, LP02, LP21, LP22, LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1– 17 of the Council's House Extensions & Alterations Supplementary Planning Document, and Policies within Chapters 2, 12, 14 and 16 of the National Planning Policy Framework

NOTE: This Decision Notice should be read in conjunction with Decision for the associated Listed Building Consent application reference: 2024/93187.

NOTE: Whilst the grant of planning permission is given, the applicant should be aware that Planning Permission does not override legal covenants on properties or Private Rights of Way as these private matters fall outside the remit of the Local Planning Authority. Applicants are reminded that they ensure that the relevant land ownership should be respected and that that the works carried out is lawful.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is an offence for anyone intentionally to 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 they are present or not. If bats are discovered on site, development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	0408 0005A	-	19/11/2024
Existing plans	0408 0010	-	11/11/2024
Proposed plan	0408 0030	B	29/01/2025
Climate change statement	-	-	19/11/2024
Design and access statement	-	-	11/11/2024
Conservation and heritage statement	-	-	11/11/2024

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 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer requested that the number of bedrooms be confirmed and received amended plans showing this and the proposed rear door omitted from the scheme.

Report Dated: 13th February 2025