

**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:	2025/62/91642/W
Site Address:	336, Scar Lane, Golcar, Huddersfield, HD7 4AR
Description:	Formation of vehicular access, excavation works to front garden, erection of retaining walls and front steps (within a Conservation Area)
Recommending Officer:	Molly Storer

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: 16-Oct-2025

Officer Report

Site Description

The application site relates to 336, Scar Lane, a two storey, end of terrace property located in the area of Golcar, Huddersfield. The dwelling is constructed from natural stone and benefits from a small amenity space to the front and rear.

The dwelling is located within a residential area with houses of a similar design and appearance. There is on street parking on both sides of the road. The row of four terraces in which No.336 is situated has a strong sense of similarity with no front driveways whereas across the road the majority of properties do host front driveways.

The house is located within Golcar Conservation Area, where as properties on the opposite site of the road fall outside of the Conservation Area boundary.

Description of Development

The applicant is seeking planning permission for: - Formation of vehicular access, excavation works to front garden, erection of retaining walls and front steps (within a Conservation Area).

The proposal will involve the formation of a vehicle access space off Scar Lane and a newly formed parking space. The vehicle access will be constructed by removing the front garden wall and small amount of subsoil. Hard landscaping will take the form of a new tarmac access drive from the highway.

History of Negotiations/Amendments Sought

The applicant was informed that the Council would not support the planning application as the development was not considered to preserve or enhance the character and appearance of the Conservation Area. The applicant confirmed they wished for the application to proceed on the basis of the submitted plans.

Planning History

There is no planning history for the site which is considered relevant to the current proposal.

Publicity and Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via site notice and newspaper advertisement.

Final publicity date expired: 22nd August 2025

Parish/ Town Council – not applicable

One representation was received in support of the development. This is summarised below:

- A driveway would be beneficial to the street.
- It would stop obstructing the view for drivers pulling out of junctions, particularly at busy times.

Consultation Response

K.C Conservation and Design – Advises they are not supportive of the scheme.

K.C. Highways – There are no highway safety concerns as a result of the scheme.

Planning Policy Background

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 within the Golcar Conservation Area.

The site also falls in an area identified as being an area with a known presence of Bats and also an area at low risk of ground movement as a result of former mining activity.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highways safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 30** – Biodiversity and geodiversity
- **LP 35** – Historic environment

- **LP 51** – Protection and Improvement of Local Air Quality

Supplementary Planning Documents:

- 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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding & coastal change.
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

Assessment

The following matters are considered in the assessment below –

1. Principle of development
 1. Impact upon visual amenity and Conservation Area
 2. Impact upon residential amenity
 3. Impact upon highway safety
 4. Other Matters
 5. Representations
 6. Conclusion

1 – Principle of development:

Policy LP1 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 Kirklees Local Plan sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.

In terms of extending and making alterations to a property Policy LP24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design, including the adopted Kirklees Supplementary Planning Document on House Extensions (SPD).

Within the adopted SPD, Key Design Principles 1 and 2 are relevant to the consideration of the principle of the development & visual amenity and are considered within the following report. These policies state the following:

- Principle 1 – that “extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene.”
- Principle 2 – that “extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.”

With specific regard to the House Extensions and Alterations SPD the key design principles for consideration are:

- Key design principle 1: Local character and street scene
- Key design principle 2: Impact on the original house
- Key design principle 3: Privacy
- Key design principle 4: Habitable rooms and side windows
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 8: Energy efficiency
- Key design principle 9: Construction materials
- Key design principle 12: Natural environment
- Key design principle 14: Drainage and flood risk
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

The above listed policies and guidance within the SPD are taken into account within sections below of this report.

The conclusion section of this report sets out the conclusions in relation to the principle of the development in light of all other material considerations.

2 – Impact on character and appearance of the area

Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design. Key Design Principles 1 and 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. Principle 7 of the House Extensions SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

Policy LP35 requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act states In considering whether to grant planning permission 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 72(1) of the Planning (Listed Building and Conservation Areas) Act states In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 212 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset the Local Planning Authority should give great weight to the heritage asset's conservation irrespective of the level of harm.

Key Design Principles 1 of the Council's adopted House Extensions and Alterations Supplementary Planning Document (SPD) seek to ensure development keeps with the character of the locality.

The application site is within the Golcar Conservation Area. Within this area it is also situated within a well-designed, historical row of four terraces which have all maintained their traditional appearance.

The proposal is for vehicular access and the regrading of a front garden to provide a car parking space. The parking would occupy a large majority of the front garden. The other three terraces have not regraded their front gardens to provide parking or driveways, meaning this development would be the first of its kind on the row of terraces.

In terms of visual amenity although properties on the opposite side of the road have created driveways and vehicular access, this is established on this side of the road and due to the topography and the properties being accessed at the road level this required less excavation works. It is considered that the formation of a driveway would appear out of place and disrupt the harmony of the street scene on this side of the road.

The Council's Conservation officer confirmed they were unable to support the application as the development would detract from the character of the terrace which has preserved its character well contrary to Policy LP35 and Chapter 16 of the National Planning Policy Framework.

It is noted that the stone wall and shaped stone gate piers at this row of terraced houses including 330-336 Scar Lane makes a positive contribution to the character of the Conservation Area. All four properties retain their front boundary walls and attractive stone gate piers and some also have natural stone steps leading to the front door. These details should be retained and if needed, they are capable of being repaired using traditional methods. These attractive details compliment the stone details on the houses including the stone string courses and shaped stone corbels supporting the gutters.

The proposal to remove the natural stone coursed wall and coping at the front of 336 Scar Lane, and the reduction of the land levels would not preserve or enhance the Conservation Area and would make a negative contribution. This would be classed as less than substantial harm of a moderate level that would not be outweighed by public benefits. Whilst the scheme would provide one off-street parking space this is not considered to outweigh the harm to the Conservation Area.

With regard to the driveways/vehicle accesses on the opposite side of the road, these properties are located outside of Golcar Conservation Area and therefore did not need to be assessed against Policy LP35 and Chapter 16 of the National Planning Policy Framework.

It is therefore concluded that by virtue of its design the proposed development would have a detrimental visual impact within the street that would not harmonise with the established character of the traditional row of terraces and have a harmful visual impact upon the host property as well as the character of the Conservation Area. The proposal would lead to less than substantial harm to the significance of the Golcar Conservation Area whereby public benefit of the scheme would not outweigh this harm, contrary to Policy LP35 and Policy LP24 (a and c) of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees

House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Policy LP24 of the Local Plan states that development should

‘...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.

The House Extensions and Alterations SPD sets out a number of design principles which will need to be considered when assessing a proposal’s impact on residential amenity, which state:

- Principle 3 – that: *“extensions and alterations should be designed to achieve reasonable levels of privacy for both inhabitants, future occupants, and neighbours.”*
- Principle 5 – that: *“extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.”*
- Principle 6 – that: *“extensions and alterations should not unduly reduce the outlook from a neighbouring property.”*
- Principle 7 – that: *“extensions and alterations should ensure an appropriately sized and useable area of private outdoor space is retained. Normally at least half the garden area should be retained as part of the proposals.”*

Due to the nature of the proposed development, it is considered that there would be no undue harm to the neighbouring properties. The formation of vehicular access and a dropped kerb would not lead to a detrimental overbearing, overshadowing or overlooking impact to any residential amenity and would be acceptable in this regard.

Whilst the proposal intends to use the front garden for the parking, the rear garden would be untouched, resulting in adequate outdoor space retained for current and future occupants, thus complying with principle 7 of the adopted House Extensions and Alterations SPD.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, Principles 3, 5, 6 and 7 of the adopted House Extensions and Alterations SPD, and policies within Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and policies within 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 SPD which seek to ensure acceptable levels of off-street parking are provided/retained is also considered to be of relevance.

KC Highways were consulted on the application given that the application seeks permission for a new vehicular access onto a Classified B Road.

They stated that they were satisfied that the scheme could demonstrate safe visibility splays to either side of the new access and would have sufficient space for one car so it would not overhang the driveway therefore did not object to the scheme.

It is noted that there is sufficient space within the site boundary to accommodate bin storage and therefore would comply with Key Design Principle 16 of the SPD.

The proposal is concluded to be acceptable with regard to parking, highway safety and waste storage.

5 – Other Matters

Climate Change

Climate Change - Principle 8 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should, where practicable, maximise energy efficiency. Principle 9 goes on to highlight that the use of innovative construction materials and techniques, including reclaimed and recycled materials should be used where possible. Furthermore, Principles 10 and 11 request that extensions and alterations consider the use of renewable energy and designing water retention into the proposals.

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. Due to the limited nature of the development proposed, it is not considered that specific mitigation measures are required to facilitate this development.

Biodiversity

Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Principle 12 of the Kirklees House Extensions and Alterations SPD states that extensions and alterations should consider how they might contribute towards the enhancement of the natural environment and biodiversity.

The application site is within a 'Bat Alert' layer on the Council's GIS system. Whilst formal comments have not been requested from an Ecology & Biodiversity Officer it is considered that a Bat Survey was not required in this instance. The building has well sealed eaves / soffits which is considered to be such that use of the roof space by bats is unlikely. Bats are afforded protection in law were any to be encountered and an informative note would be included in the event of any grant of permission.

6 – Representations:

One representation was received in support of the development. This is summarised below:

- A driveway would be beneficial to the street.
- It would stop obstructing the view for drivers pulling out of junctions, particularly at busy times.

This has been taken into account but the above report provides reasons for the decision.

7 – Conclusion:

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposal does not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation

REFUSAL

Decision Authorisation - Delegated Powers

Application Number: 2025/91642

Officer Recommendation: Refuse

Reasons for Refusal

1. By virtue of its design, the proposed development would have a detrimental visual impact upon the host property and street scene, and would not harmonise with the established character of the traditional row of terraces. The proposal would fail to preserve and enhance the character of the Golcar Conservation Area, and lead to less than substantial harm to the significance of the Conservation Area, whereby public benefits of the scheme would not outweigh this harm. The development is therefore contrary to Policies LP24 (a and c) and LP35 of the Kirklees Local Plan, Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document and Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location plan	TQRQM25184204413209	-	09/07/2025
Block plan	-	-	09/07/2025
Proposed site sections	-	-	09/07/2025
Grouped plans and elevations	-	-	09/07/2025
Visibility splay	TQRQM25184204413209	-	01/09/2025
Application form	-	-	09/07/2025
Heritage statement	-	-	09/07/2025

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. The applicant was informed that the Council would not support the planning application as the development was not considered to preserve or enhance the Conservation Area. The applicant confirmed they wished for the application to proceed on the basis of the submitted plans.

Report Dated:

8th October 2025

