

**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:	2025/62/92536/W
Site Address:	97, Blacker Road, Birkby, Huddersfield, HD1 5HQ
Description:	Alterations to convert basement to habitable space (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: 03-Nov-2025

Officer Report

Site Description

97, Blacker Road, Birkby, Huddersfield, HD1 5HQ

The application site relates to a three storey mid-terraced dwelling located off Blacker Road in Birkby. The property benefits from garden/amenity areas to both the front and rear. No off-street car parking is available at the property.

Description of Proposal

The application seeks planning permission for alterations to convert basement to habitable space (within a Conservation Area).

The existing basement is to be dug out to match the existing footprint at ground floor level of the dwellinghouse. This enlarged basement will provide a children's play room and WC. 2 new windows are to be installed within the front elevation and a glazed door within the rear elevation. A set of railings and escape ladder will be installed.

History of negotiations/amendments received

No amendments have been sought.

Relevant Planning History

2020/92554 - Alterations to convert basement to habitable space (within a Conservation Area). Conditional Full Permission 21st October 2020 – the current application is a resubmission of this application. This permission has now expired.

2020/91756 – Change of use of basement to one bedroomed flat (within a Conservation Area). Withdrawn 28th July 2020.

Representations

The application was publicised by site and press notice. Final publicity date expired on 24th October 2025.

No representations have been received to date.

Consultation Responses

No technical consultations were required.

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 application site is unallocated in the Kirklees Local Plan but is located within a Conservation Area and a Bat Alert Area.

Kirklees Local Plan (LP):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – 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.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- 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

Legislation

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

The Planning and Compulsory Purchase Act 2004.

Planning (Listed Buildings & Conservation Areas) Act (1990).

Summary of Principal Planning Issues

The following matters are considered in the assessment below -

- 1) Principle of development
- 2) Impact upon the character and appearance of the area (including impact upon historic environment)
- 3) Impact upon residential amenity
- 4) Impact on highway safety
- 5) Other matters

Principle of Development:

The site is without notation on the Kirklees Local Plan. 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 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 development in this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

Impact on Visual Amenity:

The site is located within the Birkby Conservation Area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Section 72 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.

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.”

Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the

townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

In terms of visual amenity, the property is located on a residential street surrounded by dwellings that are of a similar age, scale and size, with a number of these properties having been extended or altered in some way over the years. It is therefore considered that dependent on design, scale and detailing, it may be acceptable to extend or alter the host dwelling in some way.

As the proposal relates to extending the existing basement out to be in line with the existing footprint of the ground floor of the house, the majority of alterations will be undertaken underground and would therefore not impact on the visual amenity or character and appearance of the Conservation Area. Whilst new windows and doors are to be installed within the property, they will be dropped down from ground level and are considered to be appropriate in this location. The railings and escape ladder will be of a limited height and it is not considered that this would be harmful to the appearance of the conservation area. To ensure that the railings have an appropriate colour for the conservation area they will be conditioned to be black.

In conclusion, for the reasons outlined above, the proposals are considered to be appropriate in size, scale and design in this location, and that they would appear incongruous or overly dominant in the general context of this site, or harm the visual amenity of the host dwelling or indeed the significance of the Conservation Area. The proposals therefore accord with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers. Key Design Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations SPD seek to ensure development does not have a detrimental impact upon privacy of neighbouring occupiers, cause unacceptable levels of overshadowing or be unacceptably oppressive / overbearing.

Impact on no. 24 Dorset Street

This neighbouring property is located to the south east of the application site, and whilst it is noted that a new glazed door is to be installed within the south eastern elevation of the host dwelling, as this door is to be set down from the existing ground level and will be viewed amongst other existing doors and windows the rear elevation of no. 97 it is not considered that there are any concerns in respect to overlooking or loss of privacy.

Officer note: Given the previous planning history at the application site it is important to note that application 2020/91756 was withdrawn due to officer recommendation that the application would be recommended for refusal as the proposals would provide an inadequately sized living space and that the proposals would not provide sufficient outlook and light for these future occupiers. However, as the basement shown in this proposal are to be used solely as ancillary living accommodation for the occupiers of no. 97 Blacker Road it is considered that the level of outlook, light and size of living accommodation proposed is acceptable in this instance. In the event that planning permission be approved, it is recommended that such a use will be conditioned.

The proposal does not give rise to any adverse impacts upon neighbouring residential amenity and as such, this aspect of the proposal is considered to be acceptable. It is therefore concluded that the proposals comply with Policies LP24 of the Kirklees Local Plan and Section 12 of the National Planning Policy Framework.

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 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.

As no amendments are proposed to the existing access/parking facilities and that no new bedrooms are proposed within the dwelling it is in officers opinion that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, and the guidance contained within the National Planning Policy Framework.

Other Matters:

Biodiversity

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.

Whilst it is acknowledged that the application site is within a Bat Alert Area, given the nature of the proposals being underground it is unlikely that roosting bats would be disturbed and therefore no further information is required.

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 modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency.

There are no other matters for consideration.

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: 2025/92536

Officer Recommendation: Approve.

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of 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: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The basement extension hereby approved as part of this permission shall be used by the occupiers of the dwellinghouse known as 97 Blacker Road, Birkby, Huddersfield, HD1 5HQ for uses ancillary to the enjoyment of this dwelling house and shall at no time be occupied as a separate residential unit.

Reason: To accord with the terms of the application, as a separate residential unit would constitute inappropriate development due to a lack of natural light and outlook for future occupiers, in accordance with LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. The hereby approved railings and escape ladder shall be black in colour.

Reason: In the interests of visual amenity and the protection of the Birkby Conservation Area and to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Policies in Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Existing Site Plan	TR-A25-0803-001	-	09/09/2025
Location and Proposed Site Plan	TR-A25-0803-003	-	09/09/2025
Existing Floor Plans and Elevations	TR-A25-0803-002	-	09/09/2025
Proposed Floor Plans and Elevations	TR-A25-0803-004	-	09/09/2025
Application form	-	-	09/09/2025
Design Access and Heritage Statement	-	-	09/09/2025

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 preapplication 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 requested in this instance as the proposals were considered to be acceptable upon submission.

Report Dated:

27th October 2025