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:	**2025/62/93433/W**
Site Address:	197, Westgate, Almondbury, Huddersfield, HD5 8XN
Description:	Formation of vehicular access (Listed Building within a Conservation Area)
Recommending Officer:	Joshua Merriman

DECISION - REFUSED

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.

Emma Thompson

AUTHORISED OFFICER

Date: 16-Mar-2026

Officer Report – 2025/93433

Site Description

The application site is 197, Westgate, Almondbury, Huddersfield, HD5 8XN, a two-storey semi-detached property faced in stone, with a pitched gable roof, and timber windows and doors. The application property lies in a slightly varied street scene, surrounded by properties of differing characters, appearances, sizes, scales, and ages. The property benefits from a small courtyard like amenity space to the rear.

Description of Proposal

The Scheme

The applicant is seeking permission for Formation of vehicular access (Listed Building within a Conservation Area).

Supporting Information

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

- Conservation/Heritage Assessment
- Climate Change Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers, as the application is considered beyond the scope of amendments due to the proposal itself and comments from consultees.

Relevant Planning History

The most relevant planning history relates to the following planning applications

2003/90641 - REUSE OF EXISTING BARN AND NEW EXTENSION TO FORM DWELLING (LISTED BUILDING WITHIN A CONSERVATION AREA) – Conditional Full Permission.

2003/90642 - LISTED BUILDING CONSENT FOR REUSE OF EXISTING BARN AND NEW EXTENSION TO FORM DWELLING (WITHIN A CONSERVATION AREA) – Consent Granted.

2006/90970 - ALTERATIONS TO GARAGE TO FORM GRANNY FLAT (LISTED BUILDING WITHIN A CONSERVATION AREA) – Withdrawn.

2006/90971 - LISTED BUILDING CONSENT FOR ALTERATIONS TO GARAGE TO FORM GRANNY FLAT (WITHIN A CONSERVATION AREA) – Withdrawn.

2006/91917 - ALTERATIONS TO GARAGE TO FORM GRANNY FLAT (LISTED BUILDING WITHIN A CONSERVATION AREA) – Conditional Full Permission.

2006/91918 - LISTED BUILDING CONSENT ALTERATIONS TO GARAGE TO FORM GRANNY FLAT WITHIN A CONSERVATION AREA – Consent Granted.

2014/93316 - Listed Building Consent for erection of wrought iron gate and railings with boundary wall to front and gate opening to rear to be built up (in a Conservation Area) – Consent Granted.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2024).

The application has been publicised as affecting the setting of a listed building, affecting the setting of a conservation area, affecting the setting of a Public Right of Way, on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 26/02/2026.

Letters of Objection

- The pavement is not wide enough for both a car and safe passage for prams, wheelchairs and pedestrians.

Officer Comment: This is addressed within the Residential Amenity section of this report.

Consultation Responses

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

KC Conservation & Design (Informal) – No objections.

KC Highways Development Management (Formal) - This application is for a parking space to be located on the footway outside No 197 Westgate Almondbury.

Whilst the dimensions of the parking space meets the minimum size required, it is at such an angle that it would be difficult to access with a vehicle.

There is an existing telegraph pole to one side and the boundary fence of the neighbouring property at the other side. Both of these impede a vehicle accessing the space safely,

A public footpath emerges onto Westgate at this location and would be obstructed by a vehicle parked in this area I would consider that, in practice, a vehicle parked on the footway in this location would both overhang the adopted footway and obstruct the public footpath to the detriment of the safety of pedestrians using both the footway and public footpath.

Furthermore, the land on which the parking space is proposed is not within the curtilage of the application property, and thus lies upon an adopted footway.

As a result, Highways D.M cannot support the application as submitted

Allocation and Policy

The site is unallocated falling within the Almondbury Conservation Area within the Kirklees Local Plan (adopted 2019). The site is also located within proximity of PRoW HUD/155/10, within a bat alert layer, has had permitted development rights removed, and is a designated Grade II Listed Building.

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

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.

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

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)

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. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

1 – Principle of Development

Policy LP1 of the KLP 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.

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 Almondbury 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.

As the site is located within the Almondbury Conservation Area; Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered, which requires 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.

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’.

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

In terms of extending and making alterations to a property, Policy LP24 of the KLP is relevant, in conjunction with the House Extensions and Alterations SPD and Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

These issues along with other policy considerations will be addressed below.

Considering the above policy, the principle of the development is considered to be acceptable.

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'.*

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, 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."*

The proposed parking area to the front of the dwelling will not impact on the property itself and is therefore not considered to have any significant impact upon the visual amenity of the dwelling, although parking a vehicle to the front of the dwelling may detract from it visually, this is not considered to be significant.

The proposed development is therefore considered to comply with Policies LP1, LP2, LP24, and LP35 of the Kirklees Local Plan, and Policies within Chapter 12 of the National Planning Policy Framework.

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.

The proposal is not considered to be of significant scale and thus will not impact neighbouring properties regarding overshadowing, overbearing, light, outlook, or privacy.

It is therefore considered that in terms of residential amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan, and advice within Chapter 12, and Paragraph 135, of the National Planning Policy Framework.

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 seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The following comments have been received from KC Highways Development Management:

"This application is for a parking space to be located on the footway outside No 197 Westgate Almondbury.

Whilst the dimensions of the parking space meets the minimum size required, it is at such an angle that it would be difficult to access with a vehicle.

There is an existing telegraph pole to one side and the boundary fence of the neighbouring property at the other side. Both of these impede a vehicle accessing the space safely,

A public footpath emerges onto Westgate at this location and would be obstructed by a vehicle parked in this area I would consider that, in practice, a vehicle parked on the footway in this location would both overhang the adopted footway and obstruct the public footpath to the detriment of the safety of pedestrians using both the footway and public footpath.

Furthermore, the land on which the parking space is proposed is not within the curtilage of the application property, and lies upon an adopted footway.

As a result, Highways D.M cannot support the application as submitted."

Considering the above comments, the application cannot be supported regarding highway safety and parking provision.

It is therefore considered that in terms of access and highway safety / parking the proposed would not 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. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is 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 site is

located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore, it is considered unlikely that the proposals would have a significant impact on the bat population. An informative would be included 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. Subject to informative the proposal is considered to be acceptable in this regard.

7. Representations

No representations have been received.

8. 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 constitute sustainable development and is therefore recommended for refusal.

Recommendation **REFUSAL**

Decision Authorisation: Delegated Powers

Application Number: 2025/93433

Officer Recommendation: Refusal

Reasons for Refusal

The parking space proposed, due to the size and location, being restricted by an existing telegraph pole and fence, proximity to the adopted footway and public right of way, would be difficult to safely manouevring and access to and from it would be compromised to the detriment of pedestrian and vehicle safety contrary to Policies LP21 and LP22 of the Kirklees Local Plan, and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	06/01/2026
Proposed Site/Block Layout	-	-	06/01/2026

Plan Type	Reference	Version	Date Received
Application Forms	-	-	06/01/2026
Conservation/Heritage Assessment	-	-	06/01/2026
Climate Change Statement	-	-	06/01/2026

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 was beyond the scope of amendments.

Report Dated: 10/03/2026