

**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:	2025/62/93472/W
Site Address:	2, Newland Avenue, Birkby, Huddersfield, HD2 2UU
Description:	Erection of replacement garage and installation of solar panels to dwelling with associated alterations (within a Conservation Area)
Recommending Officer:	Jennifer Booth

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.

John Holmes

AUTHORISED OFFICER

Date: 24-Feb-2026

Officer Report

[website](#)

2 Newland Avenue is a two storey dwelling located within the Birkby Conservation Area. The property is constructed from stone and has a tiled roof and is set up from the roadside. The property is accessed via steps from Newland Avenue with a garage located adjacent to the steps. Garden areas are located to the front and rear of the pair of properties.

Surrounding development is comprised of mainly terraced rows with the adjacent property No. 81 Birkby Hall Road being a large detached building, subdivided into apartments.

Description of Proposal

The application seeks permission for the replacement of the existing garage and the installation of solar panels to the roof of the dwelling with associated alterations. In this case, the associated works include a portico to the front entrance to the property.

Garage

The proposed garage would be within a similar location as the existing, to the front of the property. The garage would have a length of 16 metres with a width of 3.8 metres to the entrance elevation and 10 metres to the rear elevation. The garage would have a flat roof at a height of 2.3 metres with a 1.2 metre high retaining wall above. The plans indicate that the retaining wall would encompass the entire front elevation and side elevation of the structure adjacent to the steps.

The application form and accompanying plan indicates that the garage door would be metal with the walls constructed from matching stone with the roof being felt and grassed with astroturf.

Portico

The proposed portico would be located on the front elevation of the property projecting 1.7 metres to the front of the dwelling with a width of 3.8 metres and an overall height of 3.4 metres. No specific details have been submitted with regard to construction materials.

Solar panels

The plans indicate that solar panels would be located on the front and rear elevation roof forms. No details have been submitted in terms of the make and/or model of the panels or to the finish.

Relevant Planning History

2019/93687 – Demolition of existing garage and erection of detached dwelling and garage (within a Conservation Area) – Withdrawn

2021/92396 – Work to trees within a Conservation Area – Granted

2022/93639 – Erection of single storey rear extension (within a Conservation Area) – Conditional Full Permission

2025/92565 – Works to trees within a Conservation Area – Granted

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 – 20th February 2026 – no representations received.

Consultation Responses

None required

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).

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 or appearance of Conservation Areas.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019). The site is within the Conservation Area, falls within an area with a known presence of bats and an area at low risk of ground movement as a result of former mining activity, as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (KLP)

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 22** – Parking
- **LP 24** - Design
- **LP 26** – Renewable and low carbon energy
- **LP 30** – Biodiversity
- **LP 33** – Trees
- **LP 35** - Historic Environment

- **LP 53** - Contaminated land

Supplementary Planning Guidance

- House Extensions and Alterations SPD (June 2021)

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, and 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.

- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting green belt land
- 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
- 2) Impact on visual amenity and Conservation Area
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – 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 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 other key design principles for consideration are:

- Key design principle 3: Privacy
- Key design principle 5: Overshadowing/loss of light
- Key design principle 6: Preventing overbearing impact
- Key design principle 7: Outdoor space
- Key design principle 9: Construction materials
- Key design principle 10: Renewable energy
- Key design principle 11: Water retention
- Key design principle 12: Natural environment
- Key design principle 13: Vegetation and tree planting
- Key design principle 15: Provision for parking
- Key design principle 16: Provision for waste storage
- Key design principle 17: Access for all users

With specific regard to front extensions and outbuildings, the SPD states:

Front Extensions

The SPD clearly refers to front extensions in section 5.2 and the potential impact they could have on the character of the area and visual amenity. The SPD advises that front extensions will not normally be supported unless:

- The house is set well back from the pavement or is well screened; and
- The extension is small, subservient to the original building, well-designed and would not harm the character of the original house or the area; and
- The materials and design match the existing features of the original house; and
- The extension would not unreasonably affect the neighbouring properties.

Outbuildings

With specific regard to outbuildings which include domestic garages, section 5.30 of the adopted SPD states that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

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

2 – Impact on visual amenity and Conservation 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.

The application site is located within Birkby Conservation Area. 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. This is echoed within policy LP35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

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.

LP35 of the Kirklees Local Plan 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.

Paragraph 215 the NPPF is clear, that where development leads to less than substantial harm, it is necessary to for demonstrable public benefits that outweigh that harm or, in the case of less than substantial harm this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this context, preservation means not harming the interest of the building itself, or the wider conservation area within which it is set.

The application seeks for a replacement garage with associated works including engineering operations to undertake the excavation of part of the front garden area, the erection of a portico and the installation of solar panels.

Garage

Whilst the replacement garage would be located in the same position as the exiting garage, it would be much larger than the existing in terms of size and scale. The proposed garage would have a depth of approximately 16 metre with the widest width point being approximately 10 metres. Due to the location of the garage, which is accessed off Newland Avenue, it would not be possible to comply in totality with the SPD in so far as being set back from the building line.

Whilst it is noted that with the Heritage Statement that the garage would be in part below ground level a large amount of excavation would be required to accommodate the development with associated retaining structures. The development would incorporate means of enclosure upon the roof of the large outbuilding to front. The size and scale of the proposed building would not be proportionate to the size of the host dwelling. This would be further exacerbated with the introduction of astro turf to the roof and the means of enclosure constructed upon the roof.

The means of enclosure would consist of a wall constructed to a height of 1.2 metres above the elevations of the proposed building and which would be clearly visible from public vantage points which would be out of keeping with the host and surrounding properties.

The proposed garage and walling above would be visually dominant and unsympathetic to the host property, and their approval would result in less than substantial harm to the character and appearance of the Conservation Area.

In line with paragraph 215 of the NPPF, this harm must be weighed against any public benefits arising from the development. The scheme would provide for additional off-street parking however requirement of such the depth and width of the structure has not been justified. Whilst off-street parking provision would provide modest public benefit, it is considered insufficient to outweigh the visual harm caused to the property and to the character and appearance of the wider Conservation Area. Consequently, this element of the proposal fails to comply with the aims of Chapter 16 of the NPPF and Policy LP35 of the Kirklees Local Plan.

Portico

The proposal includes the erection of a portico to the front elevation of the property. The portico has a lightweight appearance with a roof form set on posts. This part of the scheme would comply with the requirements of the SPD by the house being set well-back from the pavement; the extension being small and subservient and; not unreasonably affecting neighbouring properties. It is not considered that the portico would have an unacceptable impact on the host dwelling, the street scene or the Conservation Area. Therefore, it is considered that this part of the scheme would comply with policies LP24 and LP35 of the Kirklees Local Plan, as well as Chapter 12 and Chapter 16 of the NPPF.

Solar panels

With specific regard to this part of the proposed development the SPD states that in terms of Key Design Principle 8 (energy efficiency), opportunities should be considered to achieve energy efficiencies and plan for climate change. This includes, amongst other things, ensuring that roof structures include south facing slopes to facilitate the installation of solar panels.

Key Design Principle 10 relates specifically to renewable energy and states that:

Proposals should have regard to opportunities to include renewable microgeneration technologies such as solar photovoltaics, solar water heating (aka solar thermal), ground, air and water source heating/cooling systems and hydro-electric generation.....

Policy LP26 states that renewable and carbon energy proposals will be supported and planning permission granted would not have either individually or cumulatively unacceptable impact on protected species, designated sites of importance for biodiversity or heritage assets.

The number of panels proposed is not clear although the plans demonstrate that they would be installed on the front and rear elevations of the property.

There is no reference to the impact of solar panels within the immediate vicinity of the site within the Heritage Statement however, subject to conditions requiring the panels to be constructed using black glass and black frames and removed when no longer in use it is considered that whilst a level of harm would

arise from this element of the development there is a clear public benefit to provision of renewable energy to outweigh this harm.

It is therefore considered that the proposed solar panels upon the host property, subject to condition, are acceptable according with Policies LP24, LP26 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the SPD and policies within Chapters 12 and 16 of the NPPF.

3 – 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.

With regard to the garage, this proposes an opening within the front elevation which would accommodate a garage door. It is not considered that this would cause undue harm over and above the existing garage. Whilst the proposed garage would be astro-turfed with a boundary wall above which would provide an elevated amenity space, it is not considered that this element of the scheme would cause undue harm from overlooking due to the siting and position of surrounding development. There would be limited harm from overshadowing or by being overbearing by being subterranean.

With regard to the portico, due to its limited size and scale, it is not considered that this would cause undue harm from overshadowing or by being overbearing and the proposed solar panels would be restricted to the roof planes.

Therefore, it is considered that the proposed works are acceptable in terms of residential amenity. It is considered there will be no significant impact on neighbouring properties, in terms of overshadowing, overbearing or overlooking, and the proposal would accord with the aims of policies LP1, LP2 & LP24 of the Kirklees Local Plan, Principles 3, 4, 5 and 6 of the Council's adopted House Extensions & Alterations Supplementary Planning Document as well as policies within chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan 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.

In this case, a larger garage is proposed to replace the existing which could accommodate a number of vehicles and therefore, there are minimal concerns with regard to highway safety and parking.

5 – Other matters:

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. A Climate Change Statement has been submitted with the application.

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.

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.

Coal legacy – The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response. The application site falls within an area at low risk of ground movement as a result of past mining activities as determined by

the Coal Authority. As such it is considered that it is unnecessary in this case to require a survey of land stability to be carried out with regard to previous mining activity which may have taken place within the locality. It is recommended that the Coal Authority's standing advice is provided with any grant of approval. As such it is considered that the proposal is acceptable with regard to ground stability in accordance with paragraphs 186 and 191 of the National Planning Policy Framework.

6 – Representations:

None

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 proposals do not accord with the development plan and/or 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

refuse

Decision Authorisation - Delegated Powers

Application Number: 2025/93472

Officer Recommendation: refuse

1. The proposed garage, by virtue of its scale, massing, above and below ground works and design would form an large addition to the host dwelling, having a harmful impact upon the visual amenities of the host property, wider locality and the character of the Birkby Conservation Area. The development would lead to less than substantial harm for which no sufficient public benefits have been demonstrated or are considered to exist more generally. The development is therefore contrary to the Council's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies LP24 and LP35 of the Kirklees Local Plan, principles within the Councils House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan, block plan, existing and proposed elevations and floor plans	2512-01		23 rd December 2025
Climate Change Statement	Appendix A		23 rd December 2025
Design and Access and Heritage Statement			23 rd December 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 2015 and otherwise actively engaged with the applicant in dealing with the application.