

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 96A

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
NON-MATERIAL AMENDMENTS**

Reference No: **2026/NM/92008/W**

Site Address: 65B, Westgate, Almondbury, Huddersfield, HD5 8XF

Description: Non material amendment to previous permission 2026/90664 for alterations to convert garage to living accommodation to include new rooflight and window and amended window size (Listed Building within a Conservation Area)

Recommending Officer: Ellen Gilbert

DECISION – Non- Material Amendment - Approved

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: 14-Aug-2026

Application no: 2026/92008

THE SITE

65B, Westgate, Almondbury, Huddersfield, HS5 8XF

The application site relates to 65b Westgate, a terraced property located in 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 and utility at the ground floor and an open plan living area, bathroom and an open bedroom at mezzanine level.

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. It is situated off an unadopted access road which leads to the main 'Westgate' and the town centre of Almondbury.

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

THE PROPOSAL

The application is seeking a non-material amendment to permission 2026/90664 which granted planning permission for the conversion of a garage to living accommodation with new roof light, window and amended window size.

The proposed amendments would see the following:

- Omission of 2 windows
- Relocation of 1 window
- Increase in size of the roof light

Submitted plans include the following:

- 01E/02B- Original plan/drawing
- 02F/02C- Amended plan/drawing

PLANNING HISTORY

The most relevant planning history relates to the following planning application:

2026/90664- Alterations to convert garage to living accommodation to include new roof light and window and amended window size (Listed Building within a Conservation Area)- Conditional Full Permission Granted on 05/06/2026.

Where relevant the consideration and conclusions of the [case officer report](#) of application 2026/90664 are relevant, which is referred to within the consideration of this application seeking non-material amendment.

The scheme approved on the 5th of June 2026 is referred to within this report as the approved development.

CONSULTATIONS

The original approved application (2026/90664) was also examined by the following Council bodies and comments factored into the case officer's assessment:

KC Conservation and Design

Given the extent of the amendments sought in the subject of this application, it is considered that no further consultations were needed.

ASSESSMENT

The application will be assessed having regard to S96A of the Town & Country Planning Act 1990: "In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted" and the Council's Protocol for dealing with non-material amendments.

Regarding the protocol for non-materials amendments, paragraph 2.3 sets out four key tests for assessing the acceptability of proposed changes to the approved scheme. These are as follows:

Is the proposed change inconsequential in terms of its scale (magnitude, degree etc.) in relation to the original approval?

The proposed work involves the omission of two windows, relocation of one ground floor window and a minor increase in the size of a roof light. Consequently, the proposed amendments are inconsequential in relation to the originally approved plans.

In the Authority's view would the proposed change result in a detrimental impact either visually or in terms of living conditions?

The proposal would see the alteration of the scheme to a minor degree. The alteration to the re-location and removal of the proposed windows would not affect the visual appearance / impact upon the setting to an extent that it is materially different to the originally approved development. Though the applicant is seeking approval to increase the size of the roof light, given the oblique angle this would be sited at, it is not considered to give rise to any

significant issues with privacy or overlooking. Therefore, it can be concluded that the proposed amendments remain compliant with the approved development.

The proposals, when considered against the policies set out in sections 2 and 3 of the case officer report of the approved development are concluded to remain satisfactorily adhered to by the revised scheme, the subject of this application.

In the Authority's view would the interests of a third party or body who participated in or were informed of the original decision be disadvantaged in any way?

It is noted that the original application received 1 representation as a result of the publicity period which expired on the 1st of May 2026. This was considered and fully addressed within the case officer report.

The proposed amendment would relocate the side-facing window further to the right of the dwelling. As outlined in the original case officer's report, the positioning from the side elevation of No.67 and location along an alleyway gave no rise to overlooking or privacy concerns. As such, the proposed amendment would not present a disadvantage and would comply with the policies set out in the original case officer report.

Though the applicant proposes to increase the size of the roof light, the oblique angle this would be sited at it is not considered to give rise to any significant issues.

The proposed omission of two windows to the rear of the property, due to complications with access to the rear elevation, would not have a significant impact on residential amenity and in this case, the proposals of the approved development are concluded to remain satisfactorily adhered to by the revised scheme, the subject of this application.

Given the minor nature of the amendments, it is considered that no third party would be disadvantaged in the event of any approval of the proposed amendment if the applicant adheres to the conditions set out in the officer report.

In the Authority's view would the amendment be contrary to any policy of the Council?

In considering the above, the following factors are relevant: -

- The proposed changes to the permitted scheme must not result in the development falling outside the description of the development as set out on the Decision Notice e.g. by seeking to add a pitched roof to an extension described on the Notice as a 'flat roof' extension.

Comment: The description of development would be the same.

- The proposed changes must not contravene any condition attached to the original permission.

Comment: The proposed changes would not contravene any condition attached to the 2026/90664

- The proposed changes would not require a further restriction to make it acceptable.

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- The proposed change would not result in any material increase in height, scale, width or depth of a building.

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- The proposed change would have been likely to have been approved had it formed part of the original application.

Comment: The proposed changes would likely have been approved had it formed part of the original application.

CONCLUSION

It is not considered that the proposed amendments would have a detrimental impact on visual amenity, living conditions or detrimental to a third party and are therefore in accordance with protocol. It is therefore recommended that the Non-Material Amendment is approved.

DECISION NOTICE LETTER:

The amendments sought to omit two rear windows, relocate 1 window and increase the size of the proposed roof light, as shown on drawing number 02F and 02C as received by the Local Planning Authority on 21.07.2026, is considered acceptable as a nonmaterial amendment to the approved scheme under planning reference number 2026/90664.

Report Dated: 29.07.2026

