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/92676/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:	James Evans

DECISION – APPROVE NON-MATERIAL AMENDMENT

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 19-Oct-2026

Application no: 2026/92676
65B, Westgate, Almondbury, Huddersfield, HD5 8XF

THE SITE

The application site relates to 65b Westgate a terraced property located in the area of Almondbury, Huddersfield. The property is a Grade II Listed Building which was formally No.65 but has since been split into two sperate 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.

It is 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 an application previously approved under application number 2026/90664 for alterations to convert garage to living accommodation to include new roof light and window and amended window size (Listed Building within a Conservation Area).

The amendments relate specifically to the introduction of a window to the utility space at ground floor and to relocate the gas meters (for the applicant and adjoining property) which is currently in the entrance recess to become semi submerged externally.

PLANNING HISTORY

The most relevant planning history relates to the following planning applications

2003/90095: Listed Building Consent for installation of satellite dish (within a Conservation Area) – Consent granted

2024/93047: Conversion of garage to living space with new windows (Listed Building within a Conservation Area) – Conditional full permission

2024/93048: Listed Building Consent for conversion of garage to living space with new windows (Within a Conservation Area) – Consent granted

2025/91834: Nonmaterial amendment to previous permission 2024/93047 for conversion of garage to living space with new windows (Listed Building within a Conservation Area) – Approved

2025/91901: Listed Building Consent for conversion of garage to living space with new windows (Within a Conservation Area) – Consent granted

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

CONSULTATIONS

No statutory consultations were deemed necessary for this application.

ALLOCATION AND POLICIES

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 Almondbury Conservation Area and is a Grade II Listed Building and is within the setting of nearby Listed Buildings.

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP21 Highway Safety
LP22 Parking Provision
LP24 Design
LP30 Biodiversity
LP35 Historic Environment

National Policies and Guidance

Chapter3 Decision Making Policies
Chapter4 Achieving Sustainable Development
Chapter5 Meeting the challenge of climate change
Chapter14 Achieving well designed places
Chapter15 Promoting sustainable transport
Chapter17 Pollution, public protection and security
Chapter19 Conserving and enhancing the natural environment
Chapter20 Conserving and enhancing the historic environment

Supplementary Planning Guidance

House Extensions and Alterations SPD (June 2021)

Kirklees Highway Design Guide (November 2019)

Legislation

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

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'

Insofar as the amendments relate to matters which affect the consideration of the above policies, these are discussed within the 'Assessment' section of this report.

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.

With regard to 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 works would involve the introduction of a window to the utility space at ground floor and to relocate the gas meters. As a consequence, there would be no increase in footprint to the dwelling. Therefore, the proposed change would be 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?

It is not considered that the proposed amendments would result in a detrimental impact to the visual appearance of the building. The previous approval was considered to be acceptable in terms of visual amenity and the proposed alteration would not significantly deviate from the approved plans.

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?

This application includes the introduction of a new window to the west facing elevation of the property. The concept of a west facing window on this property was previously approved under permission 2026/90664.

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.

The gas meters will be relocated to be semi-submerged and therefore it is considered that this aspect of the amendment would not give rise to any visual concerns and would therefore not present a disadvantage. 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 change must not contravene any condition attached to the original permission.

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

- The proposed change should not require a further restriction to make it acceptable (e.g. an amendment seeking to introduce a window which would only be acceptable if it is kept obscurely glazed.)

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

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

Comment: The proposed changes would not result in any material increase in height, scale, width or depth of the building.

- 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 shown on drawing No's. 01 G and 02 E sought to relocate 1 window and gas meter boxes, and are considered appropriate to be regarded as a non-material amendment to the previous planning approval 2026/90664.
Report dated: 15/10/2026