

**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:	2026/62/90935/W
Site Address:	Cactus Tattoo, 293A, Wakefield Road, Moldgreen, Huddersfield, HD5 8AG
Description:	Erection of first floor extension with pitched roof with external galvanised steel stairs to be used as offices
Recommending Officer:	Joanna Rednall

DECISION – CONDITIONAL FULL 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.

John Holmes

AUTHORISED OFFICER

Date: 3rd June 2026

The Site

293A Wakefield Road is a single-storey end-terrace building located within Moldgreen, Huddersfield. The property is constructed from natural stone and red brick, with a flat roof above. It forms the end of a row of two-storey buildings, and the properties immediately to the north are also two storeys in height.

The surrounding area comprises a mix of commercial uses and residential properties. Commercial premises adjoin the site to either side, while residential buildings are situated to the rear. Opposite the site, across Wakefield Road, is a car park and a Church, contributing to the mixed-use character of the locality.

The site is within Moldgreen District Centre.

The Proposal

The applicant is seeking planning permission for erection of first floor extension with pitched roof with external galvanised steel stairs.

When measured from the north-facing elevation, the proposed extension would reach approximately 5.2 m to the eaves and 7.7 m to the ridge. The extension follows the existing ground-floor footprint of the host building and would be finished in natural stone to the front elevation and red brick to the rear. The pitched roof would be constructed using concrete tiles, with a small section above the landing designed as a flat roof.

In terms of fenestration, six openings are proposed to the south-east elevation, with a further two openings to the rear.

The application form indicates that the number of full-time employees associated with the premises would increase from one to three as a result of the development.

There are stairs proposed to the rear of the building providing external access to the first floor extension.

Reference to the use as offices has been added to the description for clarity as to what is being considered. However it is considered the scheme and description as publicised adequately alerted the public to the nature of the development and further publicity of the description was not therefore necessary in this case.

History of Negotiations

During the assessment of the application, officers sought clarification regarding any rights of way or access arrangements to the rear of the site. In

response, the applicant's agent submitted amended plans on 20th May which removed the previously proposed rear store and gate. The application has been assessed on the basis of these amended drawings, and no further concerns regarding access or rights of way arise from the revised scheme.

Planning History

Relevant planning history for this site is summarised as follows:-

2025/90259: Variation of condition 2 (opening hours) on previous permission 90/04592 for change of use from hairdressing salon to part of takeaway cafe to 08:00-23:00.

Approved

95/93262: Installation of new shop front
Conditional full permission

90/04592: Change of use from hairdressing salon to part of takeaway cafe.
Conditional Full Permission.

2007/93291: Erection of 1 no. illuminated fascia sign. Advertisement Consent Granted. 2007/93314 – Erection of extract ducting.
Conditional Full Permission.

2022/93298: Installation of new shopfront and external roller shutters
Conditional Full Permission.

Publicity & Representations

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via a site notice.

Final publicity date expired: 16 May 2026.

The amended plans were not re-publicised as these did not fundamentally change the development applied for; the description of development was altered as the external store and gate have been removed.

Two letters (which includes hand-written letters, e-mails and on-line representations) of representation have been received. These are summarised as follows:-

Letters of objection

- Impact upon living conditions including sunlight and view would be covered to dwelling with two sides already covered with houses cant view from those sides and on street entrance there is an Arch which covered the view so only this part where I can see the view and sunlight comes properly in my property garden it would become viewless with more loss of sunlight and overshadowing

- Parking issues
- Loss of privacy and overlooking from windows
- The land which is subject to this application has historical rights of way and easements attached to it. The residential unit(s) to the rear of Old Wakefield Road also use this land as designated bin storage area and as their main access route in and out of the property. There will be increased bin traffic and with the planned development of 3 offices.

Parish/ Town Council Comments

N/A.

Consultations

No statutory consultations were requested for this application.

Allocation & 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 Moldgreen District Centre as indicated within the Kirklees Local Plan.

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
- LP13 Town centre uses
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 12th 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 16th 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

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.

Assessment

1 – Principle of development:

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”.

The development seeks planning permission for erection of first floor extension with pitched roof with external galvanised steel stairs.

293A, Wakefield Road is located in Moldgreen District Centre. LP13 of the Kirklees Local Plan defines the role and function of District Centres as follows:

- Provide a range of shopping for everyday needs and serving specialist markets.
- Be the local focus for basic financial services, food and drink, entertainment, leisure and tourist facilities, and health services.

As such, against the purposes of LP13 of the Kirklees Local Plan, the proposal is considered to be acceptable, delivering additional space for a business and employment which would contribute towards the needs of the District Centre.

In this case, the principle of development for this application is acceptable and shall be assessed against the applicable material planning considerations within the following report.

2 – Impact upon visual amenity

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.

The proposed first-floor extension has been designed to integrate comfortably with the existing medical centre building. Its siting, modest increase in bulk and restrained height ensure that it would not appear visually dominant or incongruous within the street scene. The use of matching materials, roof form and fenestration reflects the established character of the host building, resulting in a coherent and sympathetic addition. Overall, the extension would preserve the visual amenities of the site and surrounding area and would not give rise to any significant adverse impact on the appearance of the building or wider locality.

The area around the site is mainly made up of two-storey buildings, and the submitted elevations show that the extension would sit comfortably within this context. Its scale and appearance would appear appropriate for the surroundings. By following the same roof shape, materials, and general detailing as the existing building, the extension would blend in well and maintain the overall look of the area. As a result, it would protect local visual amenity and wouldn't cause any significant harm to the appearance of the building or the wider street scene.

In the interests of visual amenity, the proposed materials will be secured by condition upon the grant of permission.

The steps that are positioned to the rear of the building and are modest in scale, designed simply to serve their functional purpose and would not be prominently sited.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and layout and (c) as the extension would form a subservient addition to the property in keeping with the existing building and the aims of chapter 12 of the National Planning Policy Framework.

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.

Overlooking

The submitted floor plans show first-floor windows on both the front and rear elevations of the extension. The front-facing windows would look towards Old Wakefield Road, the car park, and the properties opposite, including 299 Old Wakefield Road. These windows to the front serve a kitchen, WC and office, and would maintain a separation distance of around 12m to the properties across the road. This meets the recommended distance for facing non-habitable windows, so no harmful overlooking is expected from the front elevation.

To the rear, the relationship is closer. The extension would sit approximately 9.5m from 3 The Avenue, around 12m from 5 The Avenue, and roughly 16m from 7 The Avenue. While the nearest distance falls below the usual 12m guideline for facing habitable and non-habitable windows, the proposed first-floor openings serve a hallway rather than a main room. As this space is not used for prolonged occupation, the potential for overlooking or loss of privacy is considered to be limited. Taking the separation distances and the function of these windows into account, officers consider that a refusal on overlooking grounds could not be justified.

Overshadowing / Overbearing

The site sits at a lower level than the properties to the rear on The Avenue. The proposed extension is modest in height, reaching approximately 7.7m to the ridge. The eaves—being the closest part of the structure to neighbouring gardens—stand at around 5.2m, with the ridge set further back. This reduces the perceived mass when viewed from neighbouring properties.

Given the extension's position to the south-east of these dwellings, any overshadowing would be limited to early morning during the winter months and would be minimal during the summer. Taking the height, roof form, land levels and orientation into account, officers are satisfied that the proposal

would not result in significant overshadowing or an overbearing impact on neighbouring living conditions of these neighbours.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework.

4 – 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 application form states that the number of full-time employees would increase from one to three as a result of the development. This could generate some additional parking demand in the area. On-street parking opportunities around the site are limited, but the location is well served by public transport, with frequent bus services running along Wakefield Road to Huddersfield Town Centre, Denby Dale and Wakefield. The site is also within easy reach of the services and facilities in Moldgreen District Centre, meaning staff and visitors would have good access to amenities without relying on a car. Given these sustainable transport options, the site is considered suitable for supporting car-free travel.

Taking all of this into account, officers are satisfied that the proposal is in a sustainable location that helps minimise car use, and it is therefore concluded that refusal on the basis of additional parking demand as a result could not be substantiated in this case.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework.

5 – Other matters:

Ecology

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.

The site is not within a bat alert layer on the Council's GIS system and there are no records of bat roosting at the site. As such, it is considered the proposal would have a neutral impact upon ecology.

A Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some

limited exceptions. Unless exempt, every planning permission for minor sites granted pursuant to an application submitted after 02 April 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

The applicant has stated the application falls under the 'Di-Minimus' exemption category within the application forms. This is accepted by the LPA having regard to the site and nature of the proposal. Therefore, in light of the submitted detail it is considered the application is exempt from a BNG uplift.

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 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.

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. A Climate Change statement has been submitted with this application.

6 – Representations:

The representations received are copied below and addressed as follows:

- Impact upon living conditions including sunlight and view would be covered to dwelling with two sides already covered with houses cant view from those sides and on street entrance there is an Arch which covered the view so only this part where I can see the view and sunlight comes properly in my property garden it would become viewless with more loss of sunlight and overshadowing

Officer response: The impact of the development upon residential amenity has been assessed under section 3 of this report.

- Parking issues

Officer response: The impact of the development upon access and highway safety has been assessed under section 3 of this report.

- Loss of privacy and overlooking from windows

Officer response: The impact upon residential amenity has been assessed under section 3 of this report.

- The land which is subject to this application has historical rights of way and easements attached to it. The residential unit(s) to the rear of Old Wakefield Road also use this land as designated bin storage area and as their man access route in and out of the property. There will be increased bin traffic and with the planned development of 3 offices.

Officer response: noted. Amended plans have been received with the external gate removed. Nonetheless, a note is recommended to be attached to the decision notice reminding the applicant that any grant of planning permission does not over-ride existing rights of access.

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 would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2026/90935

Officer Recommendation: Approve

Conditions

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

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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 to accord with Policies LP01, LP02, LP13, LP21, LP22, LP24 & LP30 of the Kirklees Local Plan, and Policies within Chapters 2, 8, 9, 12 and

14 of the National Planning Policy Framework

3. The external materials used in the construction of the walls of the extension shall be natural stone and red brick as indicated upon submitted drawing No. 'Ext & Prop Elevations ref: HD58AG293abc-v4'. The concrete tiles used in the construction of the roof of the development shall be of a dark grey colour finish. The materials of construction shall be thereafter retained.

Reason: In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	02/04/2026
Roof & Site Plan	HD58AG293abc-v4 page 4 of 4	-	20/05/2026
Ext & Prop Plans	HD58AG293abc-v4 page 1 of 4	-	20/05/2026
Ext & Prop Elevations	HD58AG293abc-v4 page 3 of 4	-	20/05/2026
Ext & Prop Elevations	HD58AG293abc-v4 page 2 of 4	-	20/05/2026
Application form	-	-	02/04/2026
Climate Change Statement	-	-	02/04/2026

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. During the assessment of the application, officers sought clarification regarding any rights of way or access arrangements to the rear of the site. In response, the applicant's agent submitted amended plans on 20 May which removed the previously proposed rear store and gate.

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