

Planning Objection – Massing, Manipulation, and the Myth of Minor Variations

I object to the proposed alterations at Plot 23 on the grounds of excessive scale, reduced separation distances, and concerns over planning transparency.

The dwelling's front elevation, seeking approval at 14.5 metres wide, is now proposed to extend by over 7 metres—via a garage extension to the west and an additional room to the east—bringing the total width to approximately 21.5 metres. This represents a 50% increase in built form, which cannot reasonably be considered a minor variation. It constitutes a material intensification of the plot and significantly alters its relationship with neighbouring properties.

The foundations at Plot 34 appear to have shifted approximately 2.5 metres west of their approved position. This adjustment, combined with the proposed eastern extension of Plot 23, compresses the separation between built forms from the originally conceived 10 metres to just 2.5 metres. While this narrow offset technically allows for a gap, its spatial



consequences are considerable. Plot 34 is set to sit around two metres lower than Plot 23, resulting in a looming massing effect that will dominate the outlook from Plot 34 and visually compress the space between dwellings. The sense of enclosure risks creating a canyon-like effect between built form and engineered boundary, undermining the spatial rhythm expected in this part of the development. It also restricts opportunities for meaningful landscaping or maintenance access, contrary to the aims of the Kirklees Housebuilders Design Guide SPD (June 2021), which advocates for generous separation distances and permeability between structures and retaining infrastructure.

The western intrusion of Plot 34 now further increases its overlap with my bungalow, compounding the visual encroachment already introduced by Plot 23's eastward expansion. The resulting 2.5 metre gap between the two plots—down from the originally approved 10 metres—no longer reads as a legitimate separation between detached dwellings. Instead, it creates the impression of a continuous built frontage, more akin to a row of terraced houses. It would have an overbearing impact, and increase overlooking. This undermines the character and layout that were approved for Lingards Fold and materially alters the relationship with No. 92. The cumulative effect is not only spatially oppressive but increasingly feels targeted, as though No. 92 is being boxed in by incremental shifts that erode its amenity and outlook. This is contrary to the principles of separation, rhythm, and visual relief set out in the Kirklees Housebuilders Design Guide SPD and Local Plan Policy LP24.

The same concern applies to No. 92, where the additional 4 metres of built form on Plot 23 will compound the massing and overbearing impact already introduced by the previous eastward shift of

3.17 metres. The cumulative effect is a significant loss of amenity and visual relief for adjacent properties. This directly conflicts with the Kirklees House Extensions & Alterations SPD (2021), which states that extensions should not cause overbearing impact or reduce the spacing between buildings to the point of visual intrusion (Sections 4.3 and 5.3).

In addition, the eastern extension now overlaps my bungalow by approximately 10 metres, intruding into the established visual corridor and disrupting the spatial relationship between dwellings. This level of encroachment would likely have attracted scrutiny had it been presented transparently in a full planning application.



It is important to note that Permitted Development rights were removed for Lingards Fold under the original approval. This restriction was imposed specifically to prevent unregulated expansion and to safeguard the estate's character. To permit such a substantial increase under a variation to Condition 2 risks undermining the intent of that restriction and sets a concerning precedent for future development. This would be inconsistent with Policy LP24 of the Kirklees Local Plan, which requires that development proposals respect the form, scale, and layout of surrounding buildings and enhance the character of the townscape.

The use of Section 73 of the Town and Country Planning Act 1990 to facilitate these changes is also questionable. Section 73 allows for the variation or removal of conditions, but it does not permit changes that materially alter the approved development itself. This principle was upheld in *Finney v Welsh Ministers* [2019] EWCA Civ 1868, where the Court of Appeal ruled that Section 73 cannot be used to change the operative part of a planning permission. The scale of the proposed changes at Plot 23—particularly the 50% increase in width and the altered spatial relationships—goes beyond what Section 73 was intended to accommodate. According to government guidance, where modifications are substantial, a new planning application under Section 70 should be submitted.

The developer has publicly expressed a commitment to thoughtful design, community integration, and long-term stewardship. These are commendable aspirations. However, the scale and nature of the proposed changes at Plot 23 and 34 raise questions about the consistency between those stated values and the approach being taken here.

It is also unclear whether the Plot 23 eastern room is intended to extend vertically to the roofline. If so, this would further intensify the massing effect, especially when viewed from neighbouring properties at lower elevation. The potential for a full-height structure on the eastern flank reinforces the need for proper scrutiny via a planning committee. The National Planning Policy Framework (NPPF, Section 130) requires developments to be visually attractive and sympathetic to local character—criteria which this proposal fails to meet.

Finally, it is difficult not to notice the contrast in how planning enforcement is applied. Mr. Asam, of Dewsbury, could only dream of receiving the same leniency shown to Plot 23—where no enforcement action has been taken, approvals appear to flow without resistance, and errors with the original approval consistently favour the developer. This disparity undermines public confidence in the fairness and consistency of the planning system.

Plot 23, and now perhaps Plot 34, illustrate the extent to which developers may seek to push the limits of the current planning system. One can only imagine how much more vulnerable communities would be if that system were relaxed.