We wish to object to this retrospective application 2026/90251 for a variation of condition 2 of planning application 2025/93144 single garage extension for a number of reasons.

We objected to the original application to build an extension and set out in detail why the plans should not be approved. These included overdevelopment, residential and visual amenity, site access and the plans did not accord with the Kirklees SPD on single storey extensions. We do not believe these were adequately considered, particularly overdevelopment and the size of the extension.

The house and double garage was built on a divided garden (garden grab) and it later came to light that instead of a 2 storey house, a third storey had been added with higher walls and velux windows. Since 2018 there have been a further 8 applications resulting in a 2 storey extension, a single storey extension, and very large gates and gate posts which were built bigger than the approved application. The previous building work has led to the site being overdeveloped.

In 2024, approval was given for another double garage on the Birkby Road side of the property. However, within 6 weeks, and before the garage building work was started another application for a garage extension to the existing double garage was also submitted. This left very little amenity space on the site, further contributing to overdevelopment of the plot.

The supporting design statement for the single storey garage extension said very clearly, that it was a better and more visually acceptable garage than the detached one previously approved, and would not contribute further to overdevelopment due to its integration to the existing double garage. It was clear that the intention was for this garage extension to be built, instead of the flat roofed version on Birkby Road side approved a few weeks earlier.

"The proposals are for a garage that will house two cars, but in a manner that reduces the impact on the setting and improves the overall aesthetic from that approved. (I.e. the detached garage)

a flat roof is somewhat of an alien feature when compared to the host and surrounding dwellings.

The footprint of the proposed extension is comparable to that approved, so the current scheme cannot be considered as over-development.

The proposals are to provide a garage solution that has less impact on the visual amenity of the area."

The submitted plans did not accord with Kirklees SPD on single storey rear extensions which sets out these should not exceed 4m in height, the height to the eaves should not exceed 2.5m and not project more than 4m from the original building. The plans were for an extension 6.4m x 7.5m and 4.42m in height. Even though 2 of the 3 SPD dimensions were exceeded, the plans were approved for the larger building.

In July 2025, building work commenced on both the garage extension, and the separate detached garage with the "alien" feature of a flat roof adjoining Birkby Road, not just the extension. In October 2025, it became clear that the height of the extension would exceed the approved plans, and velux windows were being added. Even though permission had already been given to build larger than the SPD, the building under construction was bigger than the approved plans. The original height to the eaves was supposed to be 2.42m. It is now 2.68m, exceeding the 2.5m limit. As it is now built, at 5.04 metres high, the extension is much bulkier and taller, and the new dimensions mean that the construction is **15% larger** in volume than was originally approved. This is not a minor difference.

The new design statement to "suit the as built extension" says

"During the construction works the applicant was advised by the contractor to raise the roof to facilitate a better junction detail with the existing 'lean to' roof over the adjacent garden section of the house. The roof was subsequently raised so that the new eaves and gutter were above the level of the existing 'lean to' roof"

It does not seem logical or conceivable that an architect would have designed a building that did not work with the exiting construction of the house and garage, nor that the builders had not considered the technicalities of the junction with the lean to roof. During construction, the contractor may have 'advised' the applicant to raise the roof, but responsibility for the breach of the conditions lies with the applicant who must have directed the contractors to continue.

At the very least, if this was only considered during the building work, a revised application could still have been submitted at this point, rather than wait until construction was complete and make an application 4 months later. Planning Enforcement wrote to the applicant in October regarding a possible breach condition 2, which he failed to respond to as evidenced in the original application for a variation of condition 2 submitted in January 2026, which states:

We don't appear to have had a follow up to below within the timeframe stated. Can you please respond with your clients intentions in regard to the options outlined in the letter:

1. *Submit documentary evidence that planning permission has been obtained or is not required;*
2. *Remove the alleged unauthorised construction and rebuild in complete accordance with the approved plans of planning permission 2024/93144;*
3. *Apply for Planning Permission by submitting an application together with the necessary drawings reflecting the as-built construction online at the Planning Portal:*

The new design statement also says

"The applicant has also included 3 Velux roof windows to add more natural light"

Garages by their nature do not require natural light. The increased height of the extension now allows for an extra useable second storey space above, which is why more natural light is needed. The average height of a 2 storey house in the UK is 5.5m; therefore, what had been built at 5.04m is much bigger than a single storey. The ridge of a single story extension should sit below the first floor windows of the main house. In this case, the ridge of the high "single storey" sits above the windows on the side elevation of the house.

The applicant was clearly building an extension larger than was permitted. Once complete it is then expected that the larger extension will be retrospectively approved. The tactic of submitting plans that are likely to be approved, then building something larger and seeking retrospective approval well after completion, undermines the integrity of the planning system. This is a technique that seems to be commonly employed to build what otherwise would not be approved if the original intentions were submitted. It also wastes planning department time and scarce resources when they have to reconsider plans already approved for a second time and write further reports.

This technique has been already used on the gate posts of 402 which were built larger than the plans showing 1.9m. The final height exceeded the permitted 2m, and after 3 years, they were never reduced in height.

In summary, this application should be refused because

- The original application was designed to imply the garage extension would replace the earlier approved "alien" flat roofed standalone garage impacting on visual amenity on Birkby Road.
- The site is overdeveloped not only in area but by the bulk of the additional oversized "single" storey extension
- Permission was approved for an extension that already exceeded the SPD, but an even larger building was constructed. It is over a metre above the maximum.
- There was ample time to reconsider the construction when approved dimensions were being exceeded. A variation to the plans could have been submitted, or the courses of brick work reduced back in October 2025.

- The extension is not a true single storey extension, the roof height is above the top of the windows of the first floor of the house. It is only half a metre below the average height of a 2 storey building
- This increased height allows a second storey
- Approving retrospectively what has already been built undermines the planning system and allows unregulated building.