

Reintroduction of the Withdrawn Basement as a Garden Room and Store Level

I object in the strongest terms to the entirety of the lowest, fourth-level arrangement shown in application 2026/91657. My objection relates both to the proposed garden room and to the separate area labelled “Store”.

These two spaces must be assessed together as components of the same additional level. The applicant must not be permitted to treat the garden room as the only matter requiring consideration while presenting the adjoining store space as incidental or outside the dispute.

The planning history demonstrates that SB Homes expressly proposed usable basement accommodation at Plot 23 in May 2024, including its possible use for storage. That basement was subsequently removed from the scheme ultimately approved. Foundations and levels capable of accommodating the additional space were nevertheless constructed, and the fourth level has now returned divided between a garden room and an area labelled “Store”.

This is not simply the enclosure of an approved raised terrace. It is the reintroduction of a previously proposed basement arrangement.

Storey-sized podiums identified in 2022

In my June 2022 objection to application 2020/93954, I drew attention to the enormous stone-faced “podiums” shown beneath the proposed houses in the applicant’s CGI.

These podiums are seen beneath every single proposed dwelling along Lingards Road.

The man, in the images, is scaled to be average size and yet, when you see how he compares to these podiums, he becomes lost.

And, you'll find, these podiums don't feature on the house type drawings.

Yet, they appear to be the same height as a storey.

Elevating the proposed dwellings further into the sky.

You can see, from looking at the photos, there appears nothing else, adjacent to the site, that resembles anything like these dwellings.

Nothing sits on a huge podium. Yet these would.



Average height man

I stated: “These podiums are seen beneath every single proposed dwelling along Lingards Road.”

I also identified the crucial discrepancy:

“And, you’ll find, these podiums don’t feature on the house type drawings. Yet, they appear to be the same height as a storey.”

The contemporaneous House Type A1 drawing for plots 34 and 35 confirms that criticism. Despite containing floor plans, four elevations and two sections, it does not show the substantial podium depicted in the CGI. Its sections terminate at the base of the house, while its elevations use simplified ground lines without the corresponding retaining structures or levels.

Kirklees was therefore warned in 2022 that the applicant's visualisations contained approximately storey-height volumes that disappeared from the technical house drawings.

The basement and storage use were expressly proposed in May 2024

The supporting statements submitted under 2024/91236 and made public on 8 May 2024 provide the direct link with the present fourth level.

The Plot 23 statement is headed:

"Justification for an increase in underground sq. ft."

It states:

"The rest is concealed by digging below ground."

Under **"Addition of kitchen at lower ground level"**, SB Homes explains that additional excavation, foundations, construction and waterproofing would be required. It then states:

"Filling the void back in would be an underutilisation of available space, and it is a better use of resource to include it within the floorspace of the home."

The document contains a further section headed **"Addition of a basement"**, which states:

"There is therefore a strong argument to make this a useable space within the home, e.g. as an annex, gym or for storage."

It then expressly connects that basement to the foundation design:

"The foundations will be reinforced, making them stronger..."

The reference to storage is especially important. The current application now shows not only a garden room but also a separate lower-level area expressly labelled "Store". That is one of the precise uses identified for the proposed basement in May 2024.

The present store area cannot therefore be dismissed as an unrelated or incidental feature. It forms part of the same history of converting the excavated basement void into usable floorspace.

A wider development strategy

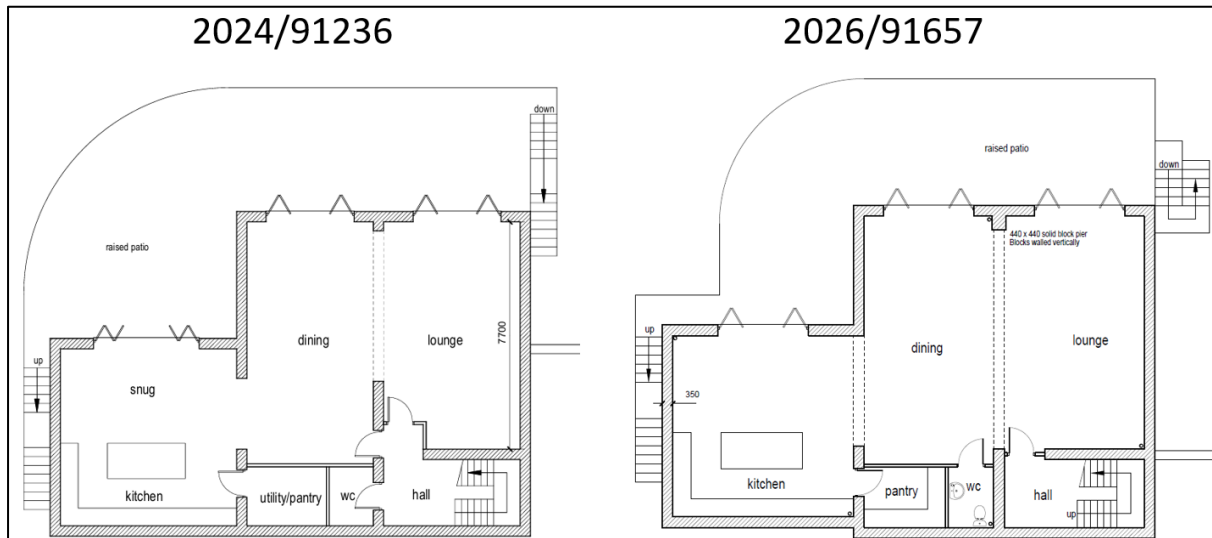
The separate May 2024 statement for plots 34 and 35 repeats substantially the same proposal. It also argues that the excavated voids should become usable floorspace, potentially used as an annex, gym or storage, and states that the foundations would be reinforced.

Plots 34 and 35 had not been released for sale. This demonstrates that exploiting the excavated spaces beneath the houses was a wider development strategy—not merely a unique alteration requested by the purchasers of Plot 23.

It also demonstrates the precedent that approval could create. Other storey-sized podium or basement volumes exist within the development and have previously been proposed as

accommodation or storage. Treating Plot 23 as a minor amendment risks facilitating further four-storey houses at Lingards Fold and elsewhere in Slaithwaite.

The 2024 and 2026 layouts are substantially the same



The comparison demonstrates substantial continuity between the May 2024 and current layouts. Both contain:

- the same large curved raised-patio envelope;
- the same squared return on the right;
- substantially the same building footprint;
- the same kitchen wing, central living area and right-hand lounge;
- the same hall and staircase position;
- external stairs in substantially the same locations; and
- substantially corresponding openings and structural lines.

The principal differences concern internal rearrangement and room labels. They do not amount to a genuinely new external design.

The 2024 drawing does not identify the precise internal basement division. However, it establishes the same raised-patio arrangement beneath which the accompanying statement expressly proposed usable basement accommodation, including storage.

The 2026 scheme now divides the lowest level between the garden room and a separate store area within that predetermined physical arrangement.

Foundations constructed to accommodate the fourth level

A photograph taken on 30 June 2025—only seven days into the consultation period then under way—shows the foundations of Plot 23 already being poured.



Before those foundations could be positioned and poured, the developer and principal contractor required a datum, formation levels, foundation positions and the intended relationship between the different floors.

The completed construction has subsequently achieved:

- the LF elevation actually built;
- sufficient height to accommodate a fourth level;
- a raised patio aligned with the LF bi-fold threshold; and
- space beneath that patio for both the garden room and store area.

The May 2024 statement had already proposed a basement and reinforced foundations. The present result cannot credibly be treated as an accidental opportunity discovered after the terrace was constructed.

The principal contractor confirmed that plans existed

On 21 August 2025, while discussing my concern that Plot 23 was being constructed in the wrong position, principal contractor Darren Brewster stated in a recorded conversation:

“Our job is, we’ve got the plans to build to the plans.”

The complete original recording is retained and can be provided to the Council.

The Council must establish which plans the contractor was following and whether they showed the actual LF elevation, reinforced foundations, garden-room volume, store area or other basement construction.

The documented progression

The evidence establishes the following sequence:

1. **2022:** storey-sized podiums appear in the applicant’s CGI but are absent from the corresponding house-type elevations and sections.

2. **June 2022:** Kirklees is expressly warned that these omitted structures appear approximately storey-height.
3. **May 2024:** SB Homes expressly proposes increased underground floorspace, a usable basement, reinforced foundations and possible use as an annex, gym or storage.
4. **Later revisions:** the basement is removed from the scheme ultimately approved under 2024/91236.
5. **June 2025:** foundations are poured using levels that subsequently accommodate the fourth-level space.
6. **August 2025:** the principal contractor confirms that he has plans and is building to them.
7. **2026:** the additional level returns as a garden room together with a separate area labelled "Store".

The description has progressed from **podium**, to **basement**, to **raised terrace**, and finally to **garden room and store**. The cumulative physical result is a four-storey building.

Required action

Application 2026/91657 should not be determined until Kirklees has obtained and published:

- the complete May 2024 basement plans;
- every subsequent revision showing when and why the basement was removed;
- the plans used by the principal contractor;
- the foundation and structural drawings;
- details of the reinforced foundations described in May 2024;
- all setting-out information and level schedules;
- Building Control submissions and foundation inspection records;
- accurate as-built plans, elevations and sections showing both the garden room and store area;
- the individual and combined floor areas of those spaces; and
- a comparison between the May 2024 basement, the approved scheme and the complete fourth level now constructed or proposed.

Kirklees must determine the planning status of both lower-level spaces. Refusing or reconsidering only the garden room while allowing the store area to remain unexamined would fail to assess the whole development.

Conclusion

The applicant did not first discover in 2026 that the space beneath the raised patio could be used. In May 2024, SB Homes expressly argued that the excavated void should not be filled, should become part of the house's floorspace, could be used as an annex, gym or storage, and would require reinforced foundations.

That basement was removed from the approved scheme. The foundations and levels capable of accommodating it were nevertheless constructed. The additional level has now returned as two components: a garden room and an area labelled “Store”.

Application 2026/91657 must therefore be assessed as the reintroduction and regularisation of the complete withdrawn basement level—not merely as an application concerning one garden room. Approving either component without assessing the whole fourth level would perpetuate the piecemeal treatment that has prevented the cumulative four-storey development from ever being accurately presented and assessed.