

DC Admin

From:
Sent: 21 July 2026 16:29
To: Katie Chew
Cc: DC Admin
Subject: Further Objection to 2026/91657 – Four-Storey Plot 23 Mischaracterised as a “Minor Material Amendment”

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Good afternoon, Ms Chew,

The original text makes five distinct points, some of which were lost from the shortened version:

- AK Planning is presenting the garden room as merely enclosing an approved terrace.
- The structure being enclosed is not the terrace shown on the approved plans.
- The construction sequence indicates that an enclosed room may have been intended from the outset.
- The garden room forms part of a cumulative transformation into a substantially larger four-storey building; it cannot be judged in isolation.
- Approval risks continuing the incremental “ratchet” by which increasingly large development is later used to justify still larger development locally.

I would retain all five, while avoiding repetition of the detailed measurements already set out in your previous comment:

Mischaracterisation of the Garden Room as a “Minor Material Amendment”

This further comment responds specifically to AK Planning’s claim that the proposed lower-ground garden room constitutes a “minor material amendment” because it merely encloses an approved raised terrace.

That characterisation is fundamentally misleading. It isolates the final act of enclosure from the wider development, treats the structure already constructed as though it were approved and fails to address the apparent intention demonstrated by the construction sequence.

1. The structure being enclosed is not the approved terrace

AK Planning’s justification depends upon the premise that the garden room would simply enclose the raised terrace shown on the approved plans. However, the structure constructed on site does not appear to correspond with that approved terrace.

As detailed in my previous comment, its position, dimensions and level depart from the operative approved drawings. Those departures include an enlarged footprint, eastward displacement and a constructed level potentially approaching one metre above that shown.

The correct baseline is therefore not the structure now standing on site. It is the terrace and development shown on the operative approved drawings.

The Council must compare:

- the complete development shown on the operative approved plans; with
- the complete development now proposed and partly constructed.

It would be wrong to treat the unauthorised or non-compliant structure as an established baseline and then consider only whether enclosing that structure represents a minor change.

2. The construction sequence indicates possible prior intention

The physical construction history raises a serious question about whether this was ever intended to remain an open terrace.

Before permission was sought for a garden room:

- window openings had been formed;
- external-door openings had been constructed;
- PIR insulation and inner blockwork had been installed; and
- some of the window openings were subsequently infilled.

That sequence is consistent with the space having been designed and constructed as an enclosed room from the outset, rather than the garden room resulting from a later decision to enclose an open terrace.



The subsequent infilling of openings also requires an explanation. I do not ask the Council to assume the reason for it, but the construction sequence should be investigated and addressed expressly in the officer's report. In particular, the Council should determine whether this represents intentional unauthorised development rather than an unforeseen minor alteration to an approved feature.

3. The final enclosure cannot be separated from the cumulative development

The planning significance of the garden room is not confined to the installation of glazing or the enclosure of an open area. It forms the additional lowest level of a building that now presents as four vertically connected storeys.

As explained in my previous comment, the structure's roof forms the raised patio reached directly from the lower floor. Its elevation establishes the datum from which the remaining floors and roof rise. The additional lowest level is therefore physically and vertically integral to the complete building.

The application must consequently be assessed as part of the cumulative transformation of Plot 23, including:

- its enlarged footprint;
- displacement from its approved position;
- increased constructed levels;
- reduced separation from Plot 34;
- additional lowest storey;
- four-storey form; and
- increased projected ridge height.

AK Planning cannot make the development "minor" by isolating its final component and disregarding the cumulative building of which it forms part.

4. The development is far removed from the scheme presented to the Committee

The approved development was presented as predominantly comprising two and three-storey dwellings. The Committee was also told that the dwellings opposite the existing properties on the south side of Lingards Road would be equivalent in height or marginally lower.

Plot 23 now presents a fundamentally different proposition: a four-storey building whose completed ridge could stand approximately 3.5 to 3.7 metres higher than my property.

When combined with its enlarged footprint, altered position and increased levels, the garden room contributes to a materially different scale, massing and physical presence. It cannot reasonably be dismissed as the minor enclosure of an otherwise compliant terrace.

5. Risk of an incremental planning ratchet

I recognise that this decision would not create a legally binding precedent and that future applications must be determined on their own merits. Nevertheless, previous development is frequently cited as evidence of the scale and form considered acceptable within a locality.

There is a particular concern at Lingards Road because the existence of a limited number of three-storey dwellings has already been relied upon to support more extensive three-storey development. If Plot 23 is now accepted as a four-storey form, it may subsequently be cited as evidence that comparable height and massing are characteristic or acceptable in this part of Slaithwaite.

Once permitted, Plot 23 could be cited in support of further four-storey development elsewhere in Slaithwaite, including within other sensitive rural-fringe locations. What is presently an exceptional and unauthorised four-storey form could gradually be presented as part of the established character of the area and used to justify further buildings of comparable height and massing.

This demonstrates why successive changes must not be assessed individually. Doing so creates an incremental ratchet in which each departure becomes the baseline used to justify the next, progressively eroding the lower-profile development and rural-fringe character originally presented to the Planning Committee.

Conclusion

This application is not accurately described as the minor enclosure of an approved raised terrace. That description:

- relies upon an as-built structure that does not appear to correspond with the approved terrace;
- disregards a construction sequence indicating that an enclosed room may have been intended from the outset;
- separates the garden room from the cumulative departures affecting the complete building; and
- understates the significance of introducing a four-storey built form into this locality.

The advanced state of construction must not be allowed to create a *fait accompli*. Continuing to build before the planning position was resolved does not make the development more acceptable or confer an entitlement to retrospective permission.

I therefore ask the Council to:

1. reject AK Planning's characterisation of the proposal as merely the minor enclosure of an approved terrace;
2. assess the complete development against the operative approved drawings;
3. investigate the construction sequence and determine whether it constitutes intentional unauthorised development;
4. consider the cumulative change in scale, height, massing and number of storeys;
5. refuse the application; and
6. if the development is not brought into conformity voluntarily, take appropriate formal enforcement action.

Please do not make my personal details public.

Kind regards