

A Common Height and Design Discrepancy Across Plots 23, 34 and 35

Plots 23, 34 and 35 form part of SB Homes' Heritage Collection and were originally approved as the same Britannia house type, with Plots 34 and 35 constructed as mirror images. All three have now been measured as being higher than their respective planning permissions permit.

This common discrepancy is significant. It is increasingly difficult to regard the excess height at Plot 23 as an isolated construction error when the other two Britannia dwellings have also been set out above their approved levels.

Photographic evidence from Plots 34 and 35

Recent photographs looking into the ground-floor entrance areas of Plots 34 and 35 provide further evidence that their levels require investigation.

At Plot 34, the internal ground-floor surface appears appreciably higher than the unfinished external floor level immediately outside the entrance. There appears to be a substantial difference between the internal floor and the present external approach.



The same issue is visible at Plot 35. The large opening is the glazed stairwell entrance porch. The front door is intended to form the fourth glazed panel from the right, reversing on the mirror-image dwelling.



The approved front elevation shows the entrance door meeting a continuous external ground line. It depicts no external step, raised entrance or substantial threshold upstand. The internal entrance floor and finished external approach are therefore shown as level, or effectively level.

By contrast, the construction photographs appear to show the internal floors raised above the external ground level presently provided.

These photographs cannot independently establish the precise finished-floor discrepancies because the door frames, internal finishes and final external surfaces have not yet been completed. They do, however, expose an unresolved levels issue. Either:

- the entrance floors appear higher than the approved levels;
- the external ground and approach levels must still be raised substantially to meet them; or
- some combination of both has occurred.

Raising the external approaches later may conceal the visible threshold differences, but it would not demonstrate compliance. It could instead mean that the surrounding ground or road levels have also been raised. The absolute floor, ground and ridge levels must therefore be checked against the approved datum.

Plot 23 no longer presents the intended two-storey appearance

A recent photograph of the eastern end of Plot 23's raised patio demonstrates a direct visual consequence of the increased building level.



Viewed from Lingards Road, the top of the doorway into the proposed lower-ground "garden room" is visible beneath the raised patio. Built form belonging to an additional level is therefore perceptible below the two principal storeys.

The Design and Access Statement submitted under application 2020/93954 stated:

"Generally the houses present a two storey elevation to the south including those facing Lingards Road..."

Plot 23 does not now read solely as the two-storey southern elevation described in that statement. The raised building and altered lower-ground construction have exposed part of an additional level to public views from Lingards Road.

This is not merely a numerical discrepancy in a schedule of levels. The increase has changed how the building is experienced from the road and from the existing dwellings opposite.

Screening would not resolve the harm

Any suggestion that the additional visible storey or excessive built height could be mitigated through planting, fencing or other screening should be rejected.

The outlook from the existing properties on Lingards Road is already substantially restricted by the development. Additional screening sufficient to conceal the exposed lower-ground construction would be likely to restrict that outlook still further. It would therefore replace one form of harm with another, rather than remedying the underlying departure.

Screening would also:

- fail to reduce the actual height, mass or number of perceptible levels;
- depend upon future planting becoming established and being permanently maintained;
- potentially require considerable height or density to provide meaningful concealment;
- further enclose the outlook from the existing dwellings;
- obscure rather than correct the as-built discrepancy; and
- leave the building higher than the permission allows.

The acceptability of the approved scheme was based upon the design and levels shown in the planning documents. It was not based upon excessive built form subsequently being hidden behind screening at the expense of neighbouring residents.

Height was fundamental to the original justification

The Design and Access Statement expressly justified the proposed three-storey dwellings by comparing their ridge heights above the new road levels with the ridge heights of the existing houses above Lingards Road. It stated that these heights would be approximately equal and, in some cases, that the existing ridges would be higher.

It also stated that the houses facing Lingards Road would generally present a two-storey elevation towards the south, while the apparent scale of the northern three-storey elevations would be reduced by placing rooms within the roof.

The acceptability of these dwellings therefore depended upon a carefully stated relationship between:

- the approved new road levels;
- the approved ground-floor and ridge levels;
- the existing houses and Lingards Road; and
- the intended two-storey appearance towards Lingards Road.

Height was not an incidental technical detail. It formed part of the applicant's express justification for why development of this scale would relate acceptably to its surroundings.

If Plots 23, 34 and 35 have all been constructed higher than their permissions allow, the factual basis of that justification has changed. The resulting buildings cannot properly be assessed as though the approved height relationships and visual effects still exist.

Additional ground-floor windows across the Britannia range

There is a further common alteration affecting all three Britannia plots. Plots 23, 34 and 35 have each gained an additional ground-floor window that is not shown on any approved planning application or the current live application.



This indicates that the change is not an isolated site occurrence at one dwelling. The entire Britannia range has been given additional ground-floor glazing and, consequently, additional natural light as a common design choice.

These windows form part of the external appearance and potentially affect the relationship between the dwellings, neighbouring properties and surrounding land. Nevertheless, the public has so far been denied an opportunity to comment upon them because they have not been accurately presented in either an approved or live planning application.

It is particularly relevant—and arguably ironic—that the buildings' increased heights deny existing residents light, while simultaneously introducing additional windows to increase light for future occupiers.

The applicant should be required to submit accurate as-built elevations for all three plots showing every additional window. Their effects should then be assessed openly through the planning process, rather than the windows remaining absent from the drawings while becoming established through construction.

Marketing emphasis on elevation and views

SB Homes' subsequent marketing places repeated emphasis on Plots 34 and 35 occupying an "elevated position," having an "elevated aspect" and being designed to maximise their far-reaching views across the valley. The wider Heritage Collection is marketed as "Homes on the hill." Every time the buildings elevate, existing residents are faced with an outlook containing even more stone wall.

This language does not explain or authorise any departure from the approved levels. The approved development was already situated on elevated land, so the marketing wording does not itself prove that the dwellings were deliberately raised.

Occupying an elevated plot, the property has been carefully designed to maximise its far-reaching views

It does, however, demonstrate that elevation, outlook, natural light and the maximisation of views are commercially valuable features of these properties. The common addition of ground-floor windows reinforces the evidence that enhanced light and outlook formed part of the design choices made across the Britannia range.

That makes it particularly important for Kirklees to establish why all three Britannia plots have apparently been constructed above their approved levels and whether this resulted from a shared decision, drawing, datum or instruction.

A pattern requiring collective investigation

Three related dwellings of the same original house type being measured high, together with the same additional ground-floor window being introduced across all three, points towards a wider pattern of common design or construction changes.

Possible common causes include:

- a shared setting-out or datum error;
- the use of the same incorrect or revised levels information;
- a common alteration to the Britannia design;
- an instruction to raise the floor or building levels;
- altered road or finished-ground levels;
- common revised construction drawings that have not been disclosed; or
- a deliberate decision affecting all three plots.

The Council should not investigate Plot 23 in isolation while treating the corresponding discrepancies at Plots 34 and 35 as unrelated. The common house type, common design justification, common direction of the height discrepancies and common additional windows require a coordinated explanation.

Before application 2026/91657 is determined, Kirklees should obtain and disclose for all three plots:

- the approved and as-built road levels;
- the approved and measured external ground levels;
- the approved and measured ground-floor levels;
- the approved and measured ridge levels;
- the benchmark and datum used during setting out;
- the original survey observations and raw measurement data;
- all setting-out drawings and engineers' instructions;
- any revised levels drawings or site instructions;
- accurate as-built elevations showing every window and external opening;
- the drawings or instructions under which the additional ground-floor windows were constructed;
- records identifying when each discrepancy or alteration was first discovered; and
- an explanation of whether the same datum, survey information, drawings or construction instructions were used for all three dwellings.

The comparison must include both the ridge height above each new road and the absolute relationship of each dwelling to Lingards Road and the existing houses opposite. Even if a new road and dwelling were raised together, preserving their internal ridge-to-road measurement, the whole development would still sit higher in relation to its surroundings.

Conclusion

The evidence indicates a shared height and design problem affecting all three Britannia plots, rather than a single unexplained discrepancy at Plot 23.

The entrance photographs at Plots 34 and 35 do not independently quantify the excess height. They do, however, show apparent differences between the constructed internal floors and the level approaches depicted on the approved elevations. They reinforce the need to establish whether the floors, external ground, roads—or all three—have been raised.

At Plot 23, the top of one of the lower-ground garden-room doorways is already visible from Lingards Road. This demonstrates that the consequences of the increased elevation are physical and perceptible: built form belonging to an additional level has become visible where the original design justification said that houses facing Lingards Road would generally present a two-storey elevation.

Screening would not cure that departure. It would obscure the building rather than reduce its height and would be likely to worsen the already restricted outlook from the existing homes opposite.

The addition of an undisclosed ground-floor window to each Britannia dwelling provides further evidence of common design changes affecting the whole range. Those windows have given the new properties additional light, yet the public has been denied any opportunity to comment upon their appearance or effects.

Kirklees should establish the cause, extent and consequences of all these common discrepancies before determining application 2026/91657. The excess height at Plot 23 should not be regularised

as an isolated variation, without first investigating the evidence of a wider and potentially deliberate pattern affecting all three Britannia plots.