

The Potential Domino Effect on the Remaining Lingards Road Street Scene

The consequences of the height discrepancies at Plots 23, 34 and 35 do not end with those three dwellings. They risk influencing the levels and ridge relationships of the plots that remain unbuilt, progressively altering the approved street scene along Lingards Road.

Plot 23 was the first of the three Britannia dwellings to be constructed. Plots 34 and 35 followed. All three have now been measured as being higher than their respective planning permissions permit.

Plots 36 onwards have yet to be started. This provides the Council with an important opportunity—and responsibility—to establish the correct datum, floor levels, ground levels and ridge relationships before construction continues.

The risk of an elevated construction benchmark

Plots 23, 34 and 35 now form a physical group of elevated dwellings. Irrespective of how that situation arose, their constructed levels risk becoming the practical benchmark against which the adjoining plots are subsequently set out.

If Plot 36 is constructed at its correct approved level, its ridge may sit noticeably below the elevated ridge of Plot 35. That compliant relationship could then appear visually inconsistent with the buildings already constructed.

There is an obvious risk that this difference could be relied upon to justify raising Plot 36 in order to continue the roofline established by Plot 35. The same reasoning could then be repeated between Plot 36 and Plot 37, and onwards through the remaining plots.

The result would be a domino effect: an initial departure from the approved levels progressively influencing the setting out of the unfinished development.

Compliance must not be made to appear anomalous

The approved street scene should remain the controlling design benchmark. The constructed levels of dwellings that depart from the permission must not be allowed to replace it.

Otherwise, a house constructed at its correct approved level may come to appear anomalously low only because the adjoining dwellings are too high. That visual inconsistency would not demonstrate a defect in the approved scheme. It would be the consequence of the earlier departures.

The Council should not subsequently accept the preservation of an elevated roofline as a justification for carrying those discrepancies into the remaining development. Doing so would allow non-compliant construction to determine the form of later buildings and progressively displace the street scene that was assessed and approved.

The effect upon Lingards Road and existing residents

This is particularly important because the original height justification depended upon the relationship between:

- the ridges of the new dwellings;
- the levels of the new estate road;
- Lingards Road;
- the existing houses to the south; and

- the intended progression of buildings across the sloping site.

A raised sequence of dwellings would not affect only the internal appearance of the development. It would increase the scale and prominence of the new buildings when viewed from Lingards Road and from the lower existing homes opposite.

For those residents, the potential consequences include:

- a higher and more dominant built skyline;
- greater enclosure and loss of outlook;
- windows and external areas positioned at higher elevations;
- increased overlooking from the new dwellings; and
- a longer run of elevated development extending beyond Plots 23, 34 and 35.

The cumulative effect could be considerably greater than the effect of assessing each dwelling independently.

The importance of resolving the existing discrepancies now

Once construction proceeds to Plot 36 and beyond, restoring the approved street scene will become progressively more difficult.

If further dwellings are set out in response to the elevated buildings already constructed, the Council may later face arguments that lowering an individual property would interrupt an “established” roofline. That roofline would, however, have arisen from the continuation of earlier discrepancies rather than from the approved plans.

The correct levels must therefore be established before the next sequence of construction begins—not after further dwellings have been built around an incorrect physical benchmark.

Kirklees should obtain and compare:

- the approved floor and ridge levels for Plots 35, 36 and the remaining plots;
- the approved street elevations and site sections;
- the measured as-built levels of Plots 23, 34 and 35;
- the approved and as-built estate-road levels;
- the common survey datum and benchmark intended for the development; and
- the construction and setting-out information intended to be used for Plot 36 onwards.

This comparison should establish how the elevated Plot 35 would relate to Plot 36 if Plot 36 were constructed at its approved level, and whether continuing the existing constructed roofline would raise the subsequent dwellings above their permissions.

Relevance to application 2026/91657

Application 2026/91657 concerns Plot 23, but its significance extends beyond that individual plot.

If the increased level and enlarged form of Plot 23 are accepted, that decision risks reinforcing the higher physical benchmark already emerging across the Britannia group. It may then become increasingly difficult to prevent similar reasoning being applied to adjoining and later plots.

This would not make future proposals automatically acceptable, and each application would still require determination on its own merits. Nevertheless, the physical street scene created by earlier decisions will inevitably form part of the context within which subsequent proposals are designed and assessed.

The Council must therefore consider not only the immediate effects of regularising Plot 23, but also whether doing so would contribute to an elevated pattern of development capable of influencing the unfinished plots.

Conclusion

Plots 23, 34 and 35 are key to the future street scene along Lingards Road because they are the first constructed group beside land where further dwellings have yet to be started.

Their excessive levels must not become the de facto construction benchmark for Plot 36 onwards. If Plot 36 is built higher to align with Plot 35, and later plots are then raised to align with Plot 36, the approved street scene could be progressively replaced by a materially higher one.

That would magnify the scale, prominence and amenity effects of the development upon Lingards Road and the existing residents to the south.

Kirklees should establish and require adherence to the approved datum, building levels and ridge relationships before construction proceeds beyond Plot 35. The future development must conform to the approved street scene; the approved street scene should not be rewritten to accommodate buildings that have already been constructed too high.