

SITE COMPARISONS



Image (Left) shows the boundary treatment between No.64 and No.66 when planning was approved by Cannock Council.

This is contrary to what has been published in the report (Image below) therefore does not give a true representation of the facts.

It does not also support the comments made by the planning officer with regards to the existing boundary treatment in his officer's report.

ACTUAL
BOUNDARY
TREATMENTS





LOSS OF PRIVACY & OVERLOOKING

Image showing approved balcony (Left) which can stand approx 15 people.

The balcony has views over the entire garden, rear façade and first floor bedroom of No.66.

The officer's report states that this balcony is the same as a first floor window.

This is a loss of privacy and is contrary to the Council Policy.

Cont.....



The balcony projects out at the boundary and is more or less at the boundary position.

The great wall effect is over bearing and gives the impression of a prison wall.

The footprint of the property is maxed out from left to right, which means that the new dwelling does not sit comfortably.

The planning officer advises that the new dwelling has been edged and just about sits comfortably which is again contrary to what is stated in the report.

Site plans produced by a qualified architect shows how the footprint of the new dwelling has grown 3 times since the construction commenced – larger than the actual plot width.

OVERBEARING

SITE COMPARISONS

Image shows the overbearing effect of the new dwelling when standing beside it or enjoying garden amenity.

This balcony is also a source of noise pollution.

The planning officer stated in his original report that the new dwelling may be a **breach of Human Rights** however since the size of it has now increased further (by approx 20-30% are we right to suggest that it is now an actual breach of Human Rights.

**OVERBEARING/
OVERMASSING –
(PRISON WALL
EFFECT)
LOSS OF LIGHT**





OVERSHADOWING - FRONT

Image shows overshadowing to the front elevation of No.66 created by excessive roof heights of the new dwelling and false manipulation of drawings.



Image showing overshadowing at rear elevation which virtually covers the entire garden and rear façade.

OVERSHADOWING - REAR

SITE COMPARISONS



THE HUGE FOOTPRINT OF THE NEW DWELLING DOES NOT SIT COMFORTABLY AND OVERPOWERS ADJACENT DWELLING.

Before (Left) and after (Right) images showing the maxing out/ overbearing impact of new dwelling Prior to the construction of the new dwelling, it can be seen that in excess of 1 van can fit through the gap between the perspective dwellings. As it currently stands, only 2 people can fit through.

SITE COMPARISONS



As per the approved drawings for the new dwelling, please note the difference in heights as shown in the images above/ below between No.64 and No.62.

There seems to be a substantial difference in what was planned and what was actually built.



FALSE MANIPULATION OF DRAWINGS

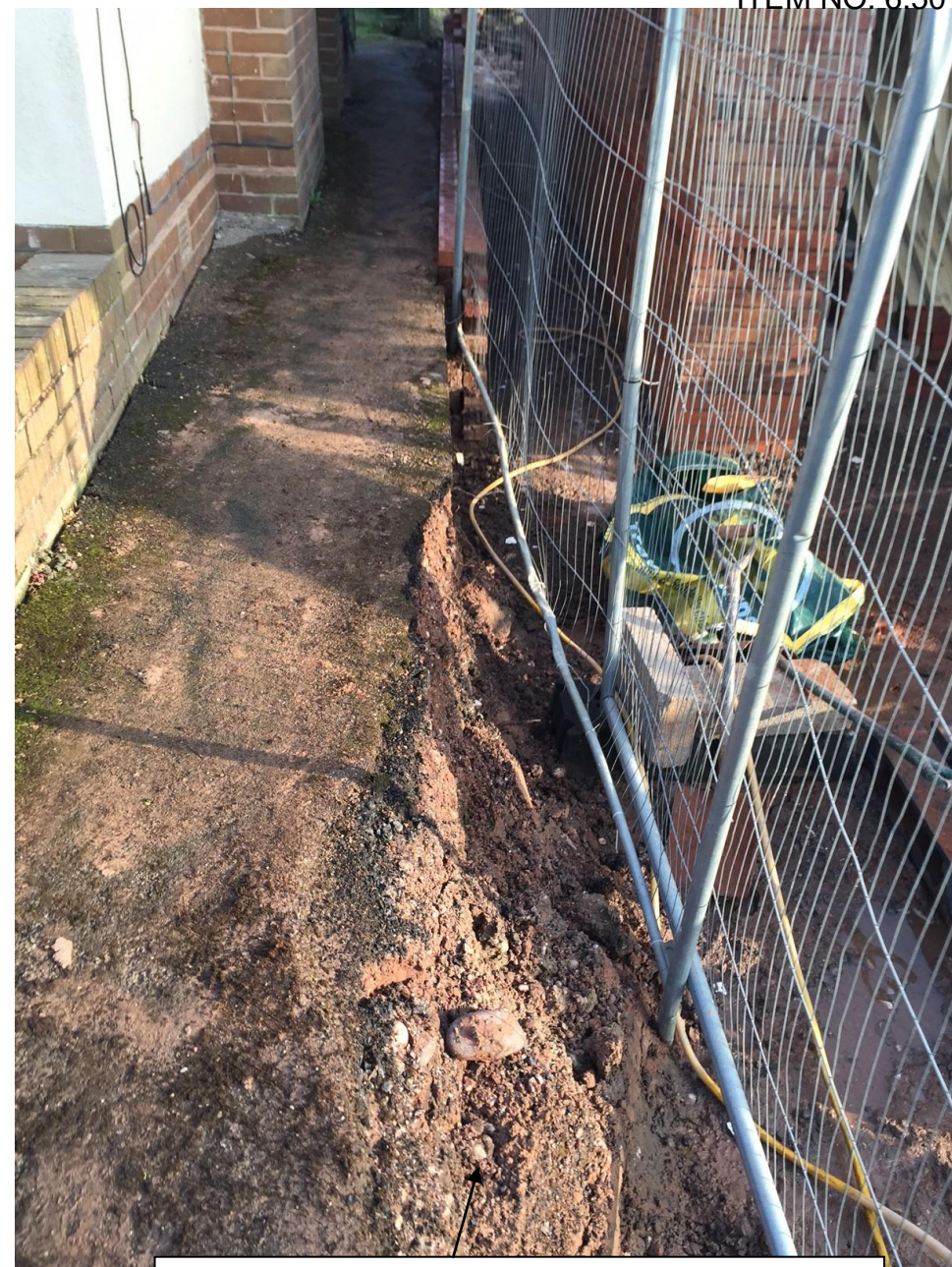
Adjacent dwellings shown to be 1.3m taller.

The consequence and subsequent material impacts of the new dwelling would not have been as apparent until the new dwelling was substantially built.



Though not entirely a planning matter, in order to obtain a new dwelling that satisfies personal desire, a scaffold was mounted onto the adjacent property without authorisation and the entire side of the adjacent dwelling was damaged in order to shift the boundary in favour of the new dwelling.

The adjacent dwelling was at the time let to a young gentleman whom was not in a fit state to discuss any planning matters.



Unnecessary damage due to the new dwelling having been edged – as described by the Planning Officer.

Main reason for complaint

- 1) Retrospective plans were approved through delegated powers even though it was requested for the matter to be referred to committee. Based on the officer's report, there are **numerous incorrect statements** which do not give a true representation of the new dwelling
- 2) The planning officer took **3 months to do a site visit**. Council Policy states that officers will visit within 3-5 working days.
- 3) The newly appointed Development Control Manager advised after the retrospective plans were approved that he was too busy with other projects. The additional time taken to **investigate the approved plans were approximately 6 weeks after the date of approval**.
- 4) The **approved plans are contrary to Council policy** with regards to the material impacts and removal of trees and hedges. In this instance, 200sqm of hedges and trees were removed.
- 5) The **level of enforcement for breaching virtually every aspect of the planning system was more or less zero**.
- 6) **The costs** for a surveyor, structural engineer, architect, legal advice (conveyance) were paid by the owner of No.66 even though it was the duty of the developer to ensure that the works were legally conducted in line with what had been approved.
- 7) The Planning Officer advised that a new planning application would be made by the developer however after further investigation it was noted that a very brief revision was submitted.

Previous Cases

Prior to the approval of the plans for the new dwelling, in 2008 similar plans were approved for a building of similar size on New Penkridge Road.

The planning officer approved the scheme in 2008 however the same material impacts were highlighted in an objection letter received from 2 objectors. These included loss of light, overshadowing and loss of privacy.

The planning officer conducted the 45 degree rule tests and advised that there would be no impact therefore still in favour of the new scheme.

The case was referred to a planning control meeting.

Based on the material impacts a unanimous decision was made objecting the new scheme based on it overmassing/ footprint.

Given the nature of the new dwelling at No.64 New Penkridge Road and the manner in which case law is used to determine cases, it is felt that no aspect of the case from 2008 was adopted in this instance, yet there are numerous similarities and virtually like for like comments made in the supporting reports.

It is noted that, the planning officer used the same method of dealing with overlooking, by dealing with any issue of overlooking by comparing the material impact to the view from a first floor window.

Based on the views of numerous independent architects, it is very difficult to understand how the approved balcony on the new dwelling can be described as a first floor window and approved on this basis regardless of one's subjective opinion.

Each case should be approved on its own merits and not by the same standard template approach as we have now seen by the planning officer.

SITE COMPARISONS

Latest Case

In the neighbouring city of Stoke, the Council have taken enforcement action against a new dwelling which has been built 30 inches larger than the approved plans.

The proposed action is the demolition of the property or works to alter the new dwelling so that it is in line with the approved plans.

The point in this matter is, the new dwelling constructed at No.64 New Penkrige Road has an increased roof height of approximately 1.3m which is 47 inches. There is also an increase in the width of 1.8m.

Why is the approach towards Mr Hussein and his family any different to Mr Kilgallon and family.

Both are examples of disregard to the planning system and co-operation with the Local Authority. There is a **clear undermining of planning rules/ regulations** and allowing such discrepancies through retrospective planning will only set precedent.

If a planning officer takes 3 months to do a site visit as in this instance, how can it be guaranteed that the correct surveillance can be offered from the Local Authority in the future which will in return allow developers to take full advantage of this loop hole.

In an area of outstanding natural beauty we do not wish to tolerate this attitude towards individuals that decide to breach planning conditions and then profit from their actions. This is no different to committing a crime and benefiting from it.

Concealed Development

The developer of No.64 New Penkridge Road has with intent built a new dwelling that was never part of the original scheme. It is more than likely based on the level of deception and falsely manipulated plans that two sets of drawings were created.

This manner in which the new dwelling was concealed resembles the case of the gentleman that built his property behind a barn.

The similarities are that in the case of No.64 New Penkridge Road are:

- the Local Authority were not even aware that the development had commenced
- all the hedges/ trees were removed through excavation and burning
- paperwork was completed to suit personal desire of the developer
- adjacent owners were duped and not notified of the dwelling
- approved drawings were falsely manipulated

The new dwelling has been created for personal desire. As per council policy it does not take into consideration the amenity of adjacent dwellings which is demonstrated through the images provided.

193.25.117.54

No
 c) Features of geological conservation importance:
 Yes, on the development site
 Yes, on land adjacent to or near the proposed development
 No

15. Trees and Hedges
 Are there trees or hedges on the proposed development site? Yes No
 And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? Yes No
 If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

16. Trade Effluent
 Does the proposal involve the need to dispose of trade effluents or waste? Yes No
 If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

18. All Types of Development: Non-residential Floorspace

10/01/16: 2015-04-02 15:18:00: 61493

**NON DISCLOSURE OF
 CRITICAL INFORMATION
 RELATING TO THE NEW
 DWELLING**

Why have the Local Authority arranged for this meeting when the decision to take no enforcement action has already strongly been recommended?

A substantial size report has been compiled by the Development Control Officer. This report does not contain the full facts of the case and therefore does not allow for proper evaluation and consideration for members. For example, one of the major concerns is the luxury balcony feature to the rear elevation of the new dwelling. Though reference has been made to it, no images have been provided even though numerous images of this feature have been sent.

An email has also been sent to the Local Authority questioning the credibility of the report published for the Planning Control Meeting however no response has been received.

An adjournment was also requested but this option was declined by the Local Authority.

We are yet to understand why Cannock Council are not employing the same enforcement as Stoke and whether this case will now set precedent for other developers.

We are also yet to understand how this case has been described as trivial.

The term 'regularise' has been used in the report. If the Local Authority wish to regularise the new dwelling, then it is suggested:

- All the excavated and bunt down trees and hedges are re-planted in the same location as which they were removed.
- Site plans are produced which show how the new dwelling has grown and its size in comparison to the actual plot.
- Remove the balcony/ decrease the roof heights so that it is in line with local and national planning.