

**REPRESENTATIONS ON BEHALF OF MR AND MRS KILGALLON  
RE. ALLEGED ENFORCEMENT ISSUES RELATING TO 64 NEW PENKRIDGE ROAD  
CANNOCK**

I have been requested by Mr and Mrs Kilgallon to make representations on their behalf in relation to the report to the Planning Control Committee. In summary, we agree with the officer's conclusion that no enforcement action is justified in relation to minor differences between the dimensions of the as built dwelling and the dimensions shown on the approved plans in relation to planning permission CH/17/073.

Just to make absolutely clear, the only purpose of the report is to consider whether the extent of the differences in dimensions of the as built property compared with the approved plans justifies any remedial action by the Council. This is not an opportunity for the objector to revisit the arguments he put forward for objecting to the development at the time the application was being processed. These issues were considered at that time and were determined by planning officers not to amount to reasons why permission should not be granted. This means that virtually all of the 14 page report produced by the objector's architect, which was circulated to all Members of the Planning Control Committee and subsequently supplied to my client by the planning officer Mr. Sunter is **irrelevant to the matter under consideration and should be disregarded by Members.**

All appropriate planning policies and standards were met by the development which was approved on 13/04/2017. The approved plan is titled " Proposed amendments to previously approved dwelling house at The Orchard 64 New Penkridge Road Cannock" and condition 5 of planning permission CH/17/073 requires the development to be carried out in accordance with the details shown on that plan.

All dimensions of the outer walls of the as built property have been measured together with the height of the garage roof, the height of the front gables and the distance of the building from the boundaries with no. 66 and 62. These have then been compared with the dimensions shown on the approved plan. The comparison between measurements is set out below –

<b>Dimensions on approved drawing</b>		<b>As built dimensions</b>	
Overall width of house	19.780 metres	Overall width of house	19.570 metres
Overall length of main part of house excluding ground floor bays	13.200 metres	Overall length of main part of house excluding ground floor bays	13.260 metres
Length of garage	11.265 metres	Length of garage	11.360 metres
Width of garage	4.940 metres	Width of garage	4.940 metres
Width of ground floor bays	3.380 metres	Width of ground floor bays	3.380 metres
Height of front gables	7.700 metres	Height of front gables	7.700 metres
Height of side boundary wall to both 66 and 62	5.400 metres	Height of side boundary wall to both 66 and 62	5.400 metres

Ridge height of hipped roof of study above garage 7.700 metres	Ridge height of hipped roof of study above garage 7.700 metres
Distance between side wall and retaining wall to boundary with 66 0.800 metres	Distance between side wall and retaining wall to boundary with 66 0.800 metres
Distance between side wall and gable wall of 62 1.330 metres	Distance between side wall and gable wall of 62 1.330 metres

In summary the actual width of the house is 0.210 metres shorter than shown on the approved drawing, the actual length or depth of the main house is 0.060 metres larger and the actual length of the garage is 0.100 metres larger. In percentage terms these figures amount to a decrease of 1% and increases of 0.45% and 0.8% respectively. All other relevant as built dimensions are correct. None of these differences result in any adverse impact on the amenities of the adjoining property no.66.

Three other minor differences between the as built house and the approved plans are as follows –

- There are 3 courses of brickwork above the garage door which increases the height of the front eaves from 2.600 metres to 3.200 metres but the eaves are still below those of no. 66 because the floor level of that property is around 1 metre higher than the floor level of no. 64.
- A small gable roof has been inserted above the front landing window but this is recessed between the two main gables and is not visible from no. 66 or no. 62.
- The roofs to the two matching front ground floor bay windows are not as high as shown on the approved drawing. They don't finish at a point just below the first floor windows but with a horizontal top edge 5 courses of brickwork below the first floor sills. The overall width and depth of the bays is noted above as 3.380 metres ( consistent between drawing and as built ) and the as built depth of 1.14 metres is also consistent with the approved plans.

For the reasons explained in the second paragraph above, my clients do not need to respond to the continued objections raised by the owner of no.66 set out in the ten points in the report to the meeting of the Planning Control Committee on 20<sup>th</sup> June and in the 14 page document circulated to Members. Many of the matters raised are criticisms of the processes followed by the Council which are matters for Council officers and Members to deal with. However where planning matters have been raised we have decided to respond for the sake of completeness.

In relation to the 10 specific points raised by the complainant which are set out in the 20<sup>th</sup> June Committee Report we comment on the 7 points which have some relevance to planning as follows –

- 4. The approved plans are to a recognized metric scale of 1:100 and show all major dimensions in written form, some of which I've already referred to.

- 5. Specifically the approved plan shows the building 0.800 metres from the boundary retaining wall with no. 66 which is the as built dimension.
- 6. The nearest room at the front of no. 66 is mainly lit by a large bay window at the front of the property which is not affected by the development. In relation to the two small side facing windows in this room, the situation is now better than it was with the previous building at 64 which extended in front of both of them, whereas the garage on the current property is set behind the window which is nearest to the front wall of no. 66. In addition, although the former bungalow was further from the boundary than the current house, the maximum height of the gable wall of the bungalow adjoining no.66 was 7.3 metres compared with the maximum height of the new side walls of 5.4 metres.
- 7. The need for the balcony is not in question – it is shown on the approved plans and in any event is screened from the rear of no. 66 by a brick wall 1.8 metres above the floor of the balcony.
- 8. Mr and Mrs Kilgallon have agreed to screen the external coach light attached to the front wall of the garage.
- 9. Mr and Mrs Kilgallon confirm that they own all of the land shown edged red on the application drawings,
- 10. The hedge between no. 64 and 66 was removed in January/February 2015, well before the application CH/17/073 was submitted.

In relation to the 14 page report circulated to Members our comments are again confined to planning matters as follows –

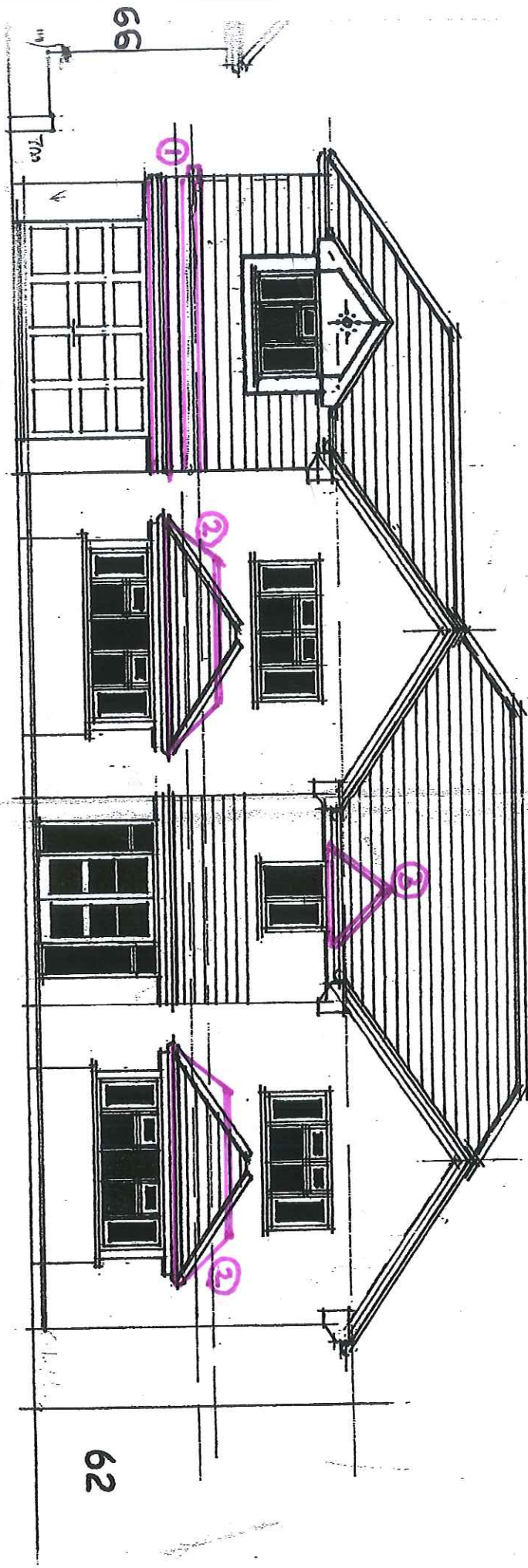
- Page 1 – we have already confirmed the date the boundary hedge was removed, well before planning application CH/17/073 was submitted. There is no condition imposed on the grant of the permission requiring a new hedge to be planted.
- Page 2 – there is no loss of privacy over and above the normal views down neighbouring gardens which applies in virtually all situations where there are neighbouring properties on similar building lines. Specifically any side view from the balcony is prevented by the existence of a 1.8 metre high brick wall.
- Pages 3 and 4 – the Council’s policy that there should be no obstruction to daylight from the centre of the sill of a principal window on an adjoining property within a 90 degree angle rising at 25 degrees above the horizontal excluding the 45 degrees on either side of the wall containing the window is complied with. This standard is based on advice from the Building Research Establishment and no further assessment of impact is required.
- Pages 5 and 6 – the rear gardens of properties on the north-east side of New Penkridge Road face north east, so they receive early morning and evening sun and are overshadowed during part of the day mainly by the shadow of their own properties. No further assessment is required.
- Page 7 – the new dwelling does not overpower the adjoining bungalow as it is sited at a lower level. The height of the existing property at 68 New Penkridge Road has a much greater impact.

- Page 8 – the height of no. 62 New Penkrige Road was inadvertently shown incorrectly on an earlier planning application but not on the drawings which accompanied application CH/17/073.
- Page 12 – the limited information about a case in Stoke-on-Trent adds nothing whatsoever of relevance to this case. In relation to the dimensions quoted in the third sentence on this page, the figures are completely wrong. The dwelling as built is slightly narrower than the approved plans and is at the correct height as shown in the table above.
- Page 13 – the boxes on the application form relating to trees and hedges were not ticked, but the Council nevertheless validated the application without requesting this information and did not impose a condition on the grant of permission CH/17/073 requiring any additional hedge or tree planting to be carried out on the development site.
- Page 14 – The reason the matter is being considered by the Planning Control Committee is not because there are serious enforcement matters to consider, but because complainants/objectors are entitled by adopted Council procedures to have their concerns considered by Committee, where they have been dissatisfied by answers provided by officers.

In conclusion as advised in national planning guidance, trivial or technical breaches of planning control which cause no material harm and where the development is acceptable on its planning merits should not be the subject of formal enforcement action. It is self-evidently the case here that the issues do constitute trivial/technical matters which result in no material harm. The officer's conclusion that no action is required is therefore correct and we request that the Committee confirms this outcome.

John Hemmish  
OBE BA(Hon) MRTP1  
2/7/18

FRONT ELEVATION



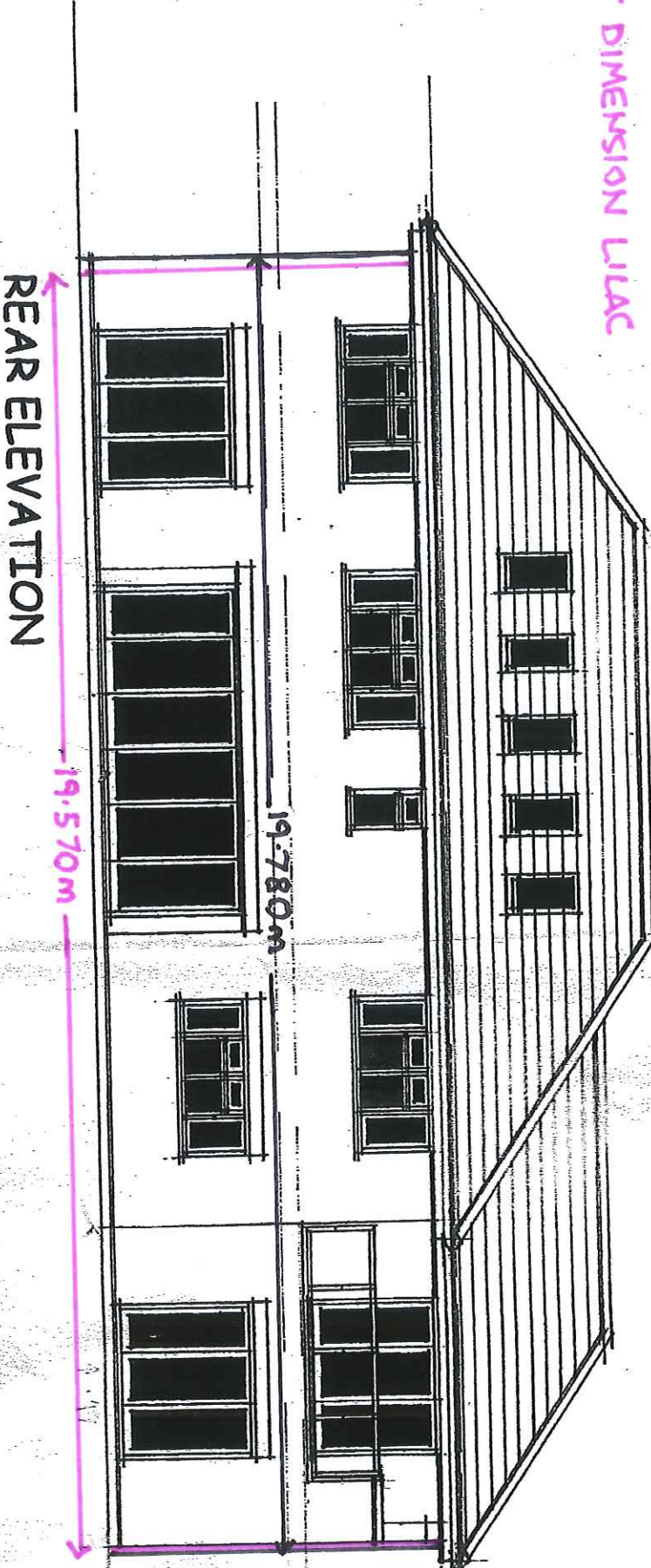
AS BUILT CHANGES LIUAC

- ① ADDITIONAL BRICK COURSES ABOVE GARAGE DOOR
- ② ALTERED SHAPE OF ROOFS TO BAY WINDOWS
- ③ GABLE ROOF ABOVE LANDING WINDOW

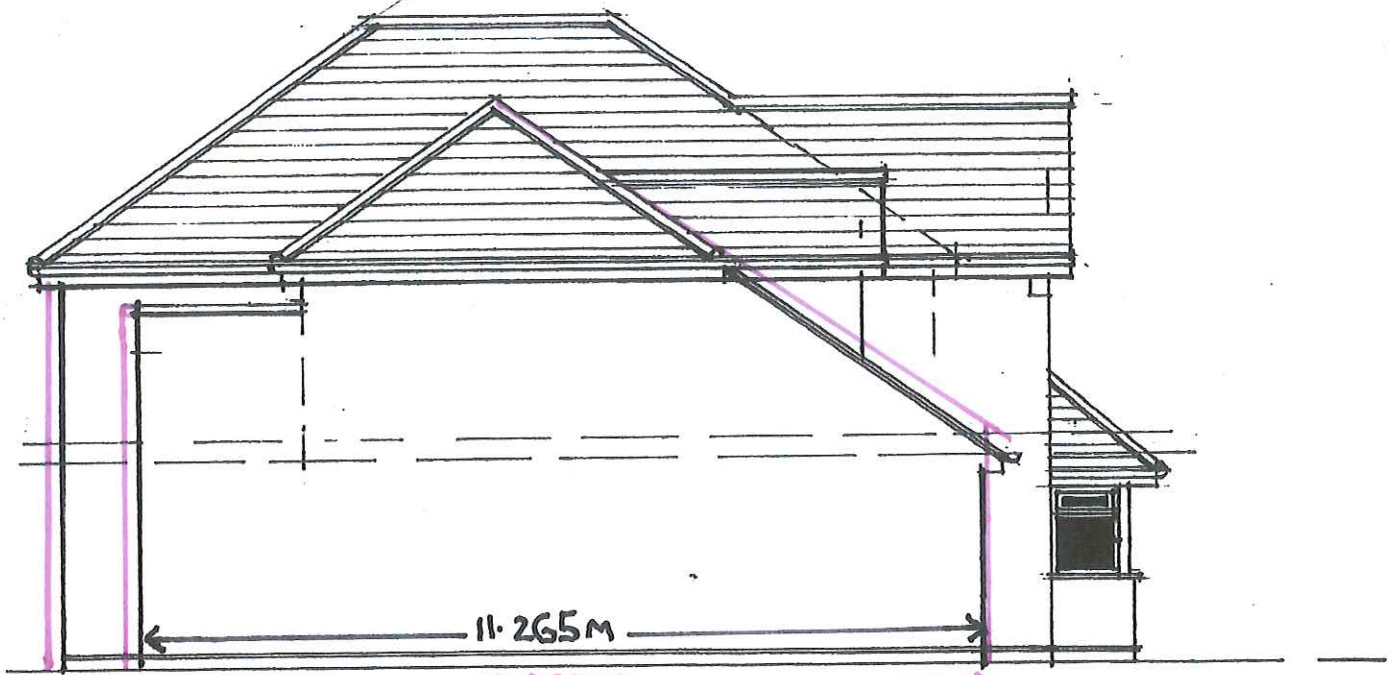
62

66

PLAN DIMENSION BLACK  
AS BUILT DIMENSION LILAC

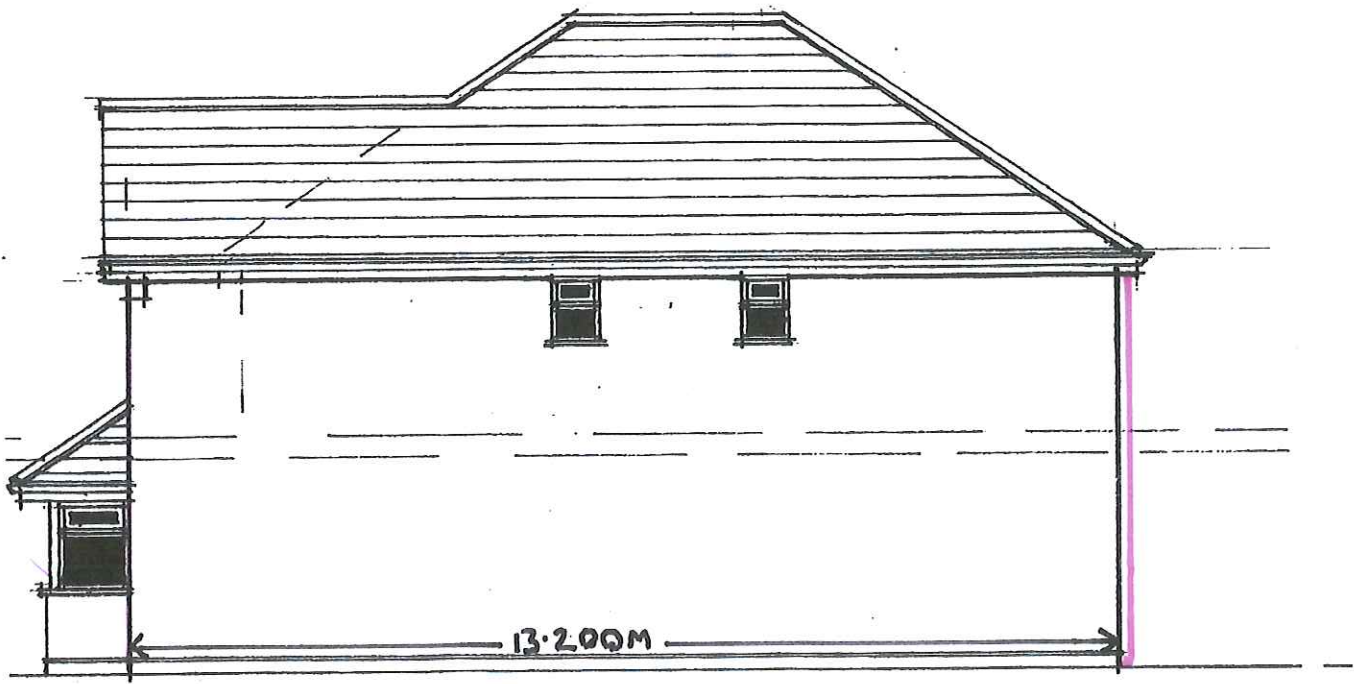


velux roof windows to built into roof construction on rear elevation  
to give light to loft space which will be used for storage



SIDE ELEVATION TO NO 66

PLAN DIMENSIONS BLACK  
AS BUILT DIMENSIONS LILAC



SIDE ELEVATION TO NO 62