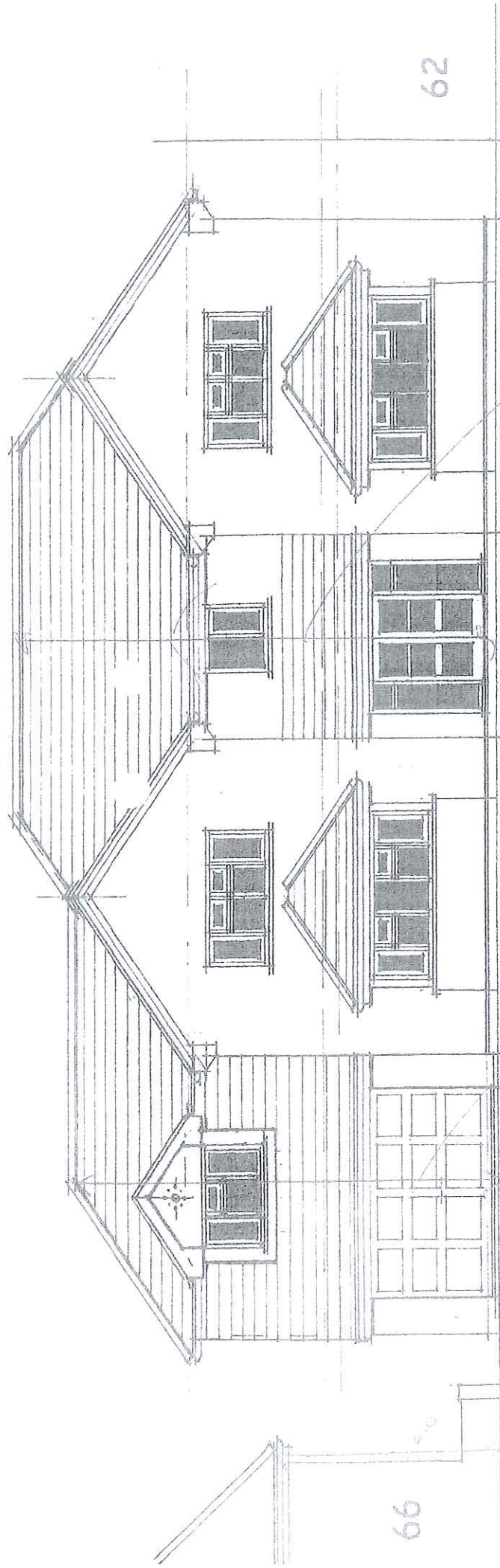


APPENDIX 1:

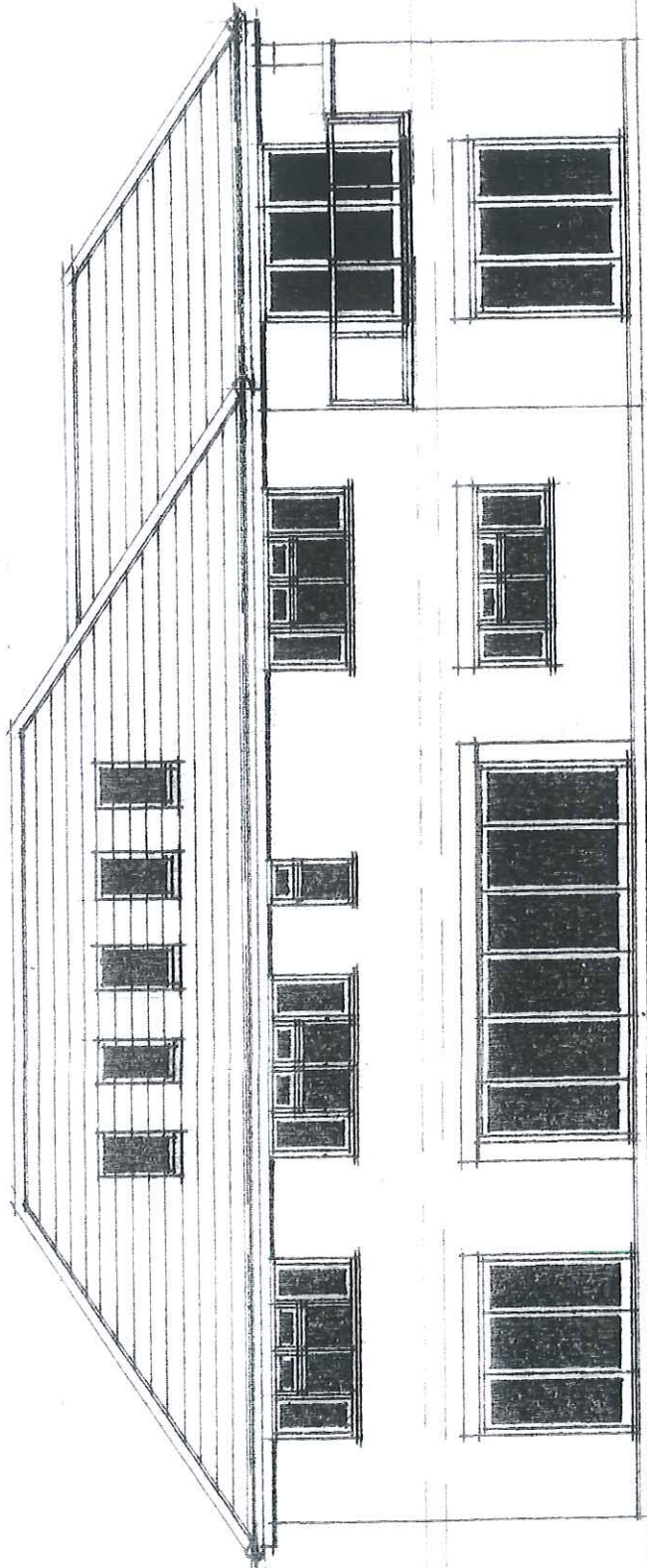
Drawings of the Dwelling 'as-approved'



FRONT ELEVATION [A]

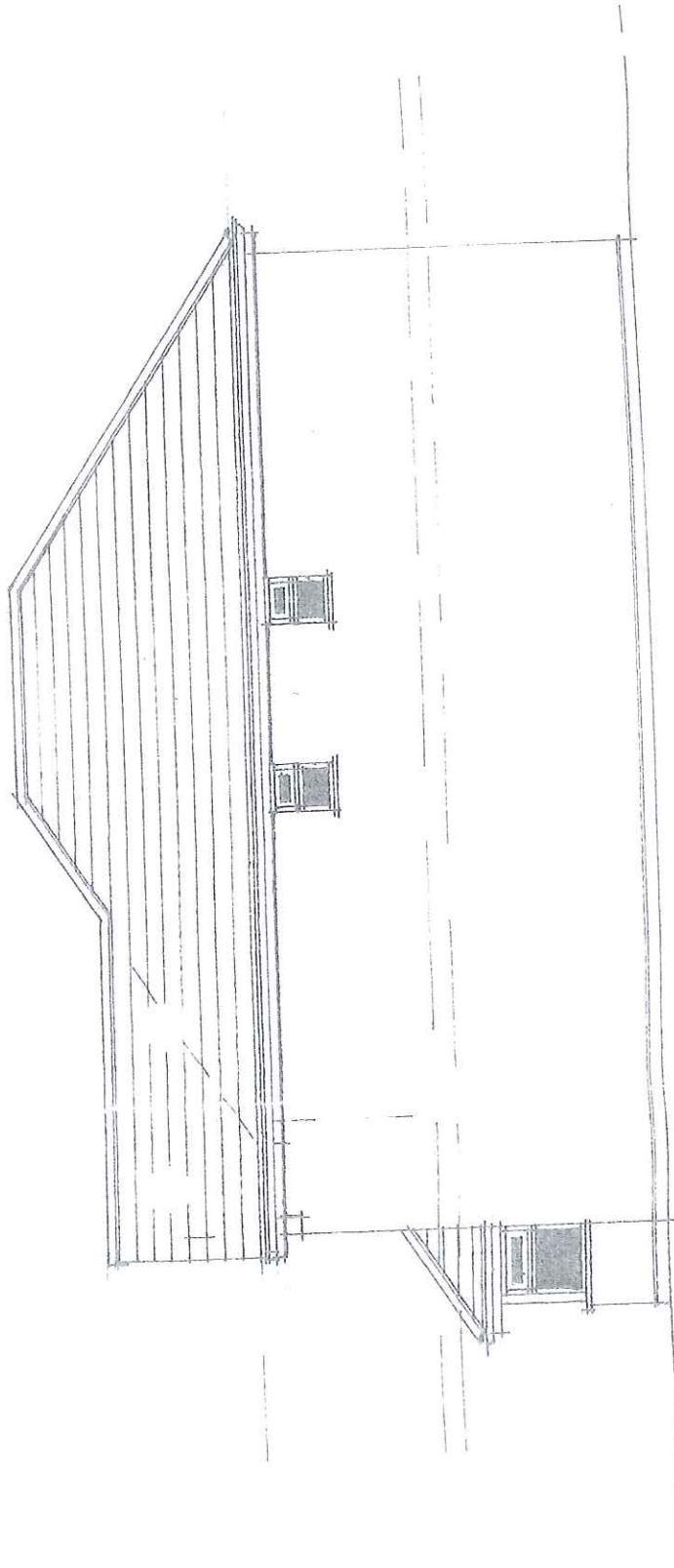
AS APPROVED

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



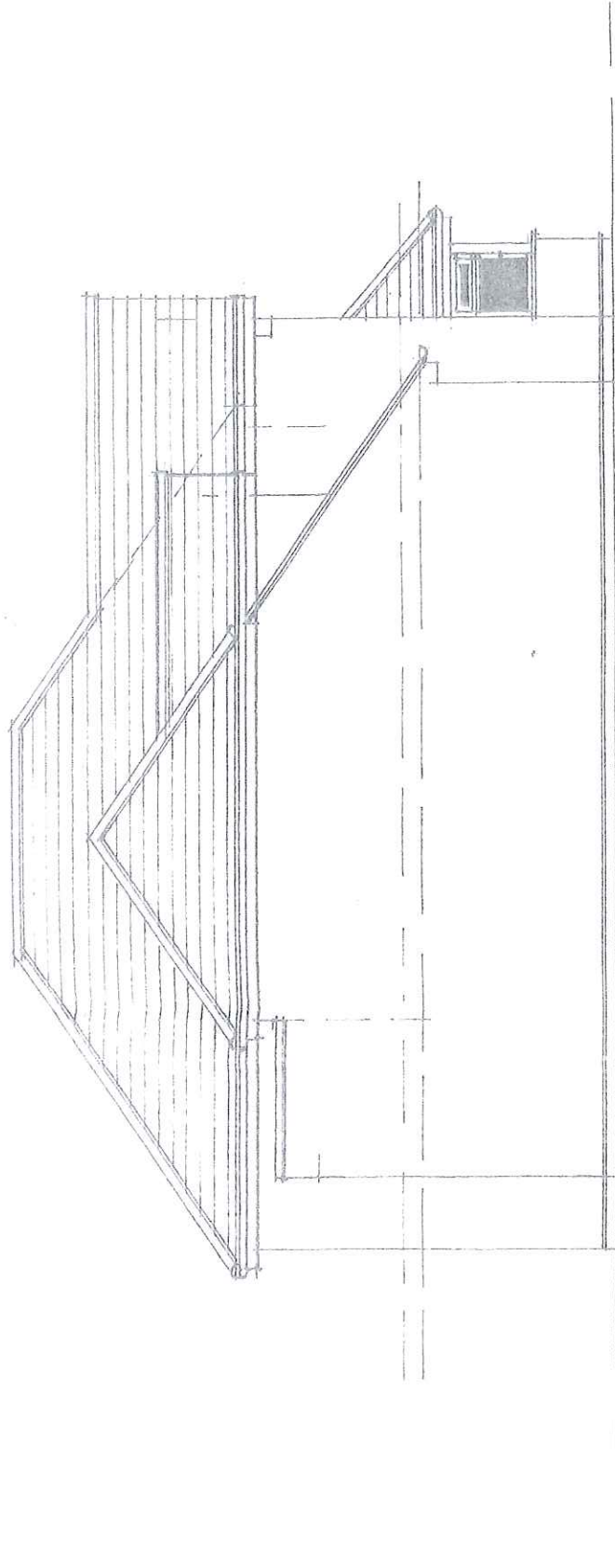
REAR ELEVATION [RB]

AS APPROVED



SIDE ELEVATION TO NO 62 [C]

AS APPROVED

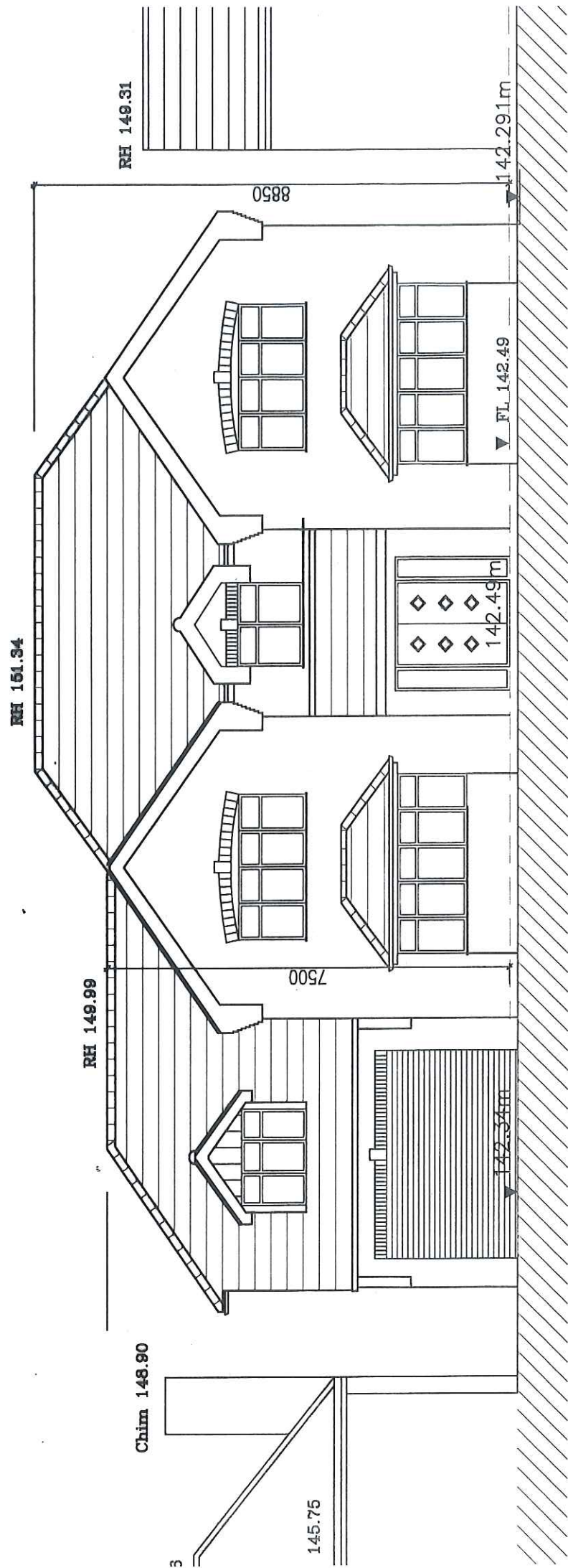


SIDE ELEVATION TO NO 66 [D]

AS APPROVED

APPENDIX 2:

Drawing of the Dwelling 'as-built'



Elevation A

Note no ridge tile
RH at front 151.34 at the rear

Flat roof

RH 149.99

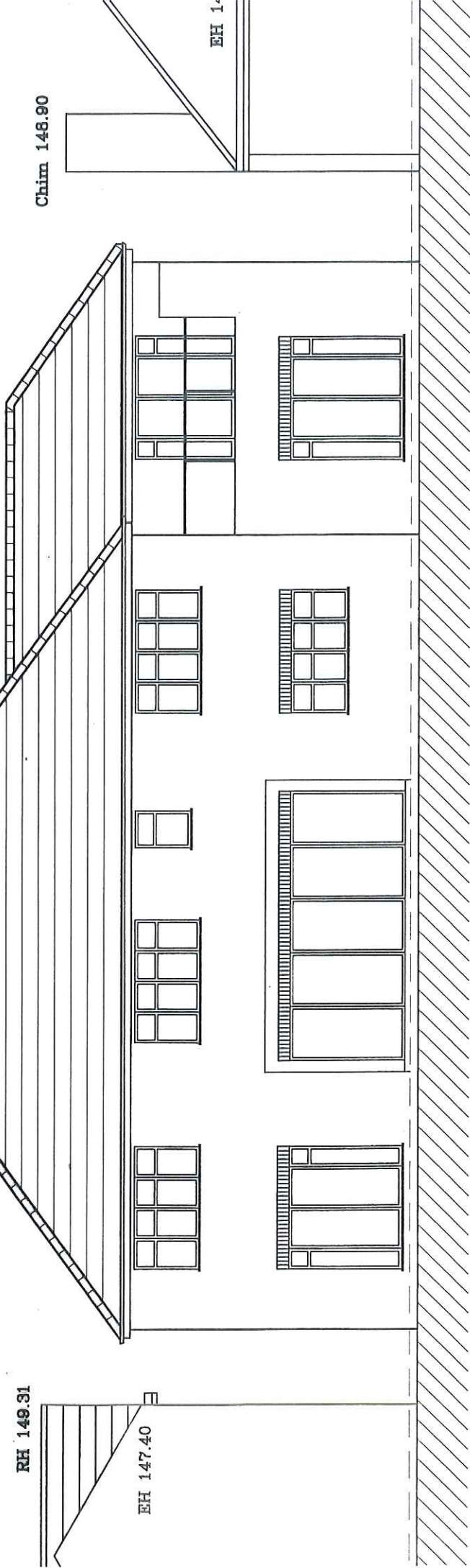
RH 149.31

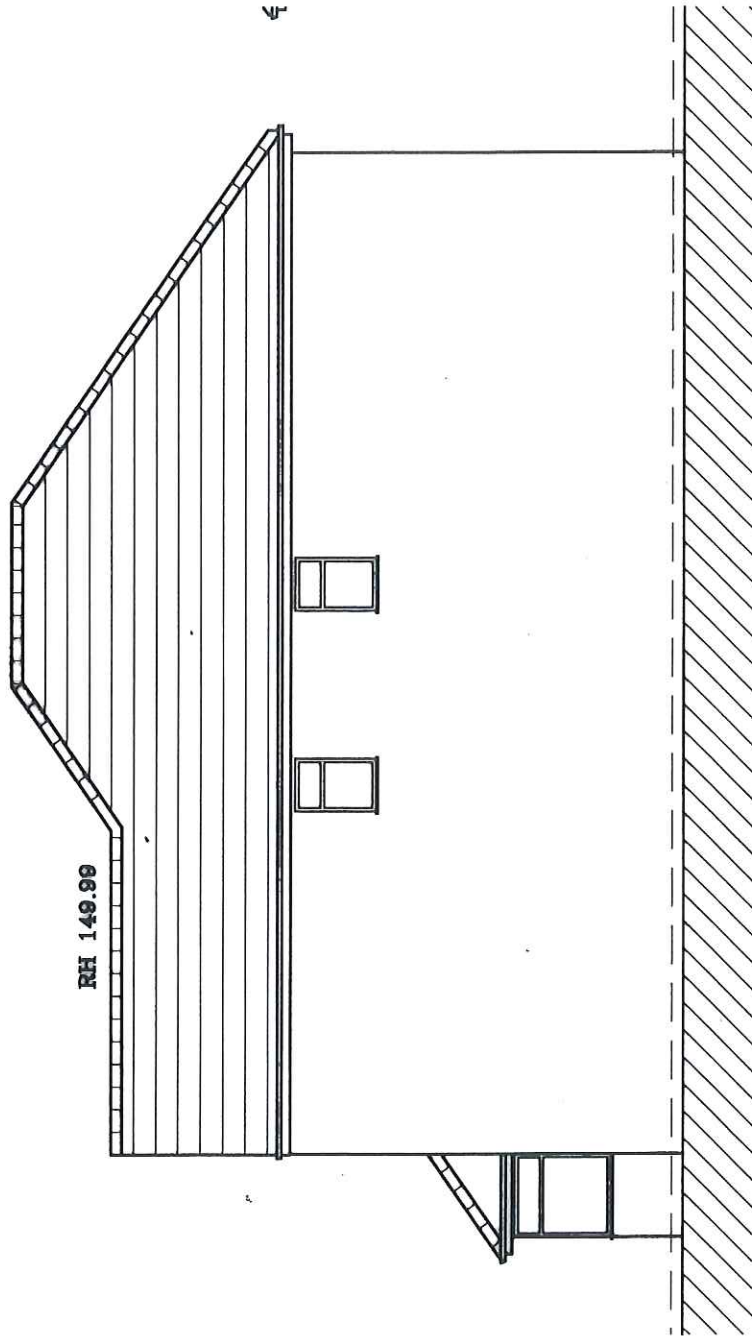
EH 147.40

Chim 148.90

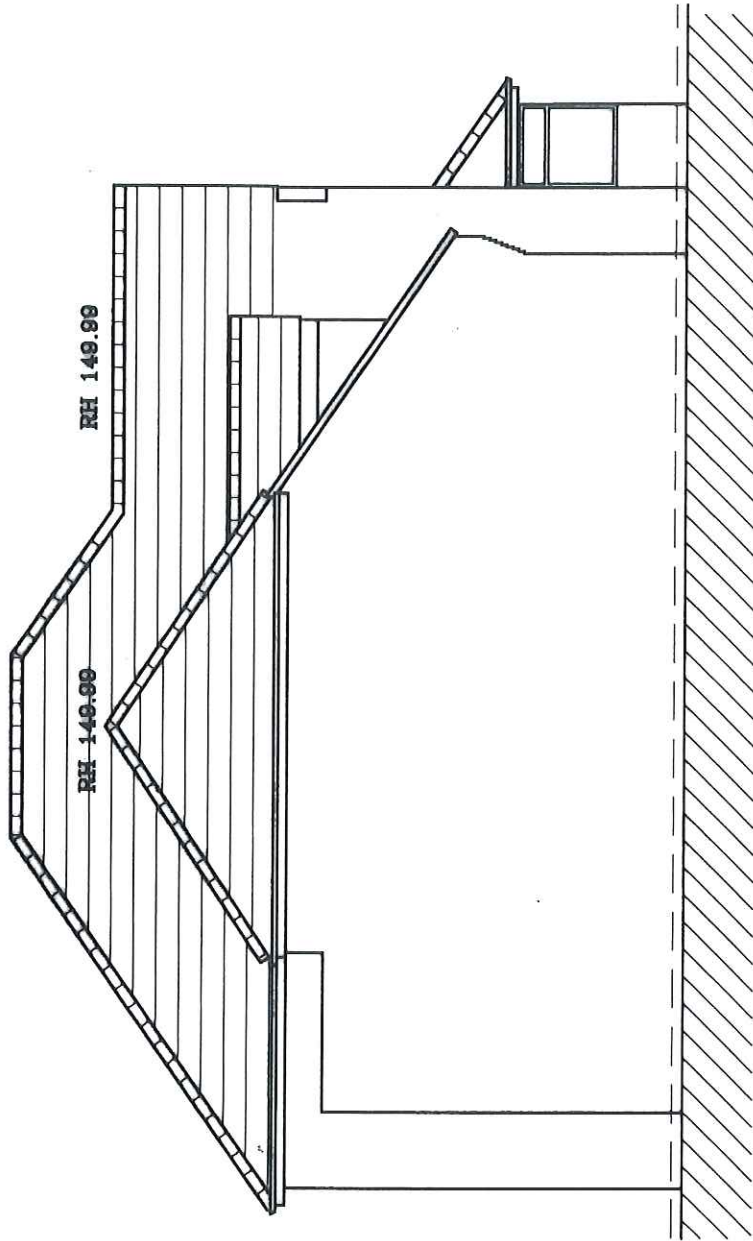
EH 14

Elevation B





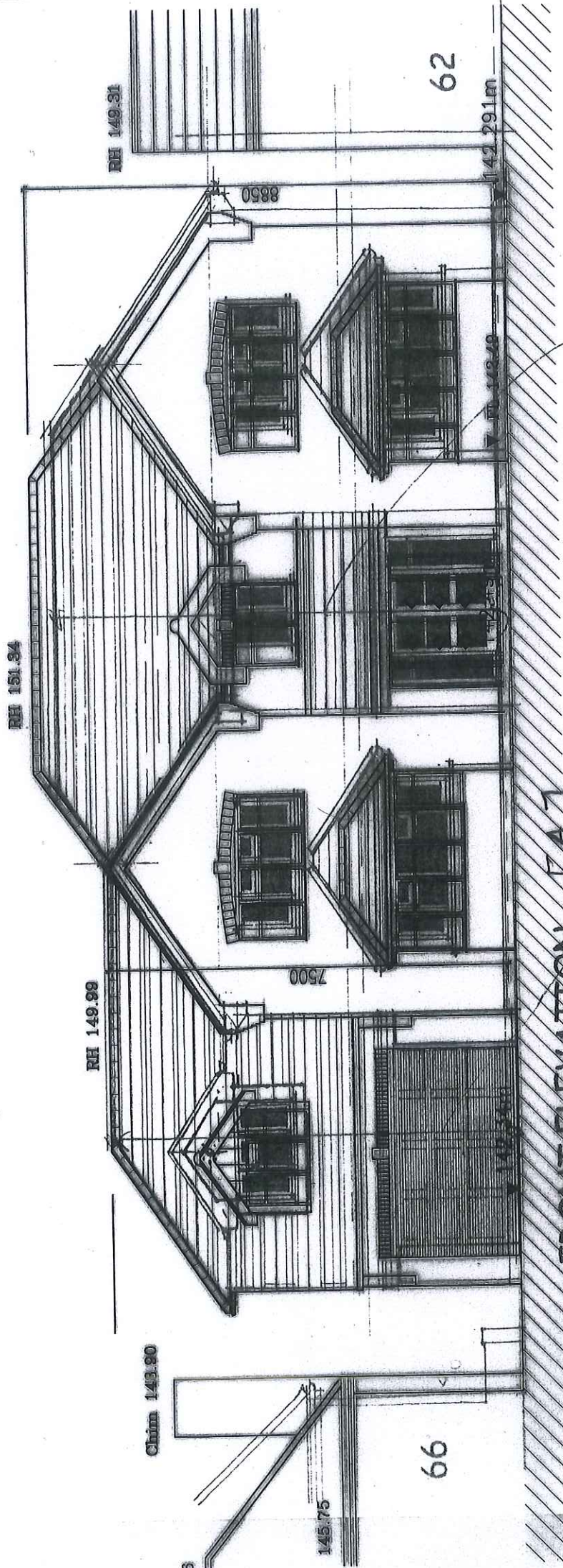
Elevation C



Elevation D

APPENDIX 2(a):

**Drawing of the Dwelling 'as-approved' overlaid by the Drawing of the Dwelling
'as built'**



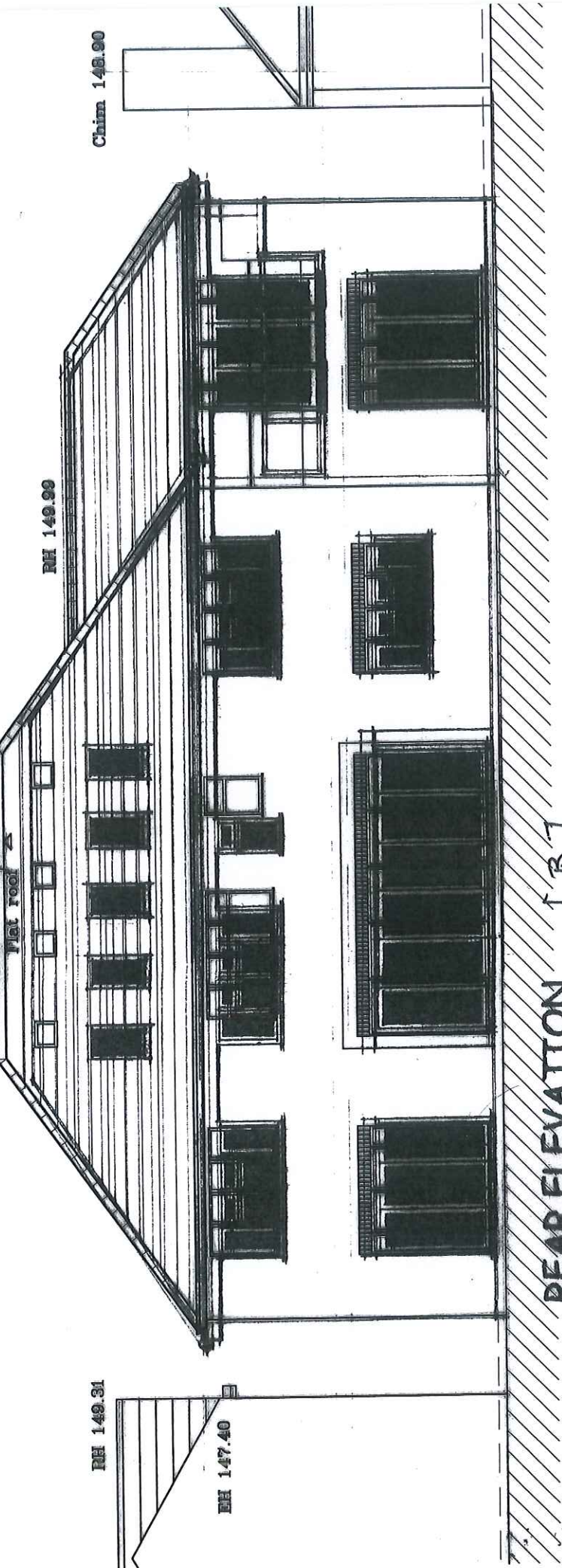
FRONT ELEVATION - R.A. 1
Elevation A

75

85

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

Note no ridge tile
RH at front 151.34 at the rear



RH 149.31

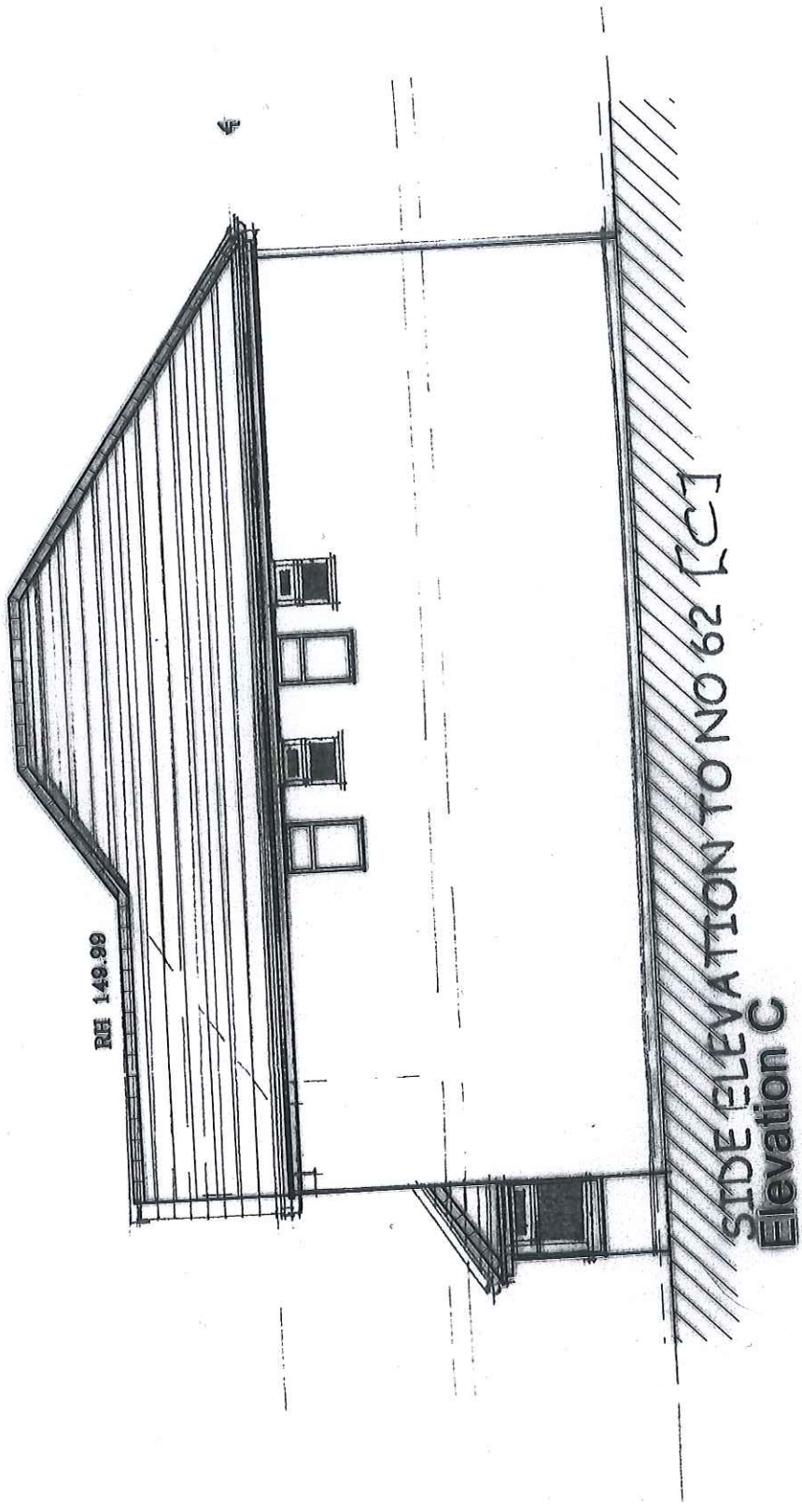
RH 147.40

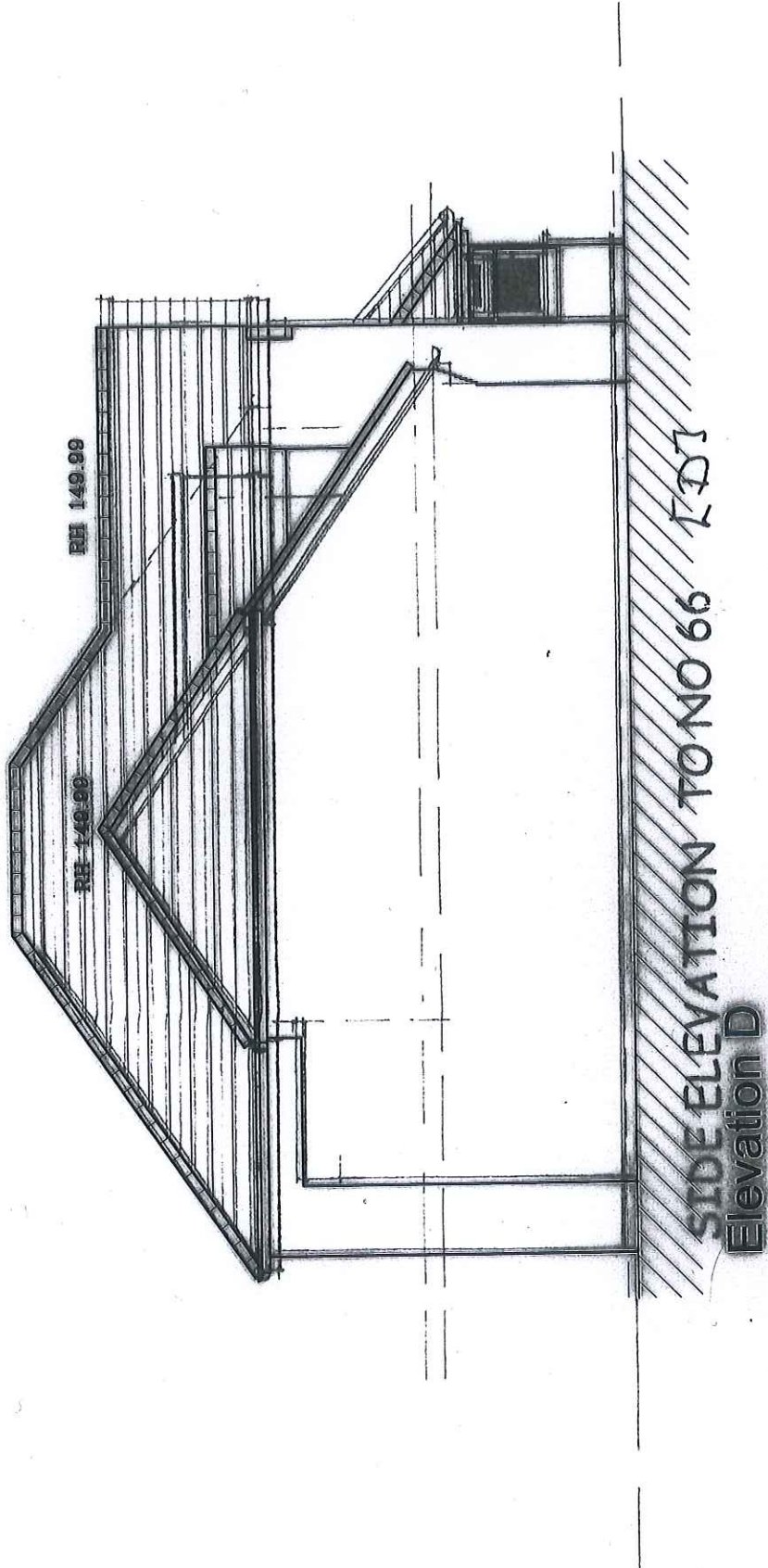
RH 149.90

Chimn 148.90

[RB]

REAR ELEVATION
Elevation B





APPENDIX 3(a):

Representations made by Representatives of Mr Kilgallon

Date: October 2018

Your ref:

Our ref: MS/022926/0001

Email: Mike.Smyth@orj.co.uk

Planning Control Committee
Cannock Chase District Council

Dear Member

Our Clients: Mr and Mrs Kilgallon
The Orchard, 64 New Penkridge Road, Cannock, WS11 1HW
Planning Control Committee Meeting -

We are instructed by the above named and refer to the upcoming planning control committee meeting.

Our clients have requested that we set out some relevant information concerning the present planning matter you have been asked to consider, in order to assist your deliberation process.

A number of complaints have been made by the owner of a neighbouring property, no. 66 New Penkridge Road, about the construction of their new property. These complaints are inaccurate and are, in our clients' view, motivated solely by the complainant's personal animosity towards our clients and his disdain for the planning processes; which he does not agree with.

In support of his objections, the complainant supplied the Planning Committee with documents that he wishes committee members to take into consideration. However, as we will identify, the objections raised by the complainant and the documentation provided by him is largely irrelevant in determining the matter before the Committee.

The complainant's file does; however, perfectly illuminate the true complaint, namely, that planning approval was given at all. Unfortunately for the complainant, it is no longer possible for him to challenge the decision to grant planning permission to our

clients and he should not and cannot be allowed an opportunity to try and disguise the true complaint and have it revisited as part of this matter.

The Committee can and must disregard any and all evidence that is not specifically connected to the matter before it, namely whether any enforcement action should be taken against our clients for any “as built” divergences that may exist in comparison to the approved planning permission.

For the sake of clarity, the only question that Members must address is whether or not the development “as built”, sufficiently digresses from the planning permission granted, and, if so, whether any harm has arisen as a consequence.

This is a two stage test, firstly, has there been a divergence from the approved planning permission and, if so, to what extent, and secondly, has any material harm arisen as a result.

Only if BOTH questions can be answered in the affirmative could enforcement action be considered.

When considering whether to take enforcement action against a suspected breach of planning conditions, the National Planning Policy Framework 2018 at paragraph 58 states:

“Enforcement action is discretionary and local authorities should act proportionately in responding to suspected breaches of planning control.”

This proposition is further supported by the Government’s planning practice guidance for ensuring effective enforcement; which provides at paragraph 011 that formal enforcement action may not be appropriate where

“there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area.”

A separate report will be presented to the Committee concerning the as built dimensions. Our clients’ position is that any divergences that do exist (as an almost inevitable consequence of the normal construction process) are minor and should be classified as trivial or technical.

Full details of the minor differences between the approved plans and the as built dimensions as confirmed by an independent survey commissioned by the Council are set out in the separate report produced on behalf of Mr. and Mrs. Kilgallon by John Heminsley who is a Chartered Town Planner.

When considering the above divergences against the policy framework set out above, it is asserted on behalf of our clients that any breaches fall well within the scope of being “trivial or technical” in nature; thus Members should consider whether enforcement action would be either necessary or proportionate; which our clients do not believe it would be.

The complainant has supplied information to the Planning Committee about, inter alia, the following matters:

- The developer has not acted in a positive manner
- The developer caused damage to the complainant's property and committed trespass
- The developer has caused nuisance
- The house has an overbearing balcony
- The house has lights that produce glare, affecting the complainant's enjoyment of his property

None of the above listed issues have any relevance to the matter to be decided by the Planning Committee and should therefore be disregarded in their entirety.

The only questions for Members to address are:

1. Does the construction differ from approved planning permission and, if so, to what extent?
2. Do any breaches that exist cause material harm or adverse impact to the amenity of the site or surrounding area?

Any wider issues concerning the original decision to grant planning permission and / or the relationship between the respective parties are not relevant to this matter and must be disregarded.

Yours faithfully

ORJ Solicitors LLP

**FURTHER REPRESENTATIONS ON BEHALF OF MR AND MRS KILGALLON
RE. ALLEGED ENFORCEMENT ISSUES RELATING TO 64 NEW PENKRIDGE ROAD
CANNOCK AS A RESULT OF THE OUTCOME OF MEASUREMENTS CARRIED OUT
ON BEHALF OF THE COUNCIL BY NEIL BOWEN RIBA**

In summary the outcome of the new survey of the as built property confirms that there are no material differences in dimensions from those shown on the approved drawings and therefore no justification for taking enforcement action. The planning policy context for considering the need or otherwise to pursue enforcement action is explained in full in a separate letter from the owners' solicitors.

The key dimensions set out in the table we produced in the document included in the report to Planning Control Committee on 11th July 2018 have been largely confirmed by the new survey -

- The overall as built width of the dwelling is 0.21 metres shorter than shown on the approved drawing confirming our measurement.
- The as built depth of the main dwelling is 13.25 metres (0.05 metres longer than shown on the approved drawing not 0.06 metres longer as we had measured).
- The as built length of the garage is 11.36 metres which is also the measurement we produced and is 0.095 metres longer than the written dimensions shown on the approved drawing, although overlaying the new survey drawing on the approved drawing shows no discernable difference.
- The overall width of the garage is 4.94 metres which matches the approved drawing and our measurement.
- The overall height of the front gables and the ridge of the hipped roof above the garage is 7.6 metres above the external ground level although the new survey quotes 7.5 metres above the internal floor level of the house. Our measurement was 7.7 metres from external ground level as shown on the approved drawing.
- The height of the side boundary walls is 5.4 metres which matches the approved drawing and our measurement.
- The distance between the side wall of the garage and the retaining wall on the boundary with 66 New Penkridge Road was not measured in the new survey and we confirm that it is 0.8 metres as previously quoted.
- The distance between the side wall of the house and the gable wall of 62 New Penkridge Road from the new survey is 1.39 metres. We measured it as 1.33 metres.
- The height of the front eaves of the garage measures 3 metres on the front elevation drawing of the new survey and 3.1 metres on the side elevation drawing of the new survey, compared with our as built measurement of 3.2 metres and the approved measurement of 2.6 metres. As noted in our earlier representations the eaves height is still below the level of the eaves of the dwelling at 66 New Penkridge Road, because the latter property is built at a higher floor level.

The one measurement we did not take, because we did not have the available equipment to reach the top of the roof, was the height of the ridge of the main part of the dwelling. The new survey shows this to be 8.85 metres compared with 8.6 metres shown on the approved drawing. The reason for this is that the main roof has a hidden flat roofed area behind the front ridge line and it was decided to hide the flat roof with ridge tiles at the front and both sides, effectively forming a low parapet on these three sides. The new survey misrepresents the position with the rear elevation (see attached photograph) as there is no additional ridge tile on this elevation because the flat roof has a slight fall towards the rear to enable water to be discharged into the rear first floor gutter.

There are two other discrepancies on the new survey drawings –

1. On elevation A, the property at 66 is shown as being built at the same ground level as no. 64 whereas it is actually at a higher ground level of around 0.8 to 0.9 metres above 64.
2. On elevations C and D, no overhang of front eaves is shown – in reality the front eaves match the rear eaves which are shown on correctly on these drawings.

We confirm that the front ground floor bays and the first floor window above the front porch, as described in our previous representations, are shown accurately on the new survey.

One other difference from the approved drawings revealed by the survey, is that the front facing dormer window above the garage is smaller and positioned at a lower level in the roof. It is 0.2 metres narrower and the ridge is 0.5 metres lower.

Our conclusion is therefore that the differences in the as built dimensions (in some cases these are slightly smaller, slightly larger, slightly lower or slightly higher) from the approved plans are so small as to be insignificant. These changes certainly produce no adverse impact on the neighbouring property at 66 New Penkrige Road over and above the approved plans. It is worth pointing out that at the time the application was being considered and the case officer Mr. Aqbal visited the site, the property was nearly complete and his judgement to grant planning permission was therefore based upon an assessment of the current reality of the built form. There is therefore no justification whatsoever for the Council to take any further action in relation to these minor differences in the overall as built property compared with the approved plans.

John Heminsley OBE BA (Hons) MRTPI

Planning Consultant

9/12/2018

APPENDIX 3(b):
Representations made by Mr Suman

Richard Sunter

From: Jag Suman <jag@midlandpressure.co.uk>
Sent: 14 March 2019 13:36
To: Glenn Watson
Cc: Richard Sunter; Dean Piper; Hyra Sutton; stevesymonds.architect@gmail.com; MRudd@kingschambers.com
Subject: Re: 64 New Penkridge Road



Without Prejudice

Dear Mr Watson,

Richard has advised in his email that due to 'time constraints' he is unable to proceed with the meeting on 20th March - therefore adjourning the meeting.

Further to my conversation with him on 12th March, it was highlighted:

1. He has completed the report for the purpose of the meeting on 20th March.
2. He is out of office for 1 week and returns on 20th March. (20th March being the day of the site visit and Planning control meeting).

When asked whether he was annual leave or not, he did not wish to comment. I did however attempt to contact you via phone on 13th March however spoke to Julia. She confirmed Richard is on annual leave.

Richard proceeded with the survey of the New House in September 2018 - a survey which was requested by democratically elected committee members to be an 'independent survey'.

Richard advised he appointed Neil Bowen Architects from Wakefield to conduct the survey so there is 'no local connection'.

Richard thereafter continuously refused to negotiate and share the instructions of the survey or any correspondence between him and the Architect. As a result, the survey is now missing certain critical measurements to assist in this case.

Richard refused committee members to visit my property during the site visit in July 2018. The visit was specifically requested by committee members. I provided Richard with the opportunity to allow committee members to visit my property on the day of the site visit however he bluntly refused.

Furthermore, Richard provided a report to committee members which does not contain the entire facts of the case, dismissing critical elements of the case.

Presently, Richard has adjourned the planning control meeting in what seems to accommodate his annual leave providing us with very little notice.

Are we in acceptance Richard has no connections in the area of Wakefield or the surrounding areas and there is no 'local connection' ?? (Please see attached).

Please note in April 2019 - it will have been 2 years since you approved the retrospective plans for this New House - a planning application which has been proven to date to be riddled with misleading supporting statements and inaccurate drawings.



Tony McGovern | Managing Director
 Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire WS11 1BG
 tel 01543 462621 | fax 01543 462317 | www.cannockchasedc.gov.uk
 Search for 'Cannock Chase Life' @CannockChaseDC

You have been provided with a number of opportunities to answer to our complaints but continue proceed and dictate this case by acknowledging, accepting and promoting the actions of Richard.

Regards
Jag Suman

Richard Sunter



From: Jag Suman <Jag@midlandpressure.co.uk>
Sent: 17 January 2019 10:53
To: Richard Sunter
Cc: Sheila Cartwright; Dean Piper; Glenn Watson; Jackie Vermeer; Steve Symm; Michael Rudd; Hyra Sutton; Tony McGovern
Subject: Re: 64 New Penkridge Road

Dear Mr Sunter,

With regards to your email below, it is actually your intentions which concern us most.

We believe it is in all of our interests for the arrangement of a planning control meeting however prior to this being achieved, we require an immediate insight into the supporting evidence regarding the approval of this planning permission and an overview of the procedures adhered to - for the authorisation an independent survey of the new house in September 2018.

Unfortunately, two previous planning control meetings have been adjourned due to:

- 1) you - not providing the full facts of the case to committee - therefore a site visit was requested.
- 2) you - not allowing committee members to visit my property - therefore a further site visit has to be arranged.
- 3) you, the owners and their representative of the new house - providing the committee members with drawings of the new house which are inaccurate and now;
- 4) your management of an independent survey of the new house, in particular, the vast amount of time consumed to provide the findings of the survey, the non-negotiable approach applied by you whilst authorising the survey and your inability to provide the original emailed instructions for the survey.

This list is not exhaustive.

Based on your email and failure to acknowledge our concerns, it is understood you are willing to proceed into another planning control meeting - in what can be described as a haphazard manner. A planning control meeting unnecessarily organised by you at the cost of the Local Authority (which is theoretically being paid for by the people of Cannock) and for which you have no hesitation to proceed with.

Regards
 Jag Suman

Sent from my iPhone

On 14 Jan 2019, at 09:39, Richard Sunter <RichardSunter@cannockchasedc.gov.uk> wrote:

Dear Mr Suman

In respect to the above issue I should inform you that it is my intention to take a report to Planning Control Committee on 27th February 2019.

Yours Sincerely

Richard Sunter



Tony McGovern | Managing Director
 Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire WS11 1BG
 tel 01543 462621 | fax 01543 462317 | www.cannockchasedc.gov.uk
 Search for 'Cannock Chase Life' @CannockChaseDC

Richard Sunter

From: Jag Suman <Jag@midlandpressure.co.uk>
Sent: 20 December 2018 15:49
To: Glenn Watson; Richard Sunter
Cc: Jackie Vermeer; Sheila Cartwright; Raj Suman
Subject: Update..

Dear Mr Watson,

I have had no response from you with regards to my concerns yet I am within my rights under the freedom of information request to view the original emails sent by Richard Sunter to Neil Bowen Architects.

Currently, you and Richard Sunter are failing to provide me with this information which as a result is further delaying this case - and for which I will hold you and Richard Sunter responsible for.

I have been requesting this information since the so called independent survey was authorised and as I have previously advised, we will not be further dictated by the actions and terms of Richard Sunter. We will also reiterate this survey was not independent.

Not only do your actions continue to waste the time and money of the Local Authority but you also continue to provide a very unsatisfactory service.

Please can you forward me all of the original correspondence between the two parties with immediate effect. I would also like you to provide me with the emails between the Architect and the surveyor.

Regards
Jag Suman

Sent from my iPhone

Richard Sunter

From: Jag Suman <Jag@midlandpressure.co.uk>
Sent: 22 November 2018 16:23
To: Glenn Watson
Cc: Dean Piper; Richard Sunter; Steve Symm; Stuart Evans; Michael Rudd; Sheila Cartwright; Jackie Vermeer
Subject: Re: Meeting/ Survey..



Dear Mr Watson,

I am deeply disappointed in the manner Richard continues to disguise the actual facts of this case.

Referring to attachment 1. in your email, I would like to further elaborate on point a and point b.

Point A:

- the further site visit is required as a result of Richard Sunter refusing and declining us the opportunity of a site visit at No.66 on 11th July 2018.

- To avoid any doubt, my wife and I asked Richard Sunter directly outside of No.66 as to why committee members are not visiting No.66. In response to this, Richard Sunter advised the members don't need to visit, giving no explanation and simply walked away.

- this decision made by Richard Sunter to decline the site visit did not comply with the resolution of the committee made on 20th June 2018 and we need to understand why Richard Sunter was allowed to dismiss this request from us and committee members.

The decision to overrule a decision made by committee members is contrary to the purpose of having a planing committee.

Can you give justification as to why Richard Sunter made the decision to refuse a site visit on 11th July 2018 - even though a site visit was stipulated by Committee members?

Point B:

An independent person has not been appointed by the council to undertake new measurements.

A company from Wakefield has been appointed who have then appointed another company to conduct the survey.

Richard Sunter did not allow for the instructions of the survey to be negotiated and the original instructions and emails between Richard Sunter and the architect were also not shared.

To help support the survey findings and the conduct of Richard Sunter, a certificate or some form or a compliance document should be provided by the surveyor to clarify the accuracy, responsibility and its worthiness should the survey be presented in a court of law.

Can this document be provided as a matter of urgency along with the original instructions (the latter which I have now requested on numerous occasions)?

The surveyor, I assume is of chartered status and provides an expert witness service should we need to request his/ her presence at the committee meeting or even in a court of law.



Tony McGovern | Managing Director
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 Search for 'Cannock Chase Life' @CannockChaseDC

APPENDIX: 4.1

Photograph of the Application Site Showing the Site As it Existed Before Development Commenced



APPENDIX: 4.2

Photograph of the Application Site Showing the Site As it Existed Before Development Commenced



APPENDIX 4.3

Photograph of the Application Site Showing the Relationship Between the New Build and the Dwelling at No66 New Penkridge Road



APPENDIX 4.4:

Photograph of the Application Site Showing the Relationship Between the New Build and the Dwelling at No66 New Penkridge Road



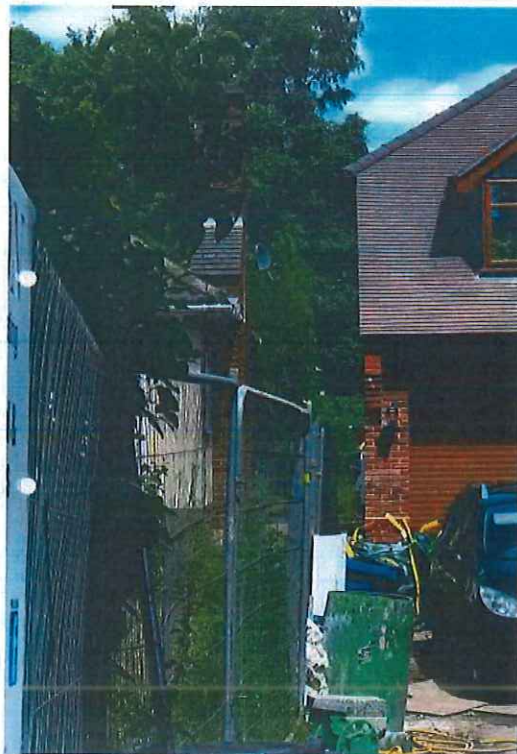
APPENDIX 4.5:

Photograph of the Application Site Showing the Relationship Between the New Build and the Dwelling at No66 New Penkrige Road (NB the window in the side elevation of No 66 New Penkrige Road)



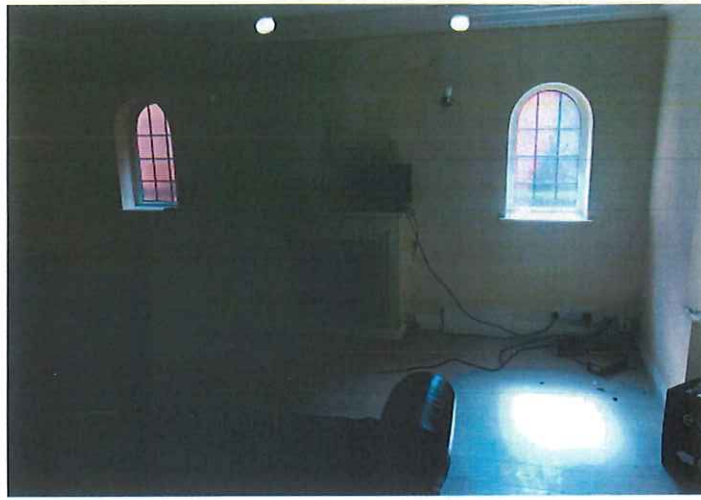
APPENDIX 4.6:

Photograph of the Application Site Showing the Relationship Between the New Build and the Dwelling at No66 New Penkrige Road



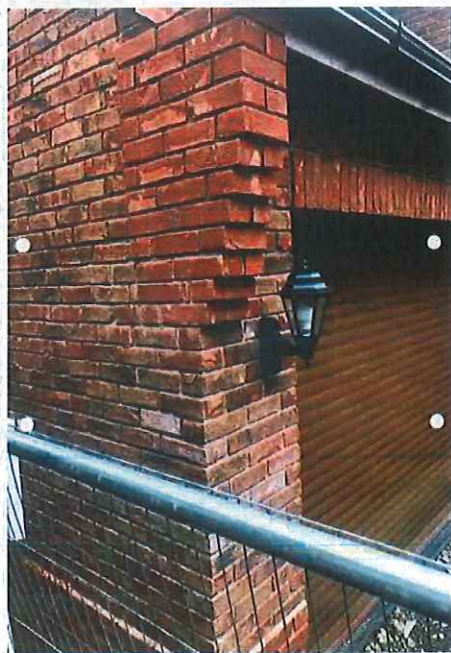
APPENDIX 4.7:

Photograph Taken from Inside of No.66 Showing the Impact of the New Build on the Standard of Amenity to the Occupiers of No.66 New Penkridge Road



APPENDIX 5.8:

Photograph of the External Light Stated to Cause Glare to the Occupiers of No.66 New Penkridge Road



APPENDIX 4.9:

**Photograph of the External Light Stated to Cause Glare to the Occupiers of
No.66 New Penkridge Road**



APPENDIX 4.10

Front Elevation Showing the General Façade of the Front Elevation As Built



APPENDIX 4.11

Photograph showing the Relationship Between the Dwelling as Built and the Neighbouring Property at No66 New Penkridge Road



Appendix 4.12

Photograph showing the Relationship between the Dwelling As-Built and the Neighbour at No 62c New Penkridge Road



APPENDIX 4.13

Photograph Showing the Dwelling As-Built and the Neighbouring Property at No66 New Penkrige Road



APPENDIX 4.14

Photograph Showing the Relationship Between the Sider Elevations of the Dwelling As-Built and No66 New Penkrige Road



APPENDIX: 5

Information Submitted to Members Before the Meeting of
the Planning Committee on 20 June 2018

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

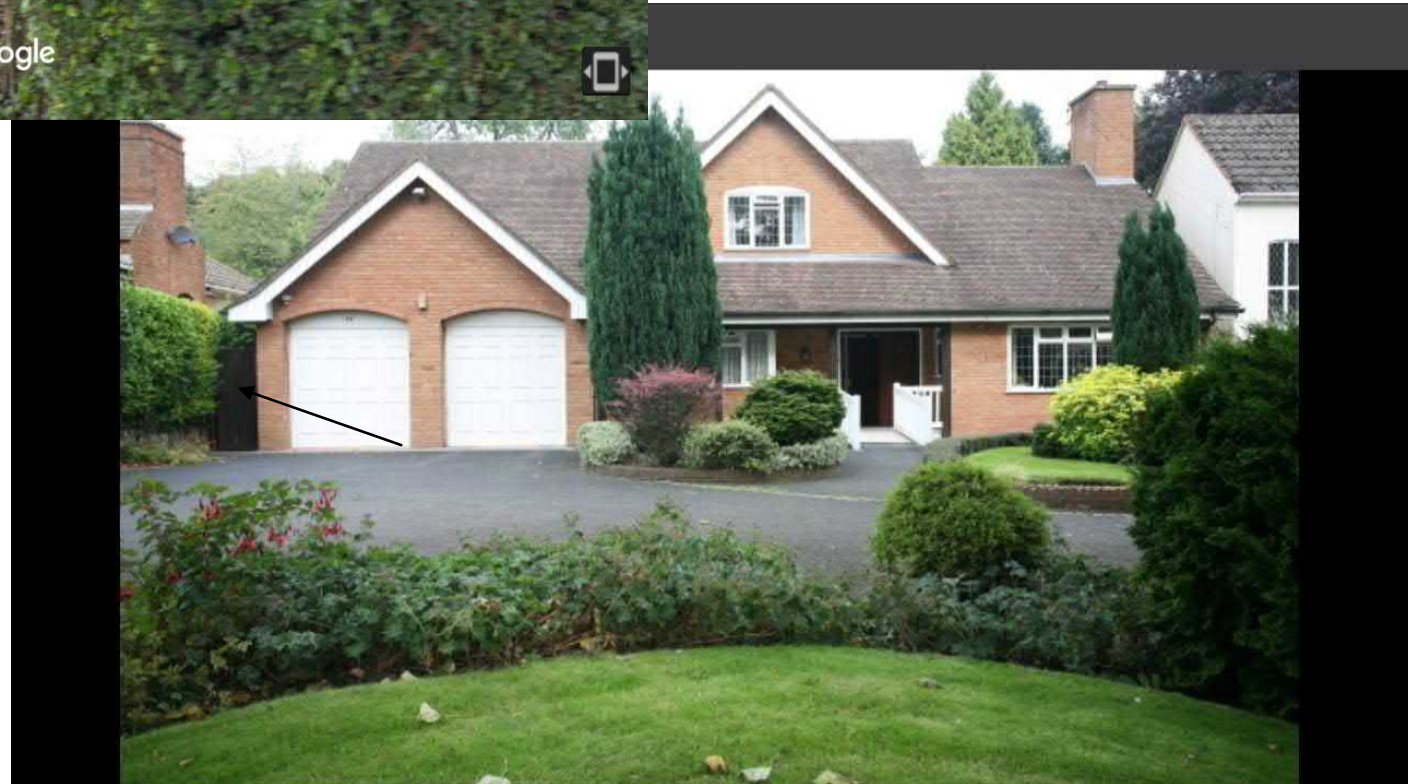




Image showing approved balcony (Left) which can stand approx 15 people.

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.....

**LOSS OF PRIVACY &
OVERLOOKING**



OVERBEARING

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.

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.

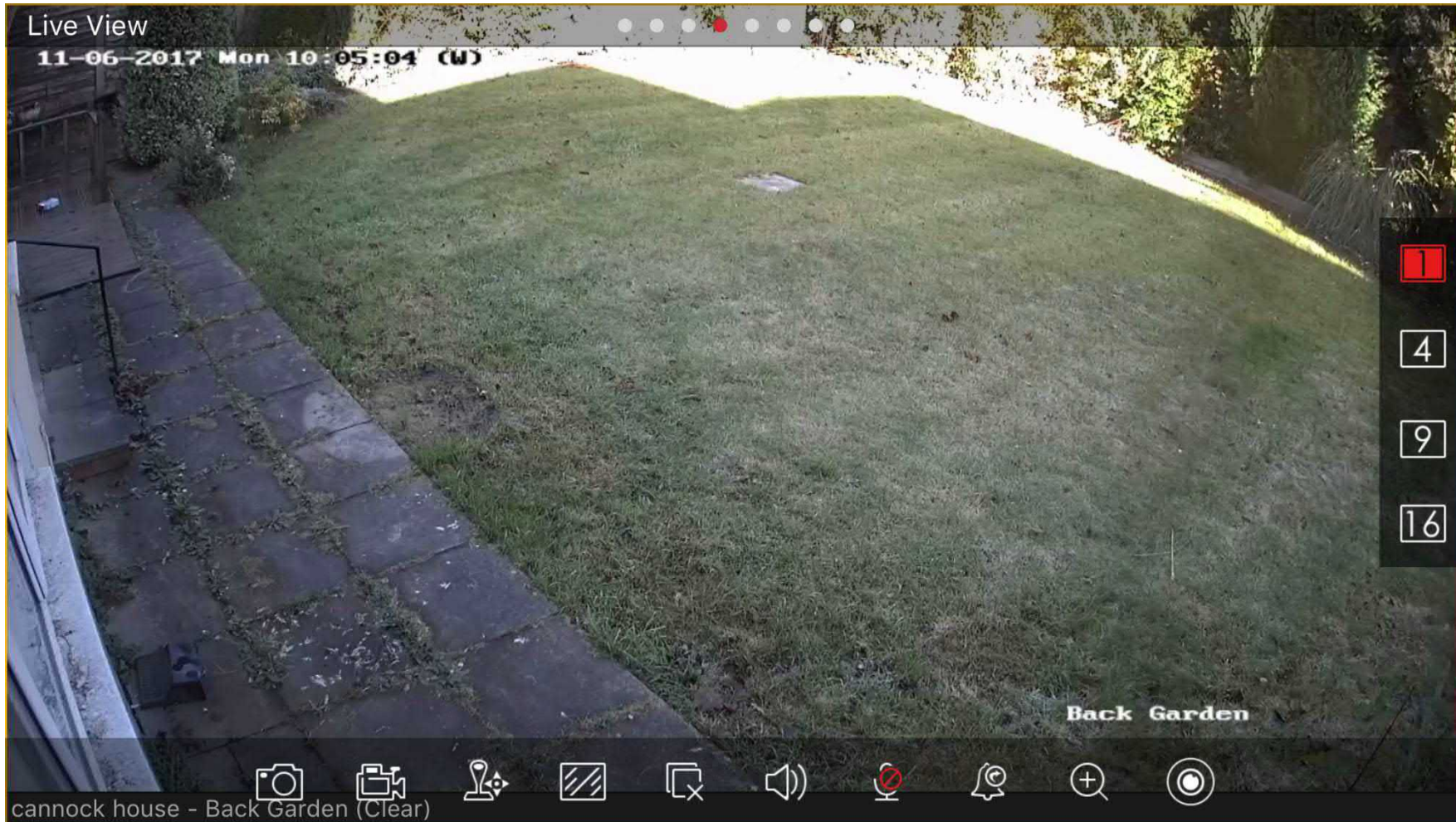


Image showing overshadowing at rear elevation which virtually covers the entire garden and rear façade.

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 No64 and No.52.

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



FALSE MANIPULATION OF DRAWINGS

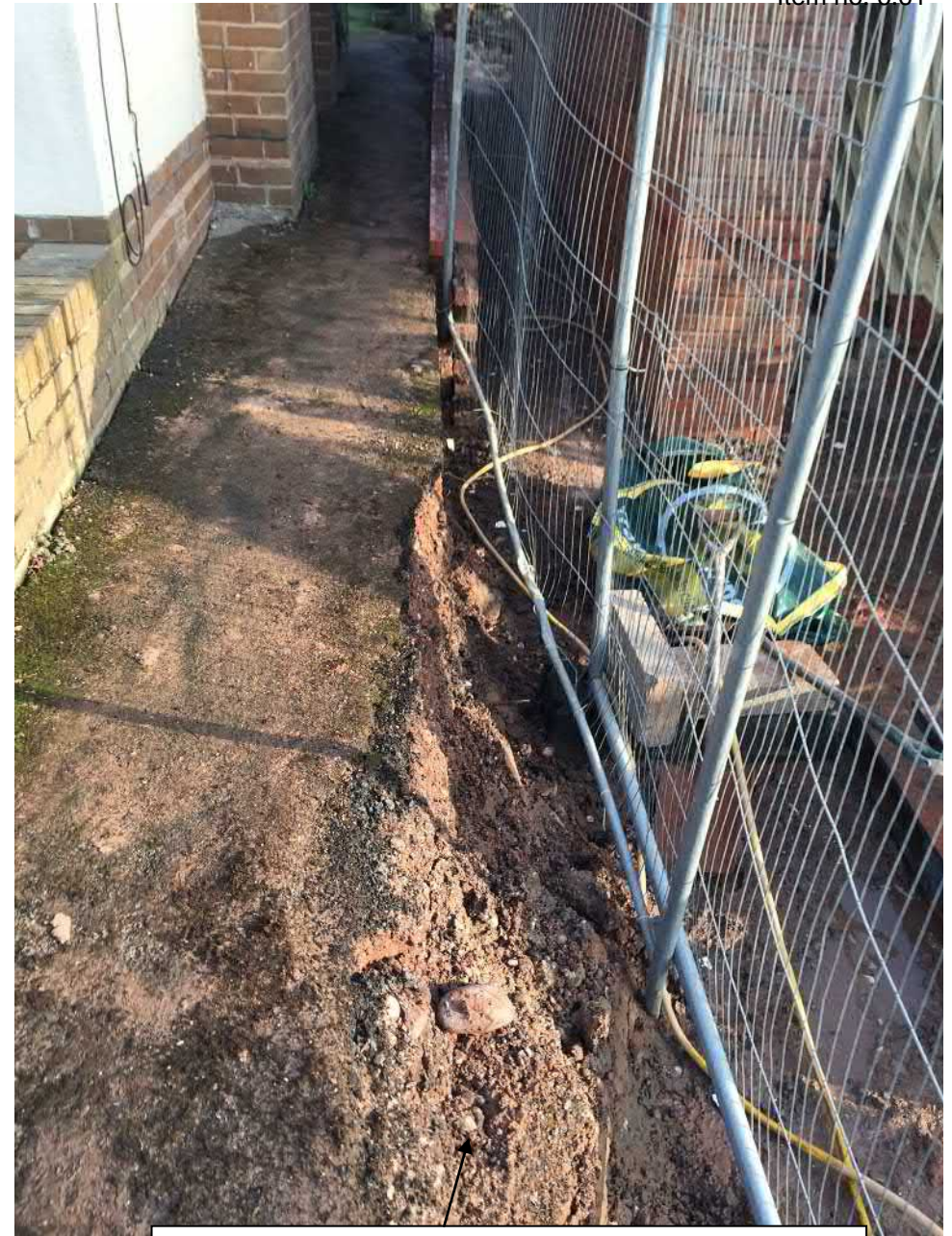
Adjacent dwellings shown to be 1.3m taller.

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.

SITE COMPARISONS

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.

SITE COMPARISONS

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

10/11/16: 2015 04-02 F3 18/Workbook: 6149 3

**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.

APPENDIX: 6

Information Submitted by the Developer in Response to the Complainants Submission

**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 –

Dimensions on approved drawing		As built dimensions	
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 20th 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 20th 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 –

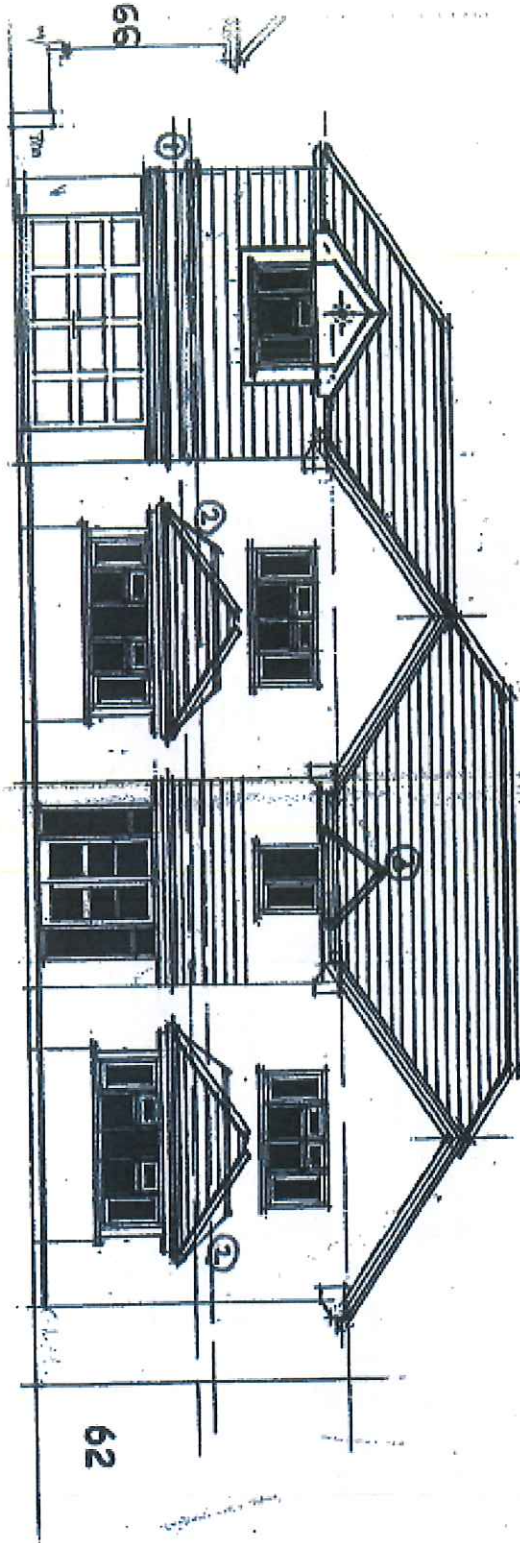
- Page 1 – we have already confirmed the date the boundary hedge was removed, well before planning application CH/17/073 was submitted. There is no condition imposed on the grant of the permission requiring a new hedge to be planted.
- Page 2 – there is no loss of privacy over and above the normal views 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 Hamish
OBE BA(Hon) MRTP1
2/7/18

FRONT ELEVATION

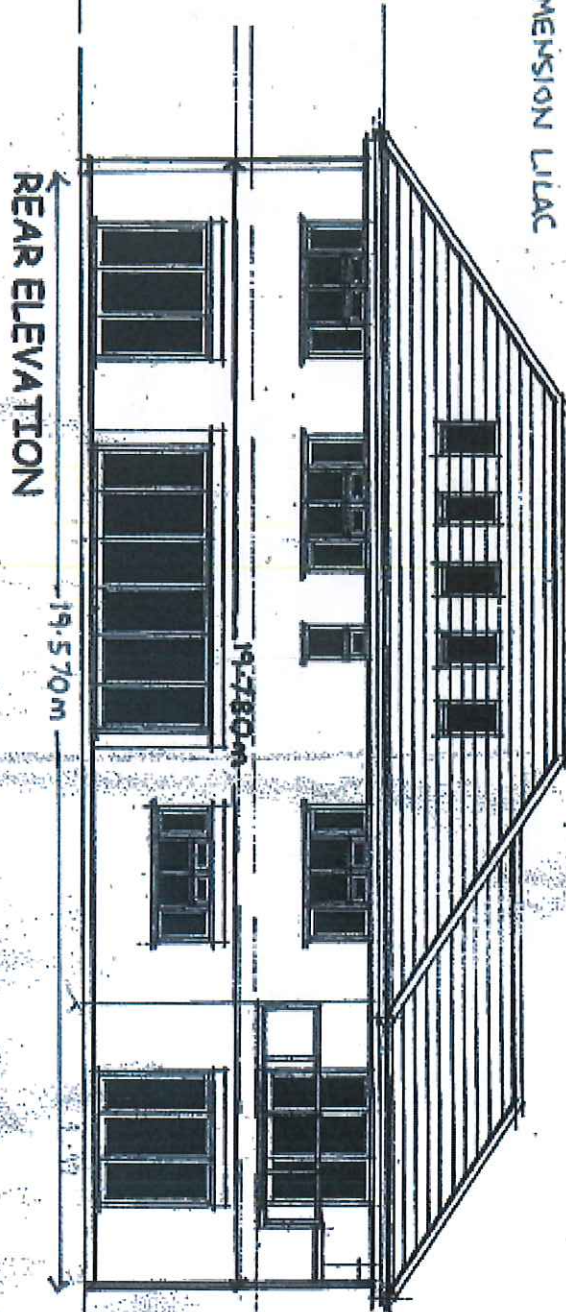


AS BUILT CHANGES LILAC

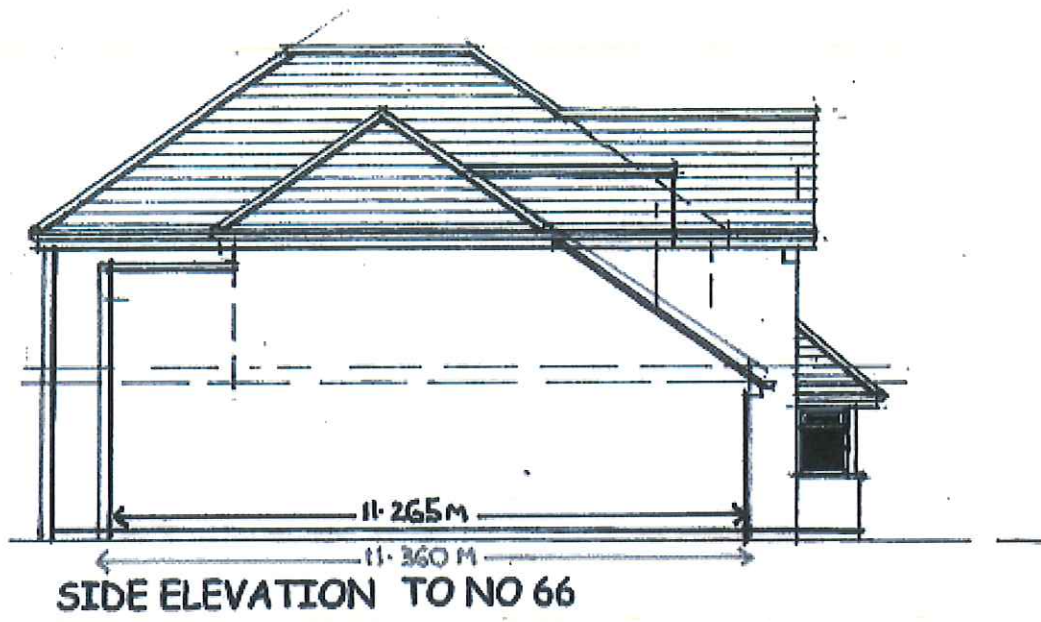
- ① ADDITIONAL BRICK COURSES ABOVE GARAGE DOOR
- ② ALTERED SHAPE OF ROOFS TO BAY WINDOWS
- ③ GABLE ROOF ABOVE LANDING WINDOW

PLAN DIMENSION BLACK
AS GUILT DIMENSION LILAC

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



REAR ELEVATION



PLAN DIMENSIONS BLACK
AS BUILT DIMENSIONS LILAC

