

## PLANNING COMMITTEE MEETING – 10<sup>th</sup> January 2018

### Amendment/De-brief Sheet

#### MAJOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 17/1709/FUL

Location: Lovell Lodge, 365 Milton Road

Target Date: 16.02.2018

To Note: The Greater Cambridge Partnership was consulted but no comments were received.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

#### DECISION:

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1297/FUL

Location: Adkins Corner

Target Date: 17.01.2018

To Note: Revised plans have been submitting showing a signage zone and an engineering brick stallriser to the shopfront elevations.

The wording of condition 6 is proposed to be amended to allow for the trigger for the TRO works to be in place to be prior to occupation of the units rather than prior to commencement of development.

Amendments To Text:

- 8.5 The proposal has been substantially revised and improved. The balconies have been reinstated. The façade is to be clad in insulated white render. Some pre-cast concrete cladding has been added to break up the render and help to add some vertical emphasis. The balconies maintain the domestic feeling of the upper floors and break up the mass of the building. The Urban Design Officer has requested some further detail of the signage area for the retail units and the addition of a stallriser. ~~The applicant will provide these details and an update will be provided on the amendment sheet.~~ Revised shopfront plans have been provided which show these details and are

considered to be acceptable.

Pre-Committee Amendments to Recommendation: Re-wording of condition 6. See below:

6. Prior to the commencement of development, the amendment to the Traffic Regulation Order, controlling on street parking which is required to facilitate the revised servicing arrangement, must be approved ~~and in place~~. *The revised servicing arrangement shall be in place prior to the occupation of the new residential units.*

Reason: To ensure the revised servicing arrangement can be achieved and to protect the amenity of future occupiers (Cambridge Local Plan 2006 policies 3/4 and 8/2)

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1722/FUL

Location: Whichcote House

Target Date: 04.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1272/FUL

Location: Land at 300-314 Coldhams Lane

Target Date: 03.11.2017

To Note: In the process of drafting the S106 agreement it has been noted that there is a passage on site which has an unknown ownership. The applicants have submitted an additional certificate (Certificate D) and placed an advert in the Cambridge News.

An extension of time has been granted until 22 January.

Amendments To Text: None.

Pre-Committee Amendments to Recommendation: None.

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1542/LBC

Location: Cambridge Union Society, 9A Bridge Street

Target Date: 02.02.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1541/FUL

Location: Cambridge Union Society, 9A Bridge Street

Target Date: 02.02.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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## MINOR PLANNING APPLICATIONS

CIRCULATION: First

ITEM: APPLICATION REF: 17/1626/FUL

Location: 130 Queen Ediths Way

Target Date: 17.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

### DECISION:

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1621/FUL

Location: Land Rear of 101 Cavendish Road

Target Date: 19.01.2018

To Note: Councillor Barnett has commented in objection to the application for the following reasons:

- The Conservation Team's report is supported;
- The addition of a third dwelling would lead to overcrowding and have an adverse impact on local residents;
- The development is another example of 'garden grabbing' and there is limited open space in Romsey. This would be out of keeping with the Conservation Area;
- Increase in demand on local amenities; and
- Increase in parking demand on Cavendish Road.

Network Rail should have been consulted as part of this application but have not been consulted. The officer recommendation has been amended to allow officer's time to consult Network Rail for 21 days if the Committee is minded to recommend approval as per the original officer recommendation. If no objection is received from Network Rail following the Committee's decision then the application will be approved accordingly. If an objection is received then the application will be brought back to the next available planning committee for determination.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: Approval subject to conditions

and consultation with Network Rail.

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1351/FUL

Location: Doubletree Hotel

Target Date: 17.01.2018

To Note: An additional condition is recommended to ensure the delivery of the leisure facility for community use prior to first use of the additional hotel bedrooms, in order to guard against part-implementation of the consent and the loss of the leisure facility.

Amendments To Text: None

Pre-Committee Amendments to Recommendation:

Additional condition:

17. Prior to first occupation of the hotel bedrooms hereby permitted, the replacement leisure facility shall be completed in accordance with the approved plans and shall be available for members other than resident guests of the hotel to use in accordance with a membership system.

Reason: To guard against the loss of the leisure facility in accordance with Cambridge Local Plan (2006) policy 6/1.

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1811/FUL

Location: 65 Fulbourn Road

Target Date: 17.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1630/FUL

Location: Land adjacent to 4 Strangeways Road

Target Date: 17.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1481/FUL

Location: 178 Kendal Way

Target Date: 17.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1894/FUL

Location: 1 Mere Way

Target Date: 11.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1861/S73

Location: 8 Cheney Way

Target Date: 12.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1276/S73

Location: 3 Fendon Close

Target Date: 08.11.2017

To Note:

Since the publication of the agenda, a site visit has taken place (3 Jan 2018) attended by officers and Members. At the site visit a further representation was received from the occupiers of No. 4 Fendon Close and it was agreed this should be in the public domain. In addition, a further email representation, including attachment, has been submitted. Both of these representations are attached to this Amendment Sheet together with the original representations that were made by the resident.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/0665/FUL

Location: 245 Coldhams Lane

Target Date: 15.01.2018

To Note: Nothing

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1433/FUL

Location: 84 Ditton Walk

Target Date: 19.01.2018

To Note: A revised plan for the flats at the rear has been submitted showing the layout of the cycle and bin storage being altered. This drawing ( will be presented in the committee presentation slides.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: The drawing number referred to in condition 16 should be changed from '1068/04 REV B' to '1068/04 REV C'

Condition 20 (cycle parking) should be re-worded as follows:

*"No development shall commence until details of facilities for the covered, secured parking of bicycles for use in connection with the development hereby permitted shall be submitted to and approved by the local planning authority in writing. The approved facilities shall be provided in accordance with the approved details before use of the development commences.*

*Reason: To ensure appropriate provision for the secure storage of bicycles. (Cambridge Local Plan 2006 policies 3/10 and 8/6)"*

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/1328/FUL

Location: 35 Milton Road

Target Date: 19.01.2018

To Note: Nothing

Amendments To Text: None



Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: 17/0615/FUL

Location: 40 St Andrews Street

Target Date: 18.01.2018

To Note: A further letter of objection has been received from the owner/ occupier of no.42 St Andrews Street. The objections raised are as follows:

- The boundary/ building line is not correct;
- There is a need for defined conditions for a party wall agreement to be secured;
- There should be prevention of water ingress into no.42;
- The cladding materials specified are incompatible; and
- The proposed works are bulky and fail to meet the Conservation Area criteria.

Amendments To Text: None

Pre-Committee Amendments to Recommendation: None

**DECISION:**

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CIRCULATION: First

ITEM: APPLICATION REF: EN/0088/17 and EN/0087/17

Location: Florian House and Roman House

Target Date:

To Note:

A letter of 4 Jan 2018 has been circulated to members of the Planning Committee from the planning agent acting for the owner of Roman House and Florian House. It asks for a period of grace to allow a retrospective planning application or certificate of lawfulness to be applied for and for any subsequent appeal(s) to be made. The letter claims that the use of the properties is indistinguishable from a C3 use and that there is no breach of planning consent. Advice from the Council's own QC advising on the emerging Local Plan is quoted.

A range of other apartment blocks used as serviced apartments is provided by the agent. The planning agent claims that his client is being treated unfairly and that economic harm will result to his client and to other properties used in this way. The following additional issues/points are raised:

- The quoting of occupier's reviews from Booking.com is selective and unreliable
- Lack of existing occupier complaints
- Reliance on the working definition
- No assessment as to the lack of services or facilities on offer, alleged change of use reliant only on typical rental periods and frequency of turn-over
- Creation of a 'domino' effect and economic harm

*Officer Comment:*

Officers are not minded to recommend a delay to the issuing or compliance period of the proposed enforcement notice. The applicants have a right of appeal against any enforcement notice and the grounds of any such appeal can include arguments that both planning permission should be granted (ground A) or that a material change of use has not occurred and there has not been a breach of planning control (ground C).

Officers were aware of the Council's QC's advice and other QC advice/case law regarding serviced apartments when writing the assessment. The Council's QC advice does not rule out that a use such as that proposed could be a sui-generis use with C3 characteristics. The officer assessment does not conflict with the QC advice. It also cites and has taken into account the lack of facilities/services at the apartments.

The quotation of the customer reviews is necessary to demonstrate potential harm to residential amenity. The report is balanced in that it recognises at para 3.7 that none of the existing residents have complained to the planning enforcement team.

The working definition is necessary in order to provide guidance and consistency for officers in considering the issues raised by short-term visitor accommodation uses. It is not categorical and constitutes informal guidance for officers. There may be other apartment blocks used in the same way as Roman House and Florian House within the City and it is open to the Council to investigate the materiality of any change of use in those circumstances on a case-by-case basis.

Amendments To Text:      None

Pre-Committee Amendments to Recommendation:      None

**DECISION:**

4 Fendon Close  
Cambridge CB1 7RU

Mr John Shuttlewood  
Planning Enforcement Officer  
Planning Services  
Cambridge City Council

23 October 2017

Dear Mr Shuttlewood

**Ref: 17/1276/S73: 3 Fendon Close: Objection to unauthorized changes against approved images**

I am writing to **STRONGLY OBJECT** to the unauthorized increase in dimensions and variation of footprint relative to our home that have resulted in **GREATER ENCLOSURE AND OVERSHADOWING** suffered due to the overdevelopment of the site 3 Fendon Close against approved coloured sketches.

Whilst my hope and expectation would be that the council takes seriously its obligations with respect to the current S.73 application, I do sadly believe that the current S.73 application will be viewed as a rubber stamping exercise. However vain the hope, I do trust that this is not the case.

I have provided some background comments for the council to consider against the current application and then outlined our **STRONG OBJECTIONS** to the unauthorised increased dimensions, the repeated discrepancies in distances from the boundary against repeated promises by members of the council and the planning office. Without understanding the context, the problems and seriously flawed approval process for the original application (the council has accepted it was guilty of maladministration), it is difficult to understand fully the nature of the current S.73 applications "variations".

I have also attached a view of the "**claimed**" versus "**reality**" (Figure 1). There are two side facing windows to our living room (window 'A' to the front of the fireplace, window 'B' to the rear). The house was built with the living room orientated to the side, not to the rear. This unauthorized "extension" against claimed impact has resulted in further increased overshadowing. Whilst I realise that it is not in the council's interests to require the developer to demolish and for the building to match "claimed" plans with respect to the three-storey element along the boundary with no. 2, the non-structural brick wall should be rebuilt to match views claimed, **and reduced in height to match assurances made to us by the council.**

i.e. the wall should be reduced in length such that it is barely visible standing opposite the midpoint of window 'B', as demonstrated by the developer.

The agent publicly stated he "**should be shot**" for the inclusion of in excess of 40 "errors" in his original application. [REDACTED]

Many of the images in the application would have been better in places in what I understand are the agents other lines of work (theatre sets, interior designs).

To clarify, the applicant's apparent current errors:

The height of the wall (with further courses of brick etc added) is higher than 3.8m to the side, and considerably higher than 3.8m to the rear.

When you visited 3 Fendon Close in August 2017, when the walls were only partially built you measured the brick wall facing the boundary with our home as being 3.8m high, and to the rear more than 3.8m high. The tape measure was left

dangling above ground level to provide a fair and reasonable allowance for the state of the ground at the time. The application is now wholly inaccurate and as stated above both walls are significantly more than 3.8 metres.

Regarding the rear wall, the applicant has included "as built" height of the rear wall as just under 3.8m, with the height of the side wall as 3 courses of brick less. In some images, it appears that he has "ramped up" the ground level above its natural level around the house to achieve his "claimed" measurement, as well as discounting any wall below the damp course. In order to avoid party wall obligations, the surface water drainage appears to have been set into rather than buried in the ground, the ground level than artificially built up above the pipes; the end result is that the ground level has been artificially increased around the house. The artificial level is not the level that should be used when assessing the height of the wall, the natural ground level should be used.

The applicant conceded when challenged in August 2016 that his measurements in the original application were indeed incorrect (one of the numerous points raised, and ignored, in our objection); contradicting statements also made to us by the council's city development manager Sarah Dyer that the council's planning officer had accurately measured the site.

Although the agent recommends that we **"must rely on... professional third party planning advice"** in a letter apparently seeking to "legitimize" the numerous "errors" in his application, [REDACTED]

#### ***Privacy screens:***

The design of the privacy screen should have been dealt with separately and not been allowed by the council to be wrapped up with the approval of the unauthorized changes.

The council has agreed with the LGO that screens which fully protect our privacy and meet our requirements will be in place prior to the building being occupied. In the event that the panels do not meet our requirements, we will revert to the LGO and request that the LGO reviews the council's failing in respect of the privacy screen.

The submitted images show the panel to the side of the rear facing balcony stopping short of the edge of the balcony. This design cannot be accepted. As discussed, the privacy screens should be to a minimum equivalent of Pilkington level 5.

## **BACKGROUND**

The council has confirmed it was guilty of **maladministration** in respect of its actions in approving the original application (15/0924/FUL). [REDACTED]

The council has confirmed that the report included numerous "errors"; and that all "errors" by the planning officer sought to downplay the impact of the development on our home.

The development has seen the largely demolishing of the original modest 3 bedroom detached home, and the construction (ongoing) of a 7 bedroom and 6 bathroom three storey what has variously been described to me by neighbours/visitors as a "*behemoth*", "*monstrosity*", "*edifice*" and "*that*", but never as a "house". The building squeezed onto a narrow plot. The building seems certainly destined for eventual use as an HMO / flats (if not already).

The agent [REDACTED] the developer a [REDACTED]. The house was bought for development but was initially let for a number of years. The applicant has never lived in the house.

In my opinion, the development represents nothing more than the unsympathetic [REDACTED] of a traditional bay fronted 1930s/40s detached house.

The agent [REDACTED] has stated that he managed to quadruple the original floor area by the addition of what is (and I know I am not alone in my opinion) a carbuncle of an extension, built in a discordant (and laughable) mishmash of building materials, topped off by a visually heavy and very ugly, industrial style roofing of what appeared to be plywood covered by a thin dull grey wrinkled material. The original two storey building is topped by a third storey housing further bedrooms and a bathroom. The lopsided mass of the side roof, by its nature (mock industrial) and colour (dark grey), visually hanging off the house, exacerbates the dominating effect and enclosure we suffer.

The resultant building sits discordantly on the street scene. It definitely fails to meet guidelines for good quality extensions.

The council is aware that in our opinion the decision-making process for the original application was unsound. The council advised that the "responsible" planning officer [REDACTED] was "not incompetent" but merely "inexperienced". I remain unsure of the difference between "incompetent" and "inexperienced". The council has accepted in writing that its employee was guilty of providing false and/or misleading information to a planning committee, the council stating that he was fully aware that he was doing so.

The LGO finding that the "inexperienced" planning officer [REDACTED] had failed to acknowledge or respond to key objections; particularly in respect of his failure to respond to our objection to loss of privacy in private internal space resulting from the two first floor terrace areas. The planning officer [REDACTED] also overstated the distance the new building would stand from our boundary fence in his written report. The planning officer [REDACTED] was also guilty of ignoring our objection to enclosure suffered due to a 3 storey building built 4m from our main living room window, the "inexperienced" planning officer electing instead to make an **ENTIRELY INVALID** (confirmed by the council, in writing, and as not based on fact / would not be replicated in reality) assessment of a single ground floor element only in his report recommending approval.

As it appeared that the [REDACTED] seemed to be intent on ignoring relevant party wall legislation, we employed a party wall expert to protect our legal rights. When repeatedly challenged, [REDACTED] advised that the dimensions and distances given in the original application were FALSE. [REDACTED] statement confirming that our concerns expressed in our objection, ignored by the council's planning officer [REDACTED] had been both legitimate and valid. [For the sake of completeness, [REDACTED] had previously tried persistently to overhang our boundary in a previous application, submitted with a different agent.]

As you are aware, the decision to approve was made on the basis of blurred interior design style coloured inaccurate sketch drawings superimposed on a heavily pixelated google backdrop. The agent [REDACTED] stating to the planning committee that he "should be shot" for his poor standard of work.

Despite well over 40 "errors", including the apparent mis-positioning of our home and missing doors/windows, according to the council's city development manager Sarah Dyer (when seeking to justify in writing the actions of the planning officer [REDACTED] the application met the council's "basic" standard. The LGO has however recommended that Cambridge City Council should ensure that future applications are checked for "errors" included by agents/developers, indicating that the LGO may not share the council's views that it acted correctly in accepting and approving an application it knew contained numerous "errors" / misleading information.

LOCATION OF BUILDING RELATIVE TO BOUNDARY: The council, (in writing) has previously advised that the claim by the planning officer [REDACTED] to the planning committee that the single storey brick wall element **would be located more than 2m from the boundary** was just one of **FALSE / misleading information presented to a planning committee to support a recommendation of approval.**

When we questioned the accuracy of [REDACTED] statement, **the council's chief executive assured us (in writing) and stated to the LGO that the brick wall would stand more than 1.7m from the boundary [opposite window A].**

When you visited the site, you agreed that [opposite the midpoint of window A] the single storey brick wall stood 1.48m (i.e. not 2m or 1.7m as stated by council employees).

**The council MUST ensure that the location of the wall matches, at a minimum, statements made by the council's chief executive (in writing) regarding the development.**

The footings of the building were in place at the time that Ms Jackson gave her evidence to the LGO regarding the positioning of the wall; **the council therefore has an obligation to ensure that the reality we face matches statements made by its chief executive.**

## **OBJECTIONS TO CURRENT S.73 APPLICATION**

With the past history of the development, and of the developer/agent, I strongly believe that the council now has a duty to intervene and to repair the damage done to our home as result of council failings and the "errors" by the planning officer [REDACTED] in his presentation which appears to have been either incorrect or misleading to the planning committee to support his recommendation for approval, in line with statements given to the applicant at pre-planning stage,

Our main living room windows are now enclosed (one fully (A), the second almost half (B)) by the development, contradicting images (claimed views) submitted by the agent when demonstrating the impact on our home; images promoted and validated by the council's planning office, contradicting statements made and assurances given to us by the council's chief executive Antoinette Jackson (*Figure 1*).

### **With respect to the current retrospective application:**

Our objections to the current application by the developer/agent to rubber stamp unauthorized changes include but are not limited to the following:

1. **STRONGLY OBJECT** TO THE ADDITIONAL ENCLOSURE SUFFERED IN OUR LIVING ROOM BY THE INCREASED HEIGHT OF THE GROUND FLOOR BRICK WALL AGAINST IMAGES SUBMITTED AS PART OF THE ORIGINAL APPLICATION, STATEMENTS/ASSURANCES MADE PREVIOUSLY THE COUNCIL.
2. **STRONGLY OBJECT** TO THE ADDITIONAL ENCLOSURE SUFFERED IN OUR LIVING ROOM BY THE INCREASED LENGTH OF THE GROUND FLOOR BRICK WALL AGAINST IMAGES SUBMITTED AS PART OF THE ORIGINAL APPLICATION, STATEMENTS/ASSURANCES MADE PREVIOUSLY THE COUNCIL. The length of the wall should match the plan views **relative** to our home
3. **STRONGLY OBJECT** TO THE ADDITIONAL OVERSHADOWING SUFFERED BY THE INCREASED HEIGHT AND LENGTH OF THE GROUND FLOOR BRICK WALL AGAINST IMAGES SUBMITTED AS PART OF THE ORIGINAL APPLICATION, STATEMENTS/ASSURANCES MADE PREVIOUSLY THE COUNCIL
4. **STRONGLY OBJECT** TO THE ADDITIONAL OVERSHADOWING CAUSED BY THE UNAUTHORISED INCREASED LENGTHS OF THE ROOF, POSITIONING OF THE BUILDING FURTHER ON THE PLOT *RELATIVE* TO OUR HOME THAN IN THE SUBMITTED IMAGES
5. **STRONGLY OBJECT** TO THE LOSS OF PRIVACY BY THE POOR DESIGN OF THE "PRIVACY" SCREEN NOT MEETING OUR REQUIREMENTS / STATEMENTS MADE BY THE COUNCIL TO THE LGO, the loss of privacy exacerbated by the non-authorised addition of a door from the first floor landing providing an easy access route for first and second floor residents to a shared used first floor terrace area. The approved plans limited this access to 1 of the 7 bedrooms only.

6. OBJECT TO THE COUNCIL ACCEPTING AN APPLICATION WITH NUMEROUS “ERRORS” MEANING THAT IT IS IMPOSSIBLE TO DETERMINE WHAT, EXACTLY, THE DEVELOPER/HIS AGENT ARE NOW SEEKING APPROVAL OF; WITH NO GUIDANCE AS TO WHICH OF THE PICTURES ARE BEING CONSIDERED.

There are I am sure numerous other variations against approved “coloured sketches on a heavily pixelated google backdrop”, many that we have not identified or are unaware of that have made the impact on us worse than it should have been.

The above are just the key points that we request to be implemented:

To summarise.

1. The reduction in the height of the the non-structural brick wall forming a balustrade to height to maximum 3.8m from natural ground level (not artificially built up as it appears).
2. The reduction in length (to match claimed perspective views /positioning relative to our home the wall ending in advance of the midpoint of our chimney) and positioning away from the boundary (more than 1.7m along its length, or at a minimum more than 1.7m opposite window “A”) of the single storey (both to match statements made by the council’s chief executives with respect to the distance from the boundary but also crucially to match the positioning of our home relative to the development claimed by the applicant. For the development not to match would confirm that the applicant had presented misleading information; if this is the case, the original planning permission can and should be revoked.
3. The visual “pillar” at the end of the side facing wall should be removed / not visible. The height of the side wall should not exceed 3.8 m along its length to meet assurances given by Antoinette Jackson.
4. The brick wall should be of brick only, not with the addition of a plastic/lead material. The attention-drawing grey plastic roofing lapping down the side of the brick wall forms a visual line and draws attention exacerbating enclosure. The approval was for a brick capping only with any roofing material hidden. i.e. there should be no visible roofing material and no differential between wall and capping.
5. The reduction in length of the roof to match approved images to reduce unnecessary enclosure and overshadowing (the tiled roof should be flush with the front of the bay window, the mock-industrial roofing should end flush with the tiles and not protrude).
6. The balustrade privacy screen to the side facing first floor terrace should be fully opaque from floor level to 1.7m, with a condition that the balustrade should be fixed to prevent the addition of an external staircase providing a route to the garden for the first and second floor residents. An external staircase would provide an uninterrupted view into our internal living areas; as a multi-occupancy household this is a real concern.
7. The side facing window (w 1-9) should be of opaque glazing to Pilkington level 5 equivalent with restricted opening.
8. The two side facing velux windows (not numbered) should be 1.7m from floor level or should be opaque to Pilkington level 5 equivalent with restricted opening.
9. The new door from the first floor landing to first floor terrace area should be exchanged for a non-opening window. The building will house a large number of (non-related) occupants; the loss of privacy (both in our internal areas and garden) caused by large social gatherings on the first floor would be disastrous for our well being.

Throughout the development, there is a disparity in views.

We are observed while the occupants look down on us:

From first floor to ground (internal and garden)

From second floor with direct views down into our first floor bedrooms and garden.

It is this disparity; knowing that you may be being spied on, watched, ogled, while the spier/voyeur/ogler is not being observed.

It is for this reason that the council have been required to ask the developer to include “privacy” screens to the terrace.

The "privacy" screens only mitigate the most direct views. The privacy screens do not address the issue of people just standing on the terrace, taking in the view of our living room, our garden. They are, apparently, not supposed to casually lean on the balustrade (stated by Antoinette Jackson to be an "unnatural" position, although one I suspect that she herself routinely adopts when on holiday admiring the view from her hotel balcony; I trust she thinks of this when looking down on holiday to understand how laughable the statement is.).

I have attempted to further expand on some of the above points to explain the issues in greater detail, in order that the council can mitigate the damage done by its decision to approve a planning application which contained in excess of 40 "errors", was substandard, contained multiple contradictions and misleading information; based on a recommendation of approval by the "inexperienced" planning officer [REDACTED] who appears to have advised the agent that he would approve at pre-planning stage and prior to either visiting our home or listening to our objections, who the council has advised (in writing) was guilty of the promotion of false and/or misleading with the result that it was impossible to say what the effect on our home.

It is not acceptable that developers / agent act as has been the case with respect to 3 Fendon Close, and that they are not taken to account.

The agent [REDACTED] stated, somewhere in his original 50 plus pages of contradictory information that made up the original application for a "householder extension", in responding to our pointing out the number of "errors" that he had included in the application, that he only considered any mis-statements of dimensions / distances ("errors") by over a metre as material.

I beg to differ.

I find such an attitude both arrogant and showing a complete disregard for the interest of neighbours.

I believe the council has a duty to ensure that the developer/agent are held to account, and that impact of the development on our home is a) no worse than claimed and b) matches assurances made to us by the council's chief executive.

The council (represented by the "inexperienced" [REDACTED] elected to ignore our objections against the first application.

Please do not ignore legitimate and valid objections to the current application.

Thank you for your consideration.

Yours sincerely

[REDACTED]

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#### ERRORS:

The agent [REDACTED] appears to have included a considerable number of "errors" in the present submission. It therefore appears therefore that any information provided in the application needs to be viewed with at best if not suspicion.

I have attached a list of what I believe are some of the "errors" or questionable information. In addition to not having access to 3 Fendon Close, unfortunately I do not have the time to compile a complete list of the included "errors" at the



moment. I trust however that the council will ensure that all the “errors” in the present application are noted, and the agent is requested to provide accurate, architectural standard, and “error” free plans for the avoidance of doubt.

## KEY STRONG OBJECTIONS TO UNAUTHORISED CHANGES

Specifically, I:

### **INCREASED OVERSHADOWING AND ENCLOSURE BOTH AGAINST PLANNED VIEW AND “CLAIMED” BY APPLICANT**

- 1) **STRONGLY OBJECT to the decision to increase the height of the non-structural ground floor brick wall in excess of the approved 3.8m**, both facing the boundary to our home, as well as to the rear.

The council’s chief executive Antoinette Jackson has stated and provided assurances that the wall will be no higher than 3.8m [from natural ground level]; the council therefore has a duty to act in accordance with promises made by its chief executive.

In your email to me of 21 August 2017, you advised that when on site you had measured the height of the unfinished side wall facing the boundary of no. 4 as 3.8m. The tape measure was suspended from the top of the incompletely built wall and hung well clear of the ground. The current height as built must, therefore, be in excess of 3.8m high due to further building work being done in the interim. As it stands the side wall therefore currently contradicting statements made/assurances given by the council’s chief executive.

*During your site visit in August 2017, you also advised that the rear facing wall **exceeded** 3.8m at the time of your visit.* The rear wall was at the date you measured taller than the side wall. After your visit, the developers have further increased the height of the rear wall by the addition of a minimum of three rows of brick as well as additional capping.

***The agent anca claims in application that the “as built” height of the wall is 3750 mm (SK205/R3, 18 Sep 17) along the rear.***

**The submitted image SK-206/R2 shows a “ramping up” of the ground level at the rear of the house, with a slope down to the garden at the rear.**

There is a mismatch between the measurements you took on site, which I was witness to, and the measurements taken by an agent who confirms that he makes numerous “errors” and witnessed by another contractor.

I am assuming therefore that your measurements, to which I was witness, are likely to be more accurate, and, as in the past, it would be reasonable to view any information provided by the developer/agent combo with caution.

If the measurement of the unfinished side wall confirmed by you in August 2017 was 3.8m [this is an under measurement as the height subsequently has been further increased], and the rear wall measurement in excess of 3.8m in August 2017 (subsequently significantly further increased), this also makes the scaling on e.g. SK-206/R2 incorrect. There is no indication of the height of the side facing wall apart from it being “3 brick course below top of rear wall” (image below with protruding bricks to side wall creating pillar at the end of the side facing wall); resulting in the side facing wall far exceeding the 3.8m promised by the council’s chief executive.



**We request that the council requires the developer to reduce the height of the non-structural brick wall to a maximum of 3.8m from natural ground level both to the side and along the rear.**

The height of the rear non-structural brick wall should also be reduced both to match the “coloured interior design style images” approved as well as assurances made to us by the council’s chief executive Antoinette Jackson.

#### REAR PILLAR:

Clearly visible above the side wall when viewed from our sitting room window, and creating an ugly pillar at the end of the side floor which draws the eye, further exacerbating enclosure suffered. This was not in any approved plan.



Visual “pillar” and rear wall clearly visible above side wall increasing visual height of wall to well in excess of 3.8m: BOTH SIDE AND REAR NON-STRUCTURAL WALLS NEED TO BE REDUCED TO A MAXIMUM OF 3.8M above natural ground level TO MATCH APPROVED COLOURED SKETCHES AS WELL AS STATEMENTS MADE / ASSURANCES GIVEN BY THE COUNCIL’S CHIEF EXECUTIVE.  
(photo window ‘A’)

elements should be revised to match permission for a brick only wall without an attention drawing grey capping which draws the eye; the design of roof was not approved.

ADDITIONALLY, NO PERMISSION WAS GIVEN FOR THE DULL GREY PLASTIC/LEAD ROOFING FORMING A VISUAL LINE. Any roofing design for the minimal single storey

- 2) **I STRONGLY OBJECT to the increased length of the non-structural brick wall** facing the boundary to our home.

See figure 1:

**Images submitted in the original application show the non-structural brick wall ending in a line in advance of a perpendicular line drawn from the midpoint of our chimney.**

**Images submitted in the original application claimed that both the non-structural brick wall and the three storey rear extension would barely be visible.**

Neither appears to be true.

The building extends further to the rear relative to our house than claimed in the original application.

We had questioned the validity of the views claimed by the agent [REDACTED]. The agent [REDACTED] stated categorically in a letter to the council dated 17 July 2015 that the view in figure 1 was “taken from standing 500mm behind” our ground floor windows (opposite the midpoint), he implied that I was wrong to question the validity.

There can therefore be **no** dispute that the view should match that submitted by the applicant.

We had queried the images in our objection.



In response, the agent [REDACTED] claimed that the image was VALID, and that we “must rely on... professional third party planning advice”.

My own feeling is that this is not the sort of professional third party planning advice that the council should encourage. I certainly will not “rely” on such questionable information. I would prefer clear, accurate, “error” free work.

**I STRONGLY OBJECT TO THE INCREASED LENGTH OF THE ROOF:**

- a) **The roof now protrudes approximately half a metre in front of the existing building line. Neither extension of roof line was on the approved images. This presents an uncomfortable topping to the remnants of the original house, resulting in a Jekyll & Hyde presentation with the ugly dull grey mock industrial roofing used on the “carbuncle” of an extension overlapping and protruding in front of the tiled roof.**
- b) The council previously confirmed that the submitted shadow study was inaccurate and that it over estimated the “existing” in order to reduce the “proposed” overshadowing.

Initially the agent, sought to claim that we would have an improvement of light levels when a small flat and sloping roof garage, only slight above standard fence height was replaced by a three storey building with large overhanding roof set a metre back from the boundary.

The developer [REDACTED] confirming that they had additionally set our home further back from the boundary (email) in submitted and approved images than in reality. From the images it seems that they may also have placed our home further back in our garden / from the road than in reality also. Moving it again further away from the development. I am fairly certain that our home has not moved in the last 70 years.

The first shadow study submitted by the developer/agent [REDACTED] seeking to claim an “improvement”) was considered invalid, non-standard and seemingly included mispositioning north.

A second shadow study conceded that we lose between 10% (a couple of months mid- winter) through to in excess of 30% (throughout summer) of light to our living room. We have lost almost all direct sunlight through to lunchtime for most of the year. We are now faced with a scenario that (due to large mature trees in neighbouring gardens) any direct light to our living room is restricted to a few hours in the afternoon in the summer.

The decision by the agent/developer to extend the roof against approved images has resulted in increased overshadowing above that conceded in a shadow study, a study which has been confirmed as having artificially increased the pre-development, mostly shadow free situation.

**WE THEREFORE STRONGLY OBJECT TO THE INCREASED LENGTH OF BOTH THE TILE ROOFED AND THE MOCK INDUSTRIAL STYLE ROOFING IN EXCESS OF THE APPROVED COLOURED IMAGES.**

We ask that the council:

- a) ensures that the approximately half metre unauthorized jutting / protrusion of the tiled roof in advance of the building line / bay window is revised and reduced to accord with the approved pictures. That the tiled roofing is reduced in length to match approved dimensions.
- b) ensures that the industrial style dull grey roofing is set in line with tiled roof; this would improve the aesthetics of what is an excessively ugly element of the building as well as reduce the overshadowing resulting by the increased length of the roof against approved images.
- c) ensure that the both elements of the roof are less than or equal to the lengths in the approved coloured images as well as relative to our home (as the images were inaccurate/contain numerous “errors” and cannot be trusted).

## LOSS OF PRIVACY

### DUE TO FIRST FLOOR SIDE FACING AND REAR FACING TERRACE AREAS

#### I STRONGLY OBJECT THE PARTIAL METAL RAILINGS TO FORM A BALUSTRADE TO THE SIDE FACING BALCONY

- A) the inclusion of metal railings to the lower portion of the balustrade on the side facing first floor terrace.
  - a. The original images included a glass balustrade; the council has confirmed that its planning officer [REDACTED] failed to assess the impact of this side facing terrace. The council's chief executive Antoinette Jackson claiming that this was because there was "no window" to the balcony.
  - b. TO MEET ASSURANCES GIVEN BY THE COUNCIL TO THE LGO, the balustrade **must** be fully opaque to an equivalent of Pilkington level 5 from ground to a minimum of 1.7m, with a condition that it should be **fixed shut and must not be removed for the lifetime of the building**.
  - c. A full length glass balustrade of 1.7m height would be aesthetically more pleasing, removing one of the mishmash of materials when viewed from the side.
  - d.

Previous images had included a staircase from the side facing terrace to the ground floor:

- e. There should be a condition that the balustrade should be fixed in perpetuity.

#### Additional non-approved door to first floor terrace areas

As the developer **has also switched a window to a non-approved door from the first floor landing area to the first floor terrace**, he has therefore intended the first floor terrace area as shared use in a multi / shared occupancy building rather than for use (approved) by one bedroom only.

- a) Either the door should be reverted to a window; or
- b) It is imperative that there should be no access in the future to the garden by removing the balustrade and creating an access point from the first floor terrace area to the ground floor to reduce as much as possible loss of privacy to private internal spaces of our home by direct view as a result of occupants of the upper two floors utilizing the terrace of the building to access the garden (i.e. as built the first floor terrace area can be used both as a social area by all 7 bedrooms, not the one on the approved images, and that there should be no possibility of it being used as an access route for the multiple occupancy house to the rear garden). There should be a condition attached that no external access to the external garden area should be possible from the multi-user terrace area.

### DUE TO SIDE FACING WINDOWS:

- A) The current application has added a first floor side facing window that was not on the approved "floor plans".
  - The council had previously confirmed that it was aware that the agent had not disclosed the additional window on the approved images, but that any window would be opaque and should be restricted opening.
  - THE COUNCIL SHOULD THEREFORE ENSURE that the side facing window (indicated w-1.9 on SK-206/R2) should be fully opaque to an equivalent of Pilkington level 5 and that there is a limit to opening as none is indicated contrary to previous statements by the council.

### SIDE FACING SECOND FLOOR VELUX WINDOWS:

- a) The planning officer stated that the windows were set high on the roof line, i.e. matching the minimum 1.7m above floor level for opening side facing windows to avoid loss of privacy.
- b) The "reality" is that the windows are set about 1.5m above floor level. I have clearly seen the heads and shoulders of builders through these windows when getting dressed in the morning.

The council must ensure that:

either the windows meet the minimum 1.7m for the opening side facing windows;

or the windows are fully opaque, and fitted with restriction;

to meet the statements made as part of the review of the original application, and to avoid loss of privacy in our bedrooms.

I note that the agent [REDACTED] has stated that “velux reduced in size and relocated as agreed with neighbour” ; this is a “variation” on reality. We were pleased to note that the developer had revisited a decision to increase the height of the windows well in excess of the approved coloured sketches.

There is also circular referencing between submitted images, which appears nonsensical?

I asked for confirmation of the final height of the installed windows, but this remains outstanding. The windows currently appear larger than both the approved images, as well as the numerous variations in the current submitted images. It is therefore difficult to tell what exactly retrospective “rubber stamping” is being done.

...

There are many other concerns about the unauthorized changes; this is only a selection of key points that need to be addressed.

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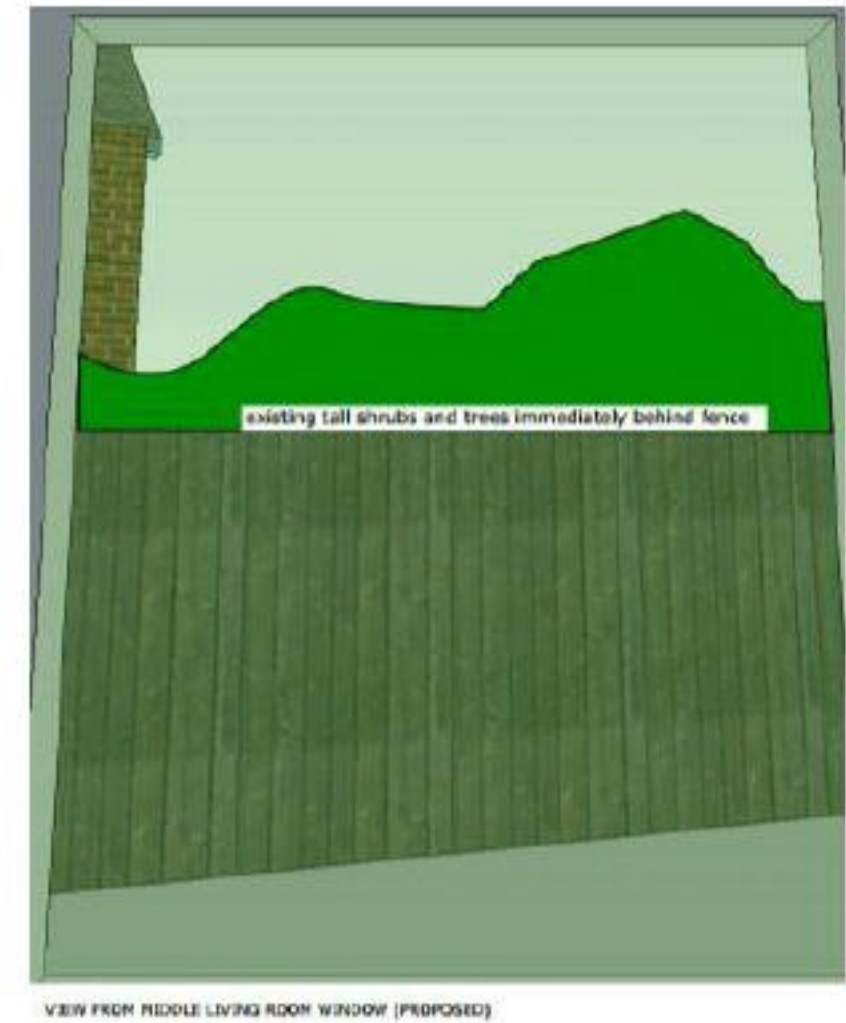
## FIGURE 1: View from rear side window (B)

We have two main living room windows (which have been labelled A (front of chimney) and B (rear):

### CLAIMED IMPACT BY AGENT / VALIDATED BY COUNCIL (barely visible):

**THIS** is the view that the agent [REDACTED] claimed, stating in a letter dated 17 July 2015 standing 500mm behind our ground floor sitting room window C.

(throughout the original application, the agent [REDACTED] continually misled by mislabeling windows in our house, but at times appeared confused himself. Image also shows addition of *"existing tall shrubs and trees immediately behind fence"* (he refers also to *"intensive vegetation"* as preventing loss of privacy). As the once immaculate garden has been sadly left to disintegrate under [REDACTED] ownership, the vegetation along the boundary currently consists of bramble, a self-seeded elder bush and a viburnum – as this vegetation now blocks what will be the side passageway of the building it is likely to be removed; the council made no condition that the owners should retain the bramble, the elder flower nor the viburnum. There is also a large quantity of ivy which is damaging our fence.)



### THE REALITY ... ALMOST 50% ENCLOSURE

**THIS VIEW** is the reality we face.

500mm is so close to the window that a wide angle setting on my camera does not include the sides of the window. The variation of the **reality** against the **"claimed"** varies considerably more than I can demonstrate. The building encloses almost half our window **not** the **"barely visible"** claimed by the [REDACTED]

(this is the **least** enclosed living room window)



:

It is necessary to draw a line in the midpoint of the claimed view to understand how misleading the promoted and validate image was.

The view from our window (B) (lower photo) should match the claims made by the [REDACTED] promoted and validated to the planning committee by the planning officer [REDACTED] and assurances made to us by the council's chief executive (upper image)

**THE SINGLE STOREY BRICK WALL IS NON-STRUCTURAL AND CAN EASILY BE REBUILT, WITHOUT DIFFICULTY, TO MATCH THE CLAIMED IMAGES USED IN THE APPLICATION WHICH WERE INCLUDED IN THE MEETING PAPERS, AND ON WHICH THE DECISION WAS MADE.**



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**TABLE 1: PARTIAL / INCOMPLETE LIST OF "ERRORS" INCLUDED IN APPLICATION**

	<b>Document number</b>	<b>"errors" included in application</b>	<b>OBJECTION</b>
1	SK-034/R4	Questionable "surveyed" measurements; applicant has confirmed the history of misstating the positioning of our home.	e.g measurement of 4460mm is likely/probably to be inaccurate. The measurement taken remotely to a corner by an applicant who confirmed that the original dimensions were false. <b>The issue is the location of our house to the boundary was inaccurate; our house appears to have been set further back both from boundary and from the road than in reality.</b>
2	SK-205/R3	FALSE and or MISLEADING INFORMATION: <b>Unauthorised increase in height of rear wall/"RAMPING" up of ground level.</b>	<b>"LEVEL 000" - this image may help clarify why the agent claims a height of just under 3.8m for the rear wall.</b> The model's feet are showing as being on "natural" ground level and hence appear cut off by the artificially raised ground level around the building. The council assured us that the wall would be no higher than 3.8m. If the applicant is allowed to artificially increase ground level, the council would be in breach of its promises and assurances.
3	SK-034/R4	Misrepresentation of impact: - FALSE STATEMENT /	"rear living room window" is towards the front of the building (window "A")
4	SK-034/R4	Misrepresentation of impact: - FALSE STATEMENT / MISLABELLING	"middle living room windows" is the rear of two living room windows (agent falsely claims a third window to the side elevation of living room) (window "B")
5	SK-034/R4	Misrepresentation of impact: - FALSE STATEMENT / MISLABELLING	"main living room window" : there are only two windows to our living room. One fully blocked and (contrary to questionable claims by agent) the other almost 50% blocked. The "main living room window" is to the side of a flat roofed "garden room" that is unused in winter.
6	SK-034/R4	Misrepresentation of impact: Missing window	Agent has not indicated window serving hallway and other internal areas.



7	SK-034/R4	Misrepresentation of impact: incorrect labelling of rooms	Agent is obviously aware of the end point of living room, indicating it with line; he has however artificially extended the area by including a "conservatory/garden room" in the floor area of our living room. I am assuming that this is with the intention of trying to reduce the enclosure suffered by implying that we have "more" living room than in reality.
8	SK-035/R4	MISLABELLING	"proposed second floor" : council has advised that this is not the second floor but is the first floor
9	SK-035/R4	FALSE INFORMATION "SOLD NATURE OF BALUSTRADE"	The revised application shows metal bars, not a solid balustrade to prevent a " <b>SEATED</b> " person looking into our garden.
10	SK-035/R4	Misleading information	"intensive vegetation to prevent overlooking" ; brambles , and a couple of shrubs does not prevent overlooking
11	SK-035/R4	FALSE INFORMATION: Missing window against "as built".	There is a window (w-1.9) missing which is showing on SK-205/R2. Is there or is there not a window? If yes, the window should be fully opaque with restriction.
12	SK-035/R4	Misleading information "virtually unobstructed" "daylight / sunlight virtually uncompromised"	The reference is to a first floor bedroom; this is not the fact. We lose between 10 and 30% of light in our living room immediately below; and almost all direct sunlight to window "A". The view is NOT "virtually unobstructed" ; the view from "B" is severely compromised by about 50%.
13	SK-361/R0	Unauthorised increase in height of rear wall	We STRONGLY OBJECT to the increased height of the rear wall above 3.8m. Antoinette Jackson stated that the wall would not be no more than 1cm higher than this and the height of the wall should be reduced to match statements / assurances given by the council's chief executive.
14	SK-360/R0	Use of non-opaque screening materials	We STRONGLY OBJECT to the loss of privacy both in our garden space and in our private internal areas resulting from the side facing first floor terrace with direct views into our internal space and over our garden.
15	SK-360/R0	Use of non-opaque screening materials	1) The obscure glazing must be from floor level to a minimum of 1.7m high. Antoinette Jackson stated to the LGO that there was no loss of privacy; the railings do not protect our privacy. Either Antoinette Jackson/Sarah Dyer have misled the LGO or the council will ensure that the side facing balcony has a privacy screen from floor level to 1.7m above floor level.



16	SK-360/R0	Use of non-opaque screening materials	2) In order to meet assurances made by Antoinette Jackson to the LGO there must be a condition attached that the glazing is fixed, not moveable and that the developer will not add the external staircase included in earlier images.
17	SK-208/R2	Agent previously stated that the ugly dull grey industrial style roofing would not overhang more than the previous guttering except in the porch area	WE STRONGLY OBJECT to the increased overhang of the guttering at the side of the house which further exacerbates the overshadowing and enclosure caused by the monstrous house. On this image it measures 1m. The roof structure should be revised to match claims made by agent sabin anca when seeking planning permission.
18	SK-208/R2	"inexperienced" planning officer [REDACTED] stated that the velux window was set high on the roof line,	WE STRONGLY OBJECT to the low height of the opening. To match the statements made by the planning officer the velux should be fitted with an open restriction, and the glazing changed from clear to obscure.
19	SK-208/R2	CONTRARY TO PLANNING PERMISSION. Unauthorised addition of opening door (d-1-1) on first floor landing to first floor terrace area.	WE STRONGLY OBJECT to the addition of a pathway for the residents of the upper floor to the first floor terrace. The building is designed for multiple occupancy. The addition of a door from a general use area to the terrace will exacerbate the loss of privacy in building previously used as an HMO. We raised the possibility in our objection that this would happen and the planning officer [REDACTED] failed to respond; the council therefore has an obligation to ensure that there is a non-opening window from the landing to the terrace to restrict terrace use to one bedroom only as approved.
20	SK-207/R2	SCALE APPEARS INACCURATE	The agent appears to have made a mistake on the scale superimposed on the image. As the agent included numerous "errors" in his application for which he publicly stated he "should be shot" <i>we therefore request the council verifies all information submitted by the agent.</i>
21	SK-207/R2	Height of brick wall	We STRONGLY OBJECT to the increased height of the non-structural brick wall wrapping around the ground floor of the building. The council has an obligation to ensure that the wall is no higher than 3.8m from natural ground level to match previous assurances given.



22	SK-207/R2	CONTRARY TO PLANNING PERMISSION. Unauthorised addition of opening door (d-1-1) on first floor landing to first floor terrace area.	WE STRONGLY OBJECT to the addition of a pathway for the residents of the upper floor to the first floor terrace. The building is designed for multiple occupancy. The addition of a door from a general use area to the terrace will exacerbate the loss of
23	SK-206/R2	SCALE APPEARS INACCURATE	The agent appears to have made a mistake on the scale superimposed on the image. As the agent elected to include numerous "errors" in his application (publicly stating he "should be shot" for his shoddy work), <b><i>we request the council verifies all information submitted by the agent as it is possible that he has included further "errors".</i></b>
24	SK-206/R2	CONTRARY TO PLANNING PERMISSION. Addition of visual pillar in excess of 3.8m at the rear of the side facing wall	Not only the pillar but the unauthorised increase in height of the rear wall (visible from our sitting room windows above the side wall) exacerbates the enclosure suffered as result of the wall. <i>The brick wall should be reduced in height both along the side and to the rear to a maximum of 3.8m from natural ground level to accord with statements made / assurances given both to us and to the LGO by the council's chief executive Antionette Jackson.</i>
25	SK-206/R2	CONTRARY TO PLANNING PERMISSION; side facing window (1.9)	There is no indication that this window will have a restrictor fitted to it to prevent further loss of privacy. "mat" is insufficient; it should read to equivalent of Pilkington level 5
26	SK-206/R2	CONTRARY TO ACTUAL: Roofing	Appears intentionally misleading. The images do not show the ugly overlapping of the dirty grey roofing which extends further forward than on both the approved plans and on SK-206/R2. <i>We request the council ensures that the enclosure suffered is not exacerbated by the increase length of the dirty dark grey roof. The ugliness is exacerbated by a clumsy overlapping with the dirty grey roofing protruding proud of the tiles; the aesthetics of the building would be assisted by removing the ugly overlap.</i>



27	SK-206/R2	CONTRARY TO ACTUAL/MISLEADING: side facing brick wall	There is no indication of height of the side facing wall other than that taken from the questionable scaling supplied by the agent. What does "3 brick courses below of top of rear wall" mean? <b><i>The side facing wall should be no higher than 3.8m along its length above natural ground level which is the height that the council's chief executive stated both to us and to the LGO.</i></b>
28	SK-206/R2	CONTRARY TO ACTUAL/INTENTIONALLY MISLEADING: GUTTERS	The application states that the fascia/ gutters are integral, and have been indicated as a continuing of the roof. I consider this a further intentional misrepresentation of the actual . The ugly industrial style guttering is significantly bigger than standard residential equivalent, hangs below the roofing, was attached subsequently, and exacerbates the enclosure/overshadowing resulting. We queried in our objection, the " <b>inexperienced</b> " planning officer [REDACTED] failed to confirm. We request that this is replaced by a more streamline, residential, version which would reduce the further and entirely avoidable enclosure suffered by the bulky and ugly guttering.
29	SK-206/RS	CONTRARY TO PLANNING PERMISSION: Roof	The roof juts forward by approx. 0.5m than on the plan. The roof now significantly protrudes in front of the original building line, with the addition of an ugly jutting roof to either side of the original flat line. This results in (a) further exacerbation of overshadowing/enclosure due to the unauthorised increase in length of the roof against approved plans and (b) that the building sits uncomfortable on the street scene. It is also simply ugly. I STRONGLY OBJECT TO THE OVERHANG IN FRONT OF BUILDING LINE AND REQUEST THAT THE DEVELOPER REVISES TO MATCH HIS SUBMITTED SHADOW STUDY AND APPROVED PLANS.
30	SK-206/RS	velux size	The size of the windows appears larger than approved; clarification requested from council has not been received



31	SK-251/RO	MISLEADING INFORMATION : "dimensions are projected"	I do not understand what the agent means by "dimensions are projected (i.e. measured in paper space). I presume that this means that the agent is advising that we should not trust the information given. I am assuming that the information submitted must be inaccurate from a standard, architectural point of view. The council should confirm the information provided by the agent to ensure that it is free of "errors".
32	SK-251/RO	FALSE or MISLEADING INFORMATION BY APPLICANT	West elevation: Agent has mislabelled existing as extension
34	SK-251/RO	FALSE or MISLEADING INFORMATION BY APPLICANT	"as agreed with neighbour": neighbour noted
34	SK-251/RO	SECOND FLOOR VELUX WINDOWS	Larger than approved (980) (north elevation). Clarification had been requested from council.
35	SK-251/RO	FALSE or MISLEADING INFORMATION BY APPLICANT	Plastic service pipes protruding from roof missing
36	SK-251/RO	FALSE or MISLEADING INFORMATION BY APPLICANT	THROUGHOUT AGENT HAS PROJECTED INCORRECT OUTLINE FOR NO. 4
37	SK-250/RO	FALSE or MISLEADING INFORMATION BY APPLICANT	Image does not show ugly overlapping lip to mock industrial roofing lengthening roof line against approved images
38	SK-250/RO	SECOND FLOOR VELUX WINDOWS	Image shows velux windows as 660 x 780 , yellow "as built" 780 x 980 (see 1/208). Clarification was requested from council but not received.
39	SK-250/RO	FALSE or MISLEADING INFORMATION BY APPLICANT	"as agreed with neighbour": neighbour noted
40	SK-250/RO	GUTTERING	industrial style guttering (3 or 4x size of standard residential) hanging below roof not included;
41	SK-250/RO	Plastic service pipes	Plastic service pipes protruding from roof missing
42	SK-250/RO	PRIVACY SCREEN	Privacy screen to side of rear facing terrace area MUST end flush with rear wall as approved image



43		ZINC PERIMTER FLASHINGS	flashing to plastic flat roof stands proud
44	SK-026/R4	POSSIBLE FALSE OR MISLEADING INFORMATION BY APPLICANT	Does not show approximately half metre protrusion of tiled roof over building line above bay window
45	SK-026/R4	POSSIBLE FALSE OR MISLEADING INFORMATION BY APPLICANT	Plastic service pipes protruding from roof missing
46	SK-026/R4	SECOND FLOOR VELUX WINDOWS	New built roof plan dated 18 July 2017: Size of velux windows given as 593 x 650; 944 x 970; clarification requested from council but not received.
47	SK-026/R4	POSSIBLE FALSE OR MISLEADING INFORMATION BY APPLICANT	I do not understand what the agent means by "dimensions are projected (i.e. measured in paper space). I presume that this means that the agent is advising that we should not trust the information given. I am assuming that the information submitted must be inaccurate from a standard, architectural point of view. The council should confirm the information provided by the "I should be shot" agent [for application which included misleading information]
48	SK-204/R1	POSSIBLE FALSE OR MISLEADING INFORMATION BY APPLICANT	Ugly overlapping of mock-industrial roofing in advance of tiles missing; protrusion lengthens roof against approved images
49	SK-204/R1	PRIVACY SCREEN	Privacy screen to side of rear facing terrace area MUST end flush with rear wall as approved image
50	SK-203/R7	PRIVACY SCREEN	Privacy screen to side of rear facing terrace area MUST end flush with rear wall as approved image

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**WHY** is our house misrepresented on the “north” elevation? Council state that there is no obligation by applicant to match his elevations.

**CLAIMED:**  
Applicant appears to intentionally “double” size of no. 4.

To do so, he appears to have included both the front and side elevations to artificially inflate.

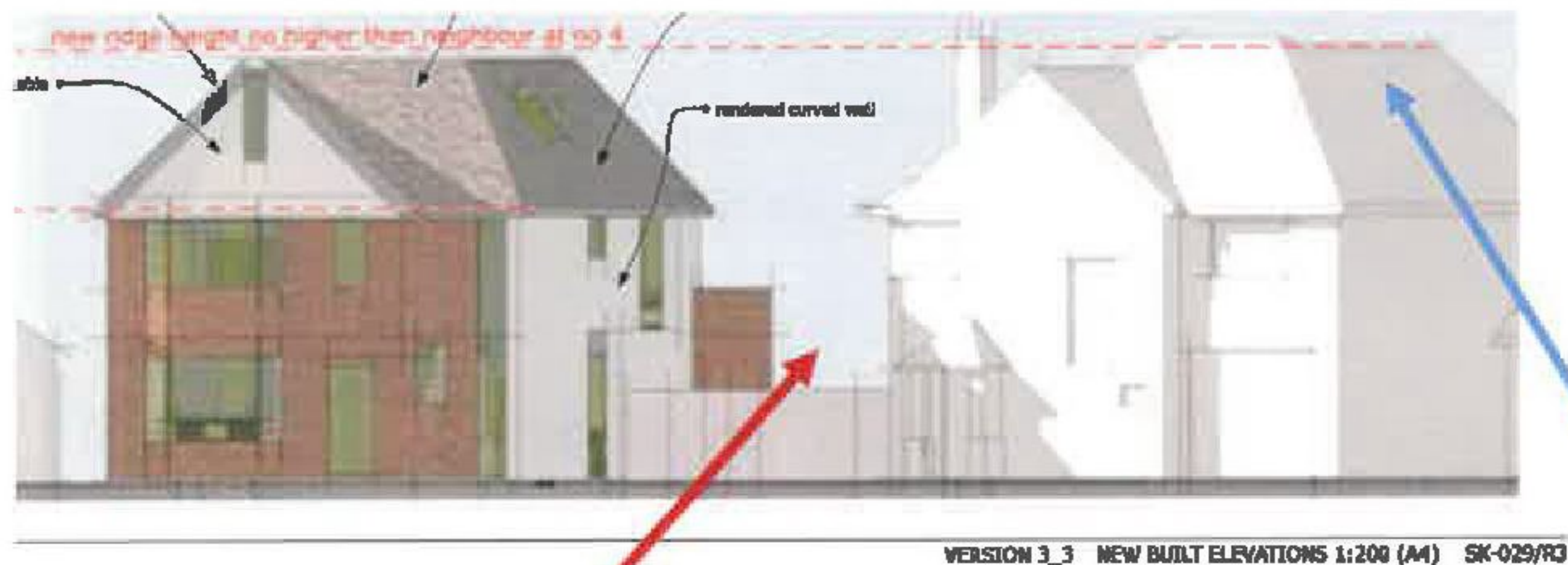
**Why??**

**REALITY:**

“missing” roof and “disappeared” side wall of no. 4.

**Why??**





WHY when obtaining side elevation view of no. 4 does the "gap" disappear? Council state that there is no obligation by applicant to match his "approved" elevations.

### CLAIMED:

Obtaining an approximate side view is almost impossible – it is not possible to stand far enough back.

We asked for clarification of claimed viewpoint. No response.

WHY IS THERE NO GAP AS CLAIMED?

"Inflated" roof

### REALITY:

1. The claimed gap is not evident.
2. Even in this view, the claimed large roof on no. 4 is "missing".

1. "Missing" gap.

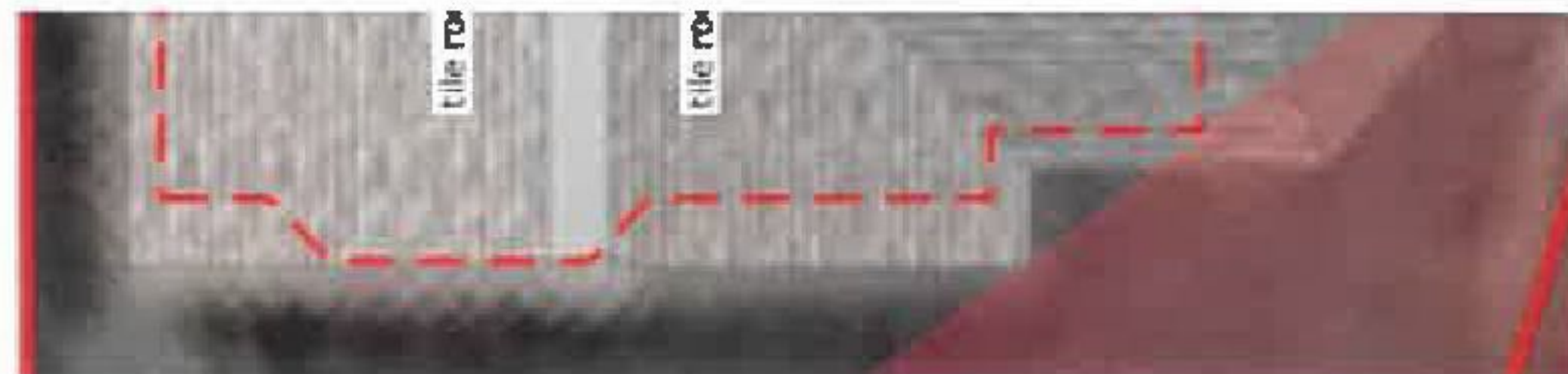




A.



Approved Aug-15 coloured picture: no overhang (SK-02-r3) and below (SK-035/r2)

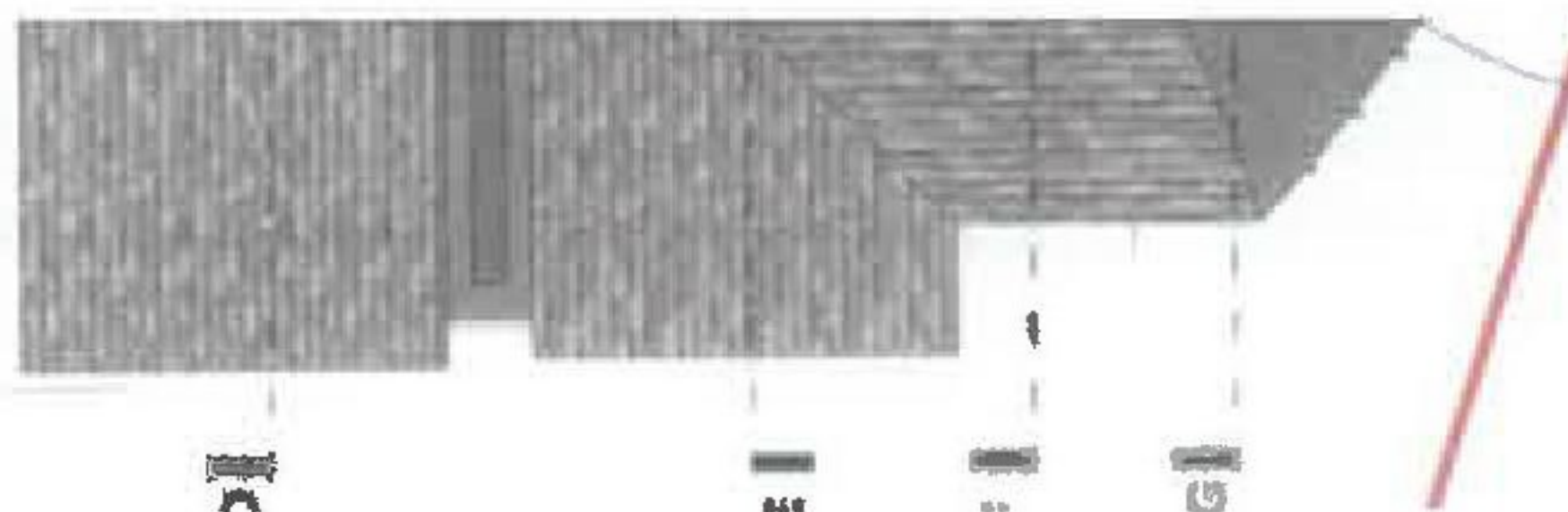


B.



B. Image from agent's website Sep-15: substantial overhang in front of building line. As this image seems to have been published within a couple of weeks of gaining approval with images in A., why is the substantial overhang not in the (approved) images A.?

C.



C. S73 application: Substantial overhang (SK-250/r0) but according to S73 report by the enforcement officer, roof C. is as per image A.

The approved images are blurred but clearly show no overhang.

The unauthorised increase in roof length has worsened overshadowing on both neighbours

[None of the images show the protrusion of the mock industrial roof over the tiled roof, increasing the length of the roofline against approved images.]

1. Enforcement officer, email 21 August 2017:

*"The height at the time of measurement was around the mark of 3.8m, depending on where one bases the true ground level. However, I can confirm that this height is exceeded at the rear flank where an additional course of bricks have been added to form a parapet wall, and coping materials were still likely to be added at the time of measurement."*

[with respect to the height of the UNFINISHED non-structural wall at the beginning of August 2017. I believe at least two further courses of bricks plus coping stone were subsequently added to the rear, with additional finishing works further increasing the height of the side wall.]

2. Enforcement officer, written report published 2 January 2018:

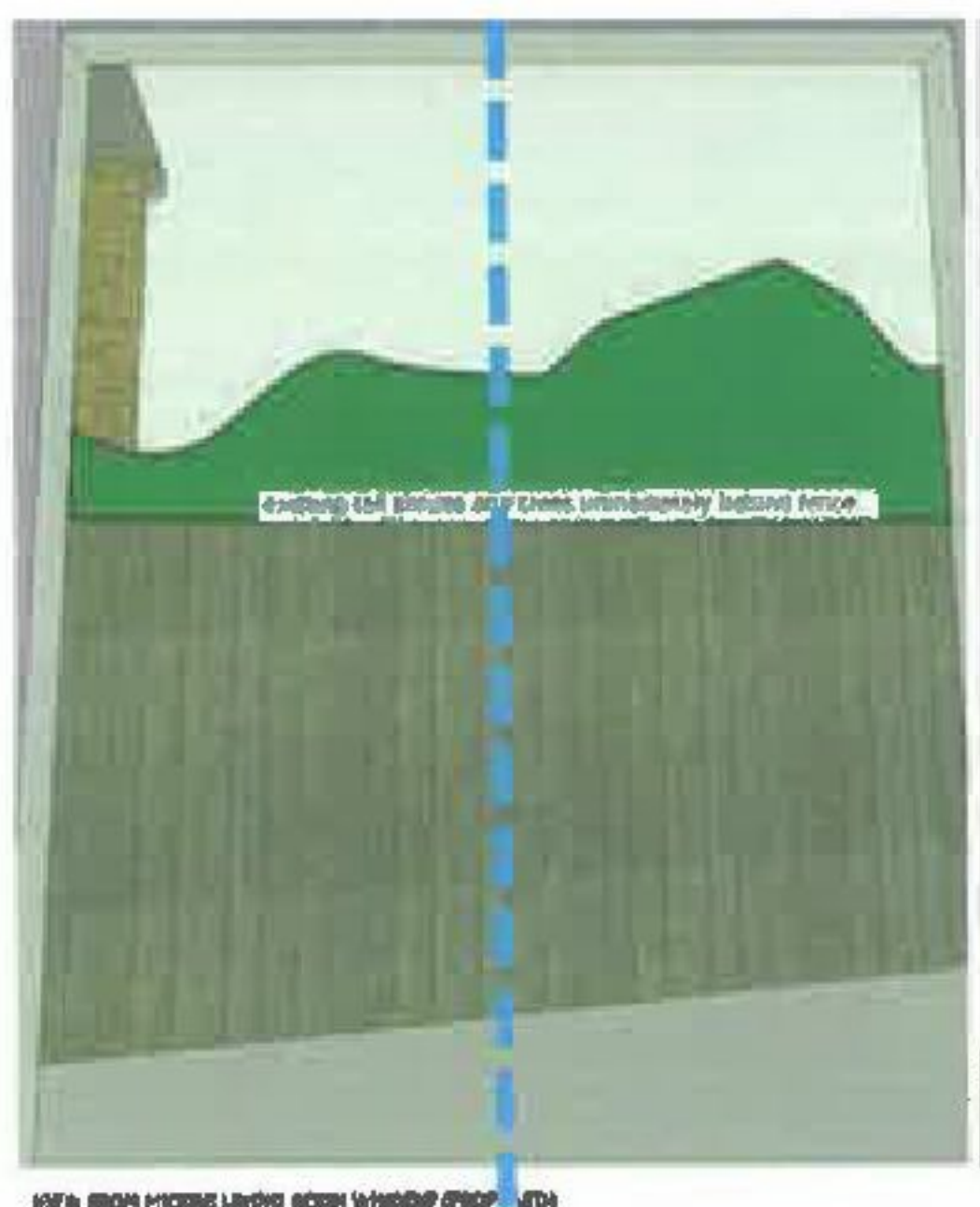
*"Measurements have been taken on site of the built structure and confirmed that the height is no higher than 3.8m."*

[with respect to the height of the FINISHED wall.]

(I was witness the measurements taken in August 2017; the tape was left well clear of ground level. )



**CLAIMED:** "views taken from standing 500mm behind no. 4's ground floor windows" [REDACTED] 17.07.2015}



**REALITY:** 40% enclosure suffered.  
Why does the "claimed" not match reality?



"Claimed" included in application and presented to and validated by planning committee; should match reality. If council doesn't enforce, it would call planning system into disrepute and underscore that "one must" **NOT** [in my opinion] "rely on ... professional third-party planning advice" [REDACTED] (17.07.2015)) as this appears to be the type of professional planning advice that should be questioned.

We did query – the plans appeared wrong.

Our query was dismissed, and original planning officer elected to validate the image. There is a moral obligation on both the applicant and the council to match "claimed" impact on which planning permission was obtained.



1. The council has recommended adopting the previously advised “expedient” course of action against our interests. We were initially informed of this course of action some months ago.
2. The original decision displayed considerable bias against us, with the “inexperienced” planning officer [REDACTED] making numerous “errors” in his written, spoken and visual presentations.

ALL the original planning officer’s “errors” either downplayed the impact on our home or downplayed our objections to it.

Not one of the original planning officer’s “errors” was against the interests of the applicant.

e.g. The current report contains similar “misleading” assertions: we had objected to the significant loss of privacy in our garden by the inclusion of terrace areas to the first floor [the building was previously run as an HMO] providing an access route for residents of the first and second floors of the 7 bed/6 bath house to the garden. Both the current and original application “overlooked” our objection to loss of privacy in internal areas.

e.g. We objected to enclosure caused by a three storey building. The original planning officer made an invalid assessment of enclosure by a single storey building stating that the building would stand almost one metre further back than he would include in his approval notice.

3. Both the original and the current application contained a serious number of “errors”.
4. The misleading information included in both the original application, combined with the considerable bias demonstrated by the “inexperienced” planning officer in his decision not to meet expected professional standards, in my opinion meant that the decision was unsound.
5. The council infers that the overhang in front of building line was approved. Please look at the attached images/text.  
.And ask why? (A. approved, B. agent’s website, C. current: A. does not in my opinion match C.

**From:** [REDACTED]  
**Sent:** Mon, 8 Jan 2018 12:27:21 +0000  
**To:** [REDACTED]  
**Subject:** FW: Planning meeting 10 January: 3 Fendon Close (17/1276/S73; original application 15/0924/FUL)  
**Attachments:** 17\_ 1276\_S73\_3 FENDON CLOSE - additional material for inclusion in meeting papers.pdf

[REDACTED]

Can this letter below and attachment also be uploaded and made public as well please. To also go on the amendment sheet.

Regards

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 January 2018 09:36  
[REDACTED]  
**Subject:** FW: Planning meeting 10 January: 3 Fendon Close (17/1276/S73; original application 15/0924/FUL)

**From:** [REDACTED]  
**Sent:** 07 January 2018 19:53

[REDACTED]

**Subject:** Planning meeting 10 January: 3 Fendon Close (17/1276/S73; original application 15/0924/FUL)

Dear [REDACTED]

[REDACTED]

*cc: Democratic services for the submission of attachment to be included in 10 January 2018 planning meeting papers-agenda item no. 19.*

The council is duplicating its past mistakes, and failing again in its duty of care. I consider the council's current actions to be negligent.

LGO and ICI made recommendations; the council not only ignores but repeats identified mistakes.

There is a serious risk of injustice resulting from the planning office's failings to date in respect of the s73 application for 3 Fendon Close.

Please ensure that, at a minimum, our objections and the attached information are accurately reflected in committee paperwork, and that the council fulfils its duty to be fair by ensuring the accuracy of planning work and that the objections of city residents are accurately reflected.

The support given by the planning office in continuing to accept the number of “errors”, inaccuracies and misrepresentation of impact is always to the benefit of the applicant. I ask you to ask yourself why?

I believe that the enforcement officer [REDACTED] has made questionable / misleading statements in paragraphs 7.2, 8.2, 8.4, 8.6, 8.7, 8.9, and 8.10 of his report. The planning office has had a further six months to look at submitted images; continually delaying submitting to planning to the committee. Again, you must yourself and the planning office why?

Additionally, 8.11 fails to reflect that the applicant appeared to misposition our home. Measurements should reflect accurately positioning of no. 4 and the submitted/approved images in his application showing a large gap between the two houses when viewed from elevation (NE) depicted for no. 4, and that the development is barely visible from no. 4's rear living room window. I would challenge you to stand with a compass in front of the two houses and ask yourself if the reality reflects the depicted and approved.

I believe there was misrepresentation of impact of enclosure suffered. “Inaccuracies in drawings” does not reflect my concern regarding misrepresentation of impact. We had questioned validity; the applicant stated his images were accurate and the planning office validated.

The approved images including neighbouring properties should be reflected as built, not the narrow constraints of the boundaries. There is a duty to be fair to us, that the claimed impact should match reality; it does not.

Residents should not suffer when developers misrepresent impact. The council should ensure developers claims match reality. There is both a moral obligation as well as a contractual obligation between developers and the council (representing city residents) that developers do not submit information on which applications are based which is inaccurate; this includes misrepresentation of impact.

There is a real risk of damaging public confidence in the planning system if developers are not held to account by the council to ensure that their claims are matched in reality.

Regards, [REDACTED]  
4 Fendon Close CB1 7RU

I believe that misleading statements in the officer's s73 report include:

*FRONT ELEVATION:* report states “this property has kept its position by maintaining its original front line” – whereas the applicant has projected the building approximately half a metre forward against approved plans and in front of the previous elevation. Increasing overshadowing of neighbours.

*SCREEN TO SIDE OF REAR FACING TERRACE:* city development manager [REDACTED] stated in 2015 that council employee [REDACTED] had been at fault not to confirm design of the screen. Widely space louvres allowed clear lines of sight whilst remaining hidden; we objected.

The report still includes a considerable amount of contradictory information and blurred images including various screen lengths, including “not to scale” stamped on them, but has specifically excluded images depicting what is now planned from inclusion in the meeting papers. Included in the blurred images are references to information in excluded material.

I asked that the screen must end flush with the external face of the brick wall – this was indicated previously. The report seems to overlook both that the previous louvres have been switched to a glass screen but applicant has now shortened the screen – increasing the loss of privacy to our internal areas and to our garden by allowing a wider viewing angle.

The only “clear” image is a not to scale picture, with the screen appearing to end in line with the external face of the rear wall. I would suggest that this is a further misrepresentation which will not be matched. “Fuzzy” images submitted and included appear closer to the “excluded” by the planning officer.



*SCREEN TO FRONT OF SIDE FACING TERRACE:* I ask that the screen to the front of the side facing balcony is fully opaque from terrace level to minimum of 1.7m (as per ignored original objection) with a condition that it is fixed in perpetuity. The applicant does not have permission for the current railings.

*NON-STRUCTURAL BRICK WALL:* I ask that the height of the side and rear facing (where visible from no. 4) brick is reduced to 3.8m from natural ground level to match assurances given by you in writing, and the grey eye catching roofing material is removed from side elevation.

When the extension (equivalent to at least three standard size rooms) was built, the applicant removed a large quantity of soil and heaped in the rear garden. This appears to have been levelled.

I would suggest that the officer's written statement in August 2017:

*"....I can confirm that this height is exceeded at the rear flank where an additional course of bricks have been added to form a parapet wall, and coping materials were still likely to be added at the time of measurement."*

is likely to be more accurate.

Now, following addition of at least two courses of brick, brick batten and roofing material in and levelling of rear garden of no. 3 with additional soil which has been layered over drainage pipe set into rather than under ground), the report reads:

*"Measurements have been taken on site of the built structure and confirmed that the height is no higher than 3.8m."*

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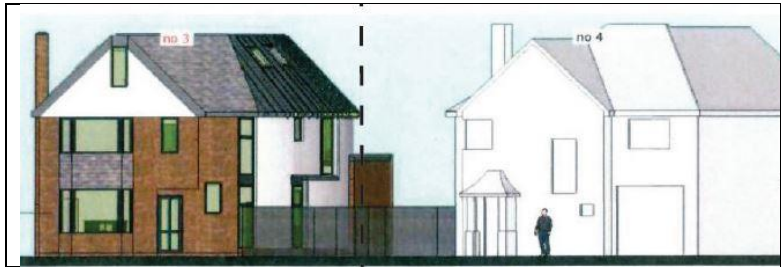
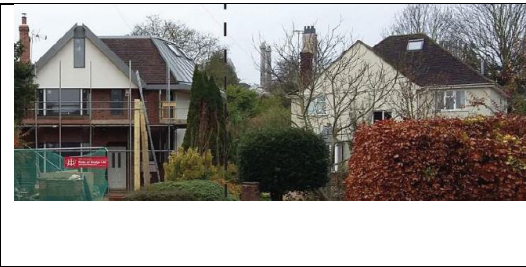
### 3 Fendon Close (17/1276/S73; original application 15/0924/FUL)

1. Images that show build is not to original impact.
2. LGO recommendations not adhered to; screen design is conflicting and does not protect neighbours privacy adequately.
3. Email confirmation by enforcement officer that non-structural wall was over 3.8m dated August 2017.
4. Extension to front elevation is not on approved plan.

## Images that show build is not to original impact plan

Permitting developers to intentionally/negligently misrepresented impact in order to gain planning permission would bring planning system into disrepute and is ground for revoking permission.

Impact Plan and outline of actual.	REALITY	NOTES
<div data-bbox="98 730 138 893" data-label="Page-Header"> <p>Page 43</p> </div> 		<p>CLAIMED BARELY VISIBLE / ENCLOSURE SHOULD BE REPLICATED. We suffer 40% enclosure of "non-" (<i>claimed by applicant</i>) enclosed window. [1<sup>st</sup> window fully blocked. Second window obscured a further 20% than impact plan.</p> <p>We pointed this out, agent and planning officer claimed valid image.</p>
		<p><u>Approved</u> image included in S73 – shows large visual gap looking at north elevation. GAP between two houses should match. Much closer than planned.</p> <p><b>Misrepresentation of impact.</b> Antoinette Jackson assured in writing the development would match impact plans.</p>



		<p>Image demonstrates how applicant</p> <ol style="list-style-type: none"> <li>1 increased the size of No 4 by including side elevation in the front plan.</li> <li>2. took north elevation view of No4 and NE elevation view of No 3. Minimising impact of development.</li> </ol>
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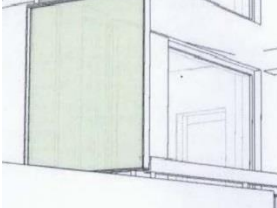

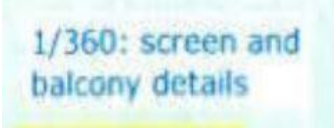
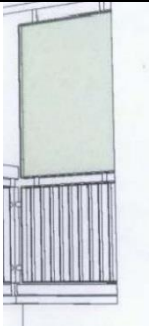
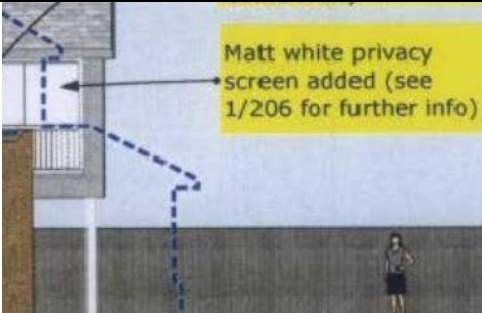
ANTOINETTE JACKSON GAVE ASSURANCES THAT SUBMITTED IMAGES SHOULD MATCH REALITY.

LGO finding of fault; non implementation of LGO recommendation; continuation of misrepresentation of impact by applicant and failings by planning office.

DESIGN OF SCREEN: (two screens “rear” – terrace facing rear; “side” terrace facing towards no. 4)

“REAR” screen must end flush with face of brick wall to reduce as far as possible loss of privacy – as per original image

		<p><u>Again conflicting</u> information in application.</p>	<p>S74: SK-251/R0: shows screen ending short of face of wall</p>
		<p>All images included in current application and meeting papers.</p>	<p>SK-03/r4 Sep 17: “louvre” screen ends flush but has clear views of no. 4 as per “net curtain)</p>

			Image “not to scale” appear to show screen ending flush with facing wall.
			SK-250/r0 (Jul 17) – show screen ending well short of rear facing balcony
		SK/205/r3: to look at “1/360 for screen ... details” (not included in meeting papers) – enforcement officer failing to control details of screen.	
<div>Page 45</div> <ul style="list-style-type: none"><li>- post transition from main body 80x80 to 40x4</li><li>- alignment to inner brick in balcony parapet.</li><li>- exactly 100x100 hardwood handrail (say oak)</li></ul>		SK-360/r0 not included in meeting papers	
“SIDE” screen must be of minimum height of 1.7m and opaque for full height reduce as far as possible loss of privacy. NON-APPROVED metal railings substituted for glass balustrade			
		Virtually no information included in meeting pack. Agent uses “green” = glass for clear glass also. There is no specification.	17-1276-S73 (not to scale). SK-251/r0 references 1/206 for details of screen (not included)

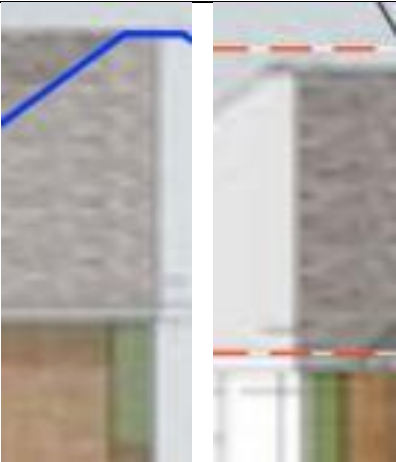
UNAUTHORISED EXTENSION in front of FRONT ELEVATION



ENFORCEMENT OFFICER:  
"8.2 ... this property has kept its position by maintaining its original front line"  
"8.4 ... change in the appearance of the extensions ... These will not be visible from the public domain"

We objected to the increased length of the tiled roof against approved plans, which further increases overshadowing on neighbours.  
(shadow study invalid as applicant had inflated size of now demolished garage.)

Page 46



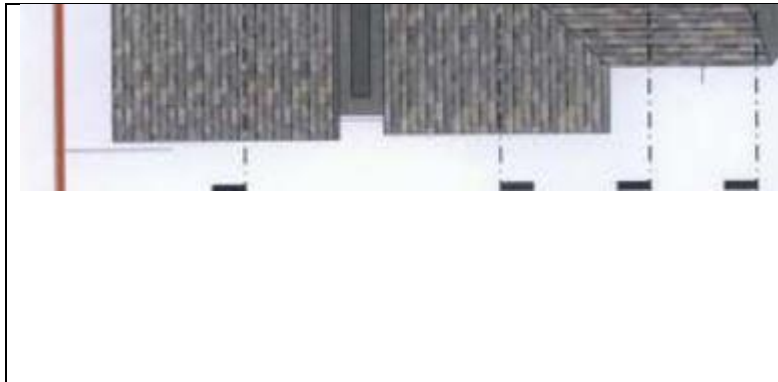


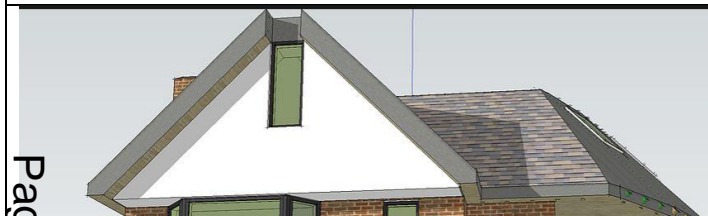
from no. 2 (L) from no. 4 (R)

APPROVED IMAGES SK-022/r3, SK-035/r3 AND sk-029/r3

NO OVERHANG OF FRONT ELEVATION on submitted and approved plans.

S73 application include overhang but “gloss over” addition by failing to indicate change / length / wrap around of mock industrial roofing to side elevation.



		
Sk-250/r0	SK-251/r0	SK-251/r0
PLANNED DECISION TO BREACH PLANNING:		
	IMAGE FROM AGENTS' WEB SITE NEWS - SEP-15 (WITHIN A COUPLE OF WEEKS OF GAINING APPROVAL )	
BRICK NON-STRUCTURAL BRICK WALL ALONG BOUNDARY BETWEEN NO. 3 AND NO. 4		

Maximum height of side and rear facing wall should be 3.8m from <b>natural</b> ground level.	
Applicant set drainage pipe along boundary barely in rather than underground, presumably to avoid party wall obligations (it is that close to living room windows).	
Enforcement officer:	
email 21 August 2017:	report published 2 January 2018:
<u>I can confirm that this height is exceeded at the rear flank where an additional course of bricks have been added to form a parapet wall, and coping materials were still likely to be added at the time of measurement.</u>	"Measurements have been taken on site of the built structure and confirmed that the height is no higher than 3.8m."

<p>I was witness to August 2017 measuring: the enforcement officer and I agreed a fair starting point for measurement of side wall with the tape left well clear of ground to allow for state of the ground at the time.</p>	<p>Following <u>addition</u> of min. two further course of bricks, wooden batten and roofing materials to the rear wall, to form visual pillar, and probable flattening of rear garden with additional material removed building area; with additional building work to increase height of side wall.</p>
<p>In addition to other failings, report</p> <ul style="list-style-type: none"> <li>- fails to note unauthorised wrapping of mock industrial side roof over front tiles and probable increase in length against approved plans</li> <li>- fails to accurately note loss of we privacy objected to (claiming “garden” and ignoring objections to internal space).</li> </ul> <p>180918        It has copied previous finding of fault by omitting to confirm details of screens to the benefit of the applicant.        It presents contradictory and misleading information submitted by applicant.        It continues to misrepresent impact to the benefit of the applicant.</p> <p>We asked for guidance from council as to what applicant was actually seeking approval of: confirmation of measurements, dimensions, details, etc.</p>	
<p>“as built” images appeared on the agents website within a couple of weeks of gaining approval:</p> <ul style="list-style-type: none"> <li>- Agent describes the building as having “gable ends” not a roof extension including “dormer windows”</li> <li>- Agent includes roof extension in front of building line.</li> <li>- Agent includes railings rather than glazing to the balustrade.</li> <li>- Quadrupling of floor area to create 7 bed 6 bath building (former use as HMO)</li> </ul> <p>Submission of 50 plus pages of error-filled design style blurred drawings superimposed on a heavily pixelated google backdrop, he appears to have minimised the impact on neighbours.</p>	



Councillors have an opportunity to not follow the “expedient” course of action proposed by [REDACTED] but to say no. That the intentional misrepresentation; “claimed” should be honoured and duplicated in reality.

The screen should match the neighbours’ requirements following the finding of fault; not a further duplication of the recognised failing to secure details of screen duplicating previous failings.

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