



20 November 2023

APP/23/00838

We object to this application on the grounds set out below.

We note that this application in effect replaces APP/23/00689, an application for non-material amendments made on 11 September 2023. This was withdrawn on 22 September because, as we understand, the case officer advised the applicant that the amendments proposed were material. Both APP/23/00689 and the current application have only been made in response to the initiation of enforcement action by HBC, consequent upon the discovery that the applicant has constructed her new extension with very significant differences from the plans approved under APP/22/00237.

Note (3) to the Decision Notice for APP/22/00237 states, *"Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way (my emphasis) you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015."* The words "if you wish to" clearly indicate that contact is to be made **before** any departure from the approved details, not retrospectively. The words "in any way" indicate that even non-material changes must be notified to the Council in advance. The applicant has not complied with this instruction.

We also note with concern that the description of the proposed amendments and the reason given for them at page 5 of the application form contain significant factual inaccuracies and hence give a misleading impression of what has been built and how. The application states, *"Rather than demolishing the whole of the existing structure, the rear wall of the original structure was retained, with the parapet wall element being removed and the new roof being constructed with roof line and fascias etc. to follow the line of the existing garage roof."* In reality, the whole of the existing structure was demolished and a new wall built in its place. The new roof has not been constructed to follow the line of the existing roof but with its fascias and guttering some 40cm higher.

There are multiple discrepancies on the drawings submitted with this application, listed below. Crucially, there are several large differences between the drawings, which purport to show the development "as built", and what actually exists on the ground. It is therefore impossible to know whether the applicant is seeking retrospective approval for what has been built or for what has been drawn.

Discrepancies concerning the drawings include:

- The elevations (2136-MMA/01) label the amended design as "Proposed", whereas the plans (2136-MMA/02) label it "As-Built".

- The immediately obvious error is on the South elevation. This shows a continuous gutter line along the existing garage and new build extension. This is manifestly at variance with what has been built, where there is a height discontinuity between them of at least 40cm.
- The roof plan "As Built" fails to show the large valley between the existing and new roofs.
- The "Proposed" South and East elevations show the gutter line of the new extension some 20cm **below** the "approved" level. In reality, the extension has correctly been built as approved.
- The "Proposed" South, East and West elevations show the gutter line of the existing garage as some 20cm **above** the approved level, despite the latter being labelled "No Change". It is only by this subtle but significant fudge that the drawings can show a continuous gutter line across garage and extension. In reality, there has been no work carried out on the gutter line of the existing garage and it remains as approved.
- Conversely, the gutter line of the garage has not been modified on the drawing of the North elevation, so the "No Change" label is, in this instance, correct. This does mean that, according to the drawings, there is a 20cm discontinuity between the guttering on the North and West elevations, whereas in reality there is none.
- Because of this fictional change to the garage gutter levels, the overhang of the garage eaves on the "Proposed" South and West elevations is shown as reduced compared with the approved drawings, whereas in reality the overhang is unchanged.
- The ground floor plan shows the eaves overhang "As Built" to be the same as the approved version. This is correct on the ground but at odds with the elevations, as described above.

It seems unlikely that the applicant intends to carry out significant structural alterations to something that has only just been built, or to carry out awkward changes to her garage, in order to deliver the development shown in the "Proposed" and "As Built" drawings submitted with this application. The following comments therefore relate to the structure as it currently exists on the ground.

The planning officer's report on the original application (APP/22/00237) noted the impact on visual amenity due to the bulk and massing of the development and also concerns about loss of privacy. He concluded that these concerns were valid but the impacts were not sufficiently great to recommend refusal. However, the unauthorised deviations from the approved plans operate to our further disadvantage.

The new southern end wall is no longer set back but has been constructed right on the boundary. This brings the full impact of the bulk of the building forward and, with the eaves some 40cm above those of the existing garage, it is very overbearing. The approved plans had a smooth and relatively elegant merging of the new and old roofs, set back from the boundary. As built, there is a large and ugly discontinuity between them that has a very damaging effect on visual amenity.

The approved plans showed the raised terrace outside the extension finishing at the southern end of the building and thus some 1.1m from the boundary fence. As built, the terrace now extends well beyond the southern end of the (lengthened) building, such that it is now within centimetres of the fence. It is some 40cm above ground level, meaning that a standard 1.8m fence panel has the effectiveness of a 1.4m panel. Anyone standing on the terrace will therefore have an uninterrupted view across the garden of the neighbouring property and into its habitable rooms.

In addition, the lengthening of the extension has brought the study window closer to the boundary, increasing further the degree of overlooking and loss of privacy.

Certificate A has been completed erroneously. This would not have been the case had the approved plans been followed. However, the footings of the new end wall extend by 20cm under the land of the neighbouring property and the eaves extend some 45cm over the neighbouring property. This constitutes trespass. The applicant is aware that her title to this land was registered in error. There is an outstanding application for an alteration of Registered Title with HM Land Registry under reference SB0F0DE.

Finally, it is noted that the application form contains a statement of truth in the form of a Declaration that the facts stated are true and accurate. A person who makes a false or misleading statement in connection with a planning application, knowing that it was or might be untrue or misleading, may be prosecuted under the Fraud Act 2006. ([Written questions, answers and statements - UK Parliament](#))

For all the reasons above, and noting that due to the discrepancies between the drawings and the facts on the ground it is not possible to determine for what exactly the applicant is seeking approval, we request that the application be refused.

