

THIRD QUARTER PERFORMANCE MONITORING

APPEALS

Appeal	Decision	Reason
3/2004/0020 Site at Goldhill Farm, Lanehead	Allowed	The appeal was made against condition 5 of planning permission to the construction of a new access from the A689 to Goldhill Farm for vehicles constructed of consolidated limestone. The condition required the construction of a dry stone wall along the length of the road. The Inspector concluded that it was not necessary to construct a dry stone wall. If a wall were built it would appear out of place in the AONB because of the curved alignment of the proposed road.
3/2003/0786 1 Ashcroft Gardens, Stanhope	Dismissed	The appeal was made against the refusal of planning permission for a single storey extension to the rear of 1 Ashcroft Gardens and the construction of a new building wall to the front and south side of the property. There was no objection to the new boundary walls and gates. The Inspector considered the extension would cause unacceptable harm to the character and appearance of the streetscene. The extension would not be in keeping with the character of the existing detailed dwelling in terms of mass, scale and design.
3/2003/0808 Site at land East of Old Hall Farm Road, St Helens Auckland	Allowed	The appeal was made against the refusal of planning permission for 74 houses with garages and/or parking spaces together with ancillary road and drainage works. The Inspector concluded that although the release of the eastern part of the appeal site for residential development conflicts with local and national planning policy as regards sequential release of housing sites there are other material considerations that outweigh such conflict. Of particular importance to the Inspector were the site's physical relationship with the urban areas, the contribution the site's relevance would make to the achievement of a more sustainable pattern of development in the area, and the opportunity that would be afforded to rid the land of substantial tipped materials. He concluded that the proposal would not be too detrimental to highway safety, provided a ghost island protected right turn junction is provided at the junction of Old Hall Farm Road and Manor Road.

Appeal	Decision	Reason
3/2004/0390 Land adjacent to and including Ship Cottage, Broomside, Coundon.		The appeal was made against the refusal of planning permission for two detached residential units and associated access proposals. The Inspector concluded that the proposed development would not cause any material harm to highway safety along this part of the B6287, or create unacceptable levels of traffic, and that it would not conflict with Policy GD1.
3/2004/0151 Site at Garden opposite 1 Castle Close, Crook	Dismissed	The appeal was made against the refusal of planning permission for a proposed 4 bedroom bungalow. The Inspector concluded that the proposed development clearly conflict with the provisions of the Local Plan. The site is within an area allocated for general industrial development. In his opinion there are no overriding need for a new dwelling on the site.

COMPLAINTS

Origin of complaint	Allegation	Response
1 Complaint by applicant	Allegation that a letter of objection had not been made by the person named in the objection. Demand from applicant that the source of the objection be fully investigated. The objection alleged bats were present and a condition had been imposed requiring a bat survey. The complainant demanded the Council pay the qualified bat worker who she had asked to carry out a survey.	The complainant was informed that it was not for the local planning authority to question whether the solicitor's letter was in fact on behalf of the person named but the Council must consider the planning merits of the objections raised. It was reasonable to suppose bats would be present. In fact the survey showed bats were present. Until the survey was carried out it could not have been known the bats were not using the building as a roost. The condition was justified and no refusal was warranted.
2 Complaint by neighbour (3 separate complaints)	The complainant alleged the Council had allowed a stone boundary wall to be demolished without her knowledge and permission. Secondly it was alleged the Council had allowed the applicants to build a house closer (0.25m) to the boundary than shown on the approved	The dispute over the stone wall is a civil matter. The applicant submitted an amended application to rectify any discrepancies.

	plans. Also it was alleged the Council had not stopped other discrepancies from the approved plans.	
3 Complaint by neighbour	The neighbour had objected to an application submitted by his neighbour to build a garage. Following the grant of planning permission, a complaint was received that staff had ignored his requests for information about whether he had a right of appeal against the approval and whether his neighbour could remove the existing fence without consulting anyone.	An apology was sent to the complainant. He was informed that he had no right of appeal and the dispute over the fence was a civil matter.
4 Complaint by neighbour	Allegation that staff do not respond when calls are made to the department; staff are not in; phone calls are not returned. The issue related to a long standing enforcement case about an unfinished development.	An apology was made. It was explained that the enforcement officer had to carry out a thorough investigation to ensure the current information was supplied.
5 Complaint by applicant	The complainant had withdrawn an earlier application because the submitted proposals were considered unacceptable. Prior to making the application she had been advised by the duty planning officer that the proposals were acceptable. She complained that the re-submission had been "lost".	All pre-application advice is given without prejudice. The re-submission had not been "lost". There had been a problem in copying the volume of applications received. It was taking approximately 3 weeks to validate new applications. The application in question was determined within 8 weeks.
6 Complaint by neighbour	The complainant was dissatisfied with the handling of an application to extend the neighbouring property. She believed it would adversely affect her privacy. She alleged she had been told not to object even though she had informed the case officer about her concerns.	The case officer had fully taken into account the impact of the proposal on the complainant's property. A detailed report explained how if the impact had been assessed to be insignificant. The case officer was interviewed and he denies advising the complainant not to write a letter of objection. The neighbour notification letter clearly invites any comments to be made in writing.

<p>7 Complaint by neighbour</p>	<p>Following the publicity about the compensation payment made in respect of opportunities for overlooking into a rear garden from a first floor balcony, a neighbour complained that he had not been consulted when amended plans for a front extension had been received showing the addition of the first floor balcony.</p>	<p>A letter of apology was sent. It was accepted that a new application should have been requested. However, it was not accepted that the development had caused any harm to the complainant. It is only possible to look onto the complainant's driveway and small front garden, which are already visible from the street. No loss of amenity has been suffered.</p>
<p>8 Complaint by applicant</p>	<p>The complainant complained he was badly advised and misled by officers. He had notified the Council providing details of proposals to carry out works to trees in a conservation area. He queried what diameter trees needed to be before the regulations took effect. He also pointed out discrepancies in the timescale quoted in the acknowledgement card for a response. He was aggrieved that the trees in question had now been protected by a tree preservation order.</p>	<p>It was accepted that procedural mistakes had been made. The wording of the acknowledgement cards had been changed. A staff training need had been identified which was addressed in January 2005. Due to the amenity value of the trees a tree preservation order (TPO) was considered justified. The complainant was allowed more time to decide whether to submit a written objection to the TPO to the Legal Section.</p>
<p>9 Complaint by neighbour</p>	<p>The complainant was dissatisfied that there is not 21 metres separation from a new house and the complainant's recently constructed extension.</p>	<p>The complainant has been advised that the 21 metres stated in policy H24 is a guideline and that PPG3 requires higher densities of development than were expected when the Local Plan was adopted. Further, the complainant has been informed that due to the angle of the new house and difference in site levels there would be no direct overlooking.</p>
<p>10 Complaint by neighbour</p>	<p>The complainant complained that she had not been consulted about development proposed behind her property. She was concerned about the difference in heights between the new houses and her house, and the separation from her house.</p>	<p>An apology was made for failing to notify her about the application. The mistake arose because she lives in a new house which is not yet shown on OS plans, nor was it shown on the submitted plans. Details of site levels had not been agreed. The</p>

		applicant was contacted and agreed to revise the layout and reduce site levels to overcome the complainant's concerns.
--	--	--

OMBUDSMAN CASES

Location	Response
Bridge Street, Bishop Auckland	Not pursued. <ul style="list-style-type: none"> • Right to light is a civil matter. • The decision was reached correctly – no maladministration.
Milburn Way, Howden le Wear	Not pursued. <ul style="list-style-type: none"> • The Ombudsman cannot consider the actions of complainant's neighbours nor can the Council take account of individual's characters when considering whether to grant planning permission. • Damage to property is a private matter.
Milburn Way, Howden le Wear	Not pursued. <ul style="list-style-type: none"> • The Council cannot protect property values or automatically prevent development because it alters peoples' outlooks. • The Council cannot consider the nature of the person who has applied for planning permission. • The decision taken by the Council was made properly.
Etherley Grange	Not pursued. The complainant had not exercised his right of appeal.
Belle Vue Terrace, Willington	Not pursued. There was no maladministration because the Council had not sent the planning application file to a neighbour's house. The neighbour worked away from home during the week and so was unable to view plans at the Civic Centre.
High Grain, Cowshill	Not pursued. <ul style="list-style-type: none"> • The Building Control officer was satisfied the roof is watertight. • Changes to the approved plans had been considered properly by the planning officer. • The planning officer had acted reasonably. • The complainant had suffered no injustice. He had to decide whether or not to pay for a diversion order to be able to implement his planning permission.
Clover Drive, Bishop Auckland	Local settlement. The Council accepted a mistake had been made and paid £15,000 compensation. New procedures for dealing with amendments to approved plans are now in operation.