

FOURTH QUARTER PERFORMANCE MONITORING

APPEALS

Appeal	Decision	Reason
3/2003/0888 The Lido, Witton le Wear	Dismissed	The appeal was made against the decision to refuse a temporary residence to enable the appellants to develop a fish farm and angling centre of which planning permission had been approved. The Inspector accepted that a temporary residence was justified to attend to stock and deal with emergencies by day and night. However, the Inspector was concerned that the siting of the temporary accommodation would harm the setting of the listed Witton Bridge.

COMPLAINTS

Origin of complaint	Allegation	Response
1 Complaint by neighbour	Decision should not have been made under delegated powers.	The application was considered correctly under delegated powers.
2 Complaint by neighbour	No reply received to letter. No call made to explain why notified about changes to approved plans.	Apology made in writing. Explanation give and responses provided to queries contained in letter.
3 Complaint by neighbour	Complaint that decision to grant planning permission was based on unsound reasons.	Accepted that some statements in the officer report were not factually correct. However, it is not agreed that the decision was unsound. Explained why the proposal was considered to accord with relevant local plan policies.
4 Complaint by neighbour	<ul style="list-style-type: none"> ▪ Development has not been implemented in accordance with approved plan. ▪ Development has encroached on neighbour's land. 	<ul style="list-style-type: none"> ▪ Investigated by the enforcement officer. Amendments had been agreed. The development in accordance with the agreed changes. ▪ Land ownership concerns now a civil matter.
5 Complaint by neighbour	<ul style="list-style-type: none"> ▪ Repeat of objections made when consulted on the planning application. ▪ Questioned why the applicant had chosen to carry out the development when other options were available. 	<ul style="list-style-type: none"> ▪ The issues were assessed against relevant local plan policies. ▪ Not able to comment on the applicant's reasons for wanting to carry out the development.

6 Complaint by neighbour	Failure to respond to enforcement complaint in reasonable time.	Apology made in writing. Confirmed that the enforcement complaint had been investigated and explained why no action was to be taken.
7 Complaint by neighbour	Discrepancy in plans was not noticed by the case officer. The development was to be closer to boundary than the case officer had stated in the report.	Complainant assured that the case officer and principal planning officer had known the current problem from the boundary. The height and pitch of the roofline of the proposed development had been kept to a minimum to safeguard residential amenity.

OMBUDSMAN CASES

Location	Response
Blackhall Harperley Hall Fir Tree	Ombudsman's discretion <ul style="list-style-type: none"> • The complainant was refused sight of letter of objection. The Council accepted this was wrong and procedures have been changed so it will not happen again. • The complainant objected to the imposition of a condition requiring a bat survey. The ombudsman considered it was not unreasonable to impose the condition.
Rectory Lane Wolsingham	No or insufficient evidence of maladministration. <ul style="list-style-type: none"> • The complainant raised issues regarding three applications for: <ul style="list-style-type: none"> (a) conversion of a garage to a dwelling (b) a garage (c) a conservatory.
<p>The ombudsman could not investigate the first issue because the permission was granted over 12 months ago. The garage was refused permission and so was not investigated. The conservatory did not affect the complainants and so was not investigated.</p> <p>The complainants also complained about two roof lights installed in the roof of the converted garage. The ombudsman accepted that the Council had considered all the issues it needed to consider before granting planning permission, including the complainant's view, and he would not criticise the council's decision to grant planning permission.</p> <p>The ombudsman referred enforcement issues to the Council, which are being investigated.</p>	

<p>Railway Terrace Witton le Wear</p>	<p>Ombudsman's discretion</p> <ul style="list-style-type: none"> ▪ The complainant alleged that the garage developed across from the complainant's property had not been completed in accordance with the approved plans and the Council had failed to take enforcement action. ▪ The ombudsman did not agree that the complainant would experience loss of light. The ombudsman considered whether the window in the first floor of the garage would cause loss of privacy. The ombudsman was assured by the Council that if an application for planning permission were submitted to convert to living accommodation the complainant's privacy would be full considered.
<p>Boyden Close St Helens Auckland</p>	<p>No or insufficient evidence of maladministration.</p> <ul style="list-style-type: none"> ▪ The complainants alleged that the Council did not follow the correct procedure when it granted planning permission for 35 houses on land near to the complainants' home. ▪ The ombudsman considered that the Council followed the correct procedures when the application was considered in relation to its affect on the complainant's amenities. ▪ The Council were asked to ensure frosted glass is installed in the gable windows, as required by a condition of the planning permission.