

## FOURTH QUARTER PERFORMANCE MONITORING

## APPEALS

Appeal	Decision	Reason
3/2004/0686 North Bitchburn	<b>Dismissed</b>	The appeal was against the refusal of planning permission for a 3 bedroom bungalow. The Inspector considered the development would amount to a significant intrusion into the surrounding countryside.
3/2004/0341 land between nos. 3 and 8 The Green, Witton Park	<b>Dismissed</b>	The appeal was made against the decision to refuse planning permission for 1 house. The site is a gap between Nos. 3 and 8 The Green. The Inspector considered the proposal would be intrusive and would significantly reduce daylight to the kitchen of No. 3 The Green. Also she considered the development would be considerably overbearing and cause loss of privacy.
3/2004/0535 Part of field 7526 west of Grove Villa and south of Valley Close, Tow Law	<b>Dismissed</b>	The appeal was against the decision to refuse planning permission for residential development. The Inspector considered the proposal to be contrary to national and regional policies for sustainable housing development. She considered there was no justification to support the immediate release of this greenfield site.
3/2004/0682 Low Moss, Lanehead	<b>Dismissed</b>	Appeal against failure to determine the application within the prescribed period. The proposal was to convert 2 buildings into 2 holiday cottages. The Inspector considered the proposed alterations to be so extensive that the form and character of the existing cottage would be substantially lost and the works to the outbuilding would amount to significant rebuilding.  Also the Inspector considered the development would have a significant adverse effect on the open countryside and the wild quality of the North Pennines AONB.
3/2004/0544 35 Mayfield Walk, St Helen Auckland	<b>Allowed</b>	The appeal was against the refusal of planning permission for the widening of the driveway.  The Inspector did not consider the extended driveway would materially detract from the overall appearance or character of the area. A scheme of landscaping was required by condition. The Inspector did not accept that the occupiers of No. 34 would suffer a material reduction in the living conditions they could reasonably expect to enjoy.
3/2004/0627 Park House Farm, Westgate	<b>Dismissed</b>	The appeal was against the decision to refuse planning permission for a 4 bay isolation unit.  The Inspector was not persuaded that the isolation unit needed to be sited around 50 metres from the farm complex. The Inspector shared the Council's view that a more appropriate location for the isolation unit would be one acceptably related to the existing farm buildings. The proposal would result in substantial harm to the character and appearance of the AONB.

3/2004/1011 Land adjoining and to the south of Oaklands Development, Hunwick.	<b>Allowed</b>	The appeal was against the decision to refuse planning permission for the change of use of agricultural land to garden land.  The Inspector did not accept that the change of use would have an adverse effect on the countryside adjoining Hunwick.
3/2004/0958 29 Maude Terrace, St Helen Auckland	<b>Allowed</b>	The appeal was against the refusal of planning permission for the creation of a seating area for customers outside of a hot food takeaway.  The Inspector considered that the use of the seating area would not have a direct impact on the occupants of the neighbouring property, and felt that conditions could be imposed to protect the occupants.

## COMPLAINTS

Origin of complaint	Allegation	Response
1 Complaint by neighbour	Objected to the grant of planning permission for a single storey extension. Alleged the decision was based on wrong information.	Accepted that some facts were wrongly described in the officer report. However, the complainant was informed that the impact on the neighbouring property was fully considered. Also full account was taken on the listed status of the application property.
2 Complaint by local resident	In October 2002 the complainant had enquired about the possibility of obtaining planning permission for residential development on a site allocated for retail development. He had been informed that it was important to retain the site for retail development. He complained that planning permission has now been granted by Committee for 2 dwellings on the site.	It was explained that 2½ years had passed and information had been submitted to show that it would not be economically viable to carry out retail development on the site. Committee agreed that the proposed development of 2 dwellings was acceptable.
3 Complaint by applicant	Alleged that advised prior to submission of application that there would be no objection to residential development. Surprised to find that planning permission was refused.	Not an objection in principle to development but before an application was submitted a comprehensive tree survey was required to identify the potential for development. Invited the applicant to submit further information and meet officers.
2 Complaint by property owner	Alleged that he had not received a response to a written request for information.	No record of letter being received. Information supplied.
3 Complaint by neighbour	Objected to a proposed development. Not happy with officer assessment to approve	Assured complainant that the officer fully took into account the objection. There was insufficient reason to justify refusal.

4 Complaint by neighbour	Complained that development allowed in spite of strong objections. Alleged the development not carried out in accordance with approved plans. Although informed by enforcement officer that the applicant had been advised to stop, work is continuing.	Confirmed that the applicant had been requested to submit a new application to cover the changes made. The enforcement officer had visited the site on several occasions to try to secure a new application.
5 Complaint by neighbour	Alleged lack of response to letter. Delay in requesting correct fee for application.	Apologised for delay in responding to letter. Explained priority is to deal with planning applications. Exceptionally high workload proving difficult to cope with. Procedures reviewed.
6 Complaint by neighbour	Alleged that Department has allowed development to continue without consent. The Department has been inconsistent. Loss of privacy.	Informed that the applicant had been made aware works unauthorised and being undertaken at own risk. Detailed response to design and external appearance issues. Informed that Committee had approved retrospectively the development, subject to conditions.

## OMBUDSMAN CASES

Location	Response
Fellview House 5 Naismith Grove, Tow Law	Ombudsman's discretion The complainant complained about the Council's decision to grant planning permission for houses in a new development. In particular, the complainant was concerned about plot 11, its garage and alleged highway problems. The ombudsman asked the Council to respond to an unanswered letter dated 14 August 2004.
Chester House, Westgate	Ombudsman's discretion The complainant complained about misleading advice and unreasonable delay. The ombudsman found that there was a delay in asking for a full application. However, the new application submitted was approved within the 8 week's target. The ombudsman was not persuaded there had been maladministration causing significant injustice.
36 Bridge Street Bishop Auckland	No or insufficient evidence of maladministration The complainant complained about the way the Council had responded to his report of a breach of planning permission. The ombudsman could find no fault with the way the Council had gone about investigating the report of a breach.
30 Fern Valley, Crook	No or insufficient evidence of maladministration The complainants complained that the Council had failed to take proper account of the complainants' amenity when considering a planning application for the development of land to the rear of the complainants' house. The ombudsman accepted that the complainants' outlook had changed for the worst. However, the ombudsman did not accept that the Council's decision was made as a result of maladministration and so the ombudsman would not question its merits.

Thimbleby Hill Farm, Stanhope	<p>Premature Complaint</p> <p>The complainant made various complaints affecting several departments of the Council, including the development control section of the Regeneration Department.</p> <p>The ombudsman was unwilling to investigate because the Council had not had a reasonable opportunity to investigate and reply to the complainant.</p>
17 Dunelm Chare, Escomb	<p>Premature Complaint</p> <p>The ombudsman was unwilling to investigate because the Council had not had a reasonable opportunity to investigate and reply to the complainant.</p>
1 Castle Close, Crook	<p>Ombudsman's Discretion</p> <p>The complainants complained about the way the Council had handled their planning application.</p> <p>The ombudsman concluded that it was not a complaint which the ombudsman could pursue.</p>
23 Gurlish West, Coundon	<p>Outside Jurisdiction</p> <p>The complainant asked the ombudsman to investigate a refusal of planning permission for residential development.</p> <p>The ombudsman informed the complainant that this was not something the ombudsman could investigate.</p>