

Email Thread re Planning Application for Wall 16/03591/FUL

Additional notes not on original emails are in red

From: Sian Gardner [REDACTED]

Sent: 08 December 2016 10:08

To: [REDACTED]

Subject: River Cottage, Tiddington Rd

Mr McLachlan

Attached is a template for a heritage statement. The statement is used for listed buildings but the reason you need it is because you are in a Conservation Area so please can you tailor your responses to being in a Conservation Area. **(I completed the statement which has not been included in the documents relating to the Application on the Council Website under the reference: 16/03591/FUL)**

Thanks

Sian

River Cottage, Tiddington Rd

bob mclachlan

Wed 04/01/2017, 16:49

Sian Gardner (Sian.Gardner@ [REDACTED].gov.uk)

Good afternoon

Owing to the holiday period etc, I have not yet returned the Heritage statement. I have however completed the sketch plans and will drop both items in to your offices once completed. **The original sketch plans (drawn to scale) were destroyed by the council. The scanned copies are not on the Council Website under the reference: 16/03591/FUL)**

Regards

Bob McLachlan

River Cottage, Tiddington Rd

bob mclachlan

Reply

Tue 10/01/2017, 15:45

Sian Gardner ([REDACTED])

Good afternoon

Could you please confirm receipt of the envelope and enclosures that I dropped into your offices last Friday.

Regards

Bob

River Cottage, Tiddington Rd

Sian Gardner [REDACTED]

Reply

Tue 10/01/2017, 15:49

Bob,

Yes, I confirm receipt of these documents – thank you. The application has been made valid as of last Friday. I will be popping along to make a site visit and will be putting up a site notice in the next couple of days.

Best wishes

Sian Gardner
Planner

From: Sian Gardner <[REDACTED]>
Sent: 17 January 2017 15:33
To: bob mclachlan
Subject: 16/03591/FUL

Mr McLachlan

I will be making a site visit tomorrow morning to assess your application and put a site notice up. It'll be on my way into the office and so is likely to be quite early – 9.20-9.30 ish.

Thanks

Sian Gardner MRTPI
Planner

From: bob mclachlan [REDACTED]
Sent: 18 January 2017 12:24
To: Sian Gardner
Subject: Re: 16/03591/FUL

Thanks for the update - I noticed that on the application details you have marked it as 'retrospective'. What has been constructed thus far does not require planning permission - it is only the next stage which requires it - which has not yet been built and therefore is not retrospective. Please advise.

You will have noticed the temporary screen installed by the window [REDACTED]

[REDACTED]

Bob

RE: 16/03591/FUL

Sian Gardner [REDACTED]

Wed 18/01/2017, 13:03 [REDACTED]

Bob,

I made a site visit this morning – took some photos etc. I did knock the door/ring the bell but no one answered and as it was quite early I didn't like to be insistent!

The plans show that you are proposing to build a wall of around 1.8m in height. Any wall above 1 metre in height next to a roadway/pavement requires planning permission. I did not take a measurement of the height of the wall this morning but it appeared to me from looking at the plans when I made this valid that the wall was more than 1 metre in height hence the need to make it explicit in the description of development that the wall is retrospective.

Planning applications take 8 weeks from validation to determine. If all the information is not received at time of validation then this causes a delay as has occurred in this case as you required a heritage statement. This is a central government requirement for all planning applications within Conservation Areas.

Walls, fences and all boundary treatments can have a significant visual presence in a streetscene and when they are sited within a Conservation Area there is an extra requirement for such boundary treatments to be characteristic/similar to those found in the vicinity. As such I will be making a careful assessment of your application taking account of the character of existing boundary treatments close to your property. I need to ascertain whether a rendered wall is characteristic and I need to be satisfied that no visual harm will arise to the character of the Conservation Area. I noted this morning that most walls are either constructed from red brick or they are low stone walls (eg those opposite). There are also examples of close boarded and open fences around and hedges. I noted no other rendered walls. I can confirm that the existing hedge would have been visually preferable to a wall in this location since a hedge has a softer visual appearance.

I noted the temporary screen and this is not something that would need any form of permission so no concerns about this and the need for it is understood. [REDACTED]

Best wishes

Sian Gardner MRTPI
Planner

Planning application: 16/03591/FUL

bob mclachlan

Thu 19/01/2017, 15:38 [REDACTED]

Sir/Madam

I refer to my planning application referred to in the above heading in respect of my property at River Coattage, Tiddington Road, Stratford, CV377AE. Please withdraw the application from further consideration and remove it from the current list. Please advise the amount refundable from the fee paid and advise how and from where I can pick up my 'hand drawn' original plan. As it is A3 size, I do not want it posted as it could be damaged. (I made the decision at that stage to keep the height of the wall at a metre until I decided the further options – there was therefore no requirement for Planning permission to be sought)

Please confirm receipt of this email.

R McLachlan

From: Sian Gardner <[REDACTED]>
Sent: 23 January 2017
To: bob mclachlan
Subject: 16/03591/FUL

Mr McLachlan,

I note your e-mail requesting withdrawal of your planning application. Clearly you have the right to withdraw your application; however as the proposal is retrospective you may be at risk of enforcement action in doing so. Please can you advise me how you will be attempting to remedy the situation –such as the submission of an alternative more acceptable application or removal of the wall.

I am afraid that I do not have your original copy of the plan as a photocopy was taken of this. The A3 photocopy plan scales off at 1:100 so you could still use this in any resubmission. I can arrange for all the paperwork to be returned to you or available at the customer service desk.

Please can you confirm how you intend to remedy the current situation with the wall.

Regards

Sian Gardner MRTPI
Planner

From: bob mclachlan [REDACTED]
Sent: 23 January 2017 17:50
To: Sian Gardner
Subject: Re: 16/03591/FUL

Why do I have to remove the wall which is under one metre in height? Please explain what you mean by enforcement action when there is no requirement for planning permission to remove a hedge and erect a wall ? For the avoidance of doubt, it was you who erroneously added the word 'retrospective' which it was not.

What do you mean a more 'acceptable application' Have you prejudged this application already. Your previous tone in earlier emails suggests this.

There is no situation to remedy - I can withdraw the application as I have done. Why has my original drawing gone missing - I also gave you three copies at my expense. Please find it as part of my paperwork. I will collect it at the service desk when you advise. Did you note my request for reimbursement of charges that I have paid.

From: [REDACTED]

Sent: 24 January 2017 10:28

To: bob mclachlan

Subject: RE: 16/03591/FUL

Mr McLachlan

If the wall is under 1 metre in height then it would be permitted development. However until I am sure of this I can only advise you of the rules. The wall appears to be more than 1 metre in height. I will ask one of the enforcement officers to check the height. If we find the wall to be higher than 1 metre then it either requires taking down to 1 metres or you need to submit an application for its retention but for the reasons stated to you a rendered wall is unlikely to be acceptable.

It is my job to assess planning applications and that is what I have done. My view is that a rendered wall is not characteristic as a means of enclosure particularly when it will be increased in height to 1.8 metres. **(The rendered wall at one metre is not to be increased in height and is exactly the same surface as the large kitchen wall adjacent to it)** The wall will be out of character and overly prominent from the streetscene. **(Not at one metre)** I consider a brick wall up to a height of 1.8 metres may be more appropriate. Alternatively perhaps a 1 metre high brick wall with some trellis above to allow natural growth and to reduce the visual impact from the streetscene. **(As has been done)**

Your original drawing has not gone missing. I had useable photocopies of it and so it has been recycled. It is not common practice for plans to be returned to applicants and I had no reason to believe you would wish to have this plan returned. I will arrange for all other copies of your paperwork to be available for you for collection tomorrow.

I will chase up your request for a refund on the application fee.

Best wishes

Sian Gardner MRTPI
Planner

Refund

Sian Gardner <[REDACTED]>

Wed 25/01/2017, 11:54

Planning Applications (Planning.Applications@ [REDACTED].gov.uk)

Mr McLachlan,

I am afraid that we will not be able to provide you with a refund on your recently withdrawn application. This is because officer time has been spent on the application both in the validation of the application, sending our consultations, making a site visit etc. This is a standard approach taken by the Council on any withdrawn applications.

You are entitled to submit another application free of charge providing the application is of the same description made by the same applicant within 12 months of the date of withdrawal of the previous application.

Regards

Sian Gardner MRTPI
Planner

From: bob mclachlan [REDACTED]
Sent: 27 January 2017 15:18
To: Sian Gardner
Subject: Re: 16/03591/FUL

Please oblige me with confirmation in writing that the wall complies with the 'permitted development' rules when your 'enforcement officer' confirms that the height is at (and at places) under 1 metre.

Bob McLachlan

16/03591/FUL

Sian Gardner <[REDACTED]>

Mon 30/01/2017, 09:21

Mr McLachlan,

The Enforcement Officer has not yet measured the wall. Once he has and we have confirmation one way or the other then of course I will be back in touch.

Kind regards

Sian Gardner
Planner

From: Sian Gardner [REDACTED]
Sent: 30 January 2017 10:14
To: bob mclachlan
Subject: Your wall

Mr McLachlan,

I have just discussed your wall with Ron Goodyear who came along to measure it last week. We confirm that the wall measures 1m when measured from the Tiddington Road side and just above

1m when measured from inside your garden area. Even from within your garden, the wall is only marginally above 1m and so it is not deemed to be significantly above 1m to warrant taking any enforcement action. As such please take this e-mail as confirmation that no enforcement action will be taken.

You are obviously aware that should the wall be increased in height any further then a planning application would be required.

Best wishes

Sian Gardner
Assistant Planner MRTPI

From: bob mclachlan
Sent: 30 January 2017 10:45
To: Sian Gardner
Subject: Re: Your wall

Thank you for your email. I had been advised that the 'enforcement officer' had attended last Friday. I am interested to know what impact the height on my garden side has on the pavement and roadside and in that regard, could you please send me the wording of the planning law that dictates that measurements should be taken from the side where the public do not have access and which does not form part of the streetscene i.e my private land.

I would like to be advised what additions to the height of the wall (not rendered block) would not require planning permission.

Thank you.

RE: Your wall

Sian Gardner

Mon 30/01/2017, 11:02

As I understand it we would take the measurement from the lowest ground level – whether that be within or outside of the site. This is what we do for extensions.

The relevant legislation is in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order as amended in 2015. There may be case law relating to where you take measurements from should you wish to look into this issue further.

Clearly what I am confirming to you is that we will not be taking any formal action.

You cannot add any height to the wall without the need for planning permission.

Best wishes