

**A MEETING OF THE REGULATORY BOARD  
WAS HELD ON 6 DECEMBER 2023**

Councillors Chegwyn, Earle, Bradley, Bradley, Casey, Hammond, Scard and Gledhill

**33. APOLOGIES FOR NON-ATTENDANCE**

An apology for non attendance was received from Councillor Pepper.

**34. DECLARATIONS OF INTEREST**

There were none

**35. MINUTES OF THE MEETING HELD ON 25 OCTOBER 2023**

RESOLVED: That the minutes of the meeting held on 25 October 2023 be signed as a true and correct record.

**36. DEPUTATIONS - STANDING ORDER 3.4**

Deputations were received on items

22/00326/FULL – 110 Privett Road  
22/00174/FULL – The Bridgemary Manor Hotel  
23/00193/FULL - 8 High Street Gosport  
23/00361/FULL – The Camber 22 Anglesey Road  
23/00380/FULL – 117 Bridgemary Road

**37. PUBLIC QUESTIONS - STANDING ORDER 3.5**

There were none

**38. REPORT OF THE DEVELOPMENT MANAGER**

Consideration was given to report of the Development Manager.

**22/00326/FULL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 6NO. DWELLINGS (WITH ACCESS FROM PRIVETT PLACE) (as amplified by information received 25.10.22 and amended by plans received 01.02.23)  
110 Privett Road Gosport Hampshire PO12 3SY**

Councillor Marshall was invited to address the Board as Ward Councillor. He advised that he was representing local residents and that he was aware that a previous application for the site had been refused.

He still felt that the proposal seemed to squeeze a large amount of properties on to the site and that this impacted the visual amenity of the area.

He expressed concern that there was no sustainability proposals within the development, provision for renewable energy such as solar energy was not included.

The residents had significant concern about access to the proposed site from Privett Place, access to the existing building was on to Privett Road and that it made no sense to move it to Privett Place. It was felt the electricity sub station and the chicane in the road made it more dangerous and created poor visibility and that the increased numbers of proposed properties would increase the traffic to and from the site.

Concern was expressed that 3 bedroomed properties would create a greater demand for car parking spaces than the two per property allocated. Overflow parking would then spill out on to Privett Place making the visibility worse.

He advised he felt it was an overdevelopment of the site, and that the proposed access was not safe, there was not sufficient parking and that the access should be on to Privett Road and the proposal reconsidered.

The Planning Officer advised that the site had been subject to a previous application and that this had been refused because of loss of privacy, access proposals were not the reason for refusal and were acceptable in line with the parking SPD.

The Board was advised that there was no requirement for inclusion of renewable energy as it was not within the local plan but would be considered in future revisions. The proposed parking levels were acceptable for the development as previously advised and the electric substation was not deemed to be problematic.

Members noted that the Highway Authority had no objection to the proposals, some Members were concerned that the officers consulted on the proposal did not visit the site.

It was requested that consideration be given to making Privett Place one way, however the Board was advised that this would be a highway matter and was not related to the planning application.

Members were advised that the amenity of the neighboring residents as a result of the proposal was far improved from the original application, and this had made it acceptable. This was as a result of an increased separation distance between the proposals and the properties.

Members acknowledged that whilst the access from Privett Place was not seen to be ideal, it was far better than if it were Privett Road.

RESOLVED: That application 22/00326/FULL be approved, subject to the conditions in the report of the Development Manager and subject to the provision of mitigation in respect of the impacts on the water environment (nitrates) and recreational disturbance.

**23/00174/FULL - CHANGE OF USE FROM HOTEL TO DENTAL PRACTICE (CLASS E) AND FIVE DWELLINGS (CLASS C3) WITH ALTERATIONS TO FENESTRATION AND CAR PARKING FACILITIES (as amplified by information and plans received 06.09.2023 & 09.11.2023)**

**The Bridgemary Manor Hotel, Brewers Lane, Gosport, PO13 0JY**

The Board was advised that the property was operating as a bar and restaurant until March 2023 and that the proposal was for dwellings and a dental practice.

The Board was advised that the property had been listed as an Asset of Community Value, but this carried limited weight as it is not a planning designation and is intended to restrict the sale of the property not control its use in planning terms. The Planning Application needed to be considered on its merits.

The Board was advised that since the publication of the agenda there had been an additional 6 letters of representation, that were objections but the matters raised had already been covered and addressed in the report of the planning officer.

Annie Manley was invited to address the Board. She advised the Board that she had circulated a document with the key points that she wished the Board to consider. These were as follows.

The Bridgemary Manor was not advertised in a meaningful way, having been advertised by a company whose main business was commercial property letting. Not as a specialist sale of an active business in a highly specialist hospitality industry.

It was not marketed as a going concern, with key relevant information withheld by the vendor.

It was shown that price advertised was significantly above the retail value for business premises

A change of use away from a hotel must under the provisions of the Local Plan be justified on the basis of it no longer being a going concern, this should have been provided in support of the planning application potentially beyond the three years required because of the pandemic. Nothing had been forthcoming from the previous owners.

The traffic report was irrelevant and it centered on far off towns that bore no relation to the proposal site, in addition most journeys to the Bridgemary Manor were undertaken by foot, very rarely would the car park be full,

There was concern that there would be an overflow of up to 24 cars, not the 5 stated as a result of the proposal, not taking into account disabled spaces the size of the spaces on the site were also questioned. There was concern that there would be demand on spaces from 8am-8pm Monday to Friday and 8am -5pm Saturday which would impact on the surrounding area.

This would lead to a deprived area of Gosport losing another social area for the Community.

The Gosport Borough Local Plan stated there was not enough tourist accommodation and stated that more was needed. The recently constructed Travel Lodge and Premier Inn had helped but were more expensive and there was still a shortage of accommodation. The new proposed people's park and bandstand would only increase the demand.

The work on the site had been undertaken prior to planning permission being obtained, but this was prefabricated amendments, the applicant was aware of the risk in doing so before permission was obtained.

The dental practice was not a new practice, just a relocation. Gosport would not be gaining a dentist just losing a pub and community space.

The impact of the closure can be seen at the Carisbrooke Arms where people now have to drive as a result of the Manor's closure.

It is acknowledged if planning permission was refused the pub would be closed, however, all options could then be secured, the building sold at the correct price and supported by the asset of Community Value.

Junita Dhariwal was invited to address the Board, she advised that she was an NHS dental provider and practicing dentist in Hampshire. She advised that she was part of the Smile Dental Care Group a family owned and operated group of practices across the UK who were successful in recruiting dentists in so called 'dental deserts'

NHS dentistry was currently in crisis in Gosport and nationally. Routine dental check ups and education of patients to prevent rather than treat dental problems. Lack of dentistry is widening healthcare inequalities, more than 2000 dentists left the NHS last year resulting in even less availability.

Based on their previous experience, they were awarded a new contract to deliver more NHS dentistry for Gosport taking on more NHS patients and supporting the NHS 111 helpline.

The premises had been inspected by the NHS and another Healthcare regulatory Board the quality Care Commission and the layout and additional capacity were key consideration in the approval.

They had already provided 2 new contracts in the Portsmouth Area operating 13 surgeries and employing the equivalent of 13 FTE staff. Dentists tended to gravitate to bigger cities, relocation to places such as Gosport proved to be a barrier, but 10 dentists had been recruited as a result of being able to offer accommodation. The proposal also allowed for a career pathway.

The property had been identified as having many issues, due to poor maintenance and required considerable work to be both habitable and usable and meet building control regulations.

The design of the proposal would allow for back up surgeries, and a full spectrum of dental care including nurses, therapists and hygienists and would allow for the training of dentists within the practice. In addition it would be able to accommodate bariatric patients. The practice were respectful of the building and the local community and welcomed the health benefits the site would bring. They were currently turning away a large number of patients with a genuine need and the practice will allow for many more to be taken on.

In answer to a Member's question, the Board was advised that the increase to provision was measured in surgeries and units, the current surgery at Rowner was considered to be

4 surgeries, the new provision would increase that by 12 to 16 surgeries. This would start with an increase to 8, then eventually 16. It was a registered NHS contract, and would include specialisms and offer specialist training.

The Board was advised that as part of an NHS contract, private surgeries also had to be available.

In terms of Unit activity, the capacity would increase from 14000 units to 26000.

In answer to a Member's question the Board was advised that Policy LP18 requires a degree of marketing before considering alternative uses, but reports had been submitted to show that the current use was no longer viable, which had been done.

The information was not of the highest quality, however the applicant for the proposal was not provided with all the information from the previous owner. The Policy required reasonable attempts to be made, and the action taken was deemed to be reasonable.

Councillor Maynard was invited to address the Board.

He advised that Annie Manly is the Chair of the Save Our manor Group and that the Bridgemyr Manor had operated as a valuable and viable amenity within the Bridgemyr area.

It was uniquely positioned within Bridgemyr Community offering within walking distance cosy pub facilities where friends and families could meet for social gatherings in congenial surrounds and hotel rooms for visiting friends and families of local residents. The only other Pub in Bridgemyr was the White Horse, valued business as it is, it doesn't provide the range of services provided by the Manor.

This values Community asset was snatched away from local residents when they learnt of its sudden closure and the distressing site of internal stripping and dumping of equipment. Residents learned from the builders onsite that it was to become a dental surgery they also learned that no change of use had been granted or sought at the time.

Residents who cared sprung into action and formed, at very short notice, the highly motivated save our Manor Group which successfully preempted the retrospective Change of Use application and were granted Asset of Community Value for the Manor.

I note that the Bridgemyr Manor site is designated as Existing Tourism Accommodation under Policy LP18 of the GBLP 2029 and that Point 3 of the Policy would apply. AS you will be aware this states

Planning permission will not be granted for proposals which will result in the loss of existing tourism accommodation with 6 or more tourist bedrooms unless it can be demonstrated that the use is no longer viable in this location and there have been reasonable attempts to let/sell the property for tourism accommodation.

Furthermore it goes on to state that 'a marketing report covering at least six months to show that the property was marketed at a competitive and realistic price and through appropriate media and mainstream tourism publication' must be evidenced.

I would challenge that any notional threshold of 'reasonable' has been met, because apart from a few unsubstantiated anecdotal assertions by Quay investments regarding

challenges from the businesses from the likes of Travel lodge, and that marketing nationally has been undertaken, I make the following points.

- No substantive evidence of this marketing period has been provided
- Who in their right minds would purchase a hotel during the pandemic with associated lockdowns
- Surely this needs to be taken into account when considering this retrospective application.

Also note that under the development proposals there will be twelve surgeries with car parking area which will be required to accommodate a bicycle shed, space for bins that will need sufficient access for waste removal vehicles to maneuver, this apparently leaves 27 car parking spaces for residents in five dwelling units on the first floor, dental admin staff, dental practitioners and cliental attending for treatment. This will leave a notional shortfall of spaces from 19-25 spaces.

I note that many residents local to this area have off road parking but there is still a lot of on road parking in Beverly Close, Braemar Road and parts of Brewers Lane. As a Bridgemary Councillor I have been contacted by local residents who live in the areas who consider that their lives will be blighted by inconsiderate on road parking and cars arriving and departing and slamming of car doors.

It really does beg the questions, is a dental practice of this size combined with five additional dwellings appropriate for this residential area.

I note that the current owners must be confident of the outcome of the Board's deliberations because they have recently attached an Opening Hours plaque adjacent to the front entrance of the Manor, however I would respectfully suggest that the ball is very much in the court of the save our manor group to present a viable business case for restoring the manor as a community amenity for social gathering and the enjoyment of local people

In answer to a Member's question the Board was advised that the property was advertised for 18 months via a well known local agent and on a national respected property website. Reasonable attempts had been made to market the property and therefore comply with LP18.

In answer to a Members question the Board was advised that the sale was for the property but not for the name or fixtures and fittings.

A Member welcomed that both deputations had been well presented at that the application presented needed to be judged on planning merit and not emotion.

The property was made an Asset of Community Value as soon as was possible, but it was acknowledged that this would only kick in, if the property was sold again, it did not apply to the existing owners.

It was recognised that there was still appeal to the hotel, away from alternative provision such as the Travelodge and the Premier Inn.

There was a risk if it was refused, a further application could be made to make it all residential, impacting the community further.

There were arguments for both sides but it was agreed that it needed to be considered on planning merits alone.

A Member acknowledged that Bridgemary was located in a deprived area for health and that the loss of tourism would potentially impact further.

RESOLVED: That application 23/00174/FULL be approved, subject to the conditions in the report of the Development Manager.

**23/00193/FULL - CONSTRUCTION OF FOUR-STOREY BUILDING COMPRISING COMMERCIAL USE AT GROUND FLOOR (CLASS E) AND 18 DWELLINGS (CLASS C3) ABOVE WITH ASSOCIATED FACILITIES (CONSERVATION AREA) (as amended by plans received 28.09.2023 & 09.10.2023)  
8 High Street Gosport Hampshire PO12 1BX**

Planning permission was being sought for a four storey building to the rear of the site. Delegated authority was requested for the application to be refused by the Development Manger if the legal agreement as set out within the recommendation was not completed within a period of three calendar months.

Rebecca Smith was invited to address the Board as follows

Thank you Chair and good evening members.

We commend the officer's report of approval to you and if I may, would like to expand on some of the main aspirations for the scheme;

The application site is located within the Gosport High Street Conservation area, and is typical of a post war brick building, lacking any architectural merit. The listed buildings immediately west of the site (No.s 1-4) are 3 storeys in height, whilst built form to the east including the application site are subject to poor post war design and significantly lower in height, which has eroded the overall character of the area. Modern development of these buildings has not been wholly successful, with replacement buildings having little architectural merit, further widening any sense of cohesion along the high-street.

The application seeks to reinstate the building height line along the high-street, respecting and restoring the historic street pattern and helping to channel views along the high-street as per the design guidelines within the 2006 The High Street Conservation Area Appraisal. The principle of adding additional height to the frontage of buildings in the Town Centre is well-established along with development to the rear.

A pre-application was made in 2022 by previous agents with the local authority stating that although the principle of development was acceptable, it would be subject to a design and layout of sufficient quality, which the proposal was lacking.

The proposal before you has taken cues from the wider area, ensuring the material choice and appearance of the building reflects its historic setting, and has responded to comments from the pre-application enquiry. This has culminated in a high-quality building using a simple but high-quality material palette, creating visual interest and raising the architectural profile of the high street, enhancing the character and appearance of the conservation area. The use of buff brick with stone detailing compliment the materials employed by the listed buildings near the application site whilst adding a contemporary twist, with architectural relief and finesse.

We note there were two objection letters which the case officer has addressed, I would like to add some clarification if I may;

**Noise and disturbance for construction** – as per the suggested planning conditions, this will be controlled via a Construction environment management plan to ensure any development would not have a negative impact on neighbours

**Loss of light to neighbouring properties-** to clarify, there is an approximate 30m separation between the application site and Crown Mews situated behind with the proposal being approximately 8m lower, with further obscurity added by mature trees. A 21m building separation is the established minimum requirement. The case officer concludes that there is not an impact that is considered to be significantly harmful in this town centre location to sustain an objection on the grounds of loss of light, outlook or increased sense of enclosure

**Lack of parking** - the proposal does not offer any residential parking on site. The application site is central to the high street which provides easy access to public transport and access to restaurants, shops and as a retail area; employment opportunities within walking distance from the site, decreasing the need for car usage. The scheme encourages a sustainable transport approach through walking and cycling.

The proposal meets both National NPPF and local planning policies. As such there should be a presumption in favour of development. On behalf of our client, I commend the case officer's recommendation of approval to you and therefore ask that the committee grants approval accordingly. Thank you.

A Member sought clarification regarding the provision of the existing pound stretcher store and it was confirmed that a smaller commercial element would be included in the proposal should pound stretcher wish to make enquiries about using it, or there were alternatives available on the High Street.

Concern was expressed at the lack of parking, but the development supported sustainable travel which was being considered by more people.

A Member sought clarification on the outline of the proposal site and was advised that the plan showed the outline of the site, not the proposal. The Board was also advised that the proposal would not impact on the car park to the rear of the site and that the Highway Authority had been consulted on the proposal.

It was confirmed that there would be no parking on site and that the location of the site made this acceptable.

It was advised that the residents may be eligible for Town Centre Parking Permits if there was capacity.

Members accepted that the proposed design was better than was already on site and that it would improve the frontage from the High Street.

RESOLVED:

**RECOMMENDATION A: That Permission be granted subject to a Section 106 agreement relating to**

1. the securing of nitrate mitigation;
2. the securing of mitigation for recreational disturbance;
3. the undertaking of a further viability review in the event that the development is not substantially complete within 3-years.



**and subject to the planning conditions set out at the end of this report.**

**RECOMMENDATION B: that delegated authority be given to the Development Manager to refuse the application if the legal agreement as set out within RECOMMENDATION A is not completed within a period of three calendar months.**

**23/00361/FULL -ERECTION OF OUTBUILDING TO REAR GARDEN FOR USE AS RESIDENTIAL ANNEXE (RETROSPECTIVE)  
The Camber 22 Anglesey Road Gosport Hampshire PO12 2EQ**

The Board was advised that one additional letter of representation that raised no additional issues to those already covered in the report.

Peter Galloway was invited to address the Board. He advised that it was 2 ¾ years since the planning department had been informed of the intention of No. 22 to seek planning permission to create an outbuilding to accommodate their elderly parents.

Contact had been made with the planning department advising that a concrete slab had been laid and it was confirmed the owners of 22 had been advised the work that would be required.

The unit was used as overnight residential property, and used as living accommodation, despite the applicants assuring that it would not be and that it would be an out building, incidental to the existing dwelling house.

Questions were raised over the height of the proposal as it was felt the drawings were inadequate and unprofessional as well as being inaccurate.

He advised the Board that the ridge height of the proposal was inaccurate compared to the case officer's submission and stood at 2.98m when including the height above the concrete slab and the height of the slab above the lawn. This exceed permitted development.

The location of the structure in proximity to the boundary of the property was such that it had caused flooding in his garden, causing the need for a replacement floor in his outbuilding, this flooding had never taken place prior to the construction of the structure and it was questioned whether adequate soakaways were installed.

The building had been constructed as habitable, with the intention for it to be used for such purpose, the contravened planning rules as it was less than 1m from the boundary, and was built substantially of combustible materials. It was acknowledged, that the owners had been instructed to apply for Building Approval via the building control partnership.

In answer to a Member's question, Mr Galloway advised that his carpet had been ruined and believed that the drainage from the sewerage and kitchen was in the slab plate, and the down pipe from the roof ran in to a water butt, but this only covered half the roof and was clogged. There was 1 inch of standing water when there was rain.

Mr Mark Hook was invited to address the Board.

He advised that he was representing the applicant as they were unable to attend and read out a statement on their behalf.

I have lived at 22 Anglesey Road for just over 13 years and live here with my husband, four adult children and foster children.

I wanted to bring to your attention some facts about the erection of the annexe, which is for respite use by my parents whilst they need it.

I applied to the council for advice as I wanted to remove the outbuildings - one well over 3 meters high and situated right up to the boundary (without ever a complaint from my neighbours) and replace them with a pod/annexe.

I explained that we are Hampshire Foster Carers and have fostered children for over 20 years in different boroughs; we offer bespoke accommodation for children with complex medical and physical health needs. We have two ground floor bedrooms - one with a wet room and hoisting facilities which Hampshire converted from my garage space as the need for this kind of accommodation is so great and difficult to find.

We have two permanent foster children and three respite children who come 28 days a month, all but one are wheelchair users. This is the reason we have two wheelchair accessible vehicles, one which takes two wheelchairs so that we can all go out as a family, the other has one wheelchair space for appointments etc. Due to these downstairs spaces being occupied, we are unable to offer my parents respite within the main house. The only way I could accommodate my parents within the main house is to give notice on one of the children, thus affecting everyone greatly and impacting on Hampshire which I would never want to do.

My parents require respite on average a couple of nights every three months. My mum has Parkinson's disease which, as it is progressing, causes her to freeze on the spot followed by her collapsing to the floor. My father cares for her but has been diagnosed with Myeloma (bone cancer) and therefore gets very tired on his chemotherapy medication and is often very nauseated, hence the need for time to recuperate.

I was advised that I could proceed under permitted development rules with the understanding that if my parents needed to move in permanently, I would apply for change of use.

Before commencing with the build I spoke to our neighbours and explained why and what we planned to build, Mrs Galloway's only comment was that "her children would not do that for her", which I was sorry about.

We started the build adhering to the size rules exactly, the build was checked at different stages as it was developing. Once built, I was then asked to apply for retrospective planning permission as my neighbours were relentless with their complaints, which I did.

I feel that the main complaint is parking, which is not a planning issue, and I would like to stress that contrary to what complaints claim, there are five cars kept at the residence (and five owners/drivers of these cars).

Therefore, I hope you are able to see how detrimental it would be if planning was not approved - not only to myself and my parents, but to the families we support with the work we do.

Thank you for your time.

It was confirmed to the Board that the applicant's parents only stayed a couple of times per month.

In answer to a Members question, the Board was advised that dwellinghouses benefited from permitted development rights, examples included loft extensions and some other extensions. This was subject to meeting certain limitations and conditions. If a proposal failed to meet these limitations and conditions, it would need planning permission. This did not mean that the development was unacceptable, just that its merits would need to be considered through a formal planning application as was the case here.

It was clarified that parking provision was deemed to be a material planning consideration.

Drainage would be considered by Building Control. Building Regulations would also dictate materials where development provided residential accommodation within close proximity of a boundary.

The Board was advised that height restrictions applied to development carried out as Permitted Development, outside of this applications for taller structures could be made and considered on their merits.

The Board was also advised that the drawings were an accurate reflection of the building as built although there is some uncertainty over height as there is some variation in ground levels. Officers were initially satisfied that planning permission was not required as the building was not used as an annexe. However, on the basis the building was used specifically to provide annexe accommodation planning permission is required and matters of design, height and materials be considered.

Some Members advised that whilst they had sympathy for the parents of the applicants and acknowledged the support this offered, it was felt the structure was constructed for permanent independent residential use, and there were no conditions to stop this happening.

Members sought clarification as to whether the structure could be considered a property on its own, or whether it was a residential annex. The Board was advised that the determining factor in considering whether this was annexe was whether it had a functional link to the existing property. The Board was advised that Condition 2 of the recommendation stated that the annexe could not be used as an independent dwelling, and that the application presented was not for a separate dwelling.

Members expressed concerns that it could and would be used as an independent dwelling which would set a precedent. The Board was advised that the application was for an

annexe with a functional relationship with the main house and should be considered on that basis. Any proposal to create a separate dwelling would require planning permission in its own right and would be considered on its own merits through a separate planning application.

The Board was advised that a lodger would not be considered to have a functional link to the property. Members also questioned what would happen if the structure was used for an Airbnb. The Board was advised that permission this is not being sought and would require a separate permission.

An annexe would have utilities and metres linked to the main house.

Some Members were concerned about the proposal and suggested that a site visit was appropriate to get a better understanding of the structure, and the back land development it presented. The use by the applicant's parents was appreciated but there was concern it set a precedence.

The proposal for a site visit was seconded and agreed.

**RESOLVED:** That the application be deferred for a site visit.

**23/00380/FULL ERECTION OF SINGLE STOREY REAR EXTENSION  
(RETROSPECTIVE) (RESUBMISSION OF 23/00181/FULL)  
117 Bridgemary Road Gosport Hampshire PO13 0UT**

Councillor Maynard was invited address the Board, representing the neighbouring property.

Michael and Rita have lived at their current home, 119 Bridgemary Road since 1972, 51 years. During that time they have invested in their home and garden and the garden is an amenity they both enjoy very much. They envisage that it is there forever home.

Michael and Rita are respectful of established authority that helps maintain an ordered world . As honourable people they hold the rather quaint notion that when an agreement is made between parties, verbal or written, their expectation is that it is adhered to on both sides, perhaps you may view this as being naïve.

They were first notified of a planning application for a rear extension in their neighbour's property (117) on 17 May 2023. They had immediate concerns about this, particularly with regard to the degree of shading and sense of enclosure that had the potential to spoil the sense of well being that they felt when enjoying their leisure time in their delightful garden.

With this in mind they met with Kelly Singleton, case officer at the Town Hall. Michael describes their subsequent conversation as robust where they went through the plan in detail. They thought very carefully and decided that on balance, they would not object to the plan with the overall height of the extension restricted to 2.3m, with a lantern height of 2.7m. They took comfort and reassurance that if at any time they had any concerns during the construction itself they could contact Kelly and she would deal with the issues. Both Michael and Rita are complimentary about Kelly and considered they had a firm agreement. They

would have preferred that the extension had not have been built, but were prepared to accept the situation on a live and let live basis of being reasonable neighbours.

However, during the course of the construction, it became clear that the height stated on the approved plan would be compromised. Michael and Rita immediately raised this with Kelly who visited the site. Kelly decided she would involve Abi Onabanjo, Planning Enforcement Officer. Michael received an email from her dated 29 August stating that she would visit the site to investigate the alleged non compliance with approved plans, 23/00181/FULL and write to Michael asap regarding the outcome of her findings. She also left lines of communication between her and Michael open stating, 'if you have any queries, please do not hesitate to contact me. Michael regularly tried to make contact but found that this was problematic, no reply to emails, no phone call pick up and no response or call back from messages left on answerphone. Weeks drifted and in the meantime much to Michael and Rita's frustration, construction continued with complete disregard to the height stated on the approved plan. Eventually Michael made contact with Abi but she told him that because it was now subject to appeal, keeping in mind the drift factor, she was unable to provide him with the report of her findings. Michael has a simple question, why not?

Call me cynical if you wish but it is beggars belief that an experience professional builder cannot interpret plans and use a tape measure nor is it conceivable that the builder simply got carried away with laying a brick course, therefore it must be that the builder aligned with what he had constructed on previous occasions

In closing I would like to make the following remarks

- I note the Case Officer's subjective comment as an outside observer that ' the degree of light and sense of enclosure is not unduly overbearing. I argue that when on has had an experience of an amenity like Michael and Rita for over fifty years it now gives an entirely different sense of perspective particularly where considerable pride and investments has been made in to the ambience of the garden area. (LP10 8.27, 3<sup>rd</sup> bullet point).
- It is clear I am not a planning expert, nor would I claim to be, but it seems to me that residents should not be given the impression at the front end of the proves that the approved plan is a fixed entity, rather that it could be challenged and changed down the line. This would enable those that have potential issues with the impact upon their property to evaluate and have a more realistic view of what they do to challenge the plan. As I say, Michael and Rita are honourable people who trust in the reassurances of experts authorities in responsible positions, trusting people like them they have a fixed agreement.
- Again as an outside observer, this is not the only case where protocols have been ignored on the basis that if a fait accompli is delivered then it will be too difficult to overturn
- I would also enquire on Michael's behalf why he can't have the planning officer's report.

The Development Manager advised that Officers were always disappointed when approved plans were not delivered. Sometimes it could be accidental or intentional.

The legislation does however allow for retrospective applications which would be judged on their own merits.

The Board was advised that there was a difference in what was acceptable under permitted development, and what could be applied for on a planning application. The Board was also reminded that the structural integrity of the build was for the building control inspector to consider.

The Board was being asked to consider the proposal as presented and the consider any impact on amenity

The Board felt that it would be appropriate to undertake a site visit to allow further consideration of the proposal.

RESOLVED: That application 23/00380/FULL be deferred for a site visit.

### **39. ANY OTHER ITEMS**

There were none.

**CHAIRMAN**

Concluded at 8.38 pm