



Mr and Mrs W Lima
43 Northaw Road East
Cuffley
Hertfordshire
EN6 4LU

Dear Mr and Mrs Lima

Reference No: 6/2015/2223/HOUSE
45 Northaw Road East, Cuffley, Herts, EN6 4LU
Erection of single storey side and rear extensions and extension to the roof to form habitable accommodation

Thank you for your letter dated 26 February 2016 and received on 29 February 2016. I have considered the issues and responded to them in the order they are set out in your letter.

Planning Permission

You are correct that the planning application was described as for a single storey rear extension and extension to the roof to form habitable accommodation. You state in your letter that you consider the application to be a change of use from a bungalow to a house. However, in planning terms, there is no change of use when enlarging a property from a bungalow to a two storey dwellinghouse and so planning permission would not be required for this element of the development. With regard to the issue of obscure glazing, you will be aware that the submitted application drawings show that the rear most of the three dormer windows which would face your property would be fitted with obscure glazing.

I note that you submitted a letter of objection to the case officer during the course of the application. You state in your letter that, in your opinion, the case officer disregarded your concerns and failed to give them due consideration prior to the determination of the planning application. Yours was the only letter of objection received from local residents and one letter of objection is noted in the case officer's delegated report. However, the case officer's report is inaccurate in that it details a letter of representation from number 47 Northaw Road East rather than your property, number 43 Northaw Road East. I would therefore like to apologise for this typographical error.

The case officer's report does set out the consideration of neighbouring properties which may be affected by the development. The report acknowledges that there would be an increase in the potential for overlooking of the rear gardens of neighbouring properties, but it considers that there would be no significant loss of privacy over and above the existing situation.

The report continues with consideration of the dormer windows facing your property and states that, in the opinion of the case officer, there would not be any resulting loss of privacy. The case officer only considers that a condition requiring obscure glazing would be appropriate for the windows facing south, towards number 47 Northaw Road East.

At this point it should be noted that the aforementioned condition, in order to obscure those south facing dormer windows, was not included on the final planning permission and I recognise that this is an error on behalf of the Council.

I have noted from your letter of 20 November 2015, submitted during the course of the planning application, that you have planning permission to convert the roof space of your own property with the use of dormer windows. This should have been explicitly considered by the case officer in their report, but this appears not to have been the case.

Finally, I can advise that Chris Carter (Principal Planning Officer) has repeatedly sought, via their planning agent, the agreement of the owner of the application property to the obscure glazing of the dormer window to the front of their property that would face towards you. However, at the time of writing, this agreement has not been forthcoming.

To conclude on the consideration of the planning application, I would agree that this was not handled as well as should have been the case and I apologise for this.

The Enforcement Complaint

As a result of your complaint about the works on site an enforcement case was created and an investigation undertaken relating to the works at this property. This investigation has involved the site being visited on 23 February 2016 and 2 March 2016. These visits have revealed that there are differences between what has been built and what was approved. As a consequence of these visits the owners and the agent have been contacted to inform them that these works do not benefit from the planning approval that was granted for the site and they have been asked to resolve deviations.

In response the agent and owners have informed Ms Caroline Dove (Assistant Planning Enforcement Officer) that they intend to submit a new application to regularise the deviations from the approved plans. This application once submitted will give you the opportunity to comment on the amendments and these will be considered as part of this new application.

With regards to your comment that the enforcement team has already decided not to take action I have to inform you that this is not the case. As the works on the site are still ongoing no final decision on the expediency of any actions available to the Council has been taken and further site visits are planned to monitor the works as they progress.

I consider that the enforcement case has to date been investigated in the correct manner for a breach of this nature and that officers have not failed in their duties to investigate this breach of planning control.

Conclusions

I have concluded that errors were made in the consideration of the planning application itself and for this I apologise on behalf of the Council.

Should you wish to take this matter further then you should contact the Local Government Ombudsman via their website www.lgo.org.uk.

Yours sincerely



Colin Haigh
Head of Planning