



**32 Ashampstead Road
READING
RG30 3LA**

for Mr L Merra

TEWd&m

TEW DESIGN & MANAGEMENT
PROFESSIONAL PRACTITIONERS IN ARCHITECTURE
PLANNERS • PROJECT MANAGERS • DESIGN CONSULTANTS
email: andrewwerrellaadipl@gmail.com

19 BREMIS ROAD
MARSH LANE
DUNSTER
TA24 6PR

TEL: 07810-227967

**LDC Application to
Confirm Permitted
Development**



Rear of number 32 Ashampstead Road, Reading showing the earlier dormer window

- 1 Application for a Certificate of Lawful Development to confirm that a dormer window upon the property and works completed in line with the as built drawing shown on page 3 is permitted Development.
 - 1.1 The rear dormer to the main body of number 32 Ashampstead Road was completed in 2020.
 - 1.2 No enforcement action has been taken by the LPA in respect of this dormer and the dormer mirrors that constructed on number 30 adjacent and to the East of number 32.
 - 1.3 This provides the basis for a precedent as the dormer to number 30 has existed long enough for it to be immune from enforcement.
 - 1.4 From correspondence with the LPA (forming

Appendix 1 hereto) it is inferred that the dormer is permitted development and this is witnessed within that correspondence.

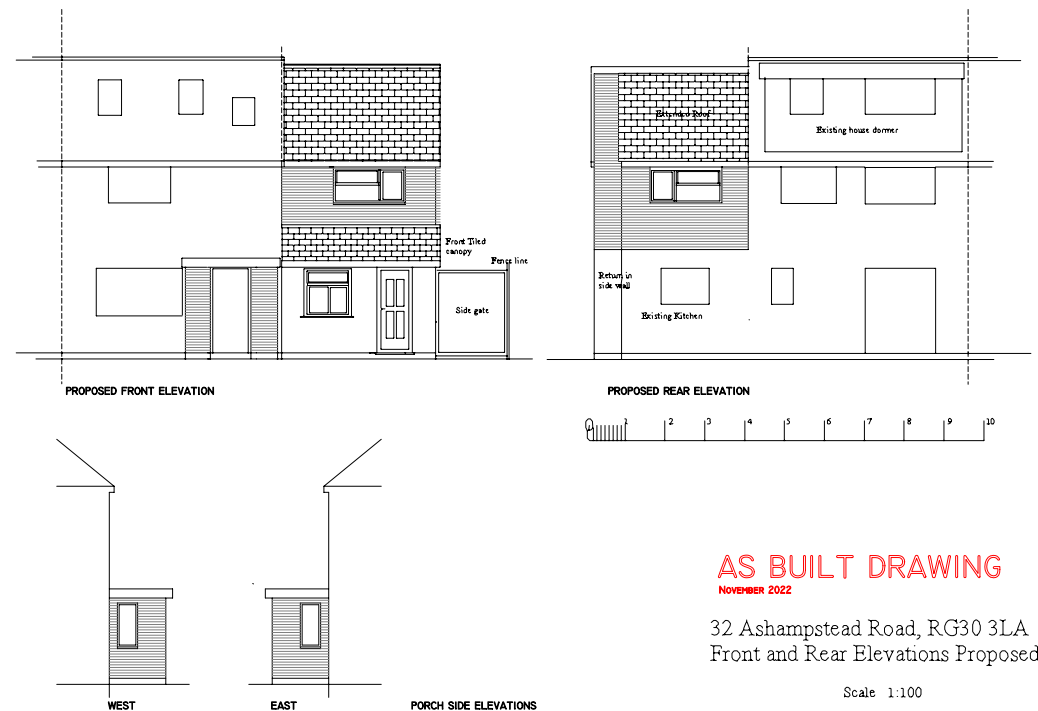


Rear of number 32 Ashampstead Road, Reading showing the framing of the later (and now removed) dormer window

- 2 Outcome of Enforcement action commenced by Reading Borough but subsequently withdrawn.
 - 2.1 During enforcement action commenced by Reading Borough Council in 2022 a further dormer window, shown framed in the above photograph, to the extension over the garage of number 32 was held to cause intrusive overlooking upon the neighbouring property by virtue of the fact that the boundary

between the two properties was angled.

- 2.2 For clarity an exchange of correspondence between solicitors acting for Mr Merra, the owner of number 32 and Reading Borough Planners is attached hereto in appendix 1.
- 2.3 It will be seen from the above photograph of the rear elevations of both properties that the first floor window of number 30 already intrudes upon the privacy of number 32 in exactly the same manner as the dormer window to Number 32 did before my client was made to remove it by the enforcement action commenced by Reading Borough.
- 2.4 This problem arises because of the buildings being angled to their shared boundary and hence the problem highlighted by RBC in their enforcement action has always existed since the buildings were first erected.
- 2.5 The suggestion that the removed dormer to number 32 caused overlooking upon the neighbouring property, number 30, cannot therefore be witnessed to any greater extent



than the overlooking existing by virtue of the first floor window to number 30 overlooking the garden of number 32.

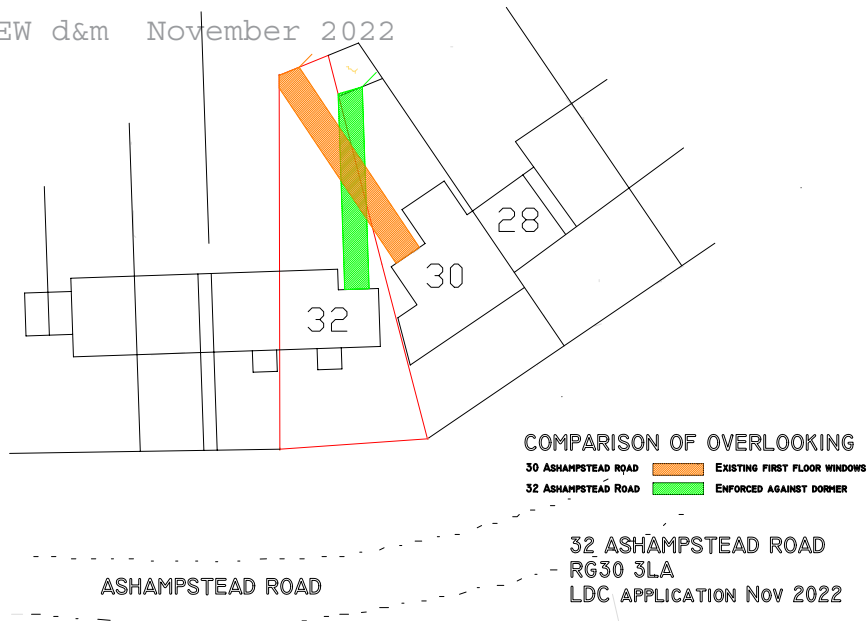
- 2.6 In this instance the enforcement action threatened by Reading Borough and responded to by my client in the removal of the structure of his second dormer window can only be seen as a prejudicial interpretation favouring number 30 to the detriment on number 32.

2.7 From this it appears that the actions taken by RBC do not appear to be in line with either their previous actions or their policy.

2.8 Not only is the dormer constructed on the rear western face of 32 Ashampstead Road permitted development by virtue of its following earlier precedents within the immediate vicinity, but it also mirrors adjacent construction which has not been enforced against by the LPA.

2.9 This also calls into question the action of the LPA in issuing enforcement proceedings against my client earlier in 2022.

TEW d&m November 2022



APPENDIX 1

Exchange of Correspondence
between solicitors acting for Mr
Merra and Reading Borough
Planners

From: <Julie.Williams@reading.gov.uk>
Sent: 02 September 2022 16:07
To: office@mi-law.co.uk
Cc: <Stephen.Hammond@reading.gov.uk>;
<Angela.Sharma@reading.gov.uk>
Subject: RE: Your Ref: E20033
Our Ref: MQ/Lit/661/Merra

Dear Sirs,

With apologies, your original email dated 5 August was passed to me to respond to and other work demands have prevented me from completing my reply. For completeness, I have tried to respond point by point as follows:

1. Our client's property already has a dormer extension; this was not controversial. The further dormer is of the same design and we cannot understand why you are treating it so differently.

Response - It is assumed that the existing dormer was built with the benefit of permitted development (a Certificate of Lawful Development has not been applied for). The dormer currently being built is part of a structure that does not benefit from planning permission. Therefore it too is unauthorised.

2. No.30 has a dormer

Response - It is assumed that the existing dormer at No 30 was built with the benefit of permitted development (a Certificate of Lawful Development has not been applied for).

3. Both Nos 30 and 32 are not affected by any greater or lesser overlooking over the other as a result of the current and proposed dormer.

Response - The dormer at No30 is adjacent to the site boundary with No28 and the existing dormer at No32 is adjacent to the side boundary of No.34 The new dormer is on the boundary with No30 but the boundary is angled so that the window would directly overlook the garden of No30 See plan.

4. 28 Ashampstead Road is next door to a property (No.30) with a dormer extension.

Response - It is assumed that the existing dormer at No.28 was built with the benefit of being permitted development (a Certificate of Lawful Development has not been applied for).

5. Under the current plans our client's property will mirror/closely match No.30 in having a double storey side extension. Please confirm how our client's property will detract from the appearance of an end terrace property in the circumstances? Why the approval to works at No.30 are not a precedence? And why our clients case is being treated differently?

Response - both properties had the benefit of having wide garages to the side but both are restricted by their orientation to one and another. Our house extensions policy was applied to both extensions with both being required to be set down from the main ridge and set back from the front. There was no principle objection to the two storey side extension

but we did object to the original design plus dormer which your client heeded. He amended the plans and these were granted permission.

6. With regards to (1) to (5) above, have you considered, questioned and eliminated the notion that the neighbours are 'playing the man, not the ball' in this process for reasons we have put the Council on notice of in an email to Ms Julie Williams.

Response - Your client amended the plans to gain approval following objections raised by neighbours and officers. The fact that he is now aggrieved by the reaction of neighbours and officers to his building a structure not as shown on the approved plan is mystifying. Using your footballing analogy, your client is arguing with the referee having been caught following a foul.

7. Our client's representative, Rod Carter, has liaised with Julie Williams and yourself of the Council in relation to the issues and neither has responded to his requests for clarification in relation to the ongoing works with reference to the Planning Portal, interpretation and application of the rights within the said Portal. Notwithstanding that Mr Carter has made repeated efforts to liaise with you, there has been a failure on each occasion to clarify why you do not accept that the proposed dormer is in accordance with permitted development rights of a house owner.

Response - PD rights are not the issue. Your client agreed to amending the plans, deleting a dormer as directly requested by officers, to gain approval.

8. On 8 July 2022 your email stated "the ridge of the side roof extension has been raised beyond what agreed in planning permission 211106" It is noted that this arose from a misunderstanding. The Building Control drawings showed the roof line of the extension rising to the ridge. No comment was made. However, aware of your request for the extension to be subservient to the original house this was altered. We now attach a sketch showing the side elevation line of the roof which is believed to meet your request. Can you clarify why you have still raised issues on the work undertaken.

Response - By comparing the approved side elevation drawing with the "as built" drawing provided you can see how the approved roof was in keeping with the design and proportions of the main roof and the front elevation also set back. The "as built" drawing suggests that the front elevation is also not set back as approved. The comparison easily demonstrates why the amended plans were approved by the planning permission and why the "as built" form is unacceptable. Your client was aware that he was amending the drawings but chose not to seek further guidance from the local planning authority before commencing work.

9. Our client therefore took remedial action in response and no further contact from you was received until your enforcement letter. Why was there no response from you in the interim if action beyond dropping the ridge was required?

Response - I am not aware of your client seeking

guidance from us on any remedial works proposed. I attach the last email sent to Mr Carter, I have not had a reply.

10. Our client and Mr Carter then liaised with Julie Williams who stated she was in contact with "angry neighbours." Mr Carter provided roof volume calculations with reference to the planning portal (as you suggested in your email to our client on 8 July 2022). Ms Williams has never responded to the points/request for clarification (Point 2 of the email dated 18 July 2022 from Mr Carter) in response

Response - see above. I had requested plans.

In summary, your enforcement notice is ill-conceived and wholly premature as correspondence with Mr Carter has been broken off, queries have not been responded to, no meaningful details have been provided of the Council's investigation, method(s) and findings. We and Mr Carter have put you on notice of our client's boundary dispute with the owners of No. 30 and raised concerns about the Council's planning process being weaponised against our client. You will see from the position of No. 28 (attached Google Maps) that complaints from them seem to be of no purpose except to support the actions of the owners of No. 30. Our client is clear that the neighbours issues are with him primarily and the complaints are vindictive. We need to be satisfied that the Council has been objective in this matter and has 'seen the wood from the trees' rather than ending up being complicit in mischief making and malicious conduct towards our client. We have avoided making any comment about the extent, form, etc of the extensions to No. 30, which

have encroached to the boundary far more than you have allowed Mr Merra to on his land.

I am satisfied that we have approached this breach of planning regulations matter appropriately and objectively. Neighbours made us aware that the works were taking place not as shown on the approved plans and this is how 99% of enforcement enquiries are brought to our attention.

We are required to investigate and in this case found that the allegations were correct. The extension being built differed significantly from that granted planning permission. Disputes about boundaries are civil matters.

At this stage, the only logical inference we can draw is that the Council has been reactionary to the neighbours' complaints by being apologetic and have embarked on a process of seeking to appease them, without any effort to consider the replies sent to you or to clarify what exactly you are objecting to. Our client has received superficial grounds and 'makeweights' to justify the enforcement notice. There has been a shifting of the goalposts in the past 6 weeks between Ms Williams, Mr Hammond and Mr Rowaichi. It appears that there has been something of a 'by hook or by crook' approach to stop our client's build.

As already stated your client chose to build an extension significantly different to that granted permission and very similar to the one he was asked to change before planning permission was granted. To

expect the Local Planning Authority to take no action in these circumstances is not logical.

We request that the enforcement notice is immediately set aside and withdrawn whilst this matter is considered. We have a SAR request pending in this matter as of 29 July 2022 and the 30 day timescale for the same does not allow our client sufficient time to consider his position and liaise further with the council in relation to the above; the enforcement notice requiring action within 28 days. Please confirm that the enforcement notice will be set-aside and withdrawn?

There is no connection between the SAR and the Enforcement process.

We reserve the right to refer your conduct to the Local Government Ombudsman. This would be most regrettable and we trust you will engage in meaningful communication to resolve or narrow the issues in this matter.

Referring to the Local Government Ombudsman will be for you to decide.

Regards,

Julie Williams
DEVELOPMENT MANAGER (PLANNING & BUILDING CONTROL)
Planning, Transport & Public Protection Services

APPENDIX 2

Letter from the Senior Planning
Enforcement Officer for the RBC
confirming cessation of action
against Mr. Merra

A2 The letter alongside is sufficient to demonstrate that the works now completed by Mr Merra and itemised within the letter have been carried out in a manner that the LPA finds acceptable and the terms under which this letter have been issued are sufficient to indicate that no further enforcement action will be taken and the works are therefore immune from further enforcement.



Luftar Merra
32 Ashampstead Road
Reading
RG30 3LA

This communication affects your property

Frances Martin
Executive Director for Economic Growth and
Neighbourhood Services
Civic Offices,
Bridge Street,
Reading, RG1 2LU
☎ 0118 937 3787

Our Ref: **E20033**
Your Ref:

Direct: ☎ 0118 937 4424
e-mail: stephen.hammond@reading.gov.uk

15th November 2022

Your contact is: Stephen Hammond, Planning Enforcement

Dear Mr Merra,

TOWN & COUNTRY PLANNING ACT 1990
Unauthorised development
Address: 32 Ashampstead Road, Reading, RG30 3LA

The planning enforcement investigation into unauthorised development at the above property is now complete.

Following remedial action to the two-storey side extension, planners are content that whilst some minor differences are apparent, the development is no longer considered to be causing significant enough harm to amenity to warrant formal enforcement action and is now broadly in accordance with plans approved under planning permission 211106. Consequently, the investigation is now closed.

However, as some minor differences are apparent between the extension as approved and what has been built, you may wish to consider the submission of a non-material amendment to the original planning permission though you are under no legal obligation to do so.

Should you wish to make such an application you can find out more information on the planning portal website: -

www.planningportal.gov.uk

Thank you for your co-operation in this matter, if I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Stephen Hammond".

Stephen Hammond
Senior Planning Enforcement Officer