

Your Ref: 13 011 721/IT7/MA/klb

7th November 2013

Dear Mandy Ali,

As this issue has gone on for so long I find it very difficult to gather my thoughts coherently. My partner, has volunteered to bring together my comments as briefly as comprehensively as is possible under the circumstances.

Here are my further comments in which I intend to stick to matters I consider to be procedural failure on the part of South Tyneside Council:

1. I consider the Council 'has failed to give proper reasons for not following the guidance' in the SPD9 document as published on the Planning Portal.(Ref. LGO fact sheet on complaints). The replies to date have dismissed the guidelines as 'not definitive in every case' (Ref Letter from Michaela Hamilton stage 3 complaint 18th June 2013). The problem is I have asked Council why they are 'not definitive' in this case without any answer. Mr Gordon Atkinson has stated in his stage one reply that the 'SPD9 guidelines should be achieved when the Council is considering applications' but did not explain why they had not been applied in this case. In my stage 3 letter a number of direct question were put to Council about these guidelines which had no adequate response.
2. Councils failure to enforce a condition of planning permission, namely 'Provision of a privacy screen (fence) to the patio' (Ref. Council Meeting November 12th Minutes). The Council Building Control Surveyor, Mike Telford, was notified on April 15th by e-mail that a wall not a fence was under construction. The e-mail was responded to by Chris Matten, Senior Planning Officer on April 17th with a statement that she would look into it, no further communication was received from Council and no action taken.
3. As a consequence of the Council's approval of my neighbour's plan, encompassing 100% of the available land, and right up to the party wall with my property there is now a six inch gap between the two properties. The gap leaves my property open to the elements, at risk of potential damage from weathering and from airborne debris. Maintenance is impossible. The situation regarding the gap between the two properties has not been resolved and has a history involving Council back to early this year, 2013. I will attempt to give details briefly in point form.
  - February 4th 2013 Mr Dawson call to Mike Telford followed up by e-mail re how work was proceeding at no 71 particular concern lack of party wall agreement and information from Mr Telford that neighbour, 71, had undermined wall of number 70.
  - February 5th e-mail reply from Mike Telford recommending appointment of a Party Wall Surveyor, also indicates the works come under the scope of Building Regs.
  - February 11th e-mail to neighbour's Architect copy to Mr Dawson from Mike Telford detailing damage and making recommendations for a structural assessment before the rear of 71 is constructed.
  - February 13th e-mail response to Mike Telford from Mr Dawson requesting confirmation that neighbour will act upon advice re structural survey. No confirmation from Mike Telford.

- Meanwhile Mr Dawson has independently appointed a party wall surveyor first meeting February 7th gains access to 71 and examines the damage and sends a comprehensive report received on February 13th. Report details damage and recommends situation needs a Structural Engineer, details the neighbour's contravention of the Party Wall Act and recommends Mr Dawson to engage a solicitor.
- February 15th Solicitor writes to neighbour requesting work to stop until Party Wall agreement in place, otherwise risk of further damage to no. 70. Letter ignored, solicitor sends further letter.
- No further contact received from Council and work to construct the rear wall of 71 continues.
- 26th February another call to Mike Telford and follows up with e-mail on 28th. Request for information that the damage to the wall of no 70 had been made good as the building of rear wall of no 71 is proceeding at a pace. Matter stated as urgent. Attention brought to the fact a gap is being formed between the two properties. Response requested. No response
- The next correspondence with Council, e-mail to Mike Telford from me on 15th April, copy to planning applications as Mr Telford is not answering mail. Mail is to alert them that the neighbour has gone higher than plan approval on the rear extension and that a wall is built instead of a fence. Reply from Chris Matten 17th April she will look into the matter. No further contact.
- 1st May call to Chris Matten followed up by e-mail confirming that Council have been requested to investigate the 'unplanned' work at roof level 71. Also request that there is some follow up to concerns regarding the gap that now exists between 70-71, request Mr Telford had not responded to. Ms Matten replied to my e-mail to say the matter is in hand. We have had no further contact from Council regarding the gap between the two properties.

At this point we move into issues concerning unplanned construction at no 71. Our neighbour was requested to submit retrospective planning permission for the extra work he has carried out which includes his requesting approval for the wall that should be a fence. We are still awaiting the outcome of this. I did manage to get a Party Wall Agreement signed by my Neighbour who agreed to cap of the gap between his extension and mine. He has failed to carry out the work and there is apparently no come back to his failure.

I hope what I have tried to document emphasises the impact all this has had on me and my property. The departments involved have regularly failed either to respond to my enquires or to act upon requests or their own recommendations. I feel that I have been let down by the planning office and building control and have had to go to considerable personal expense to try to resolve the problems.

I have documents relating to all the details above and more if it is required.  
Thank you for your attention.

yours sincerely