

No 71 and corruption.

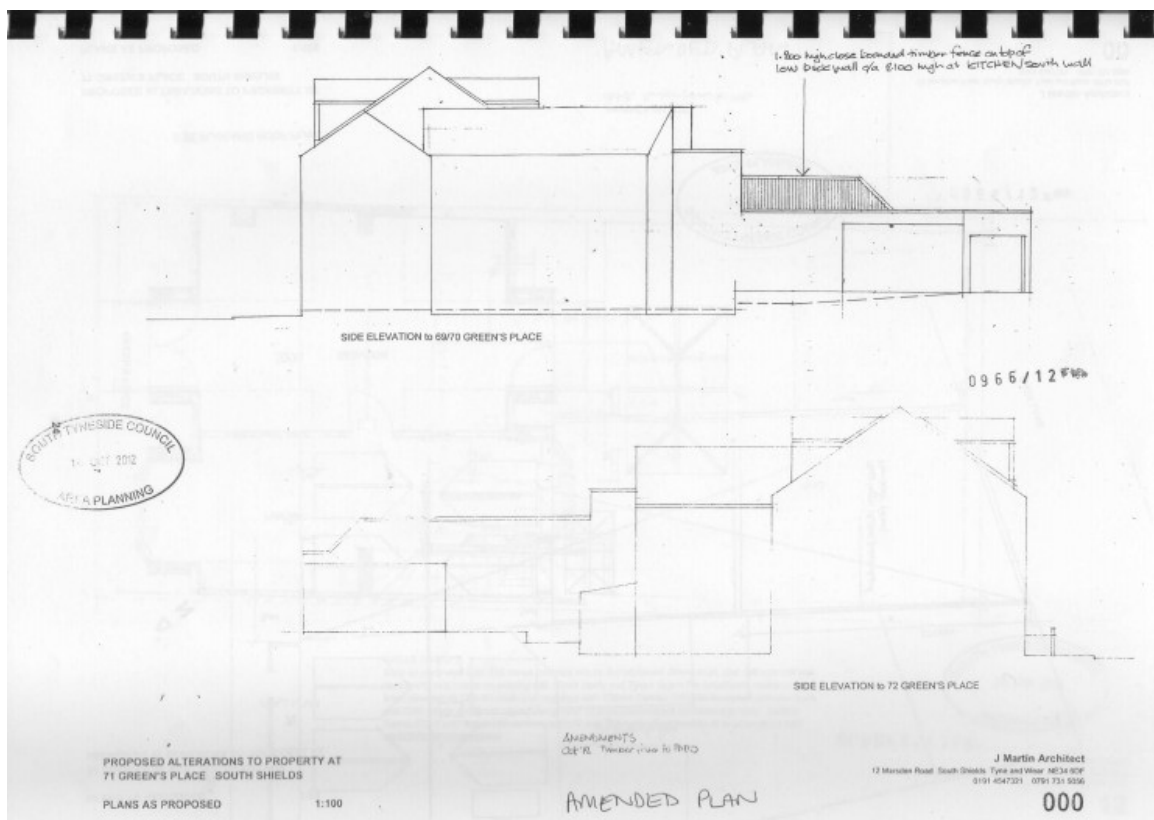
Following my partner's and my complaint about the overbearing nature of the planned extension of our immediate neighbours, the extent of the partition wall was reduced little but when the neighbour came to building it, he reverted to his original plan on the first floor patio. He also increased the height of the second floor along the partition wall to make a rear second floor patio.

A second floor patio was added to the front at the second floor level but as that did not have any impact on our amenity there was no complaint about it. It has a balcony overlooking the river and serves as a reminder that planning control can be easily waved aside for favoured developers.

It was to the rear that we suffered a great loss of amenity and it was made worse by building one of the walls a meter higher than planned to make a second floor roof top patio.

Before the method of side-lining a complaint are given I would like to illustrate how the Senior Enforcement Officer was operating over this period and leave it up to the reader to guess what Mr Martin Egginton really wanted.

He built the wall about 15-20cm within the border to avoid it having to be called a party wall but the gap was never capped and we actually complained while the work was in progress but it was over the phone and we were ignored.

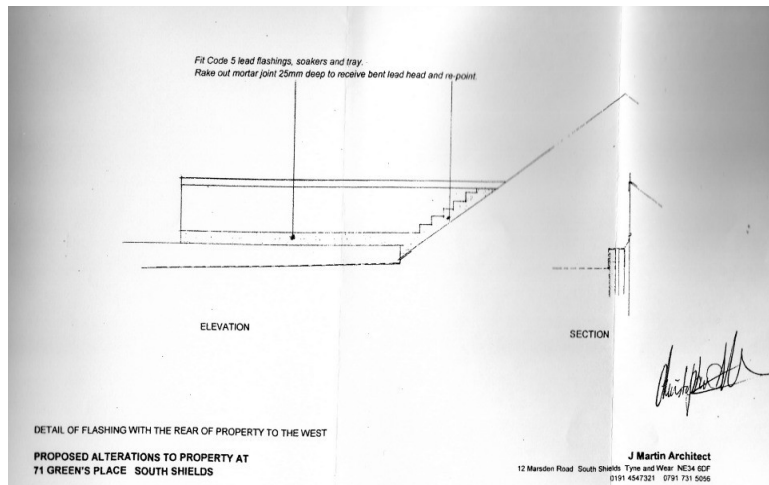


One can just make it out but J Martin Architect, has raised the roof line of the extension of 70 Greens Place to that of extension of 72 so that the owner of 71 can raise the parapet wall by a bit over a meter in the knowledge that no-one will notice.

In fact the owner of 71, Mr Haig, used this to his advantage and he also replaced the fence with a solid wall and extended it to the original length. We complained to Building Control numerous times while work was in progress but the inspector in charge was always unavailable and in this way the owner was able to build what he wished.

There are two sides to every party wall and the architect specified quite clearly how the first floor extension of No. 71 was to be capped and any possible gap to be bridged by flashing. See 'Detail of flashing etc.' - see right.

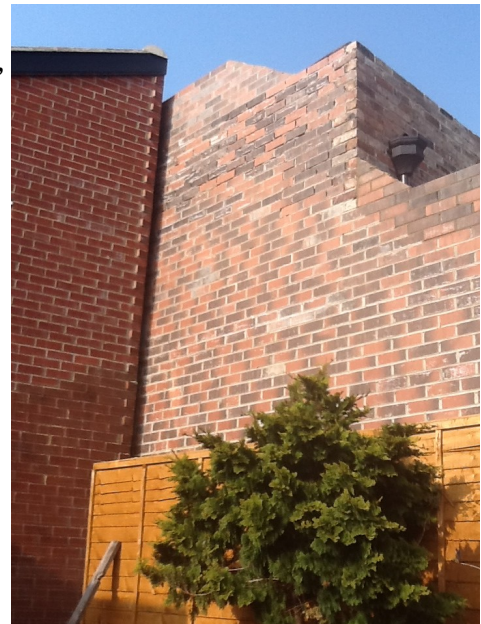
The flat roof is gently sloped to take the run off rainwater from the pitched roof and should be about 20cm high extending to about 30cm (estimated) at the lower edge of the flat roof and the flashing another 20cm above that.



The owner of No. 71, Mr Haig, thought that if he built the wall with a gap between him and No. 70 he could void the party wall agreement. In this he was entirely successful because it would have required considerable expense from the owner of No 70, Mr Dawson, to enforce it and he had already spent a considerable sum in getting an agreement because Mr Haig's solicitor had been told that a party wall agreement was already in place. It was simply a lie and was a good pointer to the way things were to unfold.

Please see the state of the Party Wall – mid 2013 when the complaint that the rebuild 71 was not quite to plan, was sent in, it longer bore much resemblance to the permitted plan.

- 1) 150 – 200mm gap between the buildings;
- 2) complete absence of flashing per plan;
- 3) the meter extra height of the top wall. Its planned height is indicated by the top of the rain water goods and the change in quality of the brickwork;
- 4) there is also the additional piece of wall, 6 courses of brick which is not shown at all on the drawing;
- 5) the wooden fence has been replaced by the brick wall and the bush points to where it should have started, at the back of the first floor to which the rainwater goods are fixed. That is also very clearly shown in drawing 000.
- 6) the extra height of the wall is indicated by the 5 extra courses of brick:



All of this was perfectly clear to any visitor but the building inspector, Mr Telford, neither looked nor took any notice. I had pointed all this out to the author of the third stage of the response of my complaint about overbearing nature loss of amenity but she was not interested either and as the matter had already been passed to the Ombudsman and I was told to put in another complaint. I did and It was based on the outlined above with most emphasis being given to the fact that the fence had been replaced by a wall.

In fact the owner of 71, Mr Haig, used this to his advantage and he also replaced the fence with a solid wall and extended it to the original length. We complained to Building Control numerous times while work was in progress but the inspector in charge Mr Telford was always unavailable and in this way the owner was able to build what he wished.

Not only that, the Senior Planning Enforcement Officer insisted that the breaches in planning control were alleged, when it was obvious to all that the fence had become a wall. When I pointed out that the fence had been replaced by the wall replaced the Council first agreed that Mr Haig would be required to apply for permission to apply the changes to be granted retrospectively.

I have not got a copy of Mr Haig's application request for their breach in the main condition of ST/0966/12/FUL to be considered retrospectively because I failed to download it before it was deleted but fortunately the Planning Manager sent a bowdlerised version of ST/0749/13/FUL.



Proposal, 31 Jul 2013: [Retrospective consent sought for works to heighten patio walls to extension and the installation of solar panels to roof \(rear elevation\).](#)

The installation solar panels was irrelevant but at least there were still two patio walls to consider and that includes the one on the first floor roof – see state of party wall on page 1. The Planning Manager is still listening as the proposal now reflects more nearly what is going on but he has omitted the fact that the proposal a retrospective one:

Proposal, 6 Aug 13: [Consent sought for construction of a wall to the west side boundary of the patio above ground floor extension as a substitution of the approved fence under application reference ST/00966/12/FUL. Construction of a wall to the west side of a flat roof above the two-story extention.](#)

ST/0749/13/FUL is basically still intact in still including the wall on the second floor and the fence being replaced by a wall on the first though but it still missing the important point about it being retrospective as confirmed by Planning Officer on 11 November 2013 and the [solar panels have not been forgotten.](#)

By the 15 November it was becoming increasingly clear that the planners were distancing themselves from the fact [that the fence had been replaced by a wall and were promoting the solar panels](#) and had replaced /FUL with /HFUL

*I raise this issue because the wall was built instead of a fence, and that is now one of the objects of the retrospective planning permission. It is over a year since the drawings showing the fence were presented to Council. Can I be advised why they were not published on the planning portal prior to the planning committee meeting in November or after, as a detail of condition and why Mr Haig has not used them when presenting this current application.*

Three weeks later ST/0749/13/FUL had disappeared completely but reappeared as ST/0749/13/HFUL which was granted by the Planning Manager, Mr Atkinson, on 5-Dec-2013:

Proposal: [Retrospective application for construction of parapet walls around the first floor patio above the ground floor rear extension and the flat roof above the two storey extension and installation of roof level solar panels.](#)

The proposal is retrospective again but the fact that the fence was replaced by the wall has gone and it appears that the Planning Manager with help from his Planning Officer, Christine Matten, was rigging the system to hide the fact that Mr Haig had replaced the fence with a wall.

Was the action to hide the fact that the Building Inspector, Mike Telford, had failed to report the fence had become a wall and that the Senior Planning Enforcement Officer, Martin Egginton, [was operating two systems of enforcement](#) or as a reward to Mr Haig Mr Watson and Cllr Anglin partnership for hiding the fraud that the shed was built to an approved plan when they arranged the meeting of November the 25th 2013.

Whatever it was, the Planning Manager, when faced with the choice of agreeing with the protestors or to repeat the fraudulent misrepresentation made by UK Docks and his Principal Planning Officer he chose the latter.

One only has to look at the approved drawing from 1996 to see whether South Tyneside Council's claim that the shed was built to the approved height is true.

MD, August 2019