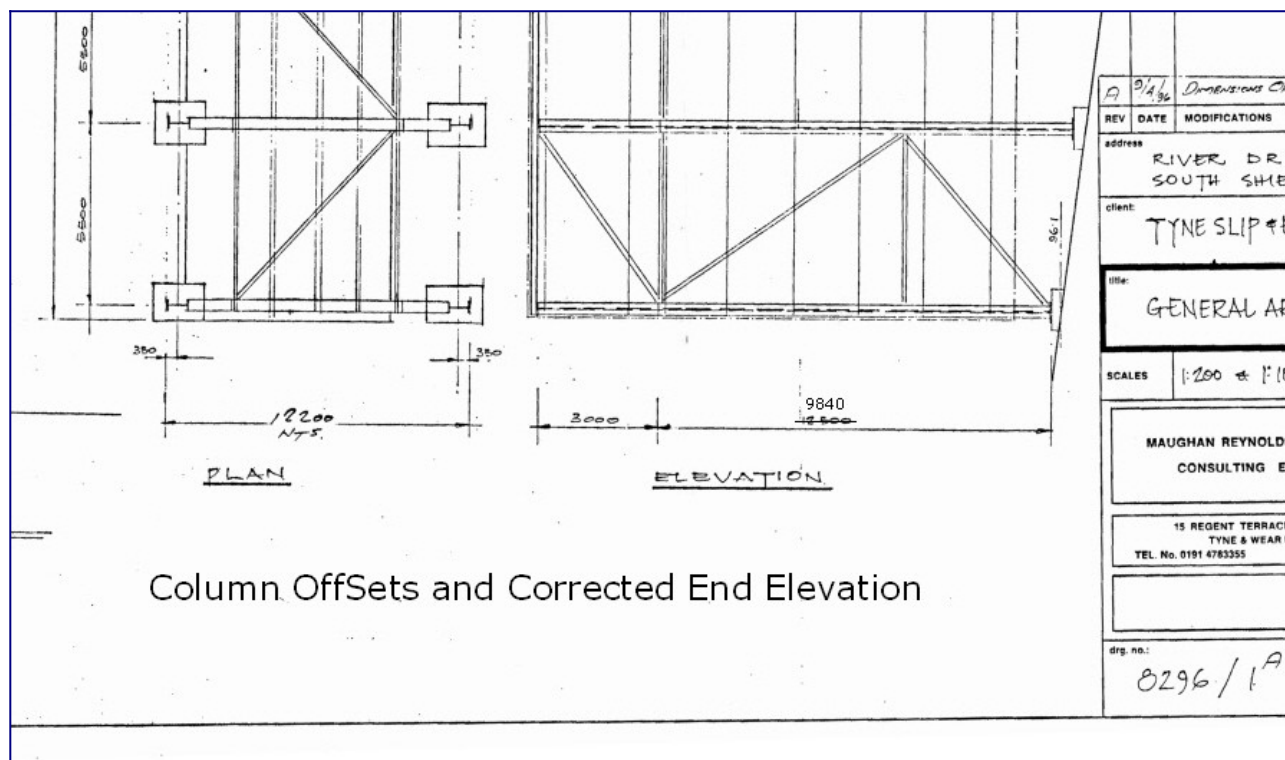


How the Inspector was misled about the height.

[The width is dealt with in paragraphs 19-23.](#)

Detail taken from an unauthorised drawing retrieved from the Council Archive in September 2013.



There are numerous ways to arrive the correction for the landward elevation which is given as $12500 + 3000$. The easiest is to look at an approved print which give the dimension as $108.8 - 96.1$ or 12.7m

Paragraph by paragraph exposé.

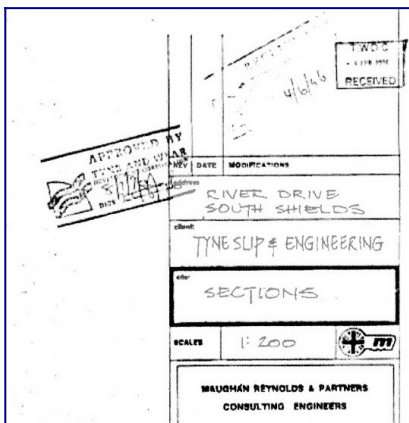
30. Mr X says the shed is also 3 metres higher than shown in the 1996 plans. He says a scale measurement from the plans shows a total height of 12.75 metres at one end of the shed. – [*this is true and for confirmation see 8296/2 which gives an authorised height of 12.7m.*](#)

31. I have discussed this with a senior planning officer. The Council accepts that using a scale measurement against the 1996 drawings would not give a measurement of 15.5 metres. It says this plan has several drawings using different scales and some are foreshortened; possibly to fit on the paper. It says these are likely to be engineer's drawings. – [*not 15.5m but 12.8m, some 2.7 meters less than 15.5m or from drawing above - 9.8m + 3m.*](#)
[*The last two points are irrelevant and perhaps intended to mislead.*](#)

32. It is too long ago for the Ombudsman to consider a complaint about the accuracy of the drawings accepted by the Development Corporation in 1996. – [*an error on a drawing is not likely to disappear with age!*](#)

33. In response to a draft of my decision Mr X says the 15.5 metres height relates to the river end. He considers the land end should be 2.6 metres lower. He says the Council cannot prove 15.5 metres relates to the land end not the river end. I do not agree. – *drawing 8296/1A also gives the river end as 15.5m and a stepwise approach leads to the conclusion that the road end dimension is in error and should be shorter by 2.7m. The Council's reasoning, that the river end is 18.2m cannot be supported if one looks carefully at the drawing. (for real proof one must look to another drawing and both the approved drawings ../2 and ../14 contradict the Council's assessment and invalidates #34 and #35 below).*

34. I have seen the 1996 plans. On plan 1/B* the applicant has written the proposed elevations at the inland end as 12.5 metres plus 3 metres. Mr X says the Council should not have taken the applicant's word for this. The planning authority has to consider what an applicant applies for; it can grant or refuse this but it cannot make an applicant submit something different. This developer applied for a shed 15.5 metres high at the land end. The Tyne and Wear Development Corporation as planning authority approved this. The current Council had to accept this as the approved height.



Authorisation stamp of the T&WDC – 8296/2 in the Council's possession.

-see #30 or 33. 1B and 1A are interchangeable, both show the same error and neither have been authorised, contrary to what the senior planning officer has told the Local Government Ombudsman.

** there is no indication on this drawing that it has ever been to the Tyne and Wear Development Corporation.*

35. In January 2014 the Council wrote to Mr X about this. It said the overall structure on the plans is 15.5 metres at the land end and the foundations are 2.656 metres lower at the river end due to the gradient. It said the agreed structure is much higher at the river end. It said it had taken measurements on site and the shed as built matches these measurements. Since then the Council has consistently told Mr X the shed is the correct height. – *the wrong height, see #30 or #33.*

36. I have seen the report written for the planning committee by officers of the Development Corporation in 1996. The report says the height is 15.5 metres. Mr X says it does not specify which end is 15.5 metres. The report says "the design, height and location of the proposed shelter can be seen in the display material which will be presented at the meeting". The planning committee also had the plans to refer to. From this it is clear the Development Corporation knew the proposed height was 15.5 metres at the inland end and gave permission for this.

– rubbish, neither Adele nor myself were at the meeting but 8296/2 was approved later and thus the proposed height of 15.5m must be the river end.

37. Mr X says plan 14 shows 15.5 metres as the river end height. The Council has explained to Mr X why this is not the case. The developers submitted plan 14 in 2013 as part of their application to discharge condition 4. The Development Corporation did not approve plan 14 in 1996 and it is not a plan subject to condition 2. It shows how the developers intend to attach the end panels. One drawing shows an end with the panels in place to provide an impression of the final appearance. The drafter has not specified which end this is and the drawings are not to scale. *– the drafter said that portal covers should be drawn aside to admit boats and they come up the slipway from the river. Both drawings 8296/13 & 14 are to scale!*

38. The Council has provided a consistent and sound justification for its view the shed as built is the same height as that granted permission. The Ombudsman cannot criticise the Council's view. - - *but I can, and have.*

Only one paragraph, No. 30, out of the nine, escapes just criticism and I have shown none of the others was sound because one of the two authorised drawings from 1996 shows a planned height of 12.7m. It was found to be 15.5m at that point.

The only consistency is in their refusal to admit that the shed is nearly 3m taller than planned. The drawing I have used since 2014 was approved by the council in 2013 and is confirmation that no approved amendments to the height were made in the intervening 17 years.

Image of River end of Shed taken from Authorised Drawing made in 2013.

