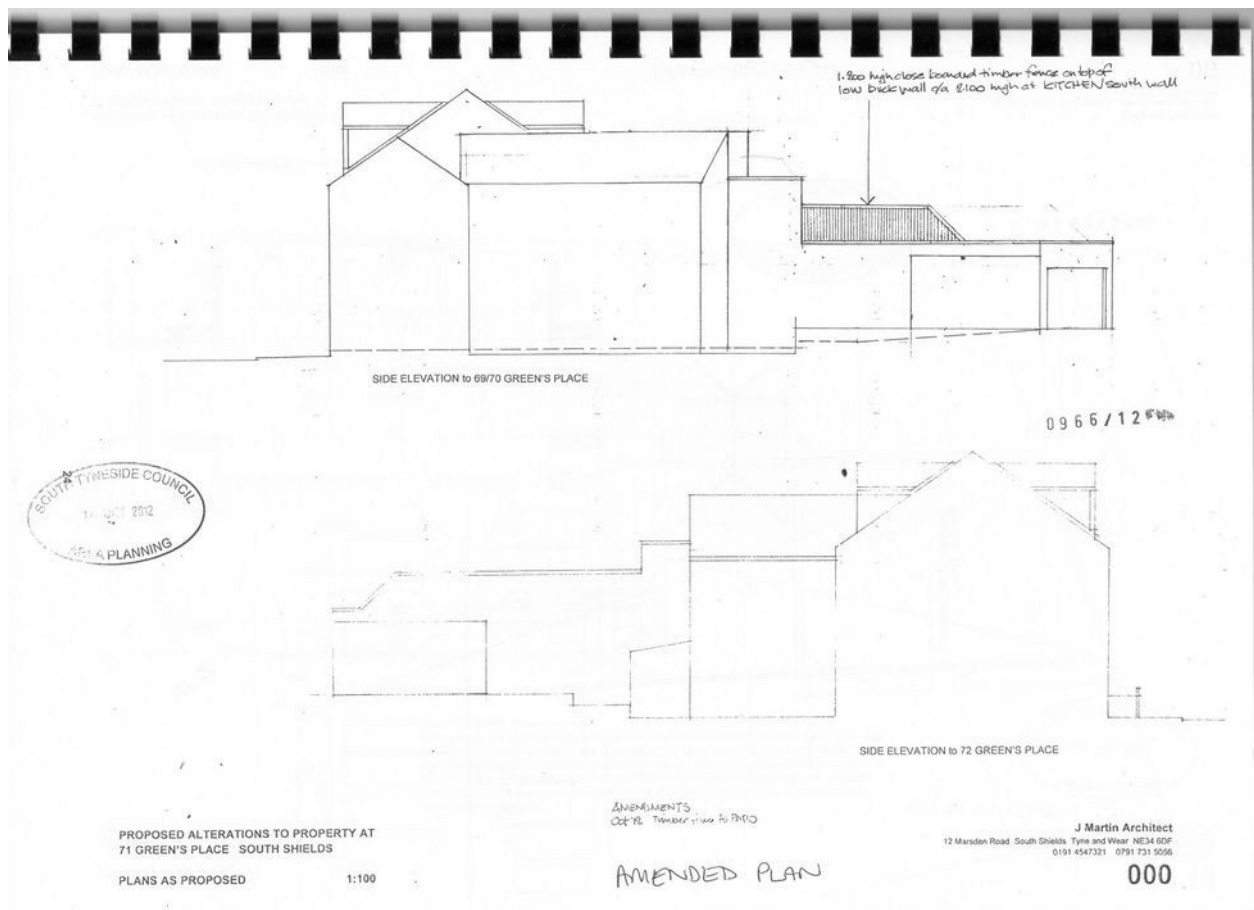


No. 71 and Corruption – Removing the Requirement for Enforcement

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 for the first floor patio wall. He also increased the height of the second floor along the partition wall to make a rear second floor patio wall. 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 safe wall to surround roof top patio to the rear. Before the method of side-lining a complaint is outlined I would like to illustrate how the Senior Enforcement Officer, Mr Martin Egginton, was operating over this period and leave it up to the reader to guess why he was deliberately hiding the fact that the owner of No. 71 had replaced the fence with a wall.

Mr Haig had instructed his builder to lay the wall about 15-20cm within his border to avoid it having to be called a party wall and 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.



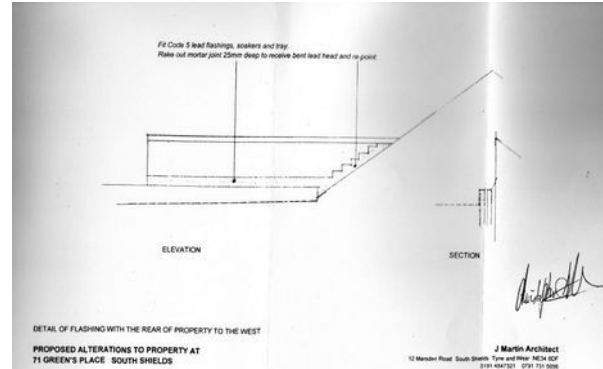
One can just make it out but J Martin Architect, has raised the roof line of the extension of 70 Greens Place, by about a meter, to that of extension of 72 so that the owner of 71 can raise the parapet wall by a bit over a meter in the knowledge that no-one would notice and in fact the owner of 71, Mr Haig, used this to his advantage and he not only replaced the fence with a solid wall and he extended it for extended for a couple of meters. This was not reported by the building inspector Mr M Telford.

We complained to Building Control while work was in progress but Mr Telford was never available and in this way Mr Haig 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. Meanwhile the Senior Enforcement Officer, Mr Martin Egginton was more concerned that with what had been done to the rear of 70 Greens Place, ignoring the simple fact that its Listing only referred door and the size of the windows at the front.

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. The flashing was never done.



In this he was entirely successful because it would have required considerable expense from the owner of No 70 to enforce it and I 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 when there was none. It was simply a lie and was a good pointer to the way things were to unfold with South Tyneside Council, not only with 71 Green Place, but UK Docks as well.

Please see the amount of over shadowing and state of the Party Wall – mid 2013 when the complaint that the rebuild 71 was not quite to plan, was sent in. One can plainly see that it no 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;

In detail:-

- 4) there is also the additional height of the wall, some 16 courses of brick, which also ran the full width of number 71;
- 5) the wooden fence, that is also very clearly shown in drawing 000, has been replaced by the brick wall and the bush pointed to where it should have started, at the back of the first floor to which the rainwater goods were fixed;
- 6) the extra height of the wall is indicated by the 5 courses of brick which had not dried when the photo was taken.



All of this was perfectly clear to any visitor but Council did not send another building inspector in the absence of Mr Telford but by this time, mine and my partner's complaint about the overbearing nature of the development had been through the had been through the complaints procedure as 230018 and the Ombudsman's as 13 011 721 which concluded:-

The owner of 71 Greens Place had replaced a fence with a wall for 4-5m and not only that, there was some question about its height. A complaint was entered while the wall was being built but it was ignored.

Eventually, [the retrospective planning request ST/0749/13/FUL was recieved](#) in July 2013 but by August the fact that it was retrospective had been removed:

Consent sought for the construction of a wall to the west side boundary of the patio above the ground floor extension as a substitution of the approved fence under application reference ST/0966/12/FUL.

[By December 5th, the ground floor extension had been replaced as well](#) : *Retrospective application of parapet walls around the first floor patio above the ground floor rear extension and etc.*

What should have been a retrospective application for the substitution of the approved fence by a wall had disappeared and the fact that it was retrospective had reappeared and ST/0749/13/FUL had gone and was replaced with . . /HFUL.

The Senior Enforcement Officer should get a mention because of his double standards. [Compare the action, just outlined, with the enforcement notice handed to the owner of No 70.](#)

[Listed buildings 68-70, Greens Place.](#) The thing to notice is that the listing just concerns the view from the street and it seems that the conditions 3 and 4 were applied in error when the planner specified the Listed Building Condition to a first floor addition to an extension to the rear of the house.

In February 2013 [the Senior Enforcement Officer](#) was advised that condition that should not have been applied in the first place but issued an enforcement notice anyway. This occurred about the same time the same building inspector failed to notify him that the owner of 71 Greens Place had reverted to his original wish to have a wall.



[The grant allows a fence 71GP, October 2012](#) and the building inspector made himself unavailable while a wall was being built!

The Planning Officer who originally specified the metal rainwater goods on the rear of the building was same who helped the Planning Manager rig the outcome of ST0749/13/FUL by ensuring it was replaced by one that omitted all mention of the fence/wall issue thus ensuring she escaped censure as well as the building inspector and the enforcement officer.

[By the 5-Dec-13, ST/0749/13/FUL had been completely overwritten by ST/0749/13/HFUL](#) and permission was granted.

A second notice of the grant was sent the same day but with drawing 000 of 17-Sep 13 now showing wall which finally killed off ST/0749/13/FUL completely – see below.

The fraud was presumably perpetrated at the request of the owner of 71 of Greens place to avoid the cost of removing the wall and replacing it with a fence. More importantly it served to hide the fact that Building Control were avoiding enforcement action and it also saved the Council having to reprimand the Planning Officer, the Planning Manager, the Building Inspector and possibly the

Senior Enforcement Officer for their dereliction of duty and they knew they were safe because they would always tell anyone, trying to find out the truth, say the complaint had been exhausted.

