

**Cuckoo Hill, Bures St Mary – Apple Tree Mews development****Planning Enforcement case ref: 17/00439/NFP****Development Management case ref: DC/18/00929**

Report on analysis of the site survey commissioned by the Council and comparison with the details submitted as part of the applications submitted in 2014 (ref. B/14/01103), 2017 (Non-Material Amendment under ref. B/14/01103) and 2018 (DC/18/00929), plus site measurements taken by Planning Enforcement Officers on 6 June 2018.

**Part 1 – Levels:**

Analysis of the site survey data (original 2003 survey vs BDC commissioned 2018 survey) reveals the following:

- 1.1. Levels within the site access are consistent across both surveys – indicating that those areas of the site which have not changed in the period between the surveys have been measured as having the same levels now as previously. This is important as it gives confidence that the baseline datum point is consistent across both surveys, leading to the conclusion that both sets of measurements are equally reliable.

**Table 1.1:** The principal findings from the comparison of surveys are detailed in the tables below:

Plot No.	Spot Height Location	2003 Level (m)	2018 Level (m)	Difference (m)
1	South-West corner	33.55	33.54	-0.01
1	North-West corner	34.52	33.55	-0.97
2	North-East corner	34.21	33.55	-0.66
2	South-East corner	33.43	33.46	+0.03
3	South-West corner	33.92	33.59	-0.33
3	Front of plot	34.09	34.02	-0.07
3	North-West corner	34.34	34.03	-0.31
4	West edge	34.09	34.47	+0.38
6	Front of plot	33.07	33.82	+0.75
6	Front of plot	33.07	33.46	+0.39
6	West of plot	32.65	32.38	-0.27
6	West of plot	32.39	32.48	+0.09
6	South of plot	32.62	33.38	+0.76
6	South of plot	33.28	33.69	+0.41

Boundary	North-West	32.39	32.37	-0.02
Boundary	North-East	34.50	34.73	+0.23
Boundary	East	34.55	34.30	-0.25
Site	Centre	33.21	33.69	+0.48
6	Garden (rear) – Drain	33.01	33.61	+0.60
Boundary	South-East	34.18	33.92	-0.26
Boundary	South	32.98	32.92	-0.06
Boundary	South	32.77	32.68	-0.09

NB. The reference points at the southern boundary of the site are quite close because the 2003 survey only included two spot levels due to the presence of buildings.

NB. The drain cover located in the 'garden' area to the south of Plot 6 is of note because a drain cover was present in a similar location on the 2003 survey.

- 1.2. My assessment of the results from this analysis is that there has been some ‘cut and fill’ to make the site more level than it was previously. It is my view that the ‘cut’ has been taken from the north-western area of the site – the location of Plots 1 and 2, as well as Plot 3 – with the ‘fill’ being in and around the location of Plots 4 and 6. My response to Mrs Frewin’s stage 1 complaint indicated that the greatest change to FFLs was for these two plots, so the survey has confirmed our original findings. There may also be some ‘fill’ in and around the location of Plot 5 but it is not possible to be conclusive due to the absence of useable data on the 2003 survey for the area that building now occupies.
- 1.3. It is prudent, I believe, to point out that there are some barriers to a precise and full analysis of the changes to site levels given that the original survey was taken with the previous buildings in place – so no levels were provided for the areas covered by buildings – and the spot heights on the survey we commissioned are not in exactly the same places as those on the 2003 survey. I have, in my analysis, sought to match as closely as possible spot height locations from the 2003 survey with spot height locations on the 2018 survey. There are some areas of the site where this is simply not possible because the 2003 survey does not provide data – principally, the southern and eastern portions of the site which were occupied by the old buildings.

Analysis of the ‘site sections’ drawing submitted with the 2014 application (ref. B/14/01103)

- 1.4. The ‘site sections’ drawing (ref. 3368:24) submitted with the 2014 planning application has been cited by local residents when raising their concerns about the development as built.
- 1.5. In terms of levels, the site sections drawing indicates ground levels are to be raised slightly to the south of Plot 6 (by 170mm, from 32.75 to 32.92) and lowered slightly to the north of Plot 6 (by 70mm, from 32.99 to 32.92), and lowered significantly for the area of Plot 3 (by 700mm, from 34.10 to 33.40).
- 1.6. Comparison of the spot heights on the 2014 ‘site sections’ drawing with appropriate spot heights on the survey commissioned by BDC indicates levels for Plot 3 have been lowered by between 80mm (from 34.09 down to 34.01) and 510mm (from 34.10 down to 33.59), whereas levels for Plot 6 have been increased by approx. 470mm (from 32.99 up to 33.46) at the northern elevation and approx. 630mm (from 32.75 up to 33.38) at the southern elevation.
- 1.7. The indication on the site sections drawing is that the intention was to level the gradient on site for the areas to be occupied by Plot 6 and Plot 3, and for the levelling works to marginally raise ground levels for the area to be occupied by Plot 6, and provide a reduction in ground levels for the area to be occupied by Plot 3. The survey commissioned by BDC shows that ground levels for the area occupied by Plot 3 have actually been lowered by less than indicated on the site sections plan, whilst the ground levels for the area occupied by Plot 6 have actually been raised significantly instead of marginally.

Analysis of the data on the layout drawing submitted with the current (2018) application:

- 1.8. The ‘proposed setting out and landscaping plan’ submitted with the current application, Dwg. Ref. 1471.21F, indicates ‘existing’ ground levels and ‘new’ ground levels for the site, and ‘finished floor levels’ (FFL) for each of the dwellings.
- 1.9. The ‘existing’ levels indicated on Dwg. 1471.21F can be matched to those shown on the levels drawing submitted with the 2014 application (Dwg. Ref. 430-1). Dwg. 1471.21F also shows those levels to be retained (‘new’ levels), and these can be compared to the ‘existing’ levels

(from the 2003 survey) and the current ground levels indicated by the survey commissioned by the Council.

**Table 1.2:** Comparison of the ‘existing’ ground levels on Dwg 430-1 (2003), the ‘retained’ ground levels on Dwg 1471.21F (2018) and the surveyed ground levels (2018) indicates the following:

Plot No.	Spot Height Location	2003 Level (m) ("existing") (E)	Dwg 1471.21F ("retained") (R)	2018 Level (m) ("surveyed") (S)	Difference (m) (R vs S)
1	South-West corner	33.50	33.50	33.57	+0.07
1	North-West corner	34.60	34.60	33.62	-0.98
2	North-East corner	34.21	33.90	34.03	+0.13
2	South-East corner	33.92	33.60	33.46	-0.14
3	South-West corner	34.04	[not shown]	33.88	[-0.16]
3	Front of plot	34.09	[not shown]	34.01	[-0.08]
3	North-West corner	35.03	34.30	34.25	-0.05
4	West edge	34.09	<b>34.60</b>	34.47	-0.13
6	Front of plot	33.17	33.17	33.82	+0.65
6	Front of plot	32.49	32.49	32.92	+0.43
6	West of plot	32.43	32.43	32.38	-0.05
6	West of plot	32.11	[not shown]	32.48	[+0.37]
6	South of plot	32.50	32.50	32.97	+0.47
6	South of plot	33.28	33.28	33.69	+0.41
Boundary	North-West	32.39	32.39	32.37	-0.02
Boundary	North-East	34.50	34.50	34.73	+0.23
Boundary	East	34.55	34.20*	34.30	+0.10
Site	Centre	33.21	33.17*	33.69	+0.52
6	Garden (rear) – Drain	33.01	[not shown]	33.61	[+0.60]
Boundary	South-East	34.18	34.00*	34.02	+0.02
Boundary	South	32.98	32.98	32.92	-0.06
Boundary	South	32.77	32.77	32.68	-0.09

NB. Levels shown in *italics* are reduced ‘new’ levels; levels shown in **bold** are raised ‘new’ levels; levels marked with an asterisk are the closest available level for comparison; results within brackets are the difference between the 2003 survey and the 2018 survey, in the absence of a reference on the 2018 layout drawing.

- 1.10. The results of this analysis indicate that none of the levels on site, for the reference points used, match those indicated as either existing, retained or proposed on the layout drawing submitted with the current (2018) application. For some, the difference is marginal and could be accepted as being within a reasonable tolerance. For others, the difference between ‘proposed’ and ‘actual’ levels is significant and, as such, due consideration should be given to whether or not they result in a materially different development to that proposed on the drawings submitted with the current application.
- 1.11. It is also worth considering the proposals on the layout plan submitted with the current application (and the results of the survey commissioned by the Council) in comparison with the details on the site sections plan submitted with, and approved under, the 2014 application.
- 1.12. The 2014 site sections plan indicates, for Plot 3, that levels would be reduced from approx. 34.10 to 33.40, at the front and back of the dwelling. The layout plan with the current application indicates levels at the front of Plot 3 to be between 33.60 (front of Plot 2) and 34.60 (front of Plot 4), and levels at the rear of Plot 3 to be 34.30. These levels are between 0.20m

and 1.2m higher than was proposed in 2014. The survey commissioned by the Council indicates levels for Plot 3 to be 34.01 at the front and 34.25 to the rear – approx. 610mm higher at the front, and approx. 850mm higher at the back, than was proposed in 2014.

- 1.13. The survey commissioned by the Council also confirms the levels implemented on site for Plot 3 to be approximately equal to those proposed on the layout drawing submitted with the current (2018) application.
- 1.14. For Plot 6, the 2014 site sections plan indicates levels would be raised at the rear from 32.75 to 32.92, and lowered at the front from 32.99 to 32.92. The layout plan with the current application indicates levels at the rear of Plot 6 to be 32.60, and levels at the front of Plot 6 to be 32.49 (west) and 33.07 (east). These levels are approx. 320mm lower at the rear of the plot than was indicated on the 2014 plan, and between 430mm lower and 150mm higher at the front than was indicated on the 2014 plan.
- 1.15. The survey commissioned by the Council indicates the levels implemented on site for Plot 6 to be between approximately 410mm and 650mm higher than those proposed on the layout drawing submitted with the current (2018) application.

#### Finished Floor Levels:

- 1.16. The 'proposed setting out and landscaping plan' submitted with the current application, Dwg. Ref. 1471.21F, indicates 'finished floor levels' (FFL) for each of the dwellings. Drawings submitted with previous applications did not provide this information.

**Table 1.3:** Comparison of the ground levels proposed (or 'retained') on Dwg. Ref. 1471.21F with the Finished Floor Levels ("FFL") proposed on the drawing provides the following results:

Plot	FFL	Ground (front)	Difference	Ground (rear)	Difference
1	33.90	33.50	+0.40	33.60	+0.30
2	33.90	33.60	+0.30	33.90	+0.00
3	34.50	34.10*	+0.40	34.30	+0.20
4	35.10	34.60	+0.50	34.90	+0.20
5	34.50	34.20	+0.30	34.00	+0.50
6	33.90	32.78**	+1.12	32.60	+1.30

NB \* – average of ground levels in front of Plot 2 and Plot 4 in the absence of a level proposed directly in front of Plot 3

NB \*\* – average of two proposed ground level points indicated at the front of Plot 6

- 1.17. These results indicate that proposed FFLs are, for most of the Plots, between 300mm and 500mm above ground levels at the front, and up to 500mm above ground level at the rear. Building Regulations require FFL to be a minimum of 150mm above ground level.
- 1.18. The exception within these results is Plot 6, which has a proposed FFL which is over 1.1 metres above ground level at the front of the Plot, and 1.3 metres above ground level at the rear of the Plot.

**Table 1.4:** Comparison of the ground levels and the floor levels recorded by the survey commissioned by the Council provides the following results:

Plot	Floor Level	Ground (front)	Difference	Ground (rear)	Difference
1	33.91	33.54	+0.37	33.55	+0.36
2	33.91	33.60	+0.31	33.90	+0.01
3	34.28	33.87*	+0.41	34.03	+0.25
4	35.08**	34.52	+0.56	34.56	+0.52
5	34.47**	34.28	+0.19	34.02	+0.45
6	33.90**	33.42*	+0.48	33.11*	+0.79

NB \* – average of four ground levels recorded by the survey for the relevant elevation of the plot.

NB \*\* – Threshold level

- 1.19. These results indicate that the floor levels for most of the dwellings are approximately equal to that detailed on the proposed drawing with the current (2018) application. The exception being Plot 6 where the difference between floor levels and ground levels is substantially less than shown on the plan.

#### Conclusion:

- 1.20. The plans submitted with the 2014 application indicated ground levels would be significantly reduced for the area to be occupied by Plot 3 and marginally increased across the area to be occupied by Plot 6. Proposals in the current application are to retain existing ground levels at the front of Plot 3 and marginally increase levels at the rear, whilst reducing levels marginally to the rear of Plot 6 and retaining them at the front – essentially, to build on the site without any significant adjustment to the ground levels.
- 1.21. The survey commissioned by the Council indicates that ground levels are different for all the reference points used for comparison. Some of the differences are marginal, or within an acceptable tolerance, whilst others are more substantial. In particular, levels around Plot 6 have increased, according to the survey, by between 410mm and 650mm.
- 1.22. Levels around Plot 6 have been cited by local residents as being of particular concern. The site sections plan submitted with the 2014 application indicated levels would be increased slightly (170mm) at the rear of Plot 6 and reduced marginally (70mm) at the front. The current proposals are to build at existing levels, and the survey indicates levels have been increased across the Plot 6 area. On that basis, the concerns raised by the local community are substantiated and need to be addressed.
- 1.23. In contrast, concerns raised by local residents in relation to levels at the southern boundary are not substantiated by the survey – the indication being that levels are lower (albeit, marginally) than before the site was redeveloped, though it should be noted that there are limited comparable reference points due to the absence of data on the 2003 survey (due to presence of buildings).
- 1.24. It should be noted that layout plans submitted with the original 2014 application, and those submitted with the 2017 NMA application, did not include ground level details within the development site. The 'site sections' drawing submitted with the original 2014 application is the only plan for that application which makes reference to ground levels, so it is unsurprising that it has been cited by local residents as being representative of their expectation of how the development would appear once built.

- 1.25. Unfortunately, the proposed levels indicated on the site sections drawing have not been achieved during development of the site, and actual levels – particularly for Plot 6 – are now significantly higher than indicated on the drawing – up to 750mm higher depending on which reference point is used for comparison.
- 1.26. The layout drawing submitted with the current application proposes different ground levels to those on the 2014 site sections drawing – such that Plot 3 would be built at levels up to 1.2m above those proposed on the 2014 plan, and Plot 6 would be constructed on ground levels 0.3m lower at the rear and up to 0.4m lower at the front.
- 1.27. The survey commissioned by the Council confirms that the proposed ground levels for Plot 3 – depicted on Dwg. Ref. 1471.21F – have been achieved on site, but those proposed for Plot 6 have not – the building being on ground levels between 410mm and 650mm higher than indicated on the current (proposed) layout plan.
- 1.28. On that basis, it may be reasonable to conclude that parts of the development as built are materially different to that indicated on the drawings accompanying the current application, and may have a different impact on the locality and the residential amenity of existing residential properties compared to those proposals, and compared to the development illustrated on the previously approved plans.

**Part 2 – Dimensions:**

Analysis of the application plans (2014 application ref. B/14/01103 vs 2017 NMA under ref. B/14/01103) in respect of the dimensions of the dwellings reveals the following:

- 2.1 The spot heights included on the site sections drawing (ref. 3368:24) submitted with the 2014 application, and approved under Planning Permission ref. B/14/01103, have been plotted on the 2003 levels survey also submitted with the 2014 application, and subsequently approved as forming part of the permission. The line of the 'cut' through the site illustrated by the section drawing goes through the centre of the site on a north-south axis. I have assumed the dwellings indicated on the 'proposed' section to be Plots 3 and 6, given that the section 'view' cuts through the areas which would be occupied by those dwellings.

**Table 2.1:** The 'existing' section drawing provides the following information:

Drawing Ref	Description	Property	Ridge Height (m)
3368:24	Existing Section	White Horse House	7.49
		South-East building	6.72
		Eastern building	7.24 (south end)
		Eastern building	6.70 (north end)

**Table 2.2:** The 'proposed' section drawing provides the following information:

Drawing Ref	Description	Property	Ridge Height (m)	Eaves Height (m)
3368:24	Proposed Section	White Horse House	7.64	n/a
		Plot 6	7.24	4.28
		Plot 3 (main)	7.09	4.02
		Plot 3 (cross wing)	6.18	4.21

**Table 2.3:** Comparison of the 'proposed' section drawing from the 2014 application with the 'plans and elevations' drawings also submitted with the 2014 application provides the following:

Drawing Ref	Description	Ridge Height (m)	+/- vs 3368:24 (m)	Eaves Height (m)	+/- vs 3368:24 (m)
3368:19	Plot 6 Elevations	8.57	+1.33	4.80	+0.52
3368:21	Plot 3 Elevations	8.68 (main)	+1.59	4.58	+0.56
3368:21	Plot 3 Elevations	7.75 (cross wing)	+1.57	4.58	+0.37

**Table 2.4:** Comparison of the 'proposed' section drawing from the 2014 application with the 'plans and elevations' drawings submitted with the 2017 NMA application provides the following:

Drawing Ref	Description	Ridge Height (m)	+/- vs 3368:24 (m)	Eaves Height (m)	+/- vs 3368:24 (m)
1471.05	Plot 6 Elevations	8.67	+1.43	4.75	+0.47
1471.02	Plot 3 Elevations	8.68 (main)	+1.59	4.73	+0.71
1471.02	Plot 3 Elevations	7.66 (cross wing)	+1.48	4.73	+0.52

- 2.2 The conclusion drawn from the above analysis is that the elevations drawings submitted with the 2014 application and those submitted with the 2017 NMA application provide broadly the same height dimensions for the proposed dwellings.
- 2.3 In addition, it can also be concluded that the 'proposed' section drawing submitted with the 2014 application was inaccurate and, importantly, misleading in its representation of the heights of Plots 3 and 6 of the proposed development.

Analysis of the site survey data (2018 BDC commissioned survey) and the approved drawings (2017 NMA application under ref. B/14/01103) in respect of the height dimensions of the dwellings reveals the following:

**Table 2.5:** The BDC commissioned survey measurements indicate the ridge and eaves heights, and the difference when compared to the NMA drawings, to be as follows:

Plot	Ridge – 2018 Survey (m)	Ridge – NMA Drawing (m)	Difference (m)
1	8.84	8.65	+0.19
2	8.92	8.65	+0.27
3	9.04	8.68	+0.36
4	9.11	8.67	+0.44
5	8.95	8.67	+0.28
6	8.88	8.67	+0.21

Plot	Eaves – 2018 Survey (m)	Eaves – NMA Drawing (m)	Difference (m)
1	5.33	4.86	+0.47
2	5.42	4.86	+0.56
3	5.51	4.86	+0.65
4	5.47	4.85	+0.62
5	5.36	4.86	+0.50
6	5.34	4.75	+0.59

- 2.4 The results above indicate that the dwellings, as built on site, are higher to the ridge than indicated on the drawings approved under the 2017 NMA application by between 190mm (Plot 1) and 440mm (Plot 4).
- 2.5 The measurements analysis from the survey is to ground level. It is assumed that the NMA drawings depict dimensions from ground level. There is no indication on the approved NMA drawings that the dimensions of the dwellings are from anything other than ground level.
- 2.6 Our usual practice for measuring the dimensions of buildings is to go from DPC (Damp Proof Course) – because it is a fixed point; ground levels around buildings may be uneven; ground levels around buildings may be ‘made up’ after the build is complete; plans submitted with proposals usually indicate ground as being flat and level; Building Regs require DPC to be a minimum of 150mm above ground level.
- 2.7 In order to compare the measurements taken on site by Planning Enforcement Officers with the data provided by the survey it is necessary to calculate the difference between ground level and DPC, and then remove that from the overall height measured by the survey.
- 2.8 The survey has provided floor levels for the plots, where possible – Plots 1 to 3. Floor levels can be expected to be broadly the same as DPC. Where the measurement of floor levels has not been possible, a ‘threshold’ level has been provided on the survey instead – this is applicable for Plots 4, 5 and 6. The threshold is expected to be approx. 18mm above floor level.



**Table 2.6:** Calculations to establish the DPC level are detailed below:

Plot	Reference	Level Measurement (m)	Ground Measurement (m)	Difference (m)
1	Floor	33.91	33.54	+0.37
2	Floor	33.91	33.46	+0.45
3	Floor	34.28	33.80	+0.40
4	Threshold	35.08 (-0.02)	34.47	+0.59
5	Threshold	34.47 (-0.02)	34.02	+0.43
6	Threshold	33.90 (-0.02)	33.46	+0.42

**Table 2.7:** Calculations to establish the heights of the buildings from DPC to Ridge are provided below:

Plot	Ridge – 2018 Survey (m)	Less DPC* – 2018 Survey (m)	Calculated Building height (m)	On-Site Measurements (m)	Difference (m)
1	8.84	0.37	8.47	8.16	+0.31
2	8.92	0.45	8.47	8.17	+0.30
3	9.04	0.40	8.64	n/a	n/a
4	9.11	0.59	8.52	n/a	n/a
5	8.95	0.43	8.52	8.19	+0.33
6	8.88	0.42	8.46	8.40	+0.06

\* refers to the difference between ground levels and floor or threshold levels provided by the 2018 survey. (Threshold levels reduced by 0.02m to calculate a 'floor' level for Plots 4, 5 and 6)

- 2.9 On-site measurements taken by the Planning Enforcement Officers were to 'ridge eaves' – the point below the principal roof ridge measurable from the ground using a laser distometer. Measurements could not be taken to the actual ridge due to the absence of scaffolding or a cherry picker to provide access. The exception to this is Plot 6 – scaffolding was in place during the on-site measurements so a 'true' reading from DPC to the ridge was taken using a tape measure.
- 2.10 For Plots 3 and 4, measurements could not be taken to the 'ridge eaves' because the dimension is not measurable – one end of the building includes a chimney, whilst the other end is the location of the garage. In addition, scaffolding had been removed and no cherry picker was available on site. Instead, measurements were taken to the ridge eaves of the cross wing – referred to as the 'gable ridge eaves'.
- 2.11 Discussions with colleagues in our Building Control team have indicated an expectation that the bargeboards, roof tiles and ridge tile would normally amount to around 200mm in combination. Scaled measurements of the bargeboards, roof tiles and ridge tile depicted on the NMA drawings indicate a difference of 370mm to 400mm between 'ridge eaves' and the ridge. For the purposes of comparison, an 'allowance' of 300mm has been added to the measurement to the 'ridge eaves' taken by the Enforcement team on site.

**Table 2.8:** Calculations to compare survey data and on-site measurements are provided below:

Plot	Calculated Building height (m) *	On-Site Measurements (m)	Roof allowance	Calculated Ridge Height (m)	Difference (m)
1	8.47	8.16	+0.30	8.46	+0.01
2	8.47	8.17	+0.30	8.47	+0.00
3 **	7.71	7.19	+0.30	7.49	+0.22
4 **	7.53	7.23	+0.30	7.53	+0.00
5	8.52	8.19	+0.30	8.49	+0.03
6	8.46	8.40	n/a	8.40	+0.06

\* Survey ridge measurement less survey floor level measurement

\*\* Measurement to gable ridge for comparison to on-site measurements

- 2.12 Having regard to the above calculations, it is apparent that – with the exception of Plot 3 – the survey measurements and the on-site measurements are comparable and broadly in line with one another. This gives confidence that the survey data and on-site measurements are accurate and confirm the dimensions of the buildings constructed on site.
- 2.13 Given that the on-site measurements from DPC to ridge are comparable with the survey measurements between floor level and ridge, it is reasonable to conclude that if officers had taken measurements on site of the difference between ground level and DPC they would also be comparable to the data provided by the survey. That being the case, it is also reasonable to conclude that the survey data provides an accurate representation of the total height of the buildings, as constructed, from ground level to ridge.
- 2.14 The conclusion, on that basis, must therefore be that – as indicated above – the buildings on site have been constructed to a height which is greater than that depicted on the approved plans, submitted with the NMA in 2017, by between 190mm (Plot 1) and 440mm (Plot 4).
- 2.15 Consideration should be given to the fact that the approved plans provide for the buildings to have an overall height in excess of 8.6m. For Plot 1, an increase of 190mm amounts to a 2.2% change, whereas for Plot 4 an increase of 440mm equates to a difference of 4.8%.
- 2.16 The Planning Enforcement team normally consider a difference between approved plans and actual build of more than +100mm to be greater than what could reasonably be deemed as an acceptable tolerance under normal construction circumstances, and would advise the developer to seek to regularise the anomaly through a planning application. The question then is whether or not the differences give rise to an acceptable or unacceptable impact on the locality and/or existing residential amenity and, from there, whether or not such an application should be granted or refused.

#### Analysis of the 'site sections' drawing submitted with the 2014 application (ref. B/14/01103)

- 2.17 As outlined above, the survey has discovered that the buildings constructed on site are of a height which is greater than was indicated on the approved elevations drawings – by up to 440mm, compared to the 2017 NMA drawings. That difference is even greater when the survey measurements for the dwellings are compared to the site sections drawing submitted with the 2014 application. The difference between the height of Plot 6 indicated on the proposed sections drawing and the height of the dwelling as measured by the survey is 1.64m, whilst the difference between the height of Plot 3 indicated on the proposed sections drawing and the height of the dwelling as measured by the survey is 1.95m.

- 2.18 The conclusion to be drawn from this additional analysis must be that the site sections drawing is woefully inaccurate and, as a result, the dwellings now appear to be at least 1.5metres taller than was indicated on the ‘proposed’ site sections drawing submitted in 2014.

Independent survey commissioned by local residents and the Parish Council

- 2.19 Surveyors contracted by residents neighbouring the development have analysed levels data from the 2003 survey submitted with the 2014 application, and building heights as indicated on the site sections drawing accompanying the 2014 application. The analysis focusses on the height of Plot 6 relative to White Horse House, and indicates the following:

**Table 2.9:** Independent survey – Plot 6 relative to White Horse House:

Existing roof pitch level of White Horse House	39.76m
Existing as-built level of roof pitch for Plot 6	42.36m
Difference	+2.60m

- 2.20 The analysis conducted by the surveyors contracted by the neighbours also refers to the heights of Plots 1 and 2 relative to the neighbouring dwelling – Byron House. The conclusions drawn are as follows:

**Table 2.10:** Independent survey – Plots 1 & 2 relative to Byron House:

Existing roof pitch of Byron House	39.77m
Existing as-built level of roof pitch for Plots 1 & 2	42.40m
Difference	+2.63m

- 2.21 The survey commissioned by the Council also included readings of the ridge heights of both White Horse House and Byron House. Analysis of the survey results in respect of these neighbouring dwellings is as follows:

**Table 2.11:** Council survey – Plot 6 relative to White Horse House:

Existing roof pitch level of White Horse House	39.73m
Existing as-built level of roof pitch for Plot 6	42.34m
Difference	+2.61m

**Table 2.12:** Council survey – Plots 1 & 2 relative to Byron House:

Existing roof pitch of Byron House	39.77m
Existing as-built level of roof pitch for Plots 1 & 2	42.38m
Difference	+2.61m

- 2.22 The conclusions of both the survey commissioned by the residents and that produced on behalf of the Council are that the ridges of the new dwellings on Plots 3 and 6 are approx. 2.6m higher than the existing neighbouring dwellings.
- 2.23 The surveyor contracted by the residents specifically states that the results conflict “with the information shown on Dwg No. 3368:24” – the site sections drawing submitted with the 2014 planning application.
- 2.24 As detailed earlier, measurements scaled off the site sections drawing indicate White Horse House as being between 7.49m and 7.64m in height (existing section and proposed section respectively). Measurements of Plot 6 scaled off the proposed site sections drawing provide a ridge level of 7.24m. With the rise in ground levels within the site, the indication from the site

sections drawing is that the ridges of White Horse House and Plot 6 would be approximately equal in height.

- 2.25 Elevations drawings submitted with the 2014 application – accompanying the site sections drawing – show the dimensions of Plot 6 to be 8.57m to the ridge, 1.33m taller than shown on the site sections drawing.
- 2.26 Data from the survey commissioned by the Council indicates the height of White Horse House, from ground level to ridge, to be 7.41m, whilst the height from ground level to ridge of Plot 6 is 9.58m – a difference of 2.17m. The difference between the ground levels for White Horse House and those for Plot 6 (0.44m) brings the difference between ridges up to the 2.6m suggested by the survey commissioned by the residents. However, the 2.6m figure is slightly misleading in that ground levels within the site were already higher than those at White Horse House. The site sections drawing does show the ground level to be higher for the Plot 6 area than that for White Horse House. Regardless, the expectation of anyone viewing the site sections drawing would be that Plot 6 was due to be of comparable height to White Horse House.
- 2.27 The site survey accompanying the 2014 application shows ground levels at the front of White Horse House to be 32.15, and ground levels within the Plot 6 area of the site to be around 32.75 – approx. 0.6m higher. Nevertheless, the site sections drawing indicates the two dwellings to be of comparable height, whereas the elevations drawing for the 2014 application shows Plot 6 as having a ridge height of 8.57m, and the site survey shows Plot 6 as having a height from ground level to ridge of 9.58m.
- 2.28 The survey data indicates the ridge height of White Horse House to be lower than that indicated on the site sections drawing, and the dimensions of Plot 6 to be greater than shown on the site section and elevations drawings accompanying the 2014 application. Changes to ground levels within the site, and the difference between DPC and ridge height, further serve to make the Plot 6 dwelling appear very much larger than indicated on the site sections drawing.

**Part 3 – Layout:**

Analysis of the approved site layout drawings (2014 ‘original’ application under ref. B/14/01103, and 2017 NMA application under ref. B/14/01103), the proposed layout plans (2018 Variation of Condition application ref. DC/18/00929) and the measurements taken on site by the Planning Enforcement team, and the survey commissioned by BMSDC

**Table 3.1:** Comparison of layout drawing submitted with the 2014 application and the equivalent submitted with the 2017 NMA indicates the following:

Plot	Dimension	Dwg. 3368:18 G (2014)	Dwg. 1471.07 (2017)	Difference
1	To South workshop	14.51	14.30	-0.21
1	To West boundary	3.06	3.18	+0.12
1	To West boundary	2.43	2.35	-0.08
1	To North boundary	8.21	7.11	-1.10
3	To North boundary	13.85	12.97	-0.88
4	To North boundary	17.63	16.90	-0.73
4	To North-East boundary	11.84	11.93	+0.09
4	To East boundary	2.74	2.89	+0.15
4	To East boundary	4.43	5.25	+0.82
5	To East boundary	2.46	2.45	-0.01
5	To East boundary	1.43	1.43	+/-0.00
5	To South boundary	15.30	14.99	-0.31
5	To South boundary	11.72	11.47	-0.25
5 garage	To South boundary	10.14	9.59	-0.55
6 wing	To South boundary	8.88	8.82	-0.06
6 wing	To South boundary	8.54	8.49	-0.05
6 gable	To South boundary	10.26	10.20	-0.06

Plot	Dimension	Dwg. 3368:18 G (2014)	Dwg. 1471.07 (2017)	Difference
2	To Plot 3 garage	2.99	3.02	+0.03
2	To Plot 3 dwelling	6.12	6.10	-0.02
3	To Plot 4 garage	0.74	0.75	+0.01
3	To Plot 4 dwelling	5.73	5.57	-0.16
3	To Plot 6 dwelling	12.82	12.04	-0.78
4	To Plot 5 dwelling	6.27	6.27	+/-0.00

- 3.1. These results appear to indicate that minor changes to the layout of the development were introduced by the drawings submitted with the 2017 NMA application. However, there appear to be some discrepancies within the results. For example, Plot 1 is shown as being closer to the northern boundary but also closer to the adjacent workshop to the south – this suggests the building has expanded and has a larger footprint on the NMA drawing than depicted on the original layout plan. Similarly, Plot 3 is shown as being closer to the northern boundary, and closer to Plot 6 opposite. Strangely, Plot 4 is apparently closer to the northern boundary, but the same distance from Plot 5 opposite, and Plot 5 is closer to the southern boundary.

**Table 3.2:** Comparison of layout drawing submitted with the 2014 application and the equivalent submitted with the 2017 NMA indicates the following, in terms of the floor plan dimensions of the dwellings:

Plot	Dimension	Dwg. 3368:18 G (2014)	Dwg. 1471.07 (2017)	Difference
1	Front to back	6.73	6.63	-0.10
1	Side to side	9.38	9.29	-0.09
3	Cross wing (front to back)	8.61	8.64	+0.03
3	Side to side	9.83	9.62	-0.21
4	End to end	9.86	9.69	-0.17
4	Cross wing (front to back)	8.60	8.61	+0.01
5	Cross wing (front to back)	8.61	8.62	+0.01
5	Side to side	9.94	9.62	-0.34
6 Garage	Front to back	7.32	7.34	+0.02
6	Cross wing (front to back)	8.56	8.62	+0.06
6	Main build (front to back)	5.57	5.54	-0.03
6	Side to side	9.86	9.63	-0.23

- 3.2. These results appear to indicate that the dwellings have a different footprint on the NMA drawing than on the original layout. However, whilst some of the differences appear to be more substantial, others are negligible. A proportion of the differences may be explained by the way the plans are drawn – the original layout drawing shows floor plans (i.e. the extent of the walls of the dwellings), whilst the NMA drawing shows roof plans (i.e. to include the eaves, extending beyond the walls of the buildings). However, the assessment of the drawings has sought to ensure measurements are taken from equivalent points – from the outside edge of the walls of the dwellings – to ensure the readings are comparable.
- 3.3. The layout drawing submitted with the NMA application does not indicate any particular changes to the floor plans, shape, or orientation, of the dwellings. The measurements scaled off the drawings appear to show some changes to the position of some of the dwellings, but that is only noticeable when measurements are scaled off the plans – to all intents and purposes, the plans appear to show the same layout for the development.
- 3.4. The layout drawing submitted with the current ‘variation of condition’ application shows changes to the detail of the footprint of Plots 3 to 6, but measurements scaled from the plan indicate overall building dimensions, position relative to the boundaries, and proximity to adjacent plots to be closely comparable to the 2017 NMA drawing.
- 3.5. Overall, it is reasonable to conclude that there is insufficient difference in the measurements taken from the original plans and the NMA drawings to state categorically that the footprint dimensions of the buildings have been adjusted. In addition, the differences highlighted by the calculations are insufficient to account for the anomalies in the comparison of layout measurements. Using the same example as above, the comparison of layout plans appears to indicate Plot 1 is closer to the adjacent workshop to the south by approx. 0.2m and closer to the northern boundary by approx. 1.1m – suggesting the dimensions of the building have been enlarged by a total of 1.3m. Whereas, the comparison of the dimensions of Plot 1 suggests the building is smaller by approx. 0.1m.
- 3.6. Another possibility – besides the dimensions of the dwellings changing – is that the dimensions of the site have changed.

**Table 3.3:** Comparison of layout drawings submitted with the 2014 application and the equivalent submitted with the 2017 NMA indicates the following, in terms of the dimensions of the whole site:

Dimension	Dwg. 3368:18 G (2014)	Dwg. 1471.07 (2017)	Difference
East to West (south)	33.05	32.20	-0.85
East to West (north)	45.82	44.90	-0.92
North-East to North-West	46.13	45.15	-0.98
East boundary	50.65	49.29	-1.36
North to South-East	62.80	60.74	-2.06
North to South-West	61.87	59.84	-2.03
West boundary	21.89	21.22	-0.67

- 3.7. These results suggest that the site dimensions have contracted during the drawing of the layout plan submitted with the 2017 NMA application. To confirm if this is the case measurements of the extremities of the site were also taken using a single static point off site – the roadside edge of the site access.

**Table 3.4:** Comparison of layout drawing submitted with the 2014 application and the equivalent submitted with the 2017 NMA indicates the following, in terms of the dimensions of the whole site measured from a single point:

From	To	Dwg. 3368:18 G (2014)	Dwg. 1471.07 (2017)	Difference
Roadside	South-West corner	37.18	36.16	-1.02
Roadside	North-West corner	57.26	55.61	-1.65
Roadside	North point	76.38	73.97	-2.41
Roadside	North-East corner	71.86	69.82	-2.04
Roadside	South-East corner	33.31	32.45	-0.86
Roadside	South point	14.54	14.14	-0.40

- 3.8. These results confirm that the site is shown as slightly smaller on the NMA layout drawing than on the plan submitted with the original application.
- 3.9. Measurements scaled off the current (2018) layout drawing are comparable to those from the NMA (2017) plan. However, not all measurements could be replicated on the 2018 layout because the plan does not include the full extent of the site to the northern, and north-eastern, boundaries.
- 3.10. Measurement of the site area on the 2014 and 2017 layout plans also indicates the site has contracted. The 2014 plan gives a site area of 2115.31 sq m, whilst the 2017 NMA drawing provides a site area measurement of 1991.03 sq m – some 124.28 sq m less. Measurement of the full site area is not possible on the layout plan submitted with the current (2018) application because the drawing does not include the northern extremities of the site.
- 3.11. In summary, comparison of the layout plan submitted with the 2014 application and the drawing provided with the 2017 NMA application indicates a number of differences in terms of the position of the dwellings relative to the site boundaries. Where comparison can be made between the 2017 and 2018 layout plans (all measurements bar those to the northern boundary) the results are closely comparable.
- 3.12. It should be noted, however, that there also appear to be differences between the 2014 and 2017 plans in terms of the dimensions of the site as a whole, and the area within the confines

of the site. These differences in the site dimensions appear to account for almost all of the discrepancies between the plans – the only anomaly being the reduction in distance between Plots 3 and 6.

- 3.13. The results in the tables above show that the greatest differences in site dimensions are those with reference to the northern boundary. That being the case it may be that the position of the northern boundary on the 2017 drawing is closer to the southern boundary than on the original 2014 plan. That change means Plots 1 to 4 appear closer to the northern boundary, whilst also pushing their position closer to the southern boundary. In contrast, the position of Plot 6, relative to the southern boundary, remains consistent across both the 2014 and 2017 drawings.
- 3.14. For the purposes of comparison with the measurements taken on site by Planning Enforcement Officers and the surveyors contracted by the Council, the analysis will principally use the layout plan submitted with the current (2018) application as that appears to be the drawing the developer is working to, as there is little difference in the scaled measurements taken from that drawing and the layout plan submitted with the 2017 NMA application. Reference will also be made to the 2017 NMA layout drawing as it forms part of the most recently approved permission, and includes the full extent of the site.

**Table 3.5:** Comparison of the measurements scaled off the layout drawing submitted with the current (2018) application and those taken on site in equivalent locations by Planning Enforcement indicate:

Plot	Dimension	Dwg. 1471.21F (2018)	Enforcement Measurements	Difference
1	To South workshop	14.23	14.10	-0.13
1	To West boundary	3.14	3.36	+0.18
1	To West boundary	2.33	2.79	+0.46
1	To North boundary	7.01	7.39	+0.38
3	To North Boundary	n/a	n/a	n/a
4	To North boundary	n/a	n/a	n/a
4	To North-East boundary	n/a	n/a	n/a
4	To East boundary	2.88	2.75	-0.13
4	To East boundary	5.31	5.17	-0.14
5	To East boundary	2.36	2.29	-0.07
5	To East boundary	1.40	1.21	-0.19
5	To South boundary	14.98	14.00	-0.98
5	To South boundary	11.49	10.69	-0.80
5 garage	To South boundary	9.67	9.07	-0.60
6 wing	To South boundary	8.81	8.55	-0.26
6 wing	To South boundary	8.40	8.26	-0.14
6 gable	To South boundary	10.24	10.23	-0.01

Plot	Dimension	Dwg. 1471.21F (2018)	Enforcement Measurements	Difference
2	To Plot 3 garage	3.01	2.90	-0.11
2	To Plot 3 dwelling	6.07	6.01	-0.06
3	To Plot 4 garage	0.99	0.97	-0.02
3	To Plot 4 dwelling	5.85	5.84	-0.01
3	To Plot 6 dwelling	12.55	12.51	-0.04
4	To Plot 5 dwelling	6.30	6.25	-0.05



3.15. These results indicate:

- Plot 1 is further away from the western and northern boundaries than indicated on the 2018 layout plan (Dwg. Ref 1471.21F);
- Plot 4 is marginally closer to the eastern boundary than indicated on the 2018 layout plan;
- Plot 5 is substantially closer to the southern boundary;
- Plot 5 garage is significantly closer to the southern boundary than indicated on the 2018 layout plan.
- Plot 6 is notably closer to the southern boundary when measured from the rear cross-wing, but the difference is insignificant when measured from the western end gable.

3.16. In terms of the location of the buildings relative to each other, the differences between the measurements scaled off the 2018 plan and those taken on site by Officers are largely negligible. The greatest difference – 110mm between Plot 2 and the garage for Plot 3 – is unlikely to be noticeable when viewing the development on site.

3.17. The layout plan submitted with the current Variation of Condition (“VoC”) application (Dwg Ref. 1471.21 Rev F) and the layout drawing provided with the 2017 NMA application (Dwg Ref. 1471.07) are almost entirely consistent with each other – to within 100mm (0.1m). “Almost” because two measurements, between Plots 3 and 4, are showing differences of 0.24m and 0.28m, respectively.

3.18. Given that the measurements scaled off the 2017 plan (Dwg Ref. 1471.07) are broadly the same as those scaled off the 2018 plan (Dwg Ref. 1471.21 Rev F), comparison with the measurements taken on site by Planning Enforcement gives very similar results.

3.19. The majority of the differences arising from the comparison of the measurements scaled off the 2018 plan and those taken on site by Officers are small enough to be considered to fall within a reasonable tolerance. However, some of the results – Plot 1 being approx. 0.5m further away from the west boundary, and Plot 5 being approx. 1m closer to the south boundary – are more than could be considered to be a minor error during the setting out process.

**Table 3.6:** Comparison of the measurements scaled off the layout drawing submitted with the current (2018) application and those taken on site in equivalent locations by the surveyor contracted by the Council indicate:

Plot	Dimension	Dwg. 1471.21F (2018)	Site Survey (2018)	Difference
1	To South workshop	14.23	13.83	-0.40
1	To West boundary	3.14	3.25	+0.11
1	To West boundary	2.33	2.57	+0.24
1	To North boundary	7.01	n/a	n/a
3	To North Boundary	n/a	n/a	n/a
4	To North boundary	n/a	n/a	n/a
4	To North-East boundary	n/a	n/a	n/a
4	To East boundary	2.88	n/a	n/a
4	To East boundary	5.31	4.55	-0.76
5	To East boundary	2.36	n/a	n/a
5	To East boundary	1.40	1.25	-0.15
5	To South boundary	14.98	13.95	-1.03
5	To South boundary	11.49	10.77	-0.72
5 garage	To South boundary	9.67	8.85	-0.82
6 wing	To South boundary	8.81	8.53	-0.28
6 wing	To South boundary	8.40	8.24	-0.16
6 gable	To South boundary	10.24	10.20	-0.04

Plot	Dimension	Dwg. 1471.21F (2018)	Site Survey (2018)	Difference
2	To Plot 3 garage	3.01	2.93	-0.08
2	To Plot 3 dwelling	6.07	6.05	-0.02
3	To Plot 4 garage	0.99	n/a	n/a
3	To Plot 4 dwelling	5.85	5.72	-0.13
3	To Plot 6 dwelling	12.55	12.48	-0.07
4	To Plot 5 dwelling	6.30	6.24	-0.06

3.20. These results indicate broadly the same issues as those identified by the comparison of measurements scaled off the 2018 layout drawing and the measurements taken on site by Officers – Plot 1 is further away from the western boundary, and Plot 5 is closer to the southern boundary. The survey also suggests Plot 4 is closer to the eastern boundary, in contrast to the measurements taken by Officers – this may be more likely to do with a disparity in measurement point than an indication that the building is actually closer to the boundary.

**Table 3.7:** Measurements scaled off the drawing detailing the 2018 site survey results, and comparison with the measurements taken on site by Planning Enforcement indicate:

Plot	Dimension	Site Survey (2018)	Enforcement Measurements	Difference
1	To South workshop	13.83	14.10	+0.27
1	To West boundary	3.25	3.36	+0.11
1	To West boundary	2.57	2.79	+0.22
1	To North boundary	n/a	7.39	n/a
3	To North Boundary	n/a	n/a	n/a
4	To North boundary	n/a	n/a	n/a
4	To North-East boundary	n/a	n/a	n/a
4	To East boundary	n/a	2.75	n/a
4	To East boundary	4.55	5.17	+0.62
5	To East boundary	n/a	2.29	n/a
5	To East boundary	1.25	1.21	-0.04
5	To South boundary	13.95	14.00	+0.05
5	To South boundary	10.77	10.69	-0.08
5 garage	To South boundary	8.85	9.07	+0.22
6 wing	To South boundary	8.53	8.55	+0.02
6 wing	To South boundary	8.24	8.26	+0.02
6 gable	To South boundary	10.20	10.23	+0.03

Plot	Dimension	Site Survey (2018)	Enforcement Measurements	Difference
2	To Plot 3 garage	2.93	2.90	-0.03
2	To Plot 3 dwelling	6.05	6.01	-0.04
3	To Plot 4 garage	n/a	0.97	n/a
3	To Plot 4 dwelling	5.72	5.84	+0.12
3	To Plot 6 dwelling	12.48	12.51	+0.03
4	To Plot 5 dwelling	6.24	6.25	+0.01

- 3.21. Layout measurements taken from the 2018 survey commissioned by the Council and those taken by Planning Enforcement on site are close enough to be considered consistent – apart from one anomalous result: the distance of Plot 4 to the eastern boundary, shown by the survey to be 4.55m, and by officer measurements to be 5.16m – a difference of 0.62m. As above, this may be due to a disparity with the measurement point rather than an indication that the building is incorrectly located.
- 3.22. The degree of consistency across the results of the 2018 survey and the Planning Enforcement measurements gives confidence in terms of the reliability of both sets of measurements – in effect, they verify each other. Taking an average of the Officer measurements and the survey readings and comparing the results to the measurements scaled off the 2018 layout plan highlights (and confirms) the conclusions reached from the individual assessments of site measurements versus the layout plan.

**Table 3.8:** Comparison of average measurements from the results of the on-site measurements taken by Officers and the surveyor contracted by the Council with the readings scaled of the 2018 layout plan:

Plot	Dimension	Dwg. 1471.21F (2018)	Enforcement Measurements	Site Survey (2018)	Enforcement / Survey Average	Difference v Drawing
1	To South Workshop	14.23	14.10	13.83	13.96	-0.27
1	To West boundary	3.14	3.36	3.25	3.31	+0.17
1	To West boundary	2.33	2.79	2.57	2.68	+0.35
1	To North boundary	7.01	7.39	n/a	7.39	+0.38
3	To North Boundary	n/a	n/a	n/a	n/a	n/a
4	To North Boundary	n/a	n/a	n/a	n/a	n/a
4	To North-East Boundary	n/a	n/a	n/a	n/a	n/a
4	To East boundary	2.88	2.75	n/a	2.75	-0.13
4	To East boundary	5.31	5.17	4.55	4.86	-0.45
5	To East boundary	2.36	2.29	n/a	2.29	-0.07
5	To East boundary	1.40	1.21	1.25	1.23	-0.17
5	To South boundary	14.98	14.00	13.95	13.98	-1.00
5	To South boundary	11.49	10.69	10.77	10.73	-0.76
5 garage	To South boundary	9.67	9.07	8.85	8.96	-0.71
6 wing	To South boundary	8.81	8.55	8.53	8.54	-0.27
6 wing	To South boundary	8.40	8.26	8.24	8.25	-0.15
6 gable	To South boundary	10.24	10.23	10.20	10.22	-0.02

Plot	Dimension	Dwg. 1471.21F (2018)	Enforcement Measurements	Site Survey (2018)	Enforcement / Survey Average	Difference v Drawing
2	To Plot 3 garage	3.01	2.90	2.93	2.92	-0.09
2	To Plot 3 dwelling	6.07	6.01	6.05	6.03	-0.04
3	To Plot 4 garage	0.99	0.97	n/a	0.97	-0.02
3	To Plot 4 dwelling	5.85	5.84	5.72	5.78	-0.07
3	To Plot 6 dwelling	12.55	12.51	12.48	12.50	-0.05
4	To Plot 5 dwelling	6.30	6.25	6.24	6.25	-0.05

3.23. These results confirm the findings of the comparisons with the measurements scaled off the 2018 layout drawing, that:

- Plot 1 is further away from the western and northern boundaries;
- Plot 4 is marginally closer to the eastern boundary;
- Plot 5 is substantially closer to the southern boundary;
- Plot 5 garage is significantly closer to the southern boundary;
- Plot 6 is notably closer to the southern boundary when measured from the rear cross-wing, but the difference is insignificant when measured from the western end gable.

3.24. In addition, the results confirm that the position of the buildings relative to each other accords with that indicated on the 2018 layout drawing (and the plan approved under the 2017 NMA).

3.25. Analysis of the approved plans, proposed plans, surveys and site measurements suggests that the layout of the dwellings is consistent with that indicated on the approved plans, in terms of their proximity to one another. However, the position of the layout within the site is not in accordance with the submitted drawings.

- 3.26. Of particular concern is the position of Plot 5 – closer to the southern boundary by approx. 1 metre. However, the concerns raised by the local community in respect of Plot 6 can be assuaged by this analysis as it indicates the position of Plot 6 is not sufficiently different to that indicated on the submitted drawings to be noticeable when viewing the dwelling on site.
- 3.27. It may, therefore, be necessary to assess whether or not the change of location of Plots 1 and 5 within the site results in a materially different development to that indicated on the previously approved (2017 NMA) permission.

Site Sections Plan:

- 3.28. The assessment of the submitted plans has highlighted further issues with the 'site sections' drawing accompanying the original 2014 application. In terms of layout, discrepancies on the site sections drawing (ref. 3368:24) are as follows:
- Plot 6 is shown to be further away from the existing properties (approx. 14m on the sections drawing versus approx. 10m on the layout);
  - Plots 3 and 6 are shown to be closer together within the site (approx. 10m between plots versus approx. 13.5m on the layout drawing);
  - Plot 6 cross-wing is not shown – the gable of the wing is at least 1.5 metres closer to the southern boundary than the main part of the house.
- 3.29. These discrepancies mean the site sections plan further misleads in terms of its depiction of the proposed development, in addition to the discrepancies already highlighted previously with regard to ground levels and the dimensions of the buildings.

## **Part 4 – Summary:**

### Levels:

#### Site Sections Plan – Drawing Ref. 3368:18, B/14/01103:

- 4.1. The indication on the site sections drawing is that the intention was to level the gradient on site for the areas to be occupied by Plot 6 and Plot 3, and for the levelling works to marginally raise ground levels for the area to be occupied by Plot 6, and provide a reduction in ground levels for the area to be occupied by Plot 3. The survey commissioned by BDC shows that ground levels for the area occupied by Plot 3 have actually been lowered by less than indicated on the site sections plan, whilst the ground levels for the area occupied by Plot 6 have actually been raised significantly instead of marginally.

#### Proposed Setting Out and Landscaping Plan – Drawing Ref. 1471.21F, DC/18/00929:

- 4.2. None of the levels on site, for the reference points used, match those indicated as either existing, retained or proposed on the layout drawing submitted with the current (2018) application.
- 4.3. For some, the difference is marginal and could be accepted as being within a reasonable tolerance – the survey commissioned by the Council confirms the levels implemented on site for Plot 3 to be approximately equal to those proposed on the layout drawing submitted with the current (2018) application.
- 4.4. For others, the difference between ‘proposed’ and ‘actual’ levels is significant – the survey commissioned by the Council indicates the levels implemented on site for Plot 6 to be between approximately 410mm and 650mm higher than those proposed on the layout drawing submitted with the current (2018) application.
- 4.5. As such, due consideration should be given to whether or not they result in a materially different development to that proposed on the drawings submitted with the current application.
- 4.6. Finished Floor Levels (FFLs) for the new dwellings, proposed on the drawing submitted with the current application, are higher than ground levels, for the most part, by significantly more than is required by Building Regulations. The survey commissioned by the Council confirms the differences between ground levels and floor levels proposed under the current application to have been replicated approximately on site – except for Plot 6, where the difference between ground levels and floor levels is around half that indicated on the drawing accompanying the application.

### Dimensions:

#### Site Sections Plan – Drawing Ref. 3368:18, B/14/01103:

- 4.7. The ‘proposed’ section drawing submitted with the 2014 application was inaccurate and, importantly, misleading in its representation of the heights of Plots 3 and 6 of the proposed development.
- 4.8. The elevations drawings submitted with the 2014 application depicted the ridge heights of the dwellings to be over 8.5 metres, whilst the sections drawing showed the ridge for Plot 3 to be around 7.1 metres and the ridge for Plot 6 to be approx. 7.24 metres.
- 4.9. The survey commissioned by the Council indicates the difference between the actual ‘as built’ heights of Plots 3 and 6 to be 1.95 metres and 1.64 metres, respectively, above those shown on the site sections plan.

- 4.10. A survey independently commissioned by the neighbours of the development site has concluded that the new dwellings are approx. 2.6 metres taller than existing dwellings to the south and west of the site. The Council's survey confirms these measurements in terms of the 'pure' height difference between the ridges of the old and new dwellings. However, the suggestion that the new dwellings are 2.6 metres taller takes no account of the rise in ground levels within the development site. The actual difference (according to the Council's survey) between the height of White Horse House from ground level to ridge and Plot 6 of the new development from ground level to ridge is 2.17 metres.
- 4.11. This difference is significant, more so when the site sections drawing depicted the development as having ridges at approximately the same height as the existing White Horse House.

*Proposed Setting Out and Landscaping Plan – Drawing Ref. 1471.21F, DC/18/00929:*

- 4.12. The survey commissioned by the Council shows floor levels of the dwellings are accurate (max. +30mm) compared to the indication on Dwg. 1471.21F – the only exception is Plot 3, where the floor level is approx. 220mm lower than indicated on the plan.
- 4.13. Similarly, ground levels are shown by the Council's survey to be mostly accurate (max. +/-80mm) compared to the indication on Dwg. 1471.21F – several exceptions exist in this case: Plot 3 ground levels are 230mm lower at the front of the building, and 270mm lower at the rear, than indicated on the drawing; Plot 4 ground levels are 340mm lower at the rear of the building than indicated on the drawing; and, ground levels for Plot 6 are 640mm higher at the front of the building, and 510mm higher at the rear, than shown on the drawing.
- 4.14. From floor level to ridge, the Council's survey reveals the buildings to be between 40mm and 250mm lower in height than indicated by the elevations drawings submitted with the 2017 NMA application. However, the NMA drawings give no indication of DPC, so it is assumed they depict the dimensions of the buildings from ground level. In that case, the dwellings are between 190mm and 440mm higher than shown on the NMA plans.
- 4.15. These differences equate to an increase in the height of the dwellings of between 2.2% and 4.8%. The Planning Enforcement team normally consider a difference between approved plans and actual build of more than +100mm to be greater than what could reasonably be deemed as an acceptable tolerance under normal construction circumstances, and would advise the developer to seek to regularise the anomaly through a planning application.

*Layout:*

*Site Sections Plan – Drawing Ref. 3368:18, B/14/01103:*

- 4.16. The 'site sections' drawing accompanying the original 2014 application, when compared to the layout drawing with the same application, shows Plot 6 approximately 4 metres further away from the existing properties, and without a cross wing – the gable of which would be at least 1.5 metres closer to White Horse House than the main part of the new dwelling. In addition, the site sections drawing shows Plots 3 and 6 to be approximately 3.5 metres closer together within the site.
- 4.17. These discrepancies mean the site sections plan further misleads in terms of its depiction of the proposed development, in addition to the discrepancies already highlighted previously with regard to ground levels and the dimensions of the buildings.

*Proposed Setting Out and Landscaping Plan – Drawing Ref. 1471.21F, DC/18/00929:*

- 4.18. Comparison of the layout plan submitted with the 2014 application and the drawing provided with the 2017 NMA application indicates a number of differences in terms of the position of the dwellings relative to the site boundaries. Where comparison can be made between the 2017 and 2018 layout plans (all measurements bar those to the northern boundary) the results are closely comparable.
- 4.19. It should be noted, however, that there also appear to be differences between the 2014 and 2017 plans in terms of the dimensions of the site as a whole, and the area within the confines of the site. These differences in the site dimensions appear to account for almost all of the discrepancies between the plans.
- 4.20. Layout measurements taken from the 2018 survey commissioned by the Council and those taken by Planning Enforcement on site are close enough to be considered consistent. Council measurements also confirm that the position of the buildings relative to each other accords with that indicated on the 2018 layout drawing (and the plan approved under the 2017 NMA).
- 4.21. However, the position of the layout within the site is not in accordance with the submitted drawings. Of particular concern is the position of Plot 5 – closer to the southern boundary by approx. 1 metre. However, the concerns raised by the local community in respect of Plot 6 can be assuaged by this analysis as it indicates the position of Plot 6 is not sufficiently different to that indicated on the submitted drawings to be noticeable when viewing the dwelling on site.
- 4.22. It may, therefore, be necessary to assess whether or not the change of location of Plots 1 and 5 within the site results in a materially different development to that indicated on the previously approved (2017 NMA) permission.



## **Part 5 – Conclusions:**

### Levels:

- 5.1 The current proposals are to build at existing site ground levels. The survey commissioned by the Council confirms that the proposed ground levels for the new dwellings – depicted on Dwg. Ref. 1471.21F – have been largely achieved on site. The exception to this is Plot 6.
- 5.2 Levels around Plot 6 have been cited by local residents as being of particular concern, and the survey indicates levels have been increased across the Plot 6 area – ground levels being between 410mm and 650mm higher than indicated on the current (proposed) layout plan.
- 5.3 On that basis, the concerns raised by the local community are substantiated and need to be addressed.
- 5.4 In contrast, concerns raised by local residents in relation to levels at the southern boundary are not substantiated by the survey – the indication being that levels are lower (albeit, marginally) than before the site was redeveloped, though it should be noted that there are limited comparable reference points due to the absence of data on the 2003 survey (due to presence of buildings).

### Dimensions:

- 5.5 The floorplan dimensions of the buildings are consistent across the plans submitted with the various applications for development of the site, and are confirmed by measurements taken on site by the Council's Planning Enforcement Officers.
- 5.6 Measurements taken on site by Enforcement Officers and the survey commissioned by the Council conclude that the dwellings have been constructed with a height which exceeds that depicted on the elevations drawings submitted with the 2017 NMA application – by between 190mm and 440mm, or 2.2% to 4.8%.

### Layout:

- 5.7 The layout of the development in terms of the proximity of buildings to one another accords with that depicted on the plans. However, the position of the layout within the confines of the site appears to be different to that shown on the plans, with Plot 1 being around 350mm further away from the western boundary of the site, and Plot 5 being around 1 metre closer to the southern boundary. However, the location of Plot 6 accords with that shown on the drawings.
- 5.8 Taking account of the above findings, it may be reasonable to conclude that the development as built is materially different to that indicated on the drawings accompanying the current application, and will have a different impact on the locality and the residential amenity of existing residential properties compared to those proposals, and compared to the development illustrated on the previously approved plans.

### Site Sections Plan:

- 5.9 The site sections plan submitted with the 2014 application contains a number of inaccuracies – even when compared to the other plans and drawings accompanying the 2014 application. The site sections drawing presents the new dwellings (specifically, Plots 3 and 6) as having ridge heights approximately equal to the existing dwelling to the south of the site, White Horse House. The elevations drawings submitted with the 2014 application provided for the dwellings to be around 1.5 metres taller than shown on the site sections plan.

- 5.10 In addition, the layout and form of the new dwellings shown on the site sections plan is inaccurate – the proximity of the new dwellings to one another, and the distance of the new dwellings from existing properties are different to equivalent dimensions on layout drawings; and, the footprints of the new dwellings are different to those shown on the relevant elevations and floorplan drawings.
- 5.11 The effect of these discrepancies is that the development shown on the site sections drawing would not have been what appeared on site, even if there had been no subsequent amendments. In order to be representative of the development proposed in 2014, the site sections drawing should show Plot 6 as being closer to White Horse House by around 4 metres; taller than White Horse House in overall height by more than 1.3 metres; and, wider (front to rear) in overall dimension by the inclusion of the cross wing, bringing the distance to the boundary with White Horse House down by a further 1.5 metres.
- 5.12 In addition, the site sections plan indicated levels would be increased slightly (170mm) at the rear of Plot 6 and reduced marginally (70mm) at the front. The layout drawing submitted with the current application proposes different ground levels to those on the 2014 site sections drawing – such that Plot 6 would be constructed on ground levels 0.3m lower at the rear and up to 0.4m higher at the front.
- 5.13 As the levels for the Plot 6 area have actually been raised throughout, the dwelling as built now appears to be significantly taller than shown on the site sections plan, as well as closer and with a different form, meaning the site sections drawing is even less representative of the proposed development now than it was when it was submitted with the 2014 application.