mmplanning
123 Derwent Crescent
Howden
East Yorkshire
DN14 7AP

30 November 2016

Your ref: 16/01887/73A

Development Management
Ryedale District Council
Ryedale House
Malton
YO17 7HH

Dear Mr Housden,

VARIATION OF CONDITION 21 OF APPROVAL 12/00809/73A DATED 29.11.2012 TO STATE THAT THE APPROVED PLANS SHALL BE "619/21H SITE LAYOUT, 619/20D HOUSE TYPE DESIGN, 619/22B WINDOW DETAILS EAVES DETAILS AND 619/23 ADDITIONAL DOOR DETAILS" ON LAND AT CORNER OF CHAPEL ROAD AND FORKERS LANE SETTRINGTON MALTON NORTH YORKSHIRE

Following your advice in connection with the above proposal please find set out below an explanation as to the purpose of this application.

Increase in Height

As you know the Council's Enforcement Officer, Mr Tim Goodall, contacted the Applicant on 24 October 2016 by email. This email advised Mr Benson of the following:-

> *"Following complaints that the building was not being constructed in accordance with the approved plans, the site has been visited by Council officers. It was determined that the internal ground floor is higher than approved – there is a step up from ground floor to the front door that is not shown on the approved plans. As such the building is 0.2 metres – 0.3 metres higher than it should be.*
>
> *In an attempt to remedy this breach of planning control, you should submit revised drawings to the Local Planning Authority for consideration. These plans should be a formal submission to vary condition 21 of planning permission 12/00809/73A."*

Rather than relying upon anecdotal evidence that the *"building is 0.2 metres – 0.3 metres"* higher than it should, the Applicant undertook to have accurate levels taken of the development. A copy of the Timber Frame Construction Drawing has also been provided to the Architect and this has been utilised in the provision of Drawing Number 619/ 20D.

The Applicant has provided levels information as set out on Drawing Number 619/21H, which confirms that the Finished Floor Level of the dwelling as built is 37.71 AOD and the finished pathway level to the front entrances will be 37.65 AOD. The "as approved" drawing 619/21A provided for a Finished Floor Level of 37.31 AOD and finished pathway height of 37.25 AOD.

The following explanation sets out the circumstances that led up to the building being erected with a higher Finished Floor Level than the approved levels.

The approved FFL was low relative to the existing ground levels. There is a Building Regulation which states that the external wall DPC should be a minimum 150mm above

external ground level. So, a ground FFL of 37.31 would normally relate to external levels which are 37.16, or lower. An inspection of the topographic levels indicates this is not the case. There are external ground levels adjacent the neighbouring house which are 37.67 and 37.47. The proposed dwelling is set 1m to the east of these two levels.

There were considered to be three basic options to address this;

1. Locally reduce ground levels – which risks undermining the adjacent existing building and threatening its structural integrity;
2. Locally dig in against the existing building and along the north site boundary (until levels grade back sufficiently). This would involve localised retainment and tanking of the external wall; or
3. Raise the FFL which in the simplest option is 37.67 + 0.15 = 37.82 FFL

With this in mind the Applicant decided upon an "all round compromise" of these three options:-

- FFL is 37.71 – which is 110mm lower than option 3 above; and
- The existing neighbouring levels are maintained with a sensible cross grade across the 1m separation gap of say 50 or 60mm will result in the external ground level against the new dwelling being set at approximately 37.56 to achieve the 150mm stepdown required by Building Regulations.

This is the Applicant's first new build development and, whilst ignorance is no excuse, he considered that he was doing the right thing by maintaining compliance with Building regulations and by the neighbours.

The above explanation accounts for 400 mm of the height increase. The addition 100 mm increase in height has resulted from the Timber Frame Construction. The Bramhall Blenkham approved design had a very minimal eaves zone above the window heads. This detail was replicated by Jenneson Associates for the Discharge of Condition Application in order to maintain the "as approved" external appearance. Jenneson Associates have now had sight of the plans for the timber frame design and have confirmed that it accords exactly with their technical design in respect of the ground and first floor head and sill heights, etc. It varies, however at the eaves detail, which, I am advised, has been "stiffened up" and as a consequence the whole roof construction is 100m higher than the "as approved". Timber beams within the timber frame run across the window heads to provide support for the roof trusses load which bear onto it. The "as approved" design provided insufficient structural height above the window head within the timber frame to bear the load associated with the roof construction and as a result the eaves detail has been modified.

Amended Siting

When we spoke on the 25th November you advised that complaints related not just to the height of the building but also that the building was in the wrong place and it had been suggested that the refused permission was being constructed. I would confirm that the refused scheme is not being constructed. The building being erected is that approved under reference 12/00809/73A and the Discharge of Conditions approval.

The Applicant was advised of the claims that the dwelling is in the wrong place and this morning I have been provided with accurate site measurements from the builder. These are confirmed as follows:-

> *"Drawing measurement from rear boundary is 1248mm, actual 1245mm, and 1811mm and actual 1852mm. The gable end measurement off the drawing is 1000mm actual is 965mm.*

These very small differences may have been caused by squaring the plot overall which is essential for a timber frame type construction."

Having checked the dimensions referred to on the approve drawing these are not actually taken from the rear boundary fence line, they were taken from the edge of the neighbour's driveway as it was seen as being the nearest permanent physical feature. This was an honest clerical error on the part of the Applicant and Builder; until you raised it with me last week I had taken these dimensions to be from the boundary as well. It was only upon closer inspection of the drawing and sight of a photograph showing scaffolding erected between the rear elevation and the boundary fence that I began to have doubts. Again, whilst ignorance is not defence, the Builder and Applicant would not have considered the siting to be wrong as to comply with Building Regulations the dwelling would have had to be sited at least a metre off the rear boundary due to the inclusion of windows in the rear elevation.

Perhaps the fact that the building is located further south than it should be would mitigate for the increase in overall height?

I have spoken with Architect this morning and he is in the process of amending the layout drawing to reflect the dimensions that we have been provided with. This will be sent on to you as soon as it is completed.

It is hoped that the above paragraphs provide you with sufficient explanation as to how the existing situation has occurred however should you have any queries in connection with the above please do not hesitate to contact me.

Yours sincerely

Melissa Madge
MRTPI, MA & Dip TP