

Development Control Committee Supplementary Schedule

Containing information received
since the distribution of the
main schedule of applications

15th September 2017

6th September 2017

Richard Maunsell
Case Officer
Carlisle District Planning Department
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG
Cumbria

David Stephenson
Caerluel
Wetheral
Carlisle
Cumbria
CA4 8JG

Application 17/0540

Dear Mr Maunsell

On 31st August you wrote to us to us advising that additional plans has been posted on the Planning Portal and offering residents 14 days to respond.

Investigation showed the addition of two new drawings. However, on Friday 1st September an further 23 Drawings were uploaded followed on Monday 4th September by yet two more documents. Our statutory rights allows for 14 days to review these additional documents.

I can only assume that their late submission offers insufficient time for this application to receive its hearing at the September Development and Control Meeting. I would assume that the hearing will therefore be deferred until the Development and Control Committee Meeting on 20th October? Could you please confirm.

I am grateful that the developer has provided a more complete set of drawings to support his application however my objections letters of 4th July and 20th August still apply.

The principle issues are:

1. This application should not be heard until the results of the appeal to the planning Inspectorate 17/0304 have been published. Many elements of this Application are elements of the appeal currently before the inspector.
2. The Planning Inspector, whilst not having an objection to accommodation **within** the roof space? However he concluded he could not see any way that he would approve the roof in its current form. The Developers efforts to address the Inspectors remarks fail to address the key areas of the Inspector's concerns.

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3. There is this constant Reference to the "approved 14/0472". I would once again remind you that there was **no** Roof Apartment included in the approved drawing. If it is the developers intention to raise the Roof Ridges to that of 14/0472 I suggest he should also be made to reinstate the flat roof that is also part of the approved drawing? See shaded



blue area below.

4. Much is made of the height of the roof ridges being approved under 14/0472 which may be so, but the existence of an apartment in the roof space was consistently denied by Citadel Estates at that time. On 1st June 2015 Dean Montgomery stated publicly in the Cumberland Star & News that "Skelton House is being constructed in accordance with planning approval 14/0472." My point is that on one hand you cannot argue that you have approval for something that previously you denied the existence of. The roof scape of 14/0472 bares no resemblance to that which has been built and I think as planner you should be mindful of this when making your recommendations to the Development and Control Committee.
5. The removal of the Lift Housing is welcomed. However, there is no attempt to remove or adjust the plethora of the Roof Lanterns, Roof Lights air-conditioning units all of which are without approval and are at a similar height to that of the existing lift housing.

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6. Outline planning approval was originally granted for 15 apartments this has now been approved for 16 apartments but it should not be considered a given that it is the developers right to create a 17th Apartment without approval.
 7. Squire Patton Boggs makes much of the fact that the addition of planters should be considered a blessing and their ability to restrict the intrusion of overlooking the neighbouring property Acorn Bank. Like so much of the report it is an embellishment of the true status. Mr Montgomery has already drastically "pruned" these bushes proving their impracticability and sustainability as a method providing screening and improving the situation of Acorn Bank. It is also ridiculous to suggest their addition as being an enhancement to the development.



8. The picture above clearly shows Mr Montgomery and his lack of concern for the privacy of his neighbour totally undermining point outlined in the Squire Pattern Boggs assessment.
9. Squire Patton Boggs assessment is a prefabrication of the facts I would like to get your opinion on where this additional apartment falls within the "Public Interest" based on the thousand plus letters of objection attached to this development. I think it reflects the lack of longevity this company has, attached to the promotion of this development. Inspector Brier stated that he could not see how this roof could be approved in its current form a point omitted from the Assessment and hardly an endorsement of acceptance!
 - *The principle of providing additional living accommodation within the existing roof space is acceptable, beneficial in the public interest and was accepted by Inspector Brier.*
10. I also would again question the status of this application under section 70A of the Town and Country Planning Act. As so much of this application, as previously stated has been refused. After all the window to the terrace may now be described as a glass screen. However, once approved this window/screen or what ever is the latest way of describing it can still be easily be removed and the doors reinstated. There is much in the history of this development that would support this line of thinking.

In conclusion I would like to reinforce my objection to this proposal and ask that it is rejected for the reasons summarised above.

Yours sincerely

David Stephenson

PLANNING SERVICES	
17/0540	
0172	
-5 SEP 2017	
RECORDED	AS
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Re: Application 17/0540 - Skelton Court Wetheral

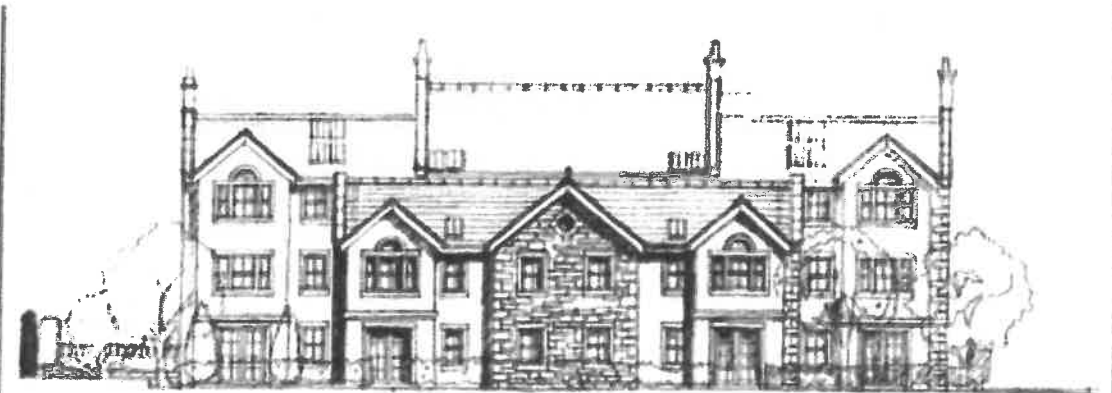
Dear Mr Maunsell,

I am writing once again to object to the latest additions to the above application, an additional 22 documents have been added to the planning portal in the last few days, we strongly believe these additions have been submitted to confuse, distract and blur the real issues attached to this application, namely

The approval of a repeatedly refused very large penthouse apartment and it's terrace constructed with no planning permission and with invasive and intrusive overlooking issues in a conservation area.

Despite the endless stream of documents attached to this application, all are either "as proposed" or "as existing" not a single plan shows the building as APPROVED.

As the existing and proposed have no approval comparisons and decision can only be weighed against that which has approval under 14/0472.



Approved plan showing symmetrical staggered pitched roof ridges, with only the central section elevated.



NORTHERN ELEVATION
(REAR)

The unapproved plan shows the 3 pitches replaced with a large expanse of roof. This has been moved to the right, flattened, extended & heightened creating one solid mass. A flat roof tops this filled with roof lanterns and box shaped housings.

The inspector finds this unacceptable to both the

CITADEL ESTATES Ltd	NORTH ELEVATION		
	PLATS AT SKELTON HOUSE, WETHERAL, BY CITADEL ESTATES Ltd		
	BY 15/05/17	BY 15/05/17	1:500
	REV E: 04-12-13 rooflights and box housings indicated		

The images above show the approved roof profile against the "as built" roof profile, the roof ridges of the entire building have been completely altered in order to accommodate this penthouse apartment and its terrace. The inspector was quite clear that these alterations to the roof profile were unacceptable and detracted from the appearance of the conservation area and the setting of Acorn Bank.

Para 51 "As regards the third floor flat, I see no reason to take issue with the principal of providing additional living accommodation within the roof space of Skelton Court. However, the physical consequences of the particular scheme in question are such that they render it unacceptable. Not only would the living conditions of the neighbours be harmed as a result of the Creation of the Roof Terrace, but also the alterations of the roof profile of the building would tend to detract from both the character and appearance of the Conservation Area and the setting of Acorn Bank. As such I consider this part of the scheme would be Contrary to the Carlisle District Plan Policies SP6, HO2, HE3, and HE7.

The applicants idea to change the sliding doors on the roof terrace to windows are an attempt to retain the terrace for future use. As far as I am aware there is no permission required to change windows to doors or vice versa. The terrace currently has many outdoor facilities; heating, lighting, music systems, barbecue, seating and planters are all these items being removed as well. The planters have actively encouraged the overlooking of our home and garden by using them as a step the occupant has used them to increased the view into both our home and garden. The proposal to change glass screen/window/door is going to change nothing.

The applicant wishes to reinstate the ridges surrounding the terrace to a height that has previous approval, stating the terrace will become a flat roof with access only for maintenance, might that access be through a door to clean windows and guttering etc? if so this is access to a roof terrace. We strongly agree with these ridges being raised but we also believe the flat roof that abutted these ridges on the approved document should also be reinstated.

There is no apartment or terrace within the roof space of the approved documents, the block plan however clearly shows a flat roof adjoining those ridges. Therefore the ridges should be reinstated together with the flat roof attached to them.

This would then permanently remove any possibility of overlooking. The applicant has now been a permanent resident of this apartment for well over a year and the issue of overlooking and our loss of privacy has continued throughout this time. The images below show the managing director of Citadel Estates and his friends taking great pleasure in peering into our private home and outdoor space, further highlighting the inspectors concerns over our loss of privacy





Para 47. Because of the elevated position and relative proximity of the roof terrace to Acorn Bank, I consider the neighbours concern about the loss of privacy in their home and garden is well founded

"In addition to this , my impression was that for essentially the same reasons, the very presence of a roof terrace has a somewhat brooding and oppressive effect on Acorn Bank. To my mind this is likely to be a source of apprehension for the neighbours in its own right and would also contribute to making Acorn Bank a less pleasant place in which to live"



Under the approved documents there are no incongruous additions to the flat roofs topping the building, the issues surrounding the lift shaft housing raised by the inspector were because the lift shaft housing was part of Carlisle City Councils enforcement notice. The glass additions and air-conditioning unit are equally incongruous to the conservation area and do nothing to preserve or enhance the listed building, they are there with the sole purpose of letting light into the penthouse apartment. As this apartment has no approval neither does any of these additional elements which are highly visible from many areas of the village.

In the supporting statement by Squire Patton Boggs many paragraphs from the inspectors report have been manipulated and construed in favour of the development, for example

5.1 The principle of providing additional living accommodation within the existing roof space is acceptable,

The word existing does not actually appear with in the sentence of the inspectors report

"I see no reason to take issue with the principle of providing additional living accommodation within the roof space."

The inspectors statement refers to the approved roof space with no mention of the word existing

Their sentence continues beneficial in the public interest and was accepted by Inspector Brier

In reality Inspector Brier found it not to be in the public interest, he went on to dismiss the appeal and uphold the enforcement notice therefore he did not find it acceptable.

"Framework advises that this harm should be weighed against the public benefits of the proposal. Here though, the benefits that have accrued from the disputed development appear to me to be essentially private ones. As a result, they do not outweigh the harm to the significance of the conservation area or that of Acorn Bank"

"I dismiss the appeal and uphold the notice as corrected insofar as it relates to the creation of an additional flat within the existing roof space including lift housing and external roof terrace"

There is absolutely no doubt that the inspector refused this apartment within the existing roof space. The minor alteration to the 2 ridges surrounding the terrace does not address the wider issue of the alteration of the roof ridges to the whole building nor does it address the apartment within the existing roof space, of which both were a major concern to the inspector.

No matter how many times the inspectors words have been misinterpreted, twisted or construed he could not have made it more clear in his final conclusion

"I dismiss the appeal and uphold the notice as corrected insofar as it relates to the creation of an additional flat within the existing roof space including lift housing and external roof terrace"

Isabel Ferguson
Acorn Bank
Wetheral
CA4 8JG

From Ms E.M.Clark 12 Croft Park Wetheral Carlisle CA4 8JH

26th August 2017

Mr Richard Maunsell
Planning Department
Civic Centre
Carlisle CA3 8QG

PLANNING SERVICES	
REF	17/0540
0104	17/0540
31 AUG 2017	
RECORDED	KP
SCANNED	KP
PASSED TO	Rm
ACTION	

12 Croft
park

Dear Mr Maunsell,

Skelton Court (formerly Skelton House) Wetheral -
Ref: application 17/0540 - recent amendments

With reference to the recent amendments submitted by Citadel Estates, there can be no precedent for accepting any further submissions to alter parts of the building – Skelton Court- that has had planning permission refused in the first place.

Until the awaited decision by the Planning Inspectorate regarding the original application these latest amendments should be held in abeyance.

I therefore submit my objections to the recent proposals to alter the height of the Lift housing.

Yours sincerely,

Ms Eileen Clark

**Carleton House
Carleton
Carlisle
CA4 0BU**

30 August 2017

Richard Maunsell Esq
Case Officer
Planning Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8BQ

PLANNING SERVICES	
REF	17/0540
01 SEP 2017	
0157	
RECORDED	
SCANNED	
PASSED TO	
ACTION	RJM

Dear Mr Maunsell

Variation of Condition 1 (Approved Documents) of Previously Approved Permission 14/0472 to form a 2 Bedroom Flat within the Roofspace including Replacement of Sliding Doors with Windows; Reduce the Height of the Lift to 0.3 metres above the Roof; and Raise the Ridgeline on the East Elevation to 1.8 metres above Existing Flat Roof Floor Level (Part Retrospective)
Skelton Court (formerly Skelton House), Wetheral CA4 8JG
Application Reference: 17/0540

I refer to your letter of 18 August 2017 notifying Amended Details /Further Information in respect of the above Application 17/0540.

Once again I am writing to object to this Application as yet more variations are submitted by the Applicant supported by drawings which only serve to confuse the situation further while he continues to ignore the amendments required of him to comply with the permission granted.

It is now time for the Council to spend no more time and energy deliberating on this and simply to instruct the Applicant to comply with all elements of the planning permission as granted. Furthermore, this Application is spurious and should not be brought before the Development Committee until a decision is made on the Applicant's appeal to the Planning Inspectorate (17/0304).

Yours sincerely

Ann Wyn Sherman

**CARLETON HOUSE
CARLETON
CARLISLE
CA4 0BU**

30 August 2017

PLANNING SERVICES	
REF	17/0540
01 SEP 2017	
015805	
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Richard Maunsell Esq
Case Officer
Planning Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Mr Maunsell

Variation of Condition 1 (Approved Documents) of Previously Approved Permission 14/0472 to Form a 2no Bedroom Flat Within the Roofspace Including Replacement of Sliding Doors with Windows; Reduce the Height of the Lift Housing to 0.3 Metres Above the Roof; and Raise the Ridgeline on the East Elevation to 1.8 Metres Above Existing Flat Roof Floor Level (Part Retrospective)

Skelton Court (formerly Skelton House), Wetheral CA4 8JG
Application Reference: 17/0540

I refer to your letter of 18 August 2017 notifying Amended Details/Further Information in respect of the above Application 17/0540.

I am writing to object once again to these yet further amendments to the Application on this occasion accompanied by drawings which can best be described as confusing. The standard of the drawings is disgraceful.

The situation has now arrived at the point where the Council should waste no more time considering Application 17/0540 until the Applicant has complied fully with Application 14/0472 and until a decision is made on the Applicant's appeal against 17/0304.

Yours sincerely

William Sherman

Electronic Message Received

Message Type: DCONLINECOMMENT

CaseFullRef : 17/0540

Location : Skelton Court, (formerly Skelton House), Wetheral, CA4

PLANNING SERVICES	
REF:	17/0540
- 6 SEP 2017 ⁰⁰⁵⁹	
RECORDED	K1
SCANNED	
PAID TO	RTM
ACTION	

An electronic message was submitted to Acolaid on 05/09/2017 and was processed on 06/09/2017

Online Comment

Contact Name: Mr Peter Holland

Address: 19 Goosegarth

Wetheral

Carlisle

Postcode: CA4 8JR

Email Address:

Representation: OBJ

Comment: It is high time that this Developer was made to understand that "no" means "no". There should be no residential space in the roof space he has created specifically for non-residential use, and there should be no open roof terrace at all, which he has again created entirely without Planning Permission. Any construction beyond that for which he has Permission is carried out at his own risk, and he must now stand the cost of rectification to bring the building entirely in line with the applications that have been approved.

Indicated Right to Speak at Committee?: <No such tag (wishtospeak)>

Karen Lawson

From: karen.lawson@yarnborough.gov.uk
Sent: 05 September 2017 13:32
To: Richard Maunsell
Cc: Cllr Stephen Higgs; Cllr Barry Ogilvie Earp
Subject: Objection 17/0540 Skelton Court, Wetheral

PLANNING SERVICES	
REF	17/0540
0007 05 SEP 2017	
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ACTION	

Dear Mr Maunsell

I write to object but also seeking clarification and information. In their latest submission Squire, Patton, Boggs on behalf of their client Citadel Estates write:-

"The principle of providing additional living accommodation within the existing roof space is acceptable, beneficial in the public interest and also acceptable to Inspector Brier"

I can't argue that Citadel and SPB consider the scheme for the unauthorised apartment acceptable to themselves but I regret it is not acceptable to me nor I would assert anyone who believes in abiding by Planning Law, including local residents, the Parish Council, City Ward Councillors, nor interestingly your own Conservation Officer, given the apartment in question has been constructed without planning permission.

SPB assert the apartment is "beneficial in the public interest". To make such an assertion they must self evidently have evidence to support this claim which I presume they have shared with the Planning Department. In the spirit of open government will you please share it with me as from your website it would initially appear "the public" have without exception asserted this development is not in the public interest, nor in the interests of the adjacent listed building nor the Wetheral Conservation Area.

We then come on to their assertion that Inspector Brier found the scheme acceptable. Well not in my copy of his report he didn't. Inspector Brier had no objection per se to accommodation within a roof space (I note with interest the inclusion in SPB submission above of the word "existing" which I am unable to find in Para 51 of Inspector Brier's report). Were I a more jaundiced individual than I am I might consider this addition suspicious . In fact in my copy of his report Inspector Brier writes "the physical consequences of the particular scheme in question are such that they render it unacceptable" which I would assert cannot conceivably imply acceptability.

SPB go on to assert:-

"The existing sliding door would be replaced with windows to physically prevent access on to the adjacent flat roof"

The legal opinion I have sought on this matter tells me that were you to approve 17/0540 then given that Skelton Court is not listed and there is no legal definition of a window there is nothing in law to prevent the applicant either now or in the future replacing the existing sliding door with hinged French windows (or in fact reinstating doors) which would not "physically prevent access" to the terrace. As a Planner and a Department you are self evidently aware of the law and in addition have sought the opinion of your own legal professionals. I should therefore be grateful if you could by return give me assurance that what SPB assert is correct and how in law you as a Department would intend to prevent residents of this apartment accessing the roof terrace both now and in the future.

I look forward to receiving your reply and will you please record this as a further objection to 17/0540 which I assume will not be heard before the applicants current appeal to the Planning Inspectorate is decided.

Yours sincerely

