PLANNING STATEMENT IN SUPPORT OF A REVISED LAWFUL DEVELOPMENT CERTIFICATE APPLICATION

This statement is in support of an application for a certificate of lawfulness for a store, games area and hobby workshop in the rear garden of 4 Burton Crescent, Monk Bretton, Barnsley.
The proposal is to construct a single storey building to be used for purposes incidental to the enjoyment of the dwelling house.
This will include storage of equipment and games facilities for the applicant's grandchildren. The applicant has been previously advised by the Planning Officer that it would be helpful if the application included a list of items to be stored and used within the building.
The items that require secure storage include,
-jet washer,
-12ft ladders,
-2 pairs of step ladders,
-rattan patio set to include 2 patio chairs and double seat,
-small workbench,
-cement mixer,
-grass strimmer,
-12 storage boxes,
-wooden garden bench,
-shelving units,
-numerous hand tools,
-various tins of paint and strains etc,
-various children's toys and small bikes,
-items for the games and leisure area will include pool table, table tennis table, exercise bike and treadmill along with small exercise equipment.
The applicant has a fundamental right to submit further applications that contain new evidence and different circumstances. This is evidenced in this revised application,
See annex 8 of the town and country planning act: lawfulness and lawful development certificate (LDC).
Section 8.12 states,
"The fact that a LDC may be refused because the onus of proof is not discharged by the applicant does not preclude the submission of a further application if better evidence is subsequently available. A refusal to issue a LDC is therefore not necessarily conclusive that something is not lawful, it may merely mean that so far, insufficient evidence has been presented to satisfy the L.P.A. that the use, operation or activity is lawful"

The present structure does not currently fully relate to the proposed building that is the subject of this revised application in all areas, it is lacking a roof construction. This was noted by inspector Pleasant in appeal decision ref. APP/R4408/XX/21/3276280. No construction work has taken place since the inspectors site visit of 6/9/21.

To clarify this issue, this revised application must be assessed on the details and drawings submitted as well as in conjunction with what currently exists on site.

This revised application contains new evidence, in the form of drawings and photographs, clearly demonstrating that the raft foundation and the rear partially constructed reinforced external wall of the building, both of which are plainly integral parts of the building, currently abut the existing boundary wall with no gaps and that the highest ground level adjacent to both these parts is behind the existing boundary wall which can be seen currently on site. Both these two parts of the building

and the highest ground level adjacent to them are the only features that are relevant in this revised application.
This new evidence was witnessed by Mr Joe Jenkinson head of B.M.B.C. planning department and his officer Mr Paul Doherty on their site visit of 24/3/23. in the presence of Mr C. Barnett the applicant and his agent Mr R. Agus. There can be no ambiguity whatsoever as to the existence of these three crucial features.
All previous applications and appeals referred to by the L.P.A. for lawful development certificates related to pre- existing ground levels (ground that had been excavated and removed from the site) and a proposed building where its external walls were shown to be set back from the higher ground of neighbouring boundaries. See the wording of paragraphs 6 and 11 of the most recent appeal decision by inspector Pleasant BSc (Hons) Dip TP MRTPI Ref. APP/R4408/X/21/3276280 which states:- "the outbuilding is shown on the application drawing as being 500mm from the sites rear boundary" and which states:- "(500mm from the flank wall of the neighbouring garage)". Therefore all the decisions and assumptions that were made by the L.P.A. and the inspectorate on those previous applications must be disregarded as they are not relevant to the new evidence submitted in this revised application. It is a well established planning principle that each case should be decided on its own merits and with each case being a question of fact and degree for the planning authority. Further Mr Jenkinson Head of Planning has indicated his intention, in his email to the applicant dated 27/3/23 see attached, to disregard any new evidence submitted in all future applications and instead to refuse them based on those decisions and assumptions of pre-existing ground levels and gaps in previous applications that are not relevant to this new revised application.
The construction of the outbuilding was suspended in September 2021 pending confirmation from the legal department of B.M.B.C. that, in accordance with the ruling of the high court in the case of McGAW v WELSH MINISTERS (20200 EWHC 2588 (ADMIN) paragraphs 32 to 38 dated 7/10/22 which is relevant case law, neighbouring land at its highest point immediately adjacent to any part of a proposed building can be used to assess the height of the building for permitted development class (E) (ii) purposes.
Despite the refusal by Mr Jenkinson, head pf planning, to confirm the acceptance of this ruling, confirmation from the legal department of B.M.B.C, was received by the applicant in e/mail of 15/11/21 stating that they accept this judgement of the high court and Mr Jason Field, head of B.M.B.C legal services, has confirmed in e/mail of 31/1/22. to the applicant and copied to Mr Jenkinson, that it is the highest part of the surface of the ground immediately adjacent to the building that is used to assess the height of the building in accordance with the interpretation section of the town and country planning (general permitted development) (England) order 2015 regulation 2(2): "UNLESS THE CONTEXT OTHERWISE REQUIRES, ANY REFERENCE IN THIS ORDER TO THE HEIGHT OF A BUILDING OR OF PLANT OR MACHINERY IS TO BE CONSTRUED AS A REFERENCE TO ITS HEIGHT WHEN MEASURED FROM GROUND LEVEL; AND FOR THE PURPOSES OF THIS PARAGRAPH "GROUND LEVEL" MEANS THE LEVEL OF THE SURFACE OF THE GROUND IMMEDIATELY ADJACENT TO THE BUILDING OR PLANT OR MACINERY IN QUESTION OR, WHERE THE LEVEL OF THE SURFACE OF THE GROUND ON WHICH IT IS SITUATED IS NOT UNIFORM, THE LEVEL OF THE HIGHEST PART OF THE GROUND ADJACENT TO IT"
This is reiterated in the Permitted Development Rights For Householders Technical Guidance E.1 (e) which states " The height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point"
Please note that all the above legal references to "The Building" includes any part of a building in accordance with the interpretation section of the Town And Country Planning (General Permitted Development) (England) Order 2015 2 (1) "Building" " (a) Includes Any Part Of A Building.
Please also note that any references to pre-existing ground levels, by any party, relate to ground that has been previously excavated and removed from the site and is not relevant to this revised application.

The excavations required for the construction of the concrete raft foundation, which is clearly an integral part of the building, and the garden wall were completed in March 2019. No further excavations have taken place since their completion. All these excavations took place within the curtilage of No 4 Burton Crescent no excavations have ever taken place outside the curtilage of No 4 Burton Crescent and no ground has been disturbed outside the curtilage of No 4 Burton Crescent.
The current existing highest ground level, that is immediately adjacent to the raft foundation and the partially constructed reinforced rear external wall of the building with no gaps in this revised application, is located behind the garden wall in the neighbouring garden of No 6 Burton Crescent. It is not in control of the applicant and has not been disturbed other than the neighbours seasonal garden activities which have had no material impact on its height. It contains many shrubs and bushes that have been established for many years.
The construction of the garden wall, within the curtilage of No 4 Burton Crescent, that abuts the neighbours timber fence panels and concrete posts on the boundary with No 6 Burton Crescent, was completed in early September 2019 and can be seen currently on site.
This was followed by the construction of the concrete raft foundation to a depth of 300mm and was completed in late September 2019.
The raft foundation was laid abutting the garden wall with no gaps and can be seen currently on site.
The finished floor level of the proposed building in this revised application has not been constructed to date.
In this revised application there are two crucial parts of the building that currently abut the garden wall with no gaps. They are located in the north western corner of the site on the boundary with No 6 Burton Crescent. One is the raft foundation, the other is the rear partially constructed reinforced external wall of the building. The L.P.A. have previously referred to this rear external wall of the building as being a separate retaining wall which is incorrect, this can be seen and verified currently on site and has been witnessed by Mr Jenkinson and his officer Mr Doherty on their site visit of 24/3/23. Both of these parts of the building can be clearly seen currently on site abutting the garden wall with no gaps and where they abut the garden wall no backfilling is possible.
Relying on the Mcgaw high court decision, which is relevant case law dated 7/10/20 paragraphs 32 to 38, and the fact that the legal department of B.M.B.C. have informed both the applicant and Mr Jenkinson of their acceptance of this judgement, the highest ground level immediately adjacent to both of these two parts of the building in this revised application must be the garden wall itself, or the highest ground level of the neighbours garden at No 6 Burton Crescent located immediately adjacent to them at the base of the neighbours timber panel fence. In either case that level would not be greater than 2.5 metres from the relevant part of the building and can be seen currently on site. In paragraph 35 of the McGaw High Court Ruling His Honour Judge Jarman QC held that the immediately adjacent ground cannot be the boundary wall, and in paragraph 38 Judge Jarman QC. held therefore that the immediately adjacent land refers to the neighbours garden. This is evidenced in this revised application and is relevant case law.
The highest undisturbed ground level in this revised application was measured by Mr Paul Doherty officer from the L.P.A. on his site visit and was found to be 800mm in height above the adjacent existing raft foundation and the adjacent base of the existing rear reinforced external wall of the building, both of which are parts of the building that abut the garden wall with no gaps.
This measurement was witnessed and verified by the applicant who was informed by Mr Doherty that it would be formally recorded.
The site visit took place on Friday 24/3/23 Mr Doherty was accompanied by Mr Joe Jenkinson Head of Planning, the applicant was accompanied by his agent Mr Robert Agus.
This revised application has used the current existing highest undisturbed ground level behind the garden wall in the north western corner of the site on the boundary with No 6 Burton Crescent at the base of the neighbours timber panel to assess the height of the building for permitted

development Class E purposes. This ground at its highest point is immediately adjacent to parts of the building (the raft foundation and rear external wall).
This application conforms to all the relevant regulations of the Town and Country Planning (General Permitted Development) (England) Order 2015, and the Permitted Development Rights For Householders Technical Guidance, and relies on the Mcgaw relevant case law paragraphs 32 to 38 by using neighbouring land adjacent to the relevant parts of the building to assess the height of the building.
The head of planning and his officer have visited the site and witnessed and measured this existing highest undisturbed ground level situated immediately adjacent to the relevant parts of the building this being 800mm in height above the raft foundation and the base of the rear external wall.
They have both witnessed the raft foundation that abuts the garden wall with no gap and they have both witnessed and actually stood on the partially constructed rear external wall of the building that abuts the garden wall with no gap.
The maximum height of the proposed building in this revised application will not exceed 2.5m when measured from the highest ground level immediately adjacent to the relevant parts of the building this being 800mm above the raft foundation and the base of the rear external wall.
This revised application does not involve any backfilling to pre-existing land levels (land that has been excavated and removed from the site) and as stated above all previous decisions and assessments of pre-existing land levels by any party, on any previous applications or appeals must be disregarded as they are not relevant to this revised application.
The only ground level that is relevant in this revised application to assess the height of the building is the current existing highest ground level immediately adjacent to the relevant parts of the building (the raft foundation and the rear external wall of the building) which is situated behind the garden wall in the north western corner of the site at the base of the neighbours timber panel fence on the boundary with No 6 Burton Crescent. This ground is not in control of the applicant, has never been excavated, and has not been disturbed other than the neighbour at No 6 Burton Crescent carrying out seasonal garden duties which have had no material effect on its height and contains shrubs and bushes that have been established over many years.
In summary :-
Consider the following indisputable facts :-
1 . Is the raft foundation part of the building ? - YES.
2 . Does part of the raft foundation currently abut the garden wall with no gaps ? - YES.
3. Is there any room to infer a gap between that part of the raft foundation and the garden wall ? – NO.
4. Is the partially constructed reinforced rear external wall part of the building ? - YES.
5. Does part of the rear external wall currently abut the garden wall with no gaps ? – YES.
6. Is there any room to infer a gap between that part of the rear external wall and the garden wall ? – NO.
7. In accordance with the Mcgaw High Court ruling, which is relevant case law, is the highest ground level, in this revised application, located behind the garden wall at the base of the neighbours timber panel fence, adjacent to that part of the raft foundation and that part of the external wall of the building with no gaps ? – YES.
8. Is there any room to infer a gap between that highest ground level and that part of the raft foundation or that part of the external wall of the building ? – NO.
9.. Has that highest ground level been measured by Mr Doherty from the L.P.A. and found to be 800mm in height above that part of the raft foundation and the base of that part of the rear external wall of the building where they both abut the garden wall with no gaps ? – YES.
10. Has this measurement been formally accepted and recorded by Mr Jenkinson Head of Planning ? – YES.
In accordance with annex 8 of the Town And Country Planning Act Lawfulness And Lawful Developement Certificate (LDC). The relevant test of the submitted evidence in 8.15 states :- that if

the L.P.A. have no evidence of their own, or from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application, provided the applicants evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate " on the balance of probability ".
This revised application includes photographs and drawings which relate to all the above relevant statements with detailed explanations on each of them as to what they specifically refer to.
This statement contains submitted documents in support of this application which must be included on B.M.B.C. planning portal as part of the application.
This revised application provides statements that are clear and unambiguous, supported by precise reliable evidence, including some provided by the L.P.A. and B.M.B.C. legal department, and include photographs of current on site relevant features that cannot be denied or ignored which have been witnessed on site by Mr Joe Jenkinson head of planning and his officer Mr Paul Doherty on their site visit of 24/3/23
Together they show that the proposed building in this revised application. as a matter of fact and degree, conforms to Class E. 1 (e) (ii), is a form of permitted development, and is lawful.

The following e mails were exchanged between Development Management and the Applicant relating to the site visit by Messrs Jenkinson & Doherty on 24th March 2023

E mail dated 20th March 2023 from Development Management

Dear Mr Barnett

Sir Steve Houghton has asked us to visit your property following your discussion with him at his Surgery, in which you requested that officers re-visit to take a measurement. Two officers are available on Friday lunchtime to take the measurement so please can you confirm if this is convenient for you?

E mail dated 20th March 2023 to Development Management from Applicant

I can confirm that Friday lunchtime will be convenient for two officers to take a measurement on site. Please note that the measurement that I require will be of the highest ground level immediately adjacent to a proposed building for permitted development purposes and that the town and country development acts interpretation of a building includes any part of a building. This highest ground level which is immediately adjacent to the raft foundation (which is part of the building) is not in control of the owner of no 4 Burton Crescent, and has not been previously disturbed or excavated and lies behind the garden wall in the north western corner of the site on the boundary with no 6 Burton Crescent and can be measured from within the curtilage of no 4 Burton Crescent.
Kind Regards Mr C.Barnett

E mail dated 21st March from Development Management to Applicant

Dear Mr Barnett,

Thank you for your response. The officers will arrive at approximately 12:30. Please note that they will not be discussing the appeal that is under consideration by the Planning Inspectorate or any matters already considered through the Council's Complaints Procedure. They will also only carry out the visit if you and your agent (should you wish for him to be present) are the only ones who

attend from your side. Failure to adhere to this request will therefore result in the visit being cancelled and there will not be an opportunity to reschedule.

Following the site visit the following e mail from Development Management to the Applicant

Dear Mr Barnett,

Further to the recent site visit, I can confirm the highest point of the neighbours garden (No. 6 Burton Crescent) beyond the recently constructed boundary wall was measured to be 800mm above the adjacent hardstanding located between your (under construction) outbuilding and the recently constructed boundary wall. You also asked for a measurement to be taken from the land immediately adjacent to the boundary wall (on the side of No. 6 Burton Crescent) to the top of the wall, this was 1300mm.

As indicated on site, it is our firm view that these measurements are not likely to be able to help you clearly evidence what the pre-existing ground level was (i.e. before construction of the outbuilding commenced). We say this given the wording of paragraph 13 of the most recent appeal decision by Elizabeth Pleasant BSc (Hons) DipTP MRTPI, which states:-

13. For the reasons set out above, the evidence produced by the Appellant does not demonstrate with any precision that the pre-existing site levels adjacent to the walls of the proposed building were 1.238m above datum. Furthermore, considering the works that have been undertaken on the appeal site, and neighbouring land, it is now difficult to accurately establish the pre-existing ground levels adjacent to the proposed walls of the building. Taking into account the previous Inspector's findings, and noting that he was able to view the site when it was less developed than it was when I conducted my visit, then considering all the evidence before me in this appeal, the Appellant's evidence is not sufficiently precise for me to determine, on the balance of probability, that the pre-existing ground level adjacent to the proposed building extended to a height of 1.238m above the survey datum.

In our view, this paragraph essentially renders any further application for a lawful development certificate as futile, particularly given there is a clear gap between your outbuilding and neighbouring land. We therefore strongly discourage you from submitting a further application, which you stated you intended to do.

Finally, you will recall that we have previously refused to enter into any further correspondence regarding this matter beyond what we are obliged to send as part of a formal application or appeal process. Please note that this remains the case and so any response to this email will go unanswered.

The Applicant wishes the following response to the above message, addressed to Mr Jenkinson, to be included with the submitted documents:

In response to the anonymous e/mail that I received dated 27/3/23 from your Development Management department see attached, which commenced with the word I and then continued with the word OUR (twice) and the word WE (four times) who is this I person ? and who are the OUR and WE people? Was it an individual person who wrote the letter or was it a team effort ?. This shows a total lack of courage , transparency and accountability of its author or authors. Its content has all the hallmarks of previous mendacious statements that I have received from you over a long period of time and, as you are the head of planning and development management and ultimately responsible for the actions of that department I hold you entirely responsible for its content.

With regard to the site visit that you and your officer Mr Paul Doherty reluctantly attended on the 24/3/23, at the request of Sir Steve Houghton, I say reluctantly because I have made several previous requests for you to make a site visit in order for you to observe first hand the features that exist on site and, despite the fact that you have never visited the site over the past four years, all of my requests were vehemently refused.
Why were my requests refused and the request from my local council representative Sir Steve Houghton accepted.
This shows a total lack of fairness and impartiality by you and is totally discriminatory behaviour towards me personally.
Despite me being informed, I assume by you prior to the site visit, in another anonymous e/mail dated 21/3/23 see attached, that officers will NOT be discussing ANY previous matters at the site visit in relation to past applications and appeals, on arrival and after introductions, you immediately started waving a piece of paper at me in a petulant manner pointing to it stating “look at this, look at this”. After looking at it I realised that it was referring to a previous appeal decision and as such I dismissed it as not being relevant to the subject matter of the site visit.
This behaviour, by you, was petulant, contradictory and hypocritical and cannot be denied.

Despite you being previously advised by me in e/mail dated 20/3/23, see attached, as to what exactly I required the measurement of. This being the HIGHEST GROUND LEVEL IMMEDIATELY ADJACENT TO ANY PART OF THE BUILDING AND THAT THIS HIGHEST GROUND LEVEL, WHICH LIES BEHIND THE GARDEN WALL IN THE NORTH WESTERN CORNER OF THE SITE ON THE BOUNDARY WITH NO 6 BURTON CRESCENT, IS IMMEDIATELY ADJACENT TO THE RAFT FOUNDATION (WHICH IS PART OF THE BUILDING) THAT ABUTS THE GARDEN WALL WITH NO GAPS, I was asked by you as to what I required the measurement of and in relation to what feature, I informed you that I required the measurement taken from the highest ground level above the adjacent raft foundation which abuts the garden wall with no gap as previously advised by me in the e/mail. I pointed out to you where this was and where it could be measured from which was to the rear of the building. Yourself and Paul Doherty proceeded to this area to carry out the measurement and I proceeded along the top of the garden wall to meet you there. I observed both of you physically stood on the partially constructed retaining external wall of the building, which abuts the garden wall with no gap, to enable the measurement to be taken and it was blatantly obvious that you could both see that this retaining external wall of the building that you were both stood on abutted the garden wall with no gap and that you could both blatantly see from this position that the raft foundation, which is part of the building and can be used to assess the height of the building in accordance with the interpretation of a “building” in the town and country development act, abutted the garden wall with no gap.
You then went back to the front of the building to talk to my agent Mr Robert Agus whilst I assisted Mr Doherty with the measurement. The measurement was taken and it was agreed that the highest ground level of the neighbours garden of no 6 Burton Crescent measured 800mm in height above the adjacent raft foundation. Myself and Mr Doherty then returned to the front of the building to meet you and Mr Agus to give you the result of the measurement following which you stated that this measurement would be formally recorded.
This formal recording of the measurement was sent to me by you in the e mail of 27/3/23, it contained a reference to a “hardstanding” and a “recently constructed boundary wall”. To describe the raft foundation of the building as a hardstanding and stating that the boundary wall was recently constructed is a falsification of the facts ,disingenuous and misleading. A hardstanding is ground surfaced with a hard material for parking vehicles on and as you already know the boundary wall was constructed in early September 2019 prior to the construction of the raft foundation. Your statement that " there is a clear gap between the outbuilding and neighbouring land” is also misleading as the specific gap that you refer to is between an external wall of the building and

neighbouring land which is not relevant to the measurement taken on site which was for the height of the neighbouring land above the raft foundation that abuts the garden wall WITH NO GAP. This statement, made by you, is a feeble and cynical attempt to distract attention from the relevant facts that exist on site which you have witnessed with your own eyes and are falsely pretending that they do not exist. You are in complete denial of the relevant features that exist on site these facts cannot be denied. Your intentional refusal to accept what you have witnessed is a dereliction of duty and a shameful failure to fulfil your obligations.

Further, your references to pre-existing ground levels and the wording of paragraph 13 by the inspectorate are also not relevant to the measurement taken on site. Based on the contents of paragraphs 2,3, and 4 of your e mail dated 27/3/23 it appears, despite your previous vehement refusal to enter into any further correspondence regarding this matter, that you have done the exact opposite in an attempt to deceitfully distract attention from the relevant facts that exist on site. The statements made by you that "this paragraph essentially renders any further application for a lawful development certificate as futile" and the veiled threat by you to refuse any potential future application by strongly discouraging me from submitting one are absurd and I will not be bullied or intimidated by them. I have a fundamental right to submit an application which contains new evidence or different circumstances.

If you refuse to grant a L.D.C. certificate on a future application and the reason or reasons for that refusal are not based on the relevant facts of that application, which you have indicated that you intend to do, see your attached statement, then this would be a dereliction of your duty as it is a well established planning principle that each case should be decided on its own merits and with each being a question of fact and degree for the planning authority, and, if this is the case, this will result in an appeal against that decision being submitted to the inspectorate along with an application for an award of costs against the council for unreasonable behaviour.

This will add further to the financial burden that the tax paying constituents of Barnsley have had to endure to finance this four year saga which has been caused by your intransigence and your inability over this period to correctly interpret the laws and guidance of permitted development which have had to be corrected on several occasions by the planning inspectorate and relevant case law. I note that you are continuing your stance of being intransigent and petulant, that I have had to endure over the past four years, by stating that any response will go unanswered.

C. Barnett. Applicant.



PHOTOGRAPH 1

THIS PHOTO WAS TAKEN BY THE APPLICANT ON THE 24/3/23. IT CLEARLY SHOWS THE PARTIALLY CONSTRUCTED REINFORCED EXTERNAL WALL OF THE BUILDING AT LOW LEVEL WITH ITS TANKING AND CONCRETE INFILL. IT IS CLEARLY NOT A SEPERATE RETAINING WALL, IT CLEARLY SHOWS THAT PART OF IT ABUTS THE GARDEN WALL WITH NO GAP AND CAN BE SEEN CURRENTLY ON SITE. THIS WALL WAS WITNESSED AND STOOD UPON BY MR JENKINSON HEAD OF B.M.B.C. PLANNING DEPARTMENT AND HIS OFFICER MR PAUL DOHERTY DURING THEIR SITE VISIT OF 24/3/23



PHOTO 2
THIS PHOTO WAS TAKEN BY THE APPLICANT ON THE 24/3/23. IT CLEARLY SHOWS THE PARTIALLY CONSTRUCTED REINFORCED EXTERNAL WALL OF THE BUILDING AT LOW LEVEL WITH ITS TANKING AND BLOCK FACE. IT IS CLEARLY NOT A SEPERATE RETAINING WALL. IT CLEARLY SHOWS WHERE IT ABUTS THE GARDEN WALL WITH NO GAP AND CAN BE SEEN CURRENTLY ON SITE. THIS WALL WAS WITNESSED AND STOOD UPON BY MR JENKINSON HEAD OF B.M.B.C. PLANNING DEPARTMENT AND HIS OFFICER MR PAUL DOHERTY DURING THEIR SITE VISIT OF 24/3/23



PHOTO 3
THIS PHOTO WAS TAKEN BY THE APPLICANT ON THE 24/3/23. IT CLEARLY SHOWS WHERE THE RAFT FOUNDATION ABUTS THE GARDEN WALL WITH NO GAP AND CAN BE SEEN CURRENTLY ON SITE. THE TOP OF THE RAFT FOUNDATION IS WHERE MR DOHERTY FROM THE L.P.A. TOOK THE MEASUREMENT FROM TO ASCERTAIN THE HIGHEST GROUND LEVEL ADJACENT TO IT. THIS HIGHEST GROUND LEVEL IS LOCATED BEHIND THE GARDEN WALL.



Photo 4
THIS PHOTO WAS TAKEN BY THE APPLICANT ON 24/3/23. IT CLEARLY SHOWS THE HIGHEST GROUND LEVEL BEHIND AND ABUTTING THE GARDEN WALL AT THE BASE OF THE NEIGHBOURS TIMBER PANEL FENCE AT NO 6 BURTON CRESCENT AND CAN BE SEEN CURRENTLY ON SITE. THIS HIGHEST GROUND LEVEL IS WHERE MR DOHERTY FROM THE L.P.A. TOOK THE MEASUREMENT FROM TO ASCERTAIN ITS HEIGHT ABOVE THE ADJACENT RAFT FOUNDATION.



PHOTO 5
THIS PHOTO WAS TAKEN BY THE APPLICANT ON THE 24/3/23. IT CLEARLY SHOWS THE HIGHEST GROUND LEVEL BEHIND AND ABUTING THE GARDEN WALL AT THE BASE OF THE NEIGHBOUR'S TIMBER PANEL FENCE AT NO 6 BURTON CRESCENT AND CAN BE SEEN CURRENTLY ON SITE. THIS HIGHEST GROUND LEVEL IS WHERE MR DOHERTY FROM THE L.P.A. TOOK THE MEASUREMENT FROM TO ASCERTAIN ITS HEIGHT ABOVE THE BASE OF THE ADJACENT EXTERNAL WALL OF THE BUILDING.

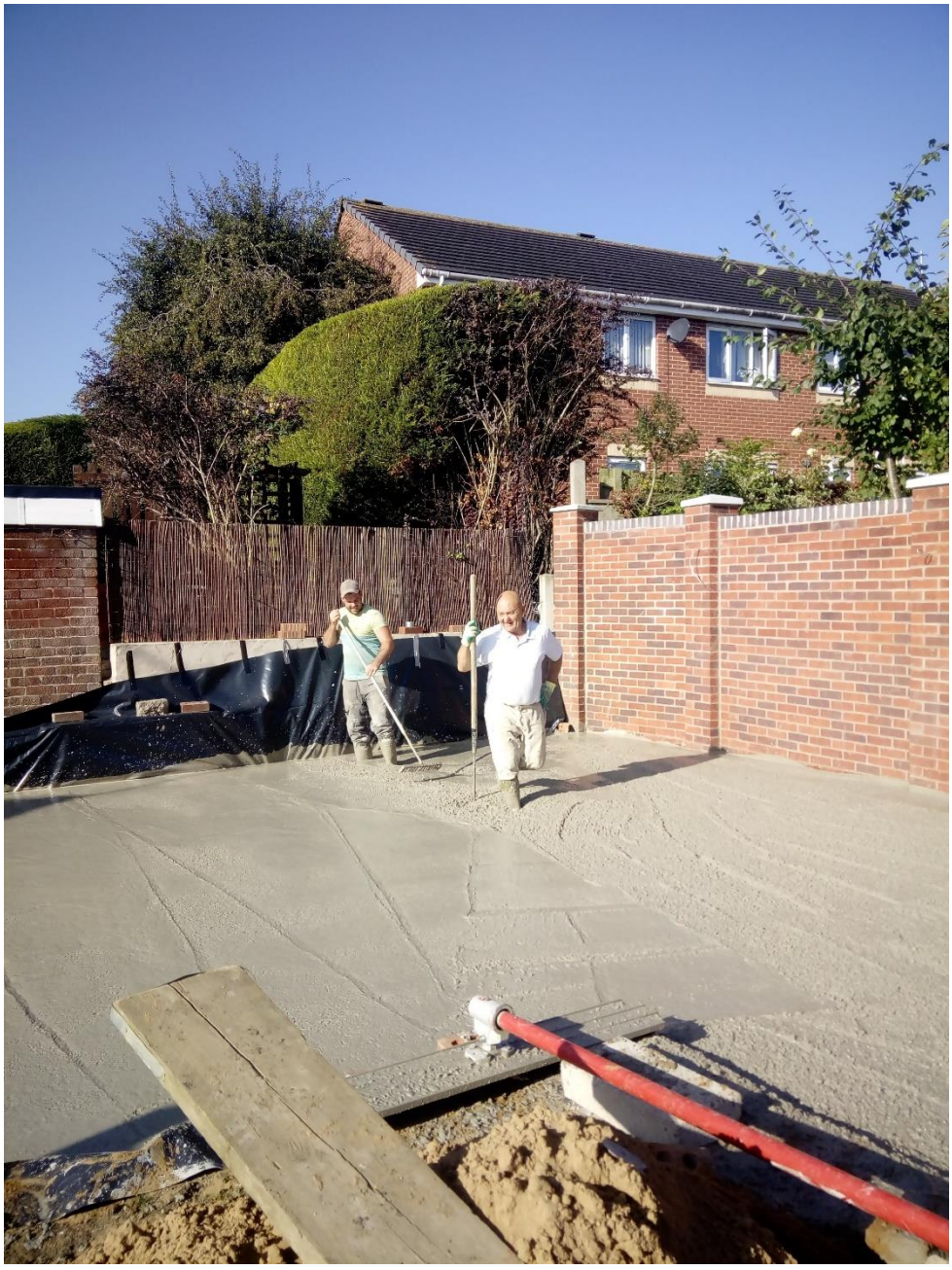


PHOTO 6
THIS PHOTO TAKEN BY THE APPLICANT DURING THE CONSTRUCTION OF THE RAFT FOUNDATION IN SEPTEMBER 2019. IT CLEARLY SHOWS THE CONCRETE RAFT BEING LAID TO ABUT THE GARDEN WALL WITH NO GAPS.