02 October 2017

FREEDOM OF INFORMATION REQUEST – 1118/17

Dear Sir/Madam

Your request for information has now been considered and the information requested is provided below.

Request:

Planning Reference 2017/0569/FUL

I see that approval was given to this application on 11th September 2017.

I believe there has been a material error in the report produced by Patrick Gear upon which the approval was granted and therefore the decision reached is invalid in law and should be subject to judicial review.

1. He states that the garden store extension will be no nearer than 2.3 metres from the listed building [viz. Hemgate House]. This is incorrect in law as the stone boundary wall of Hemgate House is integrally part of the main property and as such is a listed structure. By definition the southeast corner of the proposed garden store is much closer than 2.3 metres and is virtually on the boundary.

2. Due to the ground level of Hemgate House being 1 metre lower than that of 20 Lea View, the height of the proposed garden store’s eaves of 2.5 metres at its southeast corner virtually on the listed boundary wall of Hemgate House therefore exceeds the permitted height of 3 metres by 0.5 metres.

Under the Freedom of Information Act I would like to see a copy of the impact assessment report produced by Mr Gear and ascertain that the proposed extension site has been viewed from the land of Hemgate House. I have not had a request to allow this access onto my land and without an assessment from this perspective I contend that your officer’s report is inadequate.

Response:

You have requested a copy of the “Impact Assessment Report” prepared by the Case Officer (Patrick Gear) into the impact of the proposed extensions on your (Grade II) listed property. I must advise, however, that there is no such document available.

In dealing with planning applications of this nature, the Case Officer will assess the submitted plans, visit the application site and then prepare a report in support of their
recommendation. It would only be in exceptional circumstances that this would require a
visit to a neighbouring property or a separate, more detailed, report. The full extent of Mr
Gear’s consideration of the impact on your listed dwelling is set out in his case officer
report, which you have already referred to.

I have noted the two numbered paragraphs in your FOI request in which, as a precursor
to your request for information, you raise concern about the content of Mr Gear’s report.
It would not be appropriate for to comment via the FOI process, but if you require a direct
response to these paragraphs, please raise your concerns again via the Council’s
“Comments, Compliments and Complaints” process, using this link:

https://www.rutland.gov.uk/my-council/have-your-say/comments-compliments-and-
complaints/

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permission is implied in the re-use of this information, until such a request to re-use it has
been made and agreed, subject to any appropriate conditions. Any request to re-use the
information should be made to me at the address below.

If you are dissatisfied with the handling of your request please contact the Head of
Corporate Governance, Rutland County Council, Catmose, Oakham, Rutland LE15 6HP
You can also complain to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House, Water lane
Wilmslow, Cheshire
SK9 5AF
Tel: 01625 545700

Yours faithfully

FOI Administrator
Corporate Support Team, Rutland County Council