

Muthoora, Leela

From: Phillip Hughes [REDACTED]
Sent: 30 November 2016 10:10
To: Muthoora, Leela
Cc: ILuke
Subject: Re: Extension at 42 Fairfax Road - 2016/5232/P
Categories: Red Category

Dar Leela

Many thanks for your email of 29 inst.

I understand that no observations on the merits of an application are now considered given the application purports to be permitted development. However, in respect of its status as permitted development I would raise two issues:

1. Absent a side elevation to my clients' property it is simply not possible to measure the height of the elevation relative to their property and to assess whether it complies with the provisions of Class A in respect of height.
2. Whilst the technical guide seeks to define the height of eaves on a flat roof with a parapet we would respectfully suggest that in the circumstances of this case the parapet and flat roof are indistinguishable and that the height of the totally of the flank wall to my client's property should be restricted to 3 metres as that comprises the eaves.

For the purposes of eaves height and Class A the Government must have had in mind the total vertical height of a structure relative to a neighbour in seeking to restrict the height and thus the harm to the amenity of a neighbour by way of permitted buildings or structures on or close to boundaries. To restrict an eaves to 3 metres makes total sense in that regard. However, to allow a parapet to be erected atop such a building, where there is no way of distinguishing from the side view, the eaves and top of parapet, makes no sense and is perverse as it then counters the effect of (and presumably the rationale behind) the restriction on the height of eaves.

The technical guide is not statute and has recently been found by the courts to be wrong in terms of its interpretation of other parts of the GPDO (see for instance *Hilton v Secretary of State for Communities and Local Government* (CO/309/2016)), respectfully we suggest this could be another case where it is wrong.

Best Wishes

Phillip Hughes

