

PLANNING REF : 252072
PROPERTY ADDRESS : 77 Silverdale Road
: Earley
: RG6 7NF
SUBMITTED BY : Mrs Amarjeet Chana
DATE SUBMITTED : 18/09/2025

COMMENTS:

Dear Sir/Madam,

I am the adjoining neighbour to 75 Silverdale Road and wish to formally object to the Section 73 application to vary Condition 2 of the above planning permission.

This application appears to be a retrospective attempt to regularise unauthorised work already carried out by the applicant, particularly regarding the eaves height. I have several serious concerns both regarding the planning breach itself and the applicant's conduct during the construction which I outline below.

1. Retrospective Nature of the Application

This variation was only submitted after it was discovered that the extension was not being built in accordance with the approved plans. The applicant claims the rear eaves height is now 2860mm (and 3000mm at the junction with the main house), and 2500mm at the front however, based on visual observation, I believe the rear eaves height may in fact exceed 2860mm.

The rear eaves appear noticeably higher than the claimed figure when compared with both the original structure and the neighbouring roofline which reflects the approved height. If these figures have been understated to minimise the perceived breach, this would be extremely concerning and warrants a thorough site inspection. Inaccurate measurements further undermine the credibility of this application.

It should also be noted that the applicant initially constructed the rear eaves to a height of approximately 3200mm, significantly above the approved figure, claiming this was required for a warm deck roof. The height was only reduced to the still non-compliant 3000mm after we raised concerns. This clearly shows the original breach was not minor, and the applicant only responded when challenged.

This is not a case of proactively seeking approval for necessary technical adjustments it is a clear instance of building in breach of permission, and only seeking retrospective approval after being caught. That suggests a deliberate deviation from the approved plans, not a minor or accidental variation.

2. Roof Lip Built Over My Roof

During construction, the applicant extended the roof lip over my roof on the side where our two houses adjoin without permission, notification, or consultation. This was not merely an encroachment over the boundary, but a physical projection onto my existing

structure, which was highly stressful and entirely avoidable.

This intrusion posed unacceptable risks to the drainage, weatherproofing, and structural integrity of my roof. It was only after I personally intervened that the applicant removed the overhanging section.

Such a clear breach of property boundaries demonstrates a serious lack of respect for both property rights and responsible building practice. This disregard for both physical and procedural boundaries makes it very difficult to have any confidence in the applicant's commitment to the planning process or consideration for neighbouring properties.

3. The Changes Are Not Minor

I understand the applicant may describe these variations as "minor," but this is misleading and significantly downplays their real-world impact.

The increase in eaves height on the rear elevation from 2800mm to up to 3000mm at the junction with the original building is not minor particularly in the context of a shared roofline, which directly affects my property. The increase in eaves height 300mm at the rear and 325mm at the front is both material and visible, resulting in a noticeably larger and more overbearing structure when viewed from my side. It reduces natural light, affects the character of the shared boundary, and disrupts the visual balance between the two homes.

It is also important to note that the applicant initially constructed the rear eaves to approximately 3200mm, claiming this was necessary for a warm deck roof system. However, following objections, they reduced the height to the now-claimed 3000mm clearly demonstrating that construction alternatives were available and could have been used from the outset. This undermines the claim that the current height is "unavoidable."

Crucially, the altered roof height now places the applicant's roof above mine, whereas previously they were level. This creates a real concern about water runoff and potential leakage onto my property particularly at the junction where our roofs meet. Water from their higher flat roof may now flow toward my lower roof, increasing the risk of pooling, seepage, and long-term damage to the structure or weatherproofing of my property.

This is not just a theoretical or visual concern, but a foreseeable and avoidable issue that could have practical consequences. It fundamentally alters the scale, appearance, and technical relationship between the two properties and could result in practical damage to my property.

4. The Claim That Changes Were "Unavoidable" Is Not Justified

The applicant claims the variations are "unavoidable" due to site conditions and the construction method (e.g. firings and ceiling joist sizes).

However, it is the applicant's responsibility and that of their

builder or designer to ensure the approved plans were buildable before starting construction. These are not last minute surprises or unforeseen issues but standard design considerations that should have been addressed at the planning stage.

The fact that the roof was first built at 3200mm and then reduced shows that there were construction alternatives contradicting the claim that the current height was technically necessary. Rather than applying for a variation beforehand, the applicant built in breach, continued building, and only sought permission when challenged. Describing this outcome as "unavoidable" is neither accurate nor acceptable.

5. Lack of Communication or Transparency

At no point during construction was I informed of any change to the approved design. There was no communication, no explanation, and no consultation. The applicant had multiple opportunities to raise this with neighbours or seek clarification from the Council before continuing but chose to proceed without transparency or consideration.

This lack of communication adds to the concern that these changes were not made in good faith.

6. Adverse Impact on My Amenity

The increased scale of the extension particularly at the rear has resulted in a more overbearing, prominent, and oppressive structure, clearly visible from my property. Given the proximity of our homes, this change has had a significant impact on natural light, openness, and overall outlook.

The new height disrupts the previously balanced and proportionate roofline, replacing it with a structure that now dominates the shared boundary and feels intrusive from my side.

Had these larger dimensions been part of the original application, I would have strongly objected at that stage. What has now been constructed is materially different from what was approved, and it has had a direct and negative effect on the enjoyment and amenity of my home.

7. Continued Work Despite Planning Breach

Despite the identified breach, the applicant continued construction including completion of the roof while this variation application was still under consideration. This shows disregard for the authority of the planning process and suggests the applicant believes that permission is simply a formality, rather than legal requirement. It raises serious concerns about compliance with future conditions.

8. A Dangerous Precedent

Allowing retrospective approval in this case would set a damaging precedent suggesting applicants can build first, and then seek permission later, regardless of what was approved. This undermines

the purpose of planning controls, weakens public confidence, and erodes the integrity of the entire system.

9. Loss of Trust in Applicant's Conduct

Taking into account the boundary intrusion, unauthorised construction, lack of transparency, and continued work in breach of the approved plans, I do not have confidence that this applicant will respect planning rules or neighbour boundaries without strict enforcement.

This pattern of behaviour reflects a clear disregard for planning control, neighbourly responsibility, and legal obligations tied to development.

8. Inappropriate Use of Section 73

This application appears to misuse Section 73 of the Town and Country Planning Act, which is intended to allow applicants to request minor, prospective amendments to an approved scheme before or during construction.

However, in this case, the applicant has already constructed the extension in breach of the approved plans, and only submitted this variation after the breach was discovered.

Section 73 is not designed to retrospectively legitimise unauthorised development, particularly where the changes are deliberate and significant, not minor or incidental.

Granting retrospective approval via Section 73 in such circumstances undermines the planning enforcement regime, sets a dangerous precedent, and sends the wrong message about compliance with planning conditions.

Conclusion

In light of all the above, I respectfully urge the Council to:

- Refuse the Section 73 application, and
- Require the applicant to alter the structure to bring it into full compliance with the originally approved plans.

This is essential not only to protect my amenity and property, but also to uphold the integrity of the planning system for all residents.

Thank you for your time and consideration.