

# Commission for Local Administration in England

**F.G. Laws**

*Local Government Ombudsman*

**P.M. Hart**

*Director*

The Oaks

Westwood Way

Westwood Business Park

Coventry

CV4 8JB

Tel 0203 695999

Fax 0203 695902

- Mr & Mrs L M Debono  
12 Bookerhill Road  
High Wycombe  
Buckinghamshire  
HP12 4HA

Our Ref: 93/B/1456/  
LD/klw

19 August 1993

Dear Mr and Mrs Debono

As you know I have been making enquiries about your complaint against Wycombe District Council. The information I have includes the enclosed comments from the Council.

I have considered all the material carefully, but have decided not to pursue your complaint.

You complained to me that the Building Regulations drawings approved by Wycombe District Council in November 1979 included an error in that the dimensions of the floor joists were different on the drawing from those approved in the calculations attached to the Building Regulations application. You also complained to me that the Council passed the work which you carried out in accordance with the drawings rather than the calculations.

I am satisfied from the documents which the Council have supplied to me that calculations which differed from the drawings were submitted after the drawings. In my view it is good practice for Councils to ensure that such discrepancies are not part of approved applications and I understand that the Council now check for such discrepancies though they did not do so in 1979. It appears that the architect failed to pass on to you the full Building Regulations documents, which included the revised dimensions as shown in the calculations.

I have examined the records of the Building Regulations inspector relating to his inspections of the development which you built. These include no record of any inspection of the floor joists. I note, too, that in a letter to Messrs Reynolds, Parry Jones and Crawford of 3 February 1984, the inspector said that "the Council does not supervise work in progress, neither is there a statutory requirement for them to inspect work at that stage". I have seen no evidence that the inspector approved the floor joists.

/...

# WYCOMBE DISTRICT COUNCIL

Queen Victoria Road High Wycombe Bucks HP11 1BB  
Tel: (0494) 461000 Fax: (0494) 421108/461292 DX: 4411 High Wycombe



## Chief Executive's Department

R J Cummins BSc IPFA FCCA Chief Executive

Ms Lyn Durward  
Investigator  
Commission for Local Administration in England  
The Oaks  
Westwood Way  
Westwood Business Park  
COVENTRY CV4 8JB

Your Ref: 93/B/1456/LD/ktw  
My Ref: RJC/JMR  
Enquiries to: Mrs Roberts  
Ext No: 3202  
Direct Line: (0494) 421202  
Fax No: (0494) 461292  
Date: 30 July 1993

Dear Ms Durward

### Mr and Mrs Debono, 12 Bookerhill Road, High Wycombe

Thank you for your letter of 22 July 1993. Please find attached the information requested, in microfiche copy as agreed by telephone with yourself and Trevor Haynes on 29 July due to photocopy quality difficulties, along with a full set of correspondence which relates to Mr Debono's more recent contact with the Council.

The basis of the complaint from Mr Debono appears to be that in 1979 he was not made aware of structural calculations and details supplied by his agent to the Council and this resulted in an error occurring during the construction of five houses at Bowden Lane, High Wycombe.

Mr Debono also alleges that during the construction stage defective work was inspected and approved by the Council's Building Control Service.

The information on the file does not indicate as to whether Mr Debono was aware of the existence of the structural calculations but it is considered that this would be a matter between him and his agent who supplied the information to the Council and acted on his behalf in handling the Building Regulations application.

The agent did not supply revised architectural drawings to concur with the structural calculation information and, although this would have been good practice, it is not considered an item for which Building Regulation approval could have been withheld. It is, however, current practice to check that Building Regulation drawings and calculations concur, as well as checking against planning application plans.

It is also difficult to accept that as a builder Mr Debono was unaware of the existence of the structural calculations as these would have normally been an expensive part of the design. However, even if the agent had supplied the Council with revised drawings to concur with the structural calculations, this would not guarantee that he also relayed this information to his client.

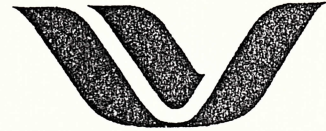
Mr Debono alleges that the defective work, namely overspanned floor joists, were inspected and approved by a Mr George Ikin. It is assumed that this is a reference to Mr Leslie Ikin, the Council's Chief Building Control Officer at the time who retired in 1986.

The attached microfiche letter on the subject from Mr Ikin, dated 3 February 1984, does not appear to concur with the allegation made by Mr Debono, nor is there any reference on the building control site records of Mr Ikin having examined the floor joists.



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## Planning and Development Department

Chris Swanwick BA (Hons) MRTPI MBIM Chief Planning and Development Officer

Mr M D Debono  
12 Bookerhill Road  
High Wycombe  
Bucks  
HP12 4HA

Your Ref: MD/8/MD  
My Ref: CS/TH/COM/93/001/  
1859ac  
Enquiries to: Chris Swanwick  
Ext No: 3501  
Direct Line: 421501  
Date: 15 February 1993

Dear Mr Debono

### Five Houses at Bowden Lane High Wycombe

Thank you for your further letter on the above subject. I will answer your questions in the order in which you have written them.

1. The structural calculations and accompanying information superseded the original plans and therefore did not concur with them. Once superseded original plans are no longer relevant to a Building Regulations Application. The distribution of revised details and amendments to working drawings is a matter of arrangement between you and your architect and not the responsibility of the Building Control Service.
2. When building regulation completions were identified there would not have been any signed certificates, simply a list forwarded to our Treasurer's Department for rating purposes. This was the practice in 1979 to 1981 when the dwellings were built.
3. Our records do not indicate that Mr Ikin agreed revised floor joist sizes or layouts and it is difficult to agree that he did so as there is no correspondence or revised details on this subject. As previously stated floor joists are not a subject covered by the statutory notification procedures and would therefore normally not be inspected.
4. Our records do not indicate any checks on stairwells and position of the joists. However, it is the responsibility of the developer to inform the local authority of deviations from the approved application by way of amended plans and calculations. These have not been received by the Building Control Service.
5. Building Control Officer records are held in the Council offices and not personally by staff.
6. The changes to the plans (prior to approval) were by way of revised structural calculations and these superseded the original plans as stated in 1 above.

And finally on your last comment, approved drawings and calculations would not have been supplied direct to you from the Local Authority as this is a matter between you and your Architect. We could only supply these if requested by your architect to do so.



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## Planning and Development Department

Chris Swanwick BA (Hons) MRTPI MBIM Chief Planning and Development Officer

Ext. No: 3501

My ref: Com/93/001/CAS/DL

Direct Line: 0494-421501

Your ref: MD/8/MD

29 January 1993

Enquiries to: Chris Swanwick

Mr M.D.Debono,  
12 Booker Hill Road,  
High Wycombe,  
Bucks.HP12 4HA

Dear Mr.Debono,

### Five houses at Bowden Lane, High Wycombe

Thank you for your letter of the 19th January 1993. Following my initial letter to you on the 22nd January 1993, I can now answer your queries in full.

I am very sorry to hear of the serious personal difficulties you have experienced as a result of problems encountered with this development, carried out during 1979 to 1981. I will provide you with all the information I have.

Structural matters relating to the five houses and garages constructed in Bowden Lane, were handled by your consultant engineers, Messers Peirce Edmonds, who submitted calculations for the first floor structural timbers which indicated that 250mm x 75mm joists at 400mm centres should be used. These calculations were submitted with the detailed drawings, and the calculations and plans formed part of the full Building Regulations application which was approved on the 11th November 1979. I confirm the calculations were in fact approved correctly as they were clearly in accordance with the Building Regulations.

The Building Control Service makes a number of inspections during construction. However, the first floor joists are not a statutory notification and were not inspected by Building Control.

Unfortunately you appear to have constructed the first floor differently to the approved details, and this resulted in deflection to the floor. I understand remedial work for defective floor construction was directed through the N.H.B.C.

As the floor joist would have been completely covered at completion stage, it is unlikely that the use of undersized timbers would have been obvious, unless substantial cracking existed, or there were other signs of distress to the floor.

BC/WLI/BE/W/2131/79

TAH/vv

Mr. W. L. Ikin  
3423

Messrs. Reynolds, Parry-Jones  
& Crawford,

Solicitors,  
10 Easton Street,  
HIGH WYCOMBE,  
HP11 1NP.

3rd February, 1984.

Dear Sirs,

House 3 - 14 Bowden Lane, High Wycombe

Thank you for your letter dated 31st January, 1984, together with copy letters from the National House Building Council dated 1st December, 1983 and Mr. J. Millbourn dated 12th January, 1984. These have now been noted, but you will appreciate the Council cannot consider any contribution towards remedial works until an official request is made which can then be referred to the Council's Insurers.

Without prejudice, however, I feel you should be made aware of the fact that the approved plans must be read in conjunction with the structural calculations dated 11th May, 1979 submitted by Mr. Debono's Structural Engineers, Messrs. Pearce Edmunds, which state that the first floor joists (the subject of your claim) should be 250 x 75 mm. at 400 centres. These calculations superseded the sizes shown on the plans, and it is these to which the approval relates. If Mr. Debono used inadequate sized joists (225 x 50 mm.) this is his responsibility as the Council does not supervise work in progress, neither is there a statutory requirement for them to inspect work at that stage.

In view of these facts no negligence can be related to the Council and there appears no case to answer.

Yours faithfully,

*MW*  
/ Technical Services Officer

RKW/MB/311

14th August 1979

K Richards, B.Sc.M.I.C.E., F.I.Mune.F.R.T.P.I.,  
Technical Services Officer  
Wycombe District Council  
Bellfield House  
Oxford Road  
High Wycombe  
Bucks

Proposed housing Development at  
Bowden Lane High Wycombe Bucks  
Clients: Messrs. R.K. Walters & M. DeBono

Dear Sir

I have been instructed by my Clients to prepare and submit the enclosed application to your Council for Building Regulations consent. Detailed Planning approval has already been obtained.

1. Walls 4½" Tudor Sandfaced brickwork  
2" Cavity with metal wall ties  
4" Loadbearing THERMALITE Blockwork
2. Roof Plain tiled roof - Redland brown or similar  
@ 35° pitch supported on softwood timber trusses by CRENDON  
TIMBER COMPONENTS LTD, their details to follow shortly.
3. Ground Floor construction 150 m.m. (6") suspended reinforced  
concrete slab designed by B.R.C. Ltd., their details also to  
follow shortly.
4. Foul Drainage System The system has been designed to discharge into  
the existing manhole situate, junction of private drive and Bowden  
Lane, it is proposed to take up and relay length of existing  
100 mm (4") drain from this manhole into recently constructed  
manhole in Bowden Lane.
5. Stormwater Drainage System It is proposed to arrange for the surface  
water drainage from the houses and garages to discharge into the  
existing stormwater drain situate BOWDEN LANE, via new  
gathering chamber(s) with adequate rodding arrangements.

... Continued ...

6. Structural Calculations Structural calculations have been prepared by PEARCE EDMUNDS Structural Engineers and are enclosed.

7.1) Central Heating , IT is proposed to heat the houses with 'BAXI' gas Boilers 45,000 B.T.U's - 60,000 capacity or similar.

2) Garages 5 No. garages to be provided  
Walls -  $4\frac{1}{2}$ " brick - Sandfaced TUDORS with 9" x 9" and 9" x  $4\frac{1}{2}$ " piers  
Floor - Concrete Slab  
Roof - Tiled hipped supported on softwood timber trusses @ 2'0" c/c.

8. Documents

The following documents are signed and enclosed :

- a) Building Regulations application form induplicate
- b) 2 copies of Drawings No:

Block & Location plan - Drg. No. RKW/MB/311/1C  
Design Scheme.

Ground Floor Plans Drg. No. RKW/MB/311/2B

~~Ground~~

Ditto - First Floor Plans Drg. No. RKW/MB/311/3C

Ditto - Group Elevations

& Section

Drg No. RKW/MB/311/4B

Type Plan

Drg.No. RKW/MB/311/5B

Houses 2 & 3 Type Plan - Drg.No. RKW/MB/311/6B

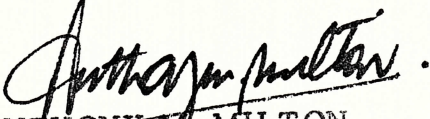
Garage details

- Drg No. RKW/MB/311/7

Staircase details

Drg No. RKW/MB/311/8

Yours faithfully

  
ANTHONY M MILTON

Encs:

Made by P. H. ...  
 Checked by ...  
 Project Borden Lane

Job No. 75013  
 Calculation No. 5  
 Date 11-5-73

Side Wall to House 3.

|           |           |   |             |      |
|-----------|-----------|---|-------------|------|
| Roof      | 3 x 2.3   | = | 6.9         | kn/m |
| 1st floor | 2.5 x 3.2 | = | 8.0         | "    |
| Grd floor | 2.5 x 7.5 | = | 18.8        | "    |
| Wall      | 6 x 3.33  | = | 20.0        | "    |
|           |           |   | <u>53.7</u> | "    |

width req'd =  $\frac{53.7}{90} = .6$

2'-0"  
 600 wide  
 footing

1st floor Joists

$B.M. = \frac{3.15 \times .4 \times 5^2}{8} = 3.94 \text{ K.o.m.}$

$E = \frac{3.94 \times 10^6}{4.8 \times 1.1} = 750 \times 10^3$

$\Delta = 5000 \times .003 = 15$

$I = \frac{5 \times 3.15 \times .4 \times 5^4 \times 10^{12}}{384 \times 15 \times 8000} = 85.45 \times 10^6$

All timbers to  
 be "Dry"  
 Group S2  
 Grade G3  
 Sawn.

Use 250 x 75  
@ 400 c/c.