

HD3 4UQ

18th December 2018

Re Planning Application number **2018/93228**

Single Storey Side Plus Additional Rear Extension 10 Quarry Court, Longwood

Without Prejudice

Dear

We would like to request that the points made in our letters dated 21st October 2018 are still taken into account.

We wish to make you aware of our objections to the radically amended plans for above application, for a variety of reasons.

Our main objection surrounds the complete removal of privacy from
, which we have enjoyed since 1992. The views and rear garden were

The plans portray a relatively simple extension single storey but no account has been taken of the differing ground levels that the properties were constructed on. We believe the latest plans do not accurately portray this. Number 10 is already built at a significantly higher level and the construction of a large patio, which is raised even higher, would provide a viewing platform or grandstand, complete with angled bifold doors, over the whole of the rear garden, resulting in a great loss of privacy. The bifold doors would start within 9 metres of and the plans actually show chairs placed looking directly . **The raised patio will be 1.2 metres higher than the ground level of at the same height as the**

. This means that the screening effect (0.8metre) from the existing maximum 2metre high fence would be negligible and completely inadequate. This lack of screening will be even more pronounced further into the garden where the fence was constructed lower than 2 meters in height. This we find completely unacceptable with regards to our privacy.

BE12 (Section ii) of the UDP states that 'the minimal acceptable distance between properties will normally be 12.0m between a habitable room window of a dwelling and a wall containing the window of a non-habitable room'. Both conservatories and kitchens are classed as habitable rooms. Although this standard refers to new builds, how can it be reasonable to allow a distance of less than 9metres between windows of two habitable rooms, which is far less than the standard demanded for new builds? It also states that 'distances less than these (12.0m) will be acceptable if it can be shown that, by reason of permanent screening, changes in level or innovative design, no detriment

would be caused to existing or future occupants of the dwellings'. We would be interested to hear how such conditions can be met if the extension is built in such close proximity without causing detriment.

The agent himself, in his supporting information, states that '

were designed almost identically, with the orientation of the buildings focused on the stunning views to the South', 'you will notice that all habitable rooms face the rear garden of the property' and 'this is clearly because the original developer wanted to make the most of the views to the South and to the East'. The wedge shaped rear extension is clearly a departure from the original design intention of the development as the plans now show habitable rooms facing a westerly direction, from a greatly elevated position. The existing aspect of the houses was designed, we believe, to maximise individual views whilst maintaining privacy for the residents and this should not be interfered with. BE13 states that 'extensions to dwellings should respect the design features of the existing house and adjacent buildings, including (ii) window openings'. By allowing bifold doors to face a direction where there were previously no window openings, the design features of the existing house and adjacent buildings are not being respected, in contravention to the UDP.

BE12 section 4.32 states that 'there are principles related to the relative size and positioning of extensions, which it is considered should provide general rules. This is to protect adjoining occupiers from any unreasonable impact which would result from an over large extension or where a proposal is very close to a boundary. This is particularly the case when houses are close together' as are

. BE13 states 'where it is considered that a two storey (or second storey) side extension will cause an undesirable 'terracing' effect with the adjoining house, the proposal will not be acceptable unless the extension is set back from the front wall. Any reduction in the size of the extension to the front should not be replaced by an enlargement to the extension at the rear unless this would have no effect on adjacent occupiers'. We believe that the size of the original planned extension, which is visible from the front, has been replaced by an enlarged rear extension, adversely affecting neighbours and is therefore contrary to section 4.32.

BE14 states that ' unless the proposal would have a detrimental effect on visual amenity and adjoining dwellings, extensions to closely spaced detached dwellings will normally be permitted where the proposal is to the rear and does not exceed 3.0metres in overall projection'. We would argue that as there is a detrimental effect and the wedge projects further than 3 metres section BE14 is being contravened by the latest plans.

The existing raised patio is used occasionally during good weather and for limited hours only, however, should the extension be allowed, the resulting lack of privacy would be a daily occurrence and for many more hours of the day. Bifold doors encourage the inside and outside spaces to become merged, meaning that more of daily life would take place in that part of the property. The interference would therefore be greatly increased. This we find to be completely unacceptable and somewhat at odds with the aims of the European Convention on Human Rights (ECHR). The Human Rights Act (HRA) incorporates many of the rights and provisions of the ECHR into domestic law. Schedule 1 of the HRA contains the substantive guarantees

- Article 8 (the substantive right of respect for a person's home)

- Protocol 1 Article 1 (the substantive right of peaceful enjoyment of one's possessions which include one's home and land)

The grant and refusal of planning permission affects the lives, homes and property of others. Under the HRA both the applicant and the neighbours have the right to respect for their home and peaceful enjoyment of their home so the interests of both parties need balancing. It is a requirement of the local planning authority to ensure this balance is fair to both parties. Allowing the applicant to construct an elevated extension with windows designed for maximum viewing angled directly across a [redacted], rather than insisting on maintaining the existing southerly views and privacy, we believe is unfair and a breach of Convention rights. The balance needs to be restored as this design completely favours the applicant [redacted]. Angled bifold doors are not an essential component of a kitchen extension, especially on such an unsuitable plot where they would cause disproportionate interference and harm [redacted]. The new design is far from 'sympathetic' and ' [redacted]', in the agent's own words.

There would be an additional reduction in privacy, should the use of the steps [redacted], which the new wedge shaped extension would encourage. This access was constructed without performing an impact assessment [redacted]. This now needs to be performed, if these steps are to be in regular use, as this path passes within around 2 metres of the window of our principle room, at a height of almost window sill level. Regular use of this path would be extremely intrusive and detrimental to [redacted].

Our second major objection concerns the major factual inaccuracies, either by omission or design, contained in the plans, as witnessed on your recent site visit. The plans have been prepared from the ordnance survey records and show how the development was planned to be built, rather than the site as it exists now, detailed information of which has already been supplied by [redacted]. The effect of this is to give the impression that there is much more room for access between [redacted] when in effect the applicants only have in the region of 50cm in width to pass their own chimney, without unacceptable trespass on to our land. The plans also show a distance of some 2 metres between the garage and the boundary [redacted] but in reality there is only 80cm. There is less land to the rear of [redacted] than the plans portray due to the retaining wall being built well within the boundary due to the topography of the site. The effect of this is that the site is already far more cramped in reality than it appears, in contrast with the surrounding properties. A side and now an additional rear extension would therefore exacerbate this and cause a greater detriment to [redacted] and the development in general.

Our third objection is the safety of the site as the proposed extension and patio is so close to [redacted] and the rear boundary wall. Building Control would need to be consulted as to whether the extension could be safely built without extensive investigation into the foundations required. It is in very close proximity to [redacted] which was built on two separate concrete rafts, at considerable expense. This must have been a necessity following ground investigation works. The rear retaining wall was constructed without the need to support a large extension within several metres of it. Building Control should again be consulted as to whether the wall is adequate for this purpose; especially as [redacted] but at a much

lower level. The proposed extension will also sit on top of the main drainage pipes which

Due to the huge amount of ground work which would most likely be required to address the above concerns, provision would need to be made to park vehicles and construction equipment off site, due to the limited parking provisions in Quarry Court. This would be essential in order to maintain access and minimise the disruption caused to other residents going about their daily business.

Our final objection concerns the visual impact of the proposed extension on the rest of the properties and the street scene in general. On paper, the extension has been reduced to a single storey however, due to the levels of the garage, the extension will only be five courses of stone down from the second storey barge boards making it appear considerably larger than single storey. The original development was designed to be in keeping with the heritage of the area and we believe the proposed extension would be in complete defiance of this. We believe it would look incongruous and spoil the existing carefully designed symmetry between

We respectfully request that the planning committee undertake a site visit, prior to deciding the application, to appreciate the detrimental effect that the extension would have on
due to the cramped nature of the site and varying ground levels.

If the committee are minded to allow the extension we would respectfully ask that they place restrictions on the property to prevent further development and building at a later date as per BE12 section 4.29. We would also ask that they put in place measures to protect the
so that existing and future residents can continue to enjoy the peace and privacy to which they are entitled.

For all the above reasons, we respectfully request that the proposed extension especially in its current format is refused.

We would like to be informed of your decision.

Yours sincerely