

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/0942/P	Y. Pole	14/06/2024 16:59:08	COMMNT	Objection to 2 Banister Mews Planning Application (2024/0942/P).

I am the director of the Freehold of 71 Compagne Gardens and an owner of one of the immediate adjacent flats at 71 Compagne Gardens.

This will have a major negative impact on our building, will illegally alter their building (as they are contractually not allowed to do in their and our freehold agreements – as our building freehold sold them their freehold with specified covenants that they had to adhere to – which they are not), and they will illegally trespass by building onto our land. In summary, I as an Owner and Freeholder of the adjacent property 71 Compayne Gardens, object for the following reasons: -

1. Their plans and applications show them building illegally into our land owned by our freehold at 71 Compayne Gardens. The boundary line as drawn on the proposed extension drawings plans are incorrect, as they have drawn this as inside our land (The correct boundary line details a clear gap to be maintained beyond our building). Hence their planning application drawings boundaries are not correctly shown in their planning application drawings. For the correct boundaries please refer to Title Deeds official drawings (NGL624130 and NGL678358).
2. Their proposed extensions and alterations show them transgressing the covenants as stated in both the sale of the freehold to them as reflected in our freehold documents NGL624130, and also as reflected in their own freehold documents NGL678358. Their own Title Deed Covenants clearly that they are not allowed to “alter or change the existing plan and elevations” to their building. The freeholder of our building sold them their freehold on with these restrictive covenants, that plan and elevation alterations be made at any time in the future, as part of the freehold sale agreement. These restrictions still apply in their own freehold agreement. So, their new building proposed alterations in elevation and floor plan are illegal as per their own title deeds.
3. Apart from being illegal, their proposed new wall joining and butting up against our buildings and walls, will cause structural, waterproofing, flooding (including into our property flats due to the extension roof being at window, level), and our property maintenance requirements - all not resolvable with the current planned extensions.
4. Current proposed plans will prevent access scaffolding being safely and practically being erected to our building's needs.
5. They will be blocking access to parts of our property. We will not be able to access all of our property, with the current configuration and walls.
6. Their proposed extension will block and overload the drainage system, causing a risk of flooding.
7. Security risk. The proposed extension will allow easy access to break into the rear windows (screened from the front public view) of our lower flats.
8. With their current proposal, they are effectively now making the two storeys into a three storey building. This is not allowed as their (and our) title deed freehold covenant rules.
9. Being a Conservation Area, this proposed extension will negatively affect our building appeal, value and use.

In support of them illegally wanting to build outside their land boundary and onto our land, we refer to the Title Deed Drawings current title NGL678358 / and old-title NGL673365 (2 Banister Mews - Freehold). This also similarly shown on our 71 Compagne Gardens Title Deeds (NGL624130). This clearly shows, marked as a red line, the two properties freehold boundary between 2 Banister Mews and 71 Compayne Gardens, with a clear gap between the two buildings (this includes the bay windows, as an original part of our building). The red boundary line is also shown as straight, without the ‘dog leg’ kink to the side and is incorrectly detailed on their planning application drawing. Therefore, the position on the property boundary is incorrectly shown on their

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/0942/P	James Wheaton	16/06/2024 21:57:29	NOBJ	My house is next door to this property, and I have no objections to the proposal.

planning application drawings, making part of the extension being built outside their property and on ours. Hence the planning application should be rejected for this reason.

Most importantly - In support of their proposed extension as not allowed as in contravention of the Tile Deed Convents, we refer to Tile Deed and plan (2 Banister Mews) NGL678358 and Section C: Charges Register Entry number 1. This also repeated in Section C: Charges Register Entry number 2; and also repeated with the same words on the 71 Compayne Gardens Title Deeds and plan (NGL624130). As above, the freehold was sold to 2 Banister Mews by 71 Compayne Gardens with the stipulation that this restrictive covenant (of no elevation or floorplan alterations being done) be adhered to, in perpetuity.

This covenant states that:- "The Purchaser doth hereby for himself his heirs executors administrators and assigns covenant with the Vendors their heirs and assigns that he or they will preserve and maintain the existing form plan and elevation of the buildings now erected on the said piece of land and will not alter or change the same and will not use occupy or permit to be used or occupied the said messuage or dwellinghouses for the purposes of any trade or manufacture or for any other purpose than a private residence". As the proposed extension and alterations will alter the existing plan and elevations of 2 Banister Mews, these planning application proposals are not allowed. Planning application should be rejected to this reason. In addition, they have already transgressed this covenant in the past, as 1 Banister Mews have previously added a 3rd story in the roof, and extended this 3rd story outside the roof as well, altering the elevation, which is not allowed as per their freehold, (and our sale of their freehold to them). They plan to now make the elevation as well as the floor size of the building bigger which is illegal.

In summary, this planning application in its current form should be rejected for the numerous reasons as stated above – including;

- building outside their boundary (on the land of our neighbouring property);
- in contravention of their and our Tile Deeds Convents of not allowing the building plan and elevation alterations (or the ones done illegally in the past as well by 1 & 2 Banister Mews);
- causing structural, waterproof and maintenance issues to our building;
- flooding and drainage issues;
- access issues;
- security issues;
- preventing access required;
- Plus, in contravention of the Conservation Area guidelines.

I therefore respectfully request that planning permission be refused

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2024/0942/P	Y Pole	14/06/2024 16:47:19	OBJ	Objection to 2 Banister Mews Planning Application (2024/0942/P).

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This covenant states that:- "The Purchaser doth hereby for himself his heirs executors administrators and assigns covenant with the Vendors their heirs and assigns that he or they will preserve and maintain the existing form plan and elevation of the buildings now erected on the said piece of land and will not alter or change the same and will not use occupy or permit to be used or occupied the said messuage or dwellinghouses for the purposes of any trade or manufacture or for any other purpose than a private residence". As the proposed extension and alterations will alter the existing plan and elevations of 2 Banister Mews, these planning application proposals are not allowed. Planning application should be rejected to this reason. In addition, they have already transgressed this covenant in the past, as 1 Banister Mews have previously added a 3rd story in the roof, and extended this 3rd story outside the roof as well, altering the elevation, which is not allowed as per their freehold, (and our sale of their freehold to them). They plan to now make the elevation as well as the floor size of the building bigger which is illegal.

In summary, this planning application in its current form should be rejected for the numerous reasons as stated above – including;

- building outside their boundary (on the land our neighbouring property);
- in contravention of their and our Tile Deeds Convents of not allowing the building plan and elevation alterations (or the ones done illegally in the past as well by 2 Banister Mews);
- causing structural, waterproof and maintenance issues to our building;
- flooding and drainage issues;
- access issues;
- security issues;
- preventing access required;
- Plus, in contravention of the Conservation Area guidelines.

I hence respectfully request that planning permission be denied

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/0942/P	David Hill	15/06/2024 18:03:19	OBJ	Dear Sir/Madam

Re: Planning Application 2024/0942/P

I am writing to you with regard to planning application 2024/0942/P.

I am the owner of Flat 2, 71 Compayne Gardens which is immediately in front of 2 Banister Mews. I am also a director of 71 Compayne Gardens Ltd which owns the freehold land of 71 Compayne Gardens and this is registered with the Land Registry (NGL624130). I own a share of the freehold as do the other owners of 71 Compayne Gardens.

I am representing all the freeholders/owners of 71 Compayne Gardens (Flats 1 to 7).

I have been through the planning application and have the following concerns and objections:

Proximity of front extension – We object to the proximity of the front extension. The Land Registry document NGL624130 (71 Compayne Gardens Ltd) shows that the boundary includes a strip of land immediately behind 71 Compayne Gardens and so belongs to the freeholders of 71 Compayne Gardens Ltd. We therefore dispute the land ownership boundary as provided in the planning application.

The Land Registry documents NGL624130 (71 Compayne Gardens Ltd) and NGL678358 (2 Banister Mews) show there should be a gap between the 2 properties. The planning application is to build into this gap owned by 71 Compayne Gardens Ltd and this is objected.

It should also be noted that the current gap between the two properties is already very narrow and so any front extension is objected.

Further to this, the current gap between the two properties shows that the front of 2 Banister Mews could at present be encroaching on the strip of land owned behind 71 Compayne Gardens as it is defined by Land Registry title NGL624130 (71 Compayne Gardens Ltd).

Restrictive covenant – There is a restricted covenant on 2 Banister Mews as per the Land Registry document (NGL678358) which maintains the existing form plan and elevation of the buildings and does not permit alterations or changes.

In full it states the following:

"The Purchaser doth hereby for himself his heirs executors administrators and assigns covenant with the Vendors their heirs and assigns that he or they will preserve and maintain the existing form plan and elevation of the buildings now erected on the said piece of land and will not alter or change the same and will not use occupy or permit to be used or occupied the said messuage or dwellinghouses for the purposes of any trade or manufacture or for any other purpose than a private residence."

Structural issues - Notwithstanding the legal boundary and restrictive covenant issues above, joining the properties together can cause structural damage to 71 Compayne Gardens especially as the building is old.

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We do not provide consent to join the buildings together and object to the front extension.

Access issues – Building the front extension will cause access issues to the maintenance and cleaning of the rear of 71 Compayne Gardens as it will provide an obstruction to this. Erecting scaffolding will be more difficult and so it will be more difficult to maintain and clean the rear of the property.

In addition, the far side of the building, between the bay window of Flat 2, 71 Compayne Gardens and Highfield Mews will be blocked off. This requires knocking down a wall to the side of 71 Compayne Gardens.

Notwithstanding the legal boundary and restrictive covenant issues raised above, if the front extension were to be built, there needs to be legal assurance to the freeholders/owners of 71 Compayne Gardens that they have full and unfettered access in perpetuity for maintenance and cleaning of the rear of the property. This should include placement of scaffolding on the roof of the front extension when works are required. Any damage caused thereof should not be the responsibility of the freeholders/owners of 71 Compayne Gardens.

Security - Having a flat roof above the laundry will lead to a higher security risk for Flat 2 and Flat 4 as it will be easier to gain unauthorised entry at the back of 71 as it is out of sight of the main street. Security, such as spikes, would need to be installed across the boundary wall at the side of 71 Compayne Gardens. These costs would need to be incurred as a result of the planning application.

Roof of the laundry – Notwithstanding the issues raised above, if the front extension were to be built, the roof of the laundry should be lowered to be at least 300mm below the window sill of Flat 2 bay window.

In summary, we as freeholders/owners object to the planning application and respectfully request the planning application be rejected.

If you need any further information I can be contacted by e-mail.

Yours faithfully

David Hill
