

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2016/3019/P	Kannan Niththyananthan	22 Wedderburn Road	18/07/2016 20:13:01	OBJ	<p>The terrace overlooks our rear garden and we OBJECT to this development, which has taken place without first seeking planning permission, for the following reasons.</p> <p>The Site History:</p> <p>The Application form is seeking to suggest that the current timber deck structure is a replacement of a previously existing terrace – this not the case.</p> <p>Before these works there was a grass garden in which the mature trees are planted and beyond on the boundary with the properties at the rear and at a lower level from the grass garden there was and still is a hut with a flat roof.</p> <p>It is wholly wrong to deem the roof of the hut as previously comprising “a terrace”, for although as with any flat roofed building it could be stood on, it had no railings around it [as is required by Building Regulations for a terrace use] and it was entirely separate from the grass garden.</p> <p>The New Works:</p> <p>A new raised structure has been laid on top of the grass garden and on top of the hut, as well as bridging the gap between the two.</p> <p>This does not comprise “replacement works”, but rather it is a brand new extension.</p> <p>Additionally the new steel and glass balustrade is a completely new structure, and one which is entirely necessary for the extension of the wood terrace above the hut to allow it to be used as a “terrace” for amenity purposes in compliance with Building Regulations.</p> <p>This then constitutes the creation of a new raised terrace, rising significantly above the level of the rear gardens of Wedderburn Road, coming right up to the boundary fence with them and looking down directly and obliquely into them, with the 1.8 metre high new fence being perceived as part of a rear boundary wall which is significantly taller than that as seen from those adjoining rear gardens, creating an increased sense of enclosure, as well as significantly increased overlooking.</p> <p>The Reasons for Objection:</p> <p>1) Loss of Privacy – the ability which the extended raised terrace and the associated balustrade create for intrusive overlooking of the private rear gardens of the adjoining properties to the rear is wholly unacceptable. The “camouflage” would not preclude views around the balustrade, even if it were a visually acceptable solution, which it is not.</p> <p>2) Increased Noise – the new terrace allows any number of people now to come right up to the rear boundary right above the adjoining rear gardens and for the noise of their activities there and at that raised height to be wholly obtrusive for the quiet enjoyment of we neighbours.</p>

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3) Visual Intrusion – the new balustrade is entirely at odds with anything else locally and at its raised height it is visually entirely unacceptable, being a disruptive jarring intrusion on our outlook from both the rear windows of our houses as well as from our rear gardens. That would not be made any less unacceptable visually by having “camouflage” applied to it.

4) Conservation Area Character and Appearance Harmful Impact – there is nothing like this in the Fitzjohns Netherall Conservation Area in which Lyndhurst Road lies and this causes a very harmful impact on the special character and appearance of this long-established important designated heritage asset.

5) Threat to the Longevity of Protected Mature Trees – the trees are a very important feature in the conservation area and their longevity is likely to be threatened by the loss of drainage to their routes resulting from the existing grass garden area being covered over by the timber terrace. Their loss in its own right would be very detrimental in ecological and environmental terms, as well as visually harmful and consequently also significantly harmful to the character and appearance of the conservation area.

The Planning Policy Conflict:

For those reasons we consider the retrospective application to be in conflict with the following development plan policies:

Core Strategy Policies:

CS5 [protect amenity of residents];

CS14 [high quality design and protect conservation area heritage]

Development Policies:

DP24 [high quality design]

DP25 [protect conservation area heritage]

DP26 [protect against adverse impacts on residents]

DP 28 [protect against adverse noise].

In Conclusion:

This application does not comply with the development plan policies and it already causes significant harm to our reasonable residential amenity, as well as to the preservation of the special character and appearance of the conservation area.

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For those reasons we respectfully urge the Council to REFUSE planning permission and to implement immediately the necessary Enforcement Notice procedures to ensure that the harm we neighbours are suffering is removed at very earliest opportunity.

If you have any doubts about the strength of our case, please contact us directly by our email address so we can arrange a mutually convenient time for you to visit our home to view it in person.

If Officers are minded to recommend approval for the retention of this, we respectfully request that this application is brought before the Planning Committee for a formal determination.
