

Application No: 2020/1530/P
Consultees Name: [REDACTED]
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Comment: OBN/NOT

Response:

The garden plan as designed is not acceptable to [REDACTED] it positions a new gate exiting sideways from No. 10's garden that would require demolishing part of an existing wall and flower bed that are [REDACTED] it would also require residents of No. 10 to enter [REDACTED] in order to exit to the street, including with bicycles from a planned bike rack. It also alters the property line of the two buildings as demised.

In "Proposed Ground Floor Plan - 03", the architect has drawn a line that appears to indicate where the garden gate of the neighbouring property, [REDACTED] lies. That line runs from the front corner of the former electrical substation (which belongs to No. 12 and is on its demised property), across to No. 10's property. In fact, the gate to [REDACTED] garden extends from the rear corner of the former electrical substation across to the rear corner tip of the end of No. 10's property.

In addition, the proposal would straighten out No. 10's garden at its end to create a wider, square flower bed. That straightening would require building a corner of the new flower bed on [REDACTED] land.

Both discrepancies are evident when you compare the proposal drawing to the site plan on No. 10's application. The site plan shows clearly that No. 10's land meets with the right of foot access path (shaded in olive green) only at its end tip, behind the substation. We have checked the title deeds to both properties at the Land Registry, and they are -- with one exception detailed further below -- consistent with the Site Plan. They are not consistent with the proposed alterations. Any side exit from No. 10 before the end tip of its property would require trespass across [REDACTED] land. Any squaring out of the garden would build out onto No. [REDACTED] land. The only acceptable location for a new access gate to No. 10's garden is at that end tip, where it is currently open, leading directly onto the right of access. We would have no objection to No. 10 shortening its garden somewhat, to create a wider exit point for the gate, if that is needed, but it cannot exit from the side of the property onto [REDACTED] land.

It should be noted that the path that runs out from behind the substation is not common property - it is within [REDACTED] demise, and No. 10 has right of foot access. Also that the olive shaded area on the Site Plan, indicating right of access out to Compayne Gardens, wrongly extends across the parking area in front of Stirling Mansions. The title documents make clear that right of access covers only a narrow footway consistent with the width of the path leading from the garden.

Finally, there is a security gate at the exit point to Compayne Gardens. Until now, No. 10 has not had keys, but access has been granted to the owner of No. 10 as needed for construction work etc. This situation would obviously change with this change of use application, in which tenants in the 16 bedsits planned at No. 10 would have bicycles to bring in and out of the garden. This would present a security issue and the current key system on the gate would not be sufficient, as people inevitably would leave the gate unlocked and could have keys copied to distribute freely or keep when they move on. We would expect No. 10 to propose and provide a secure, keyless solution that has our agreement.

[REDACTED]