

| Application No: | Consultees Name: | Received:           | Comment: | Response:  |
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| 2021/3409/P     | Ewan Smith       | 22/09/2021 18:52:21 | OBJ      | <p>Since the planning permission granted for application 2017/4756/P expired on 12 September 2021 and no work has commenced, it is not clear if this planning application is a new one or intended to extend the time limit on the original planning permission, and I question whether this is legitimate.</p> <p>As there are changes proposed, so it should properly be a new application; it seeks to undertake the building works in two stages with excavation of the basement postponed until it becomes affordable (and perhaps never undertaken); without the basement the justification for the lightwell with its intrusive fins and window is redundant, so in effect this becomes a new project.</p> <p>If this is to be a new application, the objections already raised to application 2017/4756/P still apply and are listed below.</p> <p>The original design for 17 Railey Mews (built 1998–99) minimised the impact on its immediate neighbours:</p> <ul style="list-style-type: none"> <li>i) there were no windows in the flank wall adjacent to the gardens of 1 and 1a Lupton Street, this being affirmed in a statement of intent sent by the developers to the owners of 1 and 1a Lupton Street after objections were raised;</li> <li>ii) the flank wall only extended to around half the width of the gardens of 1 and 1a Lupton Street, the rest being set back to form a courtyard, and consequently the wall did not dominate the view from the rear of 1 and 1a Lupton Street;</li> <li>iii) off-street parking was part of the submitted design, parking in the area already being limited.</li> </ul> <p>I strongly object to the new plans which would reverse these elements of the original design (and without which, presumably, planning would not have been granted).</p> <p>There are six principal objections to the new plans:</p> <ul style="list-style-type: none"> <li>1) The proposed lightwell window in the flank wall faces directly the rear windows of 1 and 1a Lupton Street (it is not shown on the elevation to have frosted glass), and although it is screened by cladding fins, this does not prevent the overlooking of parts of the garden of 1a Lupton Street.</li> <li>2) I strongly object to the fins proposed to screen this window, which will project into the gardens of 1 and 1a Lupton Street; there is no mention of this anywhere in the documentation. Any extension of a building into a neighbouring property is surely not permissible.</li> <li>3) The proposed flank wall would now extend at the full height of the building for almost the whole width of the gardens of 1 and 1a Lupton Street, greatly increasing its visual impact (and this would similarly affect 3 and 5 Lupton Street).</li> <li>4) The plans show a roof terrace with 'hedges to hide balustrades' and a 'retractable ladder for roof maintenance'; this will be extremely intrusive for the upper rooms of 1a Lupton Street and I strongly object to this legitimisation of a terrace that has, in effect, already been constructed.</li> </ul> |

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|                 |                  |           |          | <p data-bbox="878 161 2029 244">5) Permission to excavate the basement contravenes the terms of TPO C869 (2009) served on the lime tree in the garden of 1a Lupton Street, the base of which is under five metres from the proposed excavation which must necessarily remove all the roots on that side of the tree at that distance:</p> <p data-bbox="878 284 2029 367">i) In 2009 the protected rooting area under the TPO was assessed by the council tree officer as 9 metres. The tree is now considerably taller, around 14 to 15 metres, and a protected rooting area of less than 5 metres would clearly be insufficient for a tree of this height.</p> <p data-bbox="878 406 2042 521">ii) The tree impact assessment states that no work will be carried out in the rooting area of the tree, argued on the basis that the roots are unlikely to have extended under 17 Railey Mews. However, 17 Railey Mews is built on a system of piles supporting a reinforced concrete frame, rather than on deep continuous foundations, leaving ample space for roots under the building, and which would be well within the 9 metre protected area.</p> <p data-bbox="878 561 2016 644">iii) The arboriculture report submitted was based on the hypothetical deductions from a trial pit dug in the courtyard of 17 Railey Mews at a distance from the tree in question, well away from its base and outside the root protection area.</p> <p data-bbox="878 684 2042 799">6) The garage for off-street parking, which was part of the original plan, has already been incorporated into the living area; now, with these proposed changes, all the elements that might have recommended the original 1999 building will have been removed: in two planning moves permission for a two-bedroomed house with off-street parking is converted into what is essentially a five-bedroomed house without off-street parking.</p> |

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