

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/3674/P	Ewan Smith	24/09/2021 06:43:23	OBJ	<p>I apologise to the authors of the Tree Protection Plan for the remarks made at 3) in my objections, of course the blue circle represents the canopy of the tree. In fact nothing is said about the size of the root protection area. According to the current standard for assessing developments near trees (BS5837:2005), trees that are to be retained are assigned an area surrounding them that must not be altered in any way & the root protection area & the RPA should be calculated & as an area equivalent to a circle with a radius of 12 times the stem diameter for single stem trees. For the lime in question & which has a basal circumference of 2.4 metres & the stem diameter is 0.76 metres (2.4/3.142), so the radius of the circle defining the root protection area is a little over 9 metres (0.76 x 12). This extends around four metres into the proposed excavation; even allowing for a possible 20% offset in this circle representing the RPA, it will extend at least 3 metres into the proposed excavation. None of this is considered or dealt with in either the Arboricultural Method Statement or the Tree Protection Plan in any way at all.</p>
2021/3674/P	Philip	23/09/2021 14:20:04	OBJ	<p>Why are there two sets of plans with different dates? These plans do not appear to have been properly advertised and were posted late. The lamppost signs refer to the other application 3409/P.</p> <p>I maintain the same objections I have posted on comments to 3409/P.</p> <p>The sign in the street advertising these plans states comments must be made by 20th Sept. The website says 27th Sept. Which is it to be? The more detailed plans here showing the fins apparently did not appear on the website until 14th Sept and wants comments by 24th. This is neither helpful nor consistent.</p> <p>The Tree Protection plan here shows a circumference drawn from the centre of the tree "T1". The shaded area in the grounds of 1 and 1A Lupton Street stating "No excavation" in that area and yet the shaded area suddenly stop at the border of 17 Railey Mews which is much closer to "T1" than areas in 1 and 1 A Luton Street. Why?</p>

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2021/3674/P	Ewan Smith	23/09/2021 23:07:19	OBJ	<p>Why is this application listed separately from application 2021/3409/P with no link and no notification? Given that the neighbourhood notice cites 2021/3409/P, why would anyone think to search again for 17 Railey Mews on the planning website? I only became aware of this application today, 23 September.</p> <p>I refer the planners to my comments on 2021/3409/P, filed on 22 September. But to restate some of the objections listed there:</p> <p>As I understand the plans, the fins – added to obscure the lightwell window – project into the gardens of both 1 and 1a Lupton Street, and I strongly object to this and will contest the applicant's right to this infringement.</p> <p>(Why wasn't this detailed drawing added to 2021/3409/P? As here, for the first time, it is possible to see these cladding fins in detail.)</p> <p>I strongly object to this lightwell window which is a major breach of privacy, with or without the proposed cladding and which in both 2021/3409/P and 2021/3674/P is shown as having clear glass.</p> <p>Neither the Arbicultural Method Statement nor Tree Protection Plan discloses that the lime in the garden of 1a Lupton Street has a TPO on it, C869 (2009), and both are documents irrelevant to the works proposed:</p> <p>1) It can be assumed that the applicant won't be excavating any area outside his own property, so the shaded areas in the 'Tree Protection Plan' tell us nothing; the question is about the excavation under 17 Railey Mews.</p> <p>2) This excavation is proposed in the root protection area of the TPOed lime tree (T1 on the 'Plan'), and will be little under 5 metres from its base. Given the nature of excavation no root protection whatever will be possible despite the claims made in the Arbicultural Method Statement (most of which is devoted to the erection of hordings and cabins, etc.). The tree officer serving TPO C869, Kevin Fisher, assessed the root protection area at 9 metres.</p> <p>3) Does the little blue circle around T1 in the Tree Protection Plan represent the authors' estimate of the root protection area (I estimate it has a radius of under 3.5 metres)? Fortunate that it stops short of the intended excavations, but do the authors of the plan really believe that a three-and-a-half metre rooting area is sufficient for a 16 metre-high tree, let alone that the tree has a TPO on it?</p> <p>4) At no time did the applicant or his agents request access to the garden of 1a Lupton Street for an inspection of this lime tree, or to enable a realistic assessment of its root system. In what way did 'access [prevent] detailed inspection'? No proper assessment of the root system of this tree has been undertaken.</p> <p>The lime tree is around 15 or 16 metres high and will have an extensive root system under 17 Railey Mews – which is built on piles – are we to suppose that work on site will stop once this root system is exposed? How are we, the public, to know exactly how the tree officers will deal with this on site?</p> <p>I am also appending the more detailed objections to this development downloaded to the comments section of 2021/3409/P as I am unclear how these two applications relate to one another.</p> <p>Objections to 2021/3409/P</p>

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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.

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.

If this is to be a new application, the objections already raised to application 2017/4756/P still apply and are listed below.

The original design for 17 Railey Mews (built 1998–99) minimised the impact on its immediate neighbours:

- 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;
- 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;
- iii) off-street parking was part of the submitted design, parking in the area already being limited.

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).

There are six principal objections to the new plans:

- 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.
- 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.
- 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).
- 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

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this legitimisation of a terrace that has, in effect, already been constructed.

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:

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.

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.

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.

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.
