

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/5620/P	Ewan Smith	13/12/2021 11:04:51	OBJ	Objections to planning application 2021/5620/P

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

i) there were no windows in the flank wall adjacent to the gardens of 1 and 1a Lupton Street (this affirmed in a statement of intent from the developers to the owners of 1 and 1a Lupton Street after objections had been raised);

ii) the flank wall only extended to a little over 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. (This garage was later converted into a bedroom; the plan as passed included a garage into which a car could be driven, but the width of which forbade the opening of its doors. Why was this defect not identified at the planning stage?)

The new plans for no. 17 would reverse the remaining elements of the original design (without which, presumably, building permission would not have been granted), and I strongly object to this.

There are four principal objections:

1) The proposed window in the flank wall directly faces the rear windows of 1 and 1a Lupton Street; it is not shown on the elevation to have frosted glass. Although screened by cladding fins, this does not prevent it overlooking the garden of 1a Lupton Street. The window is unnecessarily large, extending almost the whole of the elevation of the wall, maximising its intrusiveness. This stairwell is already lit from the top and could have been further lit by a smaller window facing into the remaining courtyard to the North of the proposed stairwell.

2) I strongly object to the proposed fins, which are intended to screen and legitimate this huge window: they will project into the gardens of 1 and 1a Lupton Street and this oversail into a neighbouring property would be trespass. There is no mention of this proposed trespass anywhere in the documentation. This problem could have been avoided by putting the window in the position suggested above, so removing the necessity of cladding fins.

Further, the proposed fins are contrary to the general architectural spirit of the area, being both white and difficult to clean or repaint, they will soon come to look seedy and dirty (for all they might look fresh and 'modern' at the point of construction or on the plans). Why in the current application is no detail given about them? How far will they project from the wall? How are they fixed to the it? Will these fixings be visible? Etc. Some detailed drawings are necessary, surely?

The question of the oversail of the fins into the gardens of 1 and 1a Lupton has never been addressed in any of the planning applications concerning 17 Railey Mews and is one reason why application 2017/4750/P should not have been granted building permission; the current drawings seem to treat the garden wall of 1 and 1a Lupton Street as if it were a party wall, which it is not. No agreement has ever been signed (or proposed

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until 2021) and there is no structural reason for treating this garden wall as a party wall. It is a structure independent and distinct from the flank wall of 17 Railey Mews.

3) Under the proposals the flank wall would 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. I understand, however, that the new staircase block is to address a problem with the current staircase in 17 Railey Mews. Without the overlooking window and its legitimating fins there would be no objection to the block itself, given the poor design of the current staircase and consequent inconvenience to the occupants of No 17.

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 already been constructed.

There are two further points:

1) the planning application omits the information required at section 13; who were the officers consulted? What was the substance of the advice given?

2) The covering letter from DRK Planning refers to planning application no. 2017/4750/P, which was passed by the Council. However, this application should never have been granted building permission for the reason given above at 2) and further because the proposed excavation of a basement violated the tree protection order on the lime in the garden of the adjoining property, 1a Lupton Street. Following is a summary of the objections that were raised to 2017/4750/P and the withdrawn application 2021/3409/P:

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 [of a basement at 17 Railey Mews].

At no point in any of the documentation pertaining to either application were any of the rules around TPOs taken into consideration, neither by the Council nor by the applicant. Despite repeated requests, the Council planning department has never given any explanation why it was considered appropriate to waive the rules around a currently enforceable TPO in favour of planning application 2017/4750/P.

It should not be considered relevant that building permission for similar scheme was granted (now lapsed). I repeat: 2017/4750/P was passed in contravention of the Council's own rules around TPOs and without any consideration of the oversail of the cladding fins into the gardens of 1 and 1a Lupton Street. The whole matter should now be reconsidered; it is a new application and should be assessed again according to its merits.

We, the neighbours, are outside the charmed circle of applicant and pre-planning advice and can only resent the way in which our objections have, to this point, been brushed aside. This application should be looked at

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				again with a more critical eye.

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