

Good Afternoon to you.

We assume that you have read our objections and will try not to be repetitious.

There are 2 main issues in this matter.

1. VALIDITY.

The current Application is for a 2 storey half rear extension.

The Applicant QUOTES from an earlier Application Pre App – 17/00486/HOU - dated 20/3/17, which was for a 2 storey extension to the FRONT of the property.

We have been told by the Planning Department that each Application should stand alone and that a Pre App cannot be transferred from one matter to another; (advice subsequently also endorsed by one of our Ward Councilors).

This appears to us to invalidate the current Application.

Hopefully the Planning Department can clarify why this was accepted.

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2. RIGHT TO LIGHT.

The Council website states that the Council will take into account the effect on the amenity on neighbours' Loss of Light and **this is what we seek.**

The Law Commission states the planning system gives protection to Right of Light and that Local Planning Authorities may use the Building Research Establishment Daylight and Sunlight guide to assess loss of light.

Applying the Building Research Establishment tests for loss of light (as recommended for use by Councils) results in a classification of "OFTEN IMPOSSIBLE TO ACHIEVE REASONABLE DAYLIGHT" IN OUR KITCHEN/DINER.

We hope the Planning Department will show you their calculations using this guide.

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Some months ago the Applicant's resident partner mentioned, in casual conversation, that they were considering applying for Planning permission for a 2 Storey extension at the rear.

We invited him in to see our Kitchen/Diner window and how this lit the south side of our Kitchen/Diner and how the extension would TOTALLY block all sunlight/daylight and drastically affect our way of life.

He agreed the point and commented "Oh that's not on then. We will look at other ways".

Hence the Application for a 2 storey extension to the Front, subsequently withdrawn, due to several objections, including our concern over the loss of light to habitable rooms.

~~The current Application is made by the other Occupant choosing to totally ignore the~~
~~objection over the loss of light to habitable rooms.~~

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With regard to the Planning Departments comments we wish to say:-

PROPOSAL

Last sentence – NO other properties, to the West, have 2 storey extensions. There are a MINORITY of properties with flat roofs from the original build. This Extension would become overbearing in relation to adjacent properties.

PLANNING HISTORY

The internal use of the Extension is not within the Planning Departments remit so why mention.

We fail to see how this Application differs, as it would have a major affect on our amenities due to the close proximity to our Habitable Kitchen/Diner.

Again the internal use of the Extension is not within the Planning Departments remit.

REPRESENTATION

Item 2. It is A KITCHEN/DINER not just a kitchen, and as such is very much a HABITABLE room being the centre of the household - used for general daytime and evening living e.g. Reading, taking Breakfast, Lunch, Tea & Dinner as well as for informal entertaining of Family & Friends, Parties such as Halloween/Birthdays and Xmas celebrations etc are all held there.

The Planning Portal states that there is no legal definition of HABITABLE but qualifies it in 3 contexts, ALL of which state that a Kitchen is a habitable room.

COMMENT

Para 4. Our single floor extension is NOT within the boundaries of the Application and this comment is irrelevant.

The proposed Extension affects our residence's South wall, where the Kitchen /Diner window is located. It cannot just be ignored; it MUST be an inevitable intrusion to our

Amenities, Loss of Light and Overshadowing, which is already restricted by the existing ground floor extension.

Para 5. There is NO mention of the 90 Centimeter gap to our property, just the 3metre gap towards No 24.

Para 8. We have made NO comments on the internal use other than to identify locations, so irrelevant again.

Some of our comments arise from a lack of accuracy by the applicant in answering questions, again ignored by the Planning Department.

We note that the internal use seems to be acceptable for the Applicant to use in the Description of Works.

Para 9. The Application does NOT state “materials will match existing materials” as some existing materials are incorrectly described. The proposed Condition would resolve this.

The Planning Departments Comment’s seem to have been written to support the Applicant and do NOT address ANY of our objections, the main one being our Right to Light.

RECOMMENDATION

Para 2. The measurement of 4,500.0 on the first floor plan should NOT be Approx but should be Maximum.

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We consider that:-

This Application is NOT VALID (use of other Pre App).

The Planning Department should respect our Right to Light (under the Prescription Act 1832) and safeguard this right.

Issue Photographs.....

Any Questions?

Thank you very much for your time.