



22 February 2024

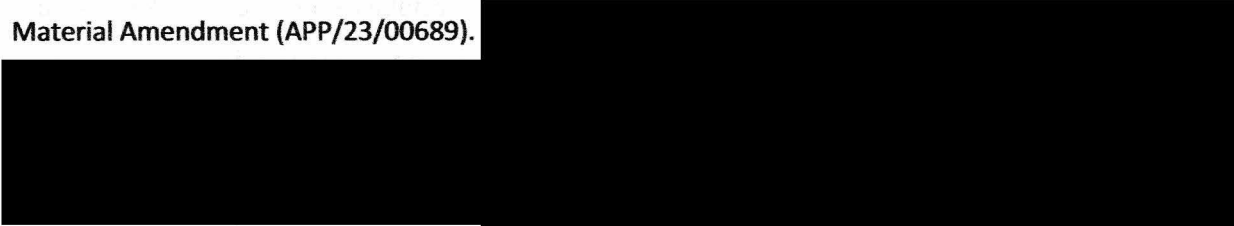
APP/23/00838

We object to this application on the grounds set out below.



It should be refused now.

We note that amended drawings have now been submitted. While this is welcomed as it allows this prolonged process to move forward, the new drawings only serve to emphasise the very significant inaccuracies in the original drawings first submitted last September with the application for a Non-Material Amendment (APP/23/00689).



The new drawings also reveal an additional instance where the development has been built contrary to the approved design, without prior approval from the Council and, curiously, without having been mentioned in APP/23/00689. We refer to the construction of an area of the raised terrace, furthest from the building, that has been completed at a level 225mm different from the approved level.

Our objections submitted in November 2023 were based on what was present on the ground, rather than on the submitted drawings. Hence the provision of new drawings does not affect the validity of those objections, which we reiterate.

The most recent drawings include a new one (2136-MMA/03) showing indicative sight lines in an attempt to address the objections of overlooking and loss of privacy. Despite the optimistic note claiming "NO overlooking", the drawing in fact shows the opposite. The top level of the terrace is fully 625mm above ground level, reducing the effectiveness of a 2m fence as a privacy screen to that of a 1.4m fence, i.e. not effective at all.

Even the observer (in blue) placed on the lower level of the terrace, itself 400mm above ground level, can be seen to have sight lines above the fence. These will capture anyone in the neighbouring garden, except when close to and therefore in the shadow of the fence, and will extend to the habitable rooms. In summary, the overlooking, which was acknowledged by the case officer in APP/22/00237 as problematic, is now very significantly worse.

Without wishing to repeat our concerns regarding the bulk, massing and ugliness of the south elevation as built, they remain valid. The development must be seen in the wider Willow Close context, specifically the proximity of the identical garage of [REDACTED] Willow Close. The two garages are so close that the gutters almost touch and they present a continuous and harmonious roofscape. The approved design replaced an extension of similar stature with a larger building but the visual impact was mitigated by the southern end wall being set back, allowing a relatively smooth transition from old roof to new. As built, the large discontinuity of the eaves provides an abrupt and awkward dislocation to the line of the eaves across both garages, which is out of keeping with the wider context and very detrimental to visual amenity.

Further, the original application (APP/22/00237) stated that matching bricks would be used. We enquired at the time whether the bricks would match the house or the garage and did not receive a response. As built, the bricks match the house, which is sensible on the east elevation, but means that on the south elevation – out of sight of the occupants but visible to the adjoining property – the bricks used are very different from those on the garage. This is very unsightly.

It is surprising that the application form submitted on 3 October 2023 has not been amended. The statement at page 5 of the application form that, *"Rather than demolishing the whole of the existing structure, the rear wall of the original structure was retained, with the parapet wall element being removed and the new roof being constructed with roof line and fascias etc. to follow the line of the existing garage roof"* was and remains factually inaccurate, as the non-matching bricks demonstrate. In reality, the whole of the existing structure was demolished and an entirely new wall built in its place. The new roof has not been constructed to follow the line of the existing roof but with its fascias and guttering some 400mm higher, as the new drawings make evident. These errors were pointed out in our previous comment but have not been addressed. Is it lawful to approve an application when the Council, [REDACTED] know that there are significant errors in the information provided?

Our previous comment referred to the uncertainty over the ownership of the land immediately south of the development and the existence of an application to the Land Registry for alteration of the Registered Title. This application is under active consideration, as evidenced by the attendance on site of the Ordnance Survey on 2 February 2024 to carry out a site survey on behalf of the Land Registry. A decision can therefore be expected soon. It would be premature of the Council to give approval now to a development which is likely to be found unlawful within weeks.

Even acknowledging the current registered position of the boundary, the elevations show that this is immediately adjacent to the eaves. It is clearly impossible to complete the construction of the guttering and other elements of the end wall without using a ladder or platform whose feet will be trespassing on neighbouring land. Is it appropriate for the Council to approve a development that cannot be taken to completion without committing trespass?

For all the reasons above we request that the application be refused.

