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FORMAL OBJECTION TO PLANNING APPLICATION APP/26/00585

Proposed dwelling at the rear of Jubilee Road

Dear Planning Officer,

I am writing to formally object to planning application **APP/26/00585** for the proposed dwelling at the rear of Jubilee Road.

 Having considered the submitted plans and the likely impact of the proposed development 




My concerns are set out below.

1. Incorrect identification of No. 42 Jubilee Road

I would first like to highlight an apparent error in the submitted drawings.

On the submitted ground-floor/site plan, the whole property/building shown to the left of the proposed development is incorrectly identified as **No. 40 Jubilee Road**.

The section shown to the left is in fact **No. 42 Jubilee Road**  No. 40 Jubilee Road is a semidetached neighbouring property.

This is important because several of the proposed boundary treatments and references to neighbouring properties appear to be based on this incorrect identification.

For example, the plans refer to proposed acoustic fencing to boundaries associated with No. 40, whereas the section of boundary directly adjoining my property at No. 42 is not shown in the same way.

I therefore ask that the relationship between the proposed development and **No. 42 Jubilee Road** is accurately identified and assessed when considering this application.

2. Existing mobile home and significantly greater impact of the proposal

There is an existing mobile home within the rear garden area, which has been present for approximately six years and has a Lawful Development Certificate confirming its lawful use.

I am not objecting simply because residential accommodation already exists in this location.

When the mobile home was originally constructed, [REDACTED] I initially had concerns [REDACTED] [REDACTED], but I subsequently understood that it would be occupied by [REDACTED] the residents of No. 40. In practice, the existing arrangement has had a relatively limited impact [REDACTED]

The current proposal is materially different.

The proposed development is a much **larger and more permanent family dwelling**, positioned significantly further forward than the existing mobile home.

In addition, the proposal introduces a car park consisting of **a car park with four parking spaces, a turning/manoeuvring area and a new vehicular access** [REDACTED].

The scale, position and intensity of use would therefore be substantially greater than the existing arrangement and would introduce a very different relationship [REDACTED]

3. Privacy and the existing low boundary

The boundary directly alongside the section of the proposed development affecting No. 42 is currently only approximately **3 feet high, consisting largely of a low hedge**.

This is particularly concerning because the proposed development places the front of the new dwelling, car park space, turning area and access immediately alongside this boundary.

[REDACTED]
[REDACTED] My concern is instead the combination of the low existing boundary, the proposed activity at the front of the new dwelling and the difference in ground levels. People using the front of the proposed property, accessing vehicles, parking, turning or entering and leaving the dwelling [REDACTED]
[REDACTED]

[REDACTED] and I am concerned that the proposal would result in a significant reduction in privacy and living conditions.

4. Proposed acoustic fencing

I note that the submitted drawings refer to proposed **2m high acoustic fencing**.

However, the high fence shown on the side elevation appears to be located towards the **far/rear end of the garden**. It does not appear to address the section immediately alongside No. 42 where the front of the proposed dwelling, parking spaces, turning area and access will be located.

The drawings also refer to acoustic fencing to the boundary with Nos. 40 and 36, but this appears to stem from the incorrect identification [REDACTED]
[REDACTED]

The current proposal therefore does not clearly demonstrate how the section of boundary directly adjoining No. 42 will be treated to protect living conditions.

5. Privacy must be balanced against natural light

I am not suggesting that an unnecessarily high solid fence should simply be installed along the entire boundary.

[REDACTED] and a high solid fence running the full length of the boundary could significantly reduce the amount of natural light reaching [REDACTED]
[REDACTED]

This creates an important balance between protecting privacy and acoustic amenity and avoiding an unacceptable loss of natural light.

Any boundary treatment would therefore need to be carefully considered in the context of the actual levels, positions of the properties and the orientation of the garden.

The fact that a suitable solution may be possible does not, however, resolve my objection to the application as currently submitted, as the necessary information and assessment have not been adequately demonstrated on the plans.

6. Difference in ground levels and existing 7-foot fence

There is also a significant difference in ground levels between the properties.

Due to the slope of the road and gardens, the garden associated with No. 40 is considerably higher than my garden at No. 42.

At the bottom of my garden there is an existing fence approximately **7 feet high**. However, because the neighbouring garden is higher, people accessing the side entrance of the existing mobile home can already look over this fence.

I am therefore concerned about the reference in the application to “**new ground level**” and how the proposed development may alter the existing levels.

I ask that the Council requires clear cross-sections showing:

- the existing and proposed ground levels;
- the proposed finished floor level;
- the levels of the access, parking and turning areas;
- the existing 7-foot boundary fence;
- any proposed privacy or acoustic fencing; and

□

I also ask that consideration is given to whether the ground levels can be appropriately designed or graded so that the existing 7-foot fence remains approximately 7 feet high relative to both sides, rather than the difference in ground levels further compromising privacy.

7. Mature oak tree and potential impact on root system

I am also concerned that the proposed development appears to be immediately adjacent to a **substantial mature oak tree** located in the land between the rear gardens.

Given the apparent size and maturity of this tree, I am concerned that its root system could be affected by the proposed building, foundations, drainage works, access, excavation and other construction activities.

The tree does not appear to be identified or assessed within the submitted planning documents.

Given its apparent size and proximity to the proposed development, I ask the Council to establish whether an **arboricultural survey and assessment in accordance with BS5837** has been undertaken, including calculation of the tree's **Root Protection Area (RPA)** and an assessment of the potential impact of

the proposed foundations, drainage, excavation and construction activities on the tree and its root system.

I am particularly concerned about the longer-term implications if the tree were to suffer root damage during construction and subsequently decline or die several years later.

A mature oak of this size represents a substantial tree, and if it were lost or became unstable, this could potentially have significant consequences for the surrounding properties and gardens, including the risk of damage from falling branches or the tree itself, as well as the loss of an established and important landscape feature.

I therefore consider that the condition, significance and root protection requirements of the tree need to be properly established before the application is determined.

8. New rear vehicular access, parking and noise

There has **never previously been vehicle access to the rear of the property.**

All parking, deliveries and other vehicle movements have historically taken place from the main part of Jubilee Road.

The proposal would therefore introduce a significant new activity into an area which has previously been experienced as a private rear-garden environment.

The proposed development includes:

- a new vehicular access;
- four parking spaces;
- a turning/manoeuvring area; and
- regular vehicle movements [REDACTED].

This would introduce additional activity, including vehicle engines, doors opening and closing, people arriving and leaving, deliveries, manoeuvring and potentially vehicle headlights at night.

[REDACTED] with only relatively distant road noise. I am concerned that the proposal would materially alter this character.

9. Headlights and night-time disturbance

The positioning of the proposed parking and turning area also raises concerns about vehicle headlights [REDACTED], particularly during the evening and winter months.

The repeated movement of vehicles immediately adjacent to the garden could introduce a level of disturbance which does not currently exist.

The impact of the access, parking and turning arrangements therefore needs to be considered not only in terms of highway safety, but also in terms of their effect on the living conditions experienced in my home.

10. Surface water and existing waterlogging

[REDACTED] very waterlogged during periods of heavy rainfall. Additional water entering the garden would render it unusable in the winter months.

There is also an existing issue whereby guttering from the extension at No. 40 [REDACTED]

I am therefore particularly concerned about introducing additional buildings, access and parking areas higher up the slope.

The drawings describe some of the proposed surfacing as **resin-bound porous/permeable surfacing**. While permeable surfacing may assist with drainage, this does not in itself demonstrate that water cannot ultimately reach my property, particularly during periods of prolonged or exceptionally heavy rainfall when the ground may already be saturated.

I therefore consider that the drainage arrangements require proper assessment and that the application should demonstrate how surface water will be managed without increasing surface-water flows towards No. 42.

11. Existing drainage route, watercourse and 1888 title covenant

There is a further and important drainage concern relating to the land between **Jubilee Road and Rowlands Avenue**.

The title documentation for both **No. 40 and No. 42 Jubilee Road** refers to a historic conveyance dated **14 September 1888**, which contains specific covenants relating to the land and, importantly, to the watercourse.

The covenant states that the owner:

“will at all times hereafter keep the watercourse at the North East end of the said piece of land open and cleansed.”

The conveyance also contains provisions concerning the boundaries and specifically states that the benefit of the covenants is intended to run with the adjoining or adjacent land.

I appreciate that the precise legal effect and enforceability of a historic covenant is a legal matter. However, its existence is highly relevant to the planning

application because it provides clear historical evidence that a **watercourse exists at the north-east end of the land and has historically been required to be kept open and maintained.**

[REDACTED] [REDACTED] section of **unregistered/no-man's land** between the rear gardens, with a waterway or drainage route running down the hill towards Jubilee Park.

The submitted proposals appear to move into or affect this area.

I am therefore concerned that the proposed development, foundations, access, parking, landscaping or changes in ground levels could interfere with the existing watercourse, obstruct it or alter the natural route of water.

This is particularly concerning [REDACTED] [REDACTED] becomes **very waterlogged during periods of heavy rainfall.**

I therefore ask the Council to establish:

- whether the watercourse referred to in the **1888 covenant** has been identified and surveyed;
- precisely where the existing watercourse and drainage route is located;
- whether the proposed development, foundations, access, parking, drainage or landscaping will encroach upon or interfere with it;
- whether the proposed changes in ground levels could obstruct, redirect or otherwise alter the existing flow of water;
- how the watercourse will be kept open and functioning during and after construction;
- how the existing drainage route towards Jubilee Park will be maintained;
- where surface water from the proposed dwelling, access, parking and turning areas will ultimately be directed; and

□ [REDACTED]
[REDACTED]

Given the existing waterlogging, the historic title covenant and the apparent drainage route shown in the title documentation, I consider that this matter requires proper investigation **before the application is determined.**

12. Impact on the future saleability and enjoyment of No. 42

The proposed development would also have a significant impact on the character and enjoyment of my home.

[REDACTED]
[REDACTED]

The proposal would place a new bungalow, together with **parking, turning and vehicular access**, [REDACTED]
[REDACTED]

[REDACTED]. A property whose rear garden is directly adjacent to a dwelling, vehicle access, four parking spaces and associated vehicle movements is likely to be perceived differently from a property which retains its current level of privacy, tranquillity and separation.

The proposed development would affect the property's **marketability and the price that could reasonably be achieved**.

13. Cumulative impact on No. 42

While each individual issue should be assessed on its own merits, I am particularly concerned about the **cumulative effect** of the proposal on my property.

The development would introduce a larger and more forward-positioned dwelling, together with:

- a new rear vehicular access where none has previously existed;
- car park with four parking spaces;
- a turning area;
- increased vehicle and pedestrian activity;
- potential headlights and noise;
- reduced privacy due to the low existing boundary and differences in ground levels;
- uncertainty regarding the appropriate acoustic/privacy boundary treatment;
- potential impacts on natural light if excessive fencing is introduced;
- potential disturbance to a substantial mature oak tree and its root system;
and
- additional surface-water and drainage concerns in an area which already experiences waterlogging.

Taken together, these changes would have a substantially greater effect on the living conditions of my home than the existing mobile home arrangement.

14. Request to the Planning Authority

For the avoidance of doubt, **this letter is an objection to planning application APP/26/00585 as currently submitted**.

I am not seeking to agree amendments or conditions which would simply enable the proposal to proceed without the fundamental concerns outlined above first being properly assessed.

I respectfully ask that the Council takes the following matters fully into account when determining the application:

1. The relationship between the proposed development and **No. 42 Jubilee Road** should be accurately represented, including correction of the apparent misidentification on the submitted plans.
2. The privacy impact on No. 42 should be properly assessed, taking account of the low existing hedge and differences in ground levels.
3. The boundary treatment directly adjoining No. 42 should be clearly identified and assessed.
4. The impact of any proposed acoustic/privacy fencing on the natural light reaching my garden should be properly considered.
5. Existing and proposed ground levels should be clearly demonstrated through appropriate cross-sections.
6. The impact of the proposed development on the mature oak tree should be properly assessed through an appropriate **BS5837 arboricultural assessment**, including its Root Protection Area.
7. The proposed foundations, drainage and construction activities should be demonstrated not to cause unacceptable damage to the tree or its root system.
8. A detailed drainage strategy should demonstrate that surface water will not be diverted towards No. 42.
9. The existing drainage/watercourse route referred to in the historic title documentation should be properly investigated and maintained.
10. The significance of the **1888 watercourse covenant** should be considered when assessing the existing watercourse and drainage arrangements.
11. The impact of the new vehicular access, car park with four parking spaces, turning area, vehicle movements, headlights and associated noise on the residential amenity of No. 42 should be fully considered.

15. Conclusion

I appreciate that development proposals need be considered on their individual merits, and I am not objecting simply because a residential property is proposed next door.

My objection is based on the **significant change in scale, position and intensity of use** proposed, together with the introduction of a new rear vehicular access, car park with four parking spaces and a turning area immediately alongside my private garden.

The existing mobile home and its one previous resident has had a relatively limited practical impact on my property. The proposed development is materially different and has the potential to significantly affect privacy, noise, natural light, drainage [REDACTED]

I also believe that the apparent misidentification of No. 42 on the submitted plans, together with the absence of clear information regarding the mature oak tree, its root protection area, ground levels, boundary treatment and the existing drainage route and historic watercourse covenant, means [REDACTED]
[REDACTED]

For these reasons, I respectfully request that the Council carefully considers my objection and does not approve the application as currently submitted unless it is satisfied that the impacts identified above have been properly investigated and that the development would not result in unacceptable harm to my home or our living conditions.

Thank you for taking the time to consider my objection.

Yours faithfully,

[REDACTED]
[REDACTED]