

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 2 MARCH, 2017

Page	Application	Location	Item No.	Description
51	2016/00115/OUT	Land at Cogan Hill, Penarth	1.	Response from Shared Regulatory Services confirming air quality assessment is robust.
88	2016/00659/FUL	Ashdene Manor, Bridgeman Road, Penarth	2.	Note from case officer amending site layout plan contained in report.
115	2016/01289/FUL	Endless Acres Stud, Logwood Hill, Peterston Super Ely	3.	Comments from agent reference conditions and officer response recommending amended conditions.
154	2017/00020/FUL	69, Plymouth Road, Penarth	4.	Comments from Penarth Town Council objecting.
			5.	Comment from neighbour requesting Committee site visit from their property.
			6.	Letter from applicant seeking to address concerns from objectors.

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 2 March 2017

Application No.: 2016/00115/OUT	Case Officer: Mr. Robert Lankshear
Location: Land at Cogan Hill, Penarth	
Proposal: Ground plus 4 storey new build proposal to provide 44 affordable housing units	

From: Craig Lewis, Specialist Services Officer, Shared Regulatory Services

Summary of Comments: Confirm that the assessment of air quality is provided on a worst-case scenario as Windsor Road is not a full canyon due to gaps in vegetation that allow for near road dispersion. Furthermore with regard to potential canyoning impact of the proposed development they comment that *'based on the location of the proposed development and the apparent unlike street canyon characteristics surrounding the development, ie opportunities for road-side dispersion through various avenues, I can confirm that I do not believe that the proposed development would enhance or extend a street canyon effect.'*

From: Lewis, Craig
Sent: 20 February 2017 11:11
To: Lankshear, Robert F
Subject: RE: 2016/00105/OUT: Cogan Hill, Vale of Glamorgan. Air Quality Assessment

Hi Robert,

Detailed within a formal consultation response on the 20th May 2016, Air Quality Consultants (AQC's) outlined that the Air Quality dispersion modelling undertaken for the proposed Cogan Hill development considered a street canyon section of Windsor Road between 172 Windsor Road and Bridge Street due to the location of terraced housing on the west side of the road and a steep bank with dense vegetation on the east side of the road. It must be highlighted that this was a conservative approach to the modelling due to the fact that this section of Windsor Road is NOT a full canyon as gaps in the vegetation do allow for near road dispersion. Therefore, the projected levels considered from the model provided a worst-case scenario.

Based on the location of the proposed development and the apparent unlike street canyon characteristics surrounding the development, ie opportunities for road-side dispersion through various avenues, I can confirm that I do not believe that the proposed development would enhance or extend a street canyon effect.

Kind Regards,

Craig



Craig Lewis | Specialist Services Officer (Specialist Enterprise Services)

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

Phone | Ffôn: [REDACTED]

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From: Lankshear, Robert F
Sent: 14 February 2017 15:07

To: Lewis, Craig

Subject: RE: 2016/00105/OUT: Cogan Hill, Vale of Glamorgan. Air Quality Assessment

Hi Craig,

Sorry to be a pain but can you confirm that you do not believe that the development would extend any "street canyon"?

Thanks

Robert Lankshear
Senior Planner / Swyddog Gorfodaeth
Regeneration and Planning
Vale of Glamorgan Council / Cyngor Bro Morgannwg
tel / ffôn: 01446 704659
mob / sym:
e-mail / e-bost: [REDACTED]

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From: Lewis, Craig

Sent: 09 February 2017 14:01

To: Lankshear, Robert F

Cc: Brown, Sue F

Subject: RE: 2016/00105/OUT: Cogan Hill, Vale of Glamorgan. Air Quality Assessment

Hi Robert,

Thank you for the update and attached documents detailing alternative scenarios to the Air Quality modelling.

I can confirm that I am satisfied by the conclusions made by the Consultants at Air Quality Consultants. I acknowledge the findings detailed in the report and I am content by the methods and approach used to derive the findings. The additional Air Quality Analysis has been undertaken to a high standard and the very conservative approach adopted by the additional testing is deemed best practise allowing worst-case scenarios to be portrayed.

Kind Regards,

Craig



Shared
Regulatory
Services

Craig Lewis | Specialist Services Officer (Specialist Enterprise Services)

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

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LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 2 March 2017

Application No.: 2016/00659/FUL	Case Officer: Mr. Peter D.J. Thomas
Location: Ashdene Manor, Bridgeman Road, Penarth	
Proposal: Conversion of existing building into 3 apartments with new build extensions of 6 apartments	

From: Peter Thomas, Senior Planner

Summary of Comments: The proposed layout inserted in the 'Description of Development' section of the report is incorrect.

Officer Response: Please note the amended proposed layout below. The assessment made in the report was based on the correct amended drawing submitted on 28 September 2016.



Action required: Note.

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 2 March 2017

Application No.: 2016/01289/FUL	Case Officer: Mr. Robert Lankshear
Location: Endless Acres Stud, Logwood Hill, Peterston Super Ely Proposal: Full application for the construction of staff accommodation (Rural Enterprise Dwelling) and associated stables, hay barn and horse walker to support the use of the land as commercial stud farm	

From: Paul Jobson, DLP Consultants, agent

Summary of Comments:

Raise concerns with regard to practical implications of conditions 1 and 10 on the ability of their client to develop the business.

With regards to condition 1 they consider that 6 month time period to implement consent is overly restrictive to allow the discharge of conditions and implementation of consent and request that the period for commencement should be extended to 1 year at a minimum.

They also raise concerns with regard to condition 10 as proposed, given likely cash flow implications for the business and consider it is unreasonable and unnecessary to require the total implementation of the scheme prior to occupation of the rural enterprise dwelling. They indicate that the business will not immediately make use of all the stable facilities and request that the condition is either removed (noting the temporary time limit proposed by condition 2) or amended to tie the occupation of the use of the rural enterprise dwelling to the implementation of the more northerly stable block.

Officer Response:

With regard to condition 1 of the consent it is considered reasonable to amend the condition to allow 1 year for the commencement of the works at the site.

With regard to condition 10 however it is noted that the need for the dwelling has been substantiated on the basis of the full implementation of the level of facilities proposed in terms of labour requirements etc. Notwithstanding this however, it is also acknowledged that the proposals relate to a fledgling rural enterprise and issues of cash flow may prevent the works proposed under the application to be implemented in full prior to the beneficial occupation of the dwelling. As such it is considered reasonable to request a scheme of

phasing of development and occupation to be submitted prior to the commencement of development and condition 10 will be amended to reflect this.

Action required:

Amend condition 1 to read:

The development hereby permitted shall be begun before the expiration of **twelve months** from the date of this permission.

Reason:

To ensure the development is implemented in a timely manner in light of the up to date evidence provided justifying the new rural enterprise dwelling at the time the application was made.

Amend condition 10:

Prior to the commencement of development, a scheme of phasing of the construction and occupation of the works hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented and occupied in accordance with the approved details and thereafter retained for use as described in the application.

Reason:

The rural enterprise dwelling hereby approved has been justified, in accordance with TAN 6 and PPW, on the basis of the functional need arising from the growth of the stud farm business which includes the provision of the new stables and horse walker, and therefore the development should be delivered together in a timely manner.

[REDACTED]

From: Paul Jobson [REDACTED]
Sent: 24 February 2017 12:59
To: Lankshear, Robert F
Subject: RE: Endless Acres 2016/01289/FUL

Afternoon Robert

Thanks for discussing the committee report and conditions earlier today. We are pleased with the recommendation for approval and in general accept the need for conditions to restrict development on site to ensure the scheme implemented reflects the approved plans and their impacts of the landscape.

I however, have concerns about the practical implications for my clients implementation of the scheme as his business grows. The business is relatively new and the proposal includes and the facilities required to support the growth of the business over the next 5 years. Two of the conditions adversely impact on the business and undermine its future growth. The comments below elate specifically to condition 1 and condition 10.

Condition 1: It is considered that a reduction in the time to begin the scheme is acceptable, but would suggest that the reduction to 6 months is too restrictive, for two reasons. 1) The foaling season is largely winter/spring, therefore whilst my client wishes to implement the permission quickly, the business implications of missing the 2017 foaling season due to delays in the applications determination as resulted in cash flow considerations regarding the timing of implementation of the scheme. It is likely the implementation will occur prior to the 2018 foaling season to coincide with firm orders to 2018 and to reduce unnecessary expenditure. 2) There are pre-commencement conditions to discharge prior to implementation. From a logistical point of view, 6 months is considered insufficient to gather the required information (which involves making chooses on products/material etc) submitting the application, getting it determined and then appointing contractors (with their own lead time) all within 6 months. The condition is very restrictive and raises the very real prospect of a permission that expires before it can be implemented. We would suggest that the wording of the condition should be amended to increase the time to begin to 18 months or 1 year minimum.

Condition 2: Whilst understood that the Council wish to ensure permission is granted for a genuine rural enterprise dwelling and therefore the implement of said enterprise is important, we would note that the applicant is a relatively new enterprise and has submitted a business plan and forecasts for the next 5 years. The accommodation (both for staff in the rural enterprise dwelling and horses in the stables) proposed is to facilitate the growth of the business over the next 5 years. Whilst the applicant intents to implement the proposal in full, the business is already operating from the site and cost of implementing all the facilities (stables, hay barn and horse walker) prior to occupant will have significant cash flow implications for the business (Again noting the majority of future income for 2017 has been missed and the 2018 foaling season is some time off). It is considered unreasonable and unnecessary to require the total implementation of the scheme prior to occupation of the rural enterprise dwelling. The business will not immediately make use of all the stable facilities proposed to facilitate the 5 year business plan and the lack of rural enterprise dwelling raises the concern that the welfare of livestock will continue to be at greater risk. We would therefore request that the condition is either removed (given the temporary nature of the rural enterprise dwelling) or amended to more specifically tie the use of the rural enterprise dwelling to the implementation of the more northerly stable block.

We would welcome your careful consideration of the condition wording to ensure that this genuine rural business can grow over the next 5 years. If you wish to discuss the details further please let me know.

Kind regards
Paul

Paul Jobson BA (Hons) MTP MRTPI
Director

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We would love to meet with you...
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From: Lankshear, Robert F [REDACTED]
Sent: 23 February 2017 15:17
To: Paul Jobson
Subject: RE: Endless Acres 2016/01289/FUL

Hi Paul,

The reports will be available to view tomorrow by following the link below:

http://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/planning_committee/planning_committee.aspx

Thanks

Robert Lankshear
Senior Planner / Swyddog Gorfodaeth
Regeneration and Planning
Vale of Glamorgan Council / Cyngor Bro Morgannwg
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LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 2 March 2017

Application No.: 2017/00020/FUL	Case Officer: Mr. Shafqut Zahoor
Location: 69, Plymouth Road, Penarth Proposal: single storey side / rear extension	

From:

Consultation response have been received from Penarth Town Council who object to the proposal.

Summary of Comments:

The town council objections can be summarised as:

- Un-neighbourliness
- Overbearing imposition on both neighbours
- Impact on light to neighbours
- Detrimental to the symmetry of properties
- Does not preserve or enhance the conservation area
- Council should consider a TPO on the holly tree within the garden

Officer Response:

Issues relating to un-neighbourliness, overbearing imposition, impact on light and the impact on the conservation area have been addressed in the report. In terms of the detrimental impact on symmetry, given the siting of the extension to the rear and single storey scale, the proposal is not considered to result in any detriment to symmetry to warrant refusal of planning permission. In terms of the holly tree within the rear garden, given the age, limited height and location of the tree, it is not considered sufficient merit in placing a Tree Preservation Order on the tree.

Action required:

None

Penarth Town Council

Mrs V.L. Robinson - Oper. Man. Develop & Build. Control
Vale of Glamorgan Council
The Dock Office
Barry Dock
Barry
CF63 4RT

Emma Boylan - Town Clerk
West House
Stanwell Road
Penarth
CF64 2YG

Telephone 02920 700721
Fax 02920 712574

Case Officer : Mr. Shafqut Zahoor

Date 16/02/2017

Application No : 17/00020/FUL **Type** : FULL **Status** : 0 New Application

Date Received : 26/01/2017

Applicant : Mulaney Mr. & Mrs. Peter
69, Plymouth Road
Plymouth Road
Penarth
Vale of Glamorgan
CF64 3DD

Agent/Architect : Christian LeGuilcher
LeGuilcher Architecture
1, Powys Road
Penarth
Vale of Glamorgan

Location : 69, Plymouth Road
Plymouth Road
Penarth
CF64 3DD

Parish :
N.G.R. :
Road Class :

Proposal : Single storey side/ rear extension

TOWN AND COUNTRY PLANNING ACT 1990 - LOCAL COUNCIL OBSERVATIONS

Penarth Town Council have considered the Application No 17/00020/FUL and observations thereon are as follows :

Penarth Town Council strongly OBJECTS to the application as a result of unneighbourliness; overbearing imposition on both neighbours. It will affect light in both neighbouring properties. It is detrimental to the symmetry of properties in the Conservation area, and it does not preserve or enhance the Conservation area to its overall standard & appearance. Penarth Town Council would like Vale of Glamorgan Council to consider a TPO on the holly tree

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Regeneration and Planning

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From: Steve Arthur [Redacted]
Sent: 27 February 2017 09:15
To: Planning & Transportation (Customer Care)
Subject: 2017/00020/FUL - Site Visit thursday 2nd March

For the Attention of Mr. Shafqut Zahoor

Dear Mr Zahoor,

I believe that there is planned to be a site visit for councillors to inspect the application to build an extension at no 69 Plymouth Road on the morning of Thursday 2nd March between 9 and 11am.

You and I have already spoken on this matter.

I believe that it is important that the councillors are able to see the impact the proposed extension will have on my property, no 71 Plymouth Road.

I would therefore like to invite them to include my property as part of their visit.

As I am unable to be present on that day so a friend of mine, Mrs Susan Grant has agreed to be present at my house to give them access.

I would be grateful if you could inform them of my invitation and let me know what time you will be able to attend so that I can let my friend know.

Also

Please could you assure me that the letter of objection from Penarth Town Council will be presented at the planning meeting later that evening.

Mr Andrew Grant has agreed to present our objection to this application. He will have registered under his own name.

Thank you for your support.

Kind Regards
Sandra Arthur

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From: Peter Mullaney [Redacted]
Sent: 26 February 2017 21:53
To: Planning & Transportation (Customer Care)
Subject: FAO: Shafqut Zahoor Ref: 2017/00020/FUL
Attachments: Objection response with figure.docx

Dear Mr Zahoor,

Please find attached a letter responding to the objections to the above planning application for 69 Plymouth Road, Penarth. We understand that this application will be reviewed in the planning committee meeting scheduled for 2nd March and we wish our responses to be available for review by the committee. We have applied to talk in accordance with the guide to public speaking information provided on the Vale of Glamorgan website. I would be grateful if you could acknowledge receipt of this email and successful opening of the letter, which is presented as a microsoft word document.

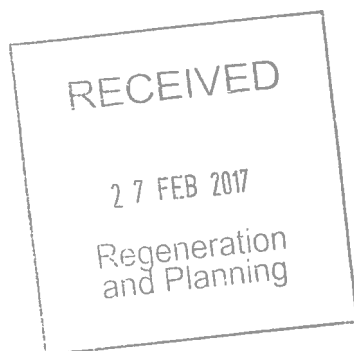
Thank you for all your time and advice provided thus far.

Yours faithfully,

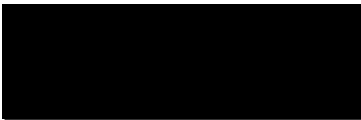
Mr Peter Mullaney

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NO: 23
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69 Plymouth Road
Penarth
South Glamorgan
CF64 3DD



Mr Shafqut Zahoor (Case Officer)

Planning Department

Vale of Glamorgan County Council

Holton Road

Barry

CF63 4RU

26th February 2017

Dear Mr Zahoor,

We are writing regarding our planning application for a kitchen extension to 69 Plymouth Road, Penarth (Ref: 2017/00020/FUL) to comment on the objections raised by our adjoining neighbours at numbers 67 and 71 Plymouth Road respectively. We refer to the copies of objection letters which are available on the relevant pages of the Vale of Glamorgan website. In commenting, we shall address each neighbour's concerns separately and not necessarily in the same order they have used:

Objections raised by 67 Plymouth Road:

1. Privacy.

The original plans included a raised back patio extending from the proposed extension which Mr and Mrs Clark estimate to be at least 0.4m (1ft, 4in) high. They raised concerns that this patio would allow increased overview of their back garden over the adjoining stone wall, leading to a loss of privacy and hence amenity. We recognise this concern and are willing to change the plans, removing this raised patio in favour of steps down to the current patio level (as is extant in the existing annex extension). This would maintain the current situation and there would be no change in the privacy currently enjoyed by number 67. We have discussed this with Mr and Mrs Clark.

2. Loss of amenity

Following on from point 1) above, Mr and Mrs Clark have stated that the change in privacy caused by the raised patio would lead to a loss of amenity with respect to their use of their garden. With our proposed concession, this would no longer be the case.

3. **Loss of light.**

Following on from point 1) above, the proposed plans included increasing the height of the party wall to offset a potential loss of privacy incurred by the raised patio. It was stated that this would affect the sunlight available to the windows in the back wall of their kitchen. By removing the raised patio and maintaining the status quo with no change to the height of the party wall, this concern is negated. They also stated that the proposed extension extends the roof beyond their kitchen extension and will significantly reduce available light through these windows. Although the roof will extend slightly further than the current roof, we estimate from the plans that this increase is minimal. The height of our proposed extension at the adjoining party wall will be slightly lower than is current and so we feel that any impact on access to natural light for their rear kitchen windows (which are placed approximately 6ft away from the party fence wall) will be minimal - as stated by Annex A (loss of light) in the Planning Policy Statements and Supplementary Advice. Whilst we are not qualified to make absolute statements in this regard, we have been subject to a site visit by a planning officer who will be more experienced in these issues. We assume the plan alterations required after his visit will have been in part to address this issue.

4. **Conservation.**

a. **Potential damage.**

Mr and Mrs Clark state concerns that the party wall between our shared kitchen extensions (at present a wholly internal wall) will become partly external and therefore subject to additional environmental stresses (precipitation, wind, etc). They state this would lead to damp ingress and damage to their extension. We recognise this change and will ensure that appropriate measures are taken to protect this wall from environmental exposure and prevent any damage to their property. This would be entirely at our own expense and would be after consultation with professional builders regarding the measures required to protect this wall. A review of the proposed plans shows that the area of wall subject to new environmental exposure is a small proportion of the overall area of this shared wall (see figure 1), therefore we feel that this change is manageable. We have discussed this with Mr and Mrs Clark.

b. **Gross and overwhelming development**

We concede that our plans lead to an increase in the size of the current Victorian footprint but we do not agree that this will automatically be to the detriment of the architectural character of Penarth: This proposed extension is entirely at the rear of the house and as such will not affect the appearance or character of the front of the property as seen from Plymouth Road. In addition, the rear of our property is not visible from Sully Terrace Lane due to the current outbuildings existing in the rear of numbers 67, 69 and 71 Plymouth Road.

c. **Change in character**

Several properties within the bounds of the preservation order have developed their kitchen extensions in a similar nature to our proposal and we do not think that our aspirations are out of keeping with those of other families living on Plymouth Road. We feel that we are adhering to the spirit of the Preservation Order section 4 where it states "conservation is often mistaken as meaning fossilisation. Aim for creative conservation that ensures continuity but without imposing a straight jacket on innovative and creative contemporary development". We would use bricks similar in character to those present

to ensure a build sympathetic to the overall character of our property. It is in our interests, as well as those of our neighbours, to use high quality materials and create an aesthetic look to the extension.

5. **Un-neighbourliness**

Since moving to Penarth in 2013, my wife and I have worked to foster good relations with our neighbours at numbers 67 and 71, and to be considerate residents engaging in the life of our local community. We have complied with any issues they have raised (parking on the public road, maintenance of our front garden foliage, etc.) promptly and in good faith. Both neighbours have previously approached us to share the maintenance costs of party chimney stacks, and we have wholly cooperated with their wishes even though the financial requirements imposed on us were unexpected and required the use of savings we had for other purposes. The maintenance work instigated by number 71 was not of immediate urgency (the builder they sourced stated that the work did not **need** to be performed for several years) and was scheduled for the convenience of Mr and Mrs Arthur. This had a considerable impact on my wife who had just given birth to our youngest daughter and was recovering from major surgery. In the spirit of good neighbourliness, we have not questioned any of the terms they have required of us, financial or otherwise.

Objections raised by 71 Plymouth Road

1. **Overdeveloped / Overbearing / Overshadowing**

Impact on Light and Amenity (all stated rooms)

Number 71 Plymouth Road is situated South relative to number 69. As such the proposed extension has no impact on the **direct** light available to the rear of their property at any time of the year (as demonstrated in photographs 2, 4 and 5 of their objection letter). In terms of the reduction of reflected light available, we believe this will be minimal as the majority of the reflected light (demonstrated in photograph 2 of their objection letter) arises from wall above the proposed height of the extension. We intend to use brick of a similar character to that currently present therefore the amount of "sun soaked warm brick" available to reflect sunlight could increase. We believe the change to the open aspect currently enjoyed by number 71 will not change as much as they have stated and there will be little change to the amount of sky visible from the rear of their property. We do not believe the amount of light available through the French doors (as demonstrated in photograph 4 of their objection letter) of number 71 will change. We have been told by our architect that the changes to the plans required by the planning officer has reduced the internal height of the proposed adjoining wall to 2.3m - considerably less than the 3.2m stated in their letter - thus reducing the proposed wall's visibility and impact. Finally we believe the loss of amenity and the tunnel effect they propose (as demonstrated in photograph 5) is less than they have stated, and will involve no loss of sunlight coming from the South.

2. **Altering the character of the property**

a. **Setting precedent**

In this regard, we refer to point 4c) above addressing similar concerns of number 67.

b. **Damage to Floors and Walls**

We acknowledge the concerns regarding potential for damage to the party fence wall (a valued character feature) and its foundations during construction of the proposed extension. My wife and I are committed to protecting this wall as a priority and will take whatever measures are required to achieve this, as advised by our builders, etc. This will be at our cost, and we believe this complies with the terms of the Party Wall, etc. Act, 1996 (we are currently obtaining advice on this). We do not believe that this work would affect the original floor tiling in the conservatory of number 71, but we can take advice from professionals regarding this.

3. Un-neighbourly / Impact of rain

We will ensure that the proposed extension has guttering sufficient to ensure there is no impact to number 71 from overflow of water from the new roof. This guttering would be accessible for routine maintenance throughout its length via the proposed skylight windows. With respects to problems of overflow they have stated with the current guttering, it has been our intention to address this issue at the same time as any construction that we would be permitted to undertake. We believe this problem has no current impact on their property. In addition, we would take the opportunity to rationalise the pipe work currently extant on our property (as highlighted in photograph 6 of their objection letter) we hope to the aesthetic benefit of number 71. We would also remove the unsightly satellite dish inherited from our vendors.

We thank you for your time and patience in reading our correspondence. This is a very emotive issue for all involved. We will await the outcome of the committee meeting scheduled for the 2nd of March.

Yours faithfully,

Mr Peter and Mrs Frances Mullaney

Figure 1: Proportion of shared wall with 67 Plymouth Road affected by proposed changes, highlighted in red [adapted from document 1650/09 Proposed Side Elevation (Facing 67)]

