Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
ST13 6HQ

Ms K A Price, Dr N Corp
Brookfield
46 Novi Lane
Leek
ST13 6NU

Date: 24th November 2020

OBJECTION TO PROPOSED DEVELOPMENT

Dear Sirs

APPLICATION NUMBER: SMD/2020/0619
LOCATION: 44 Novi Lane, Leek
APPLICANT: Mr & Mrs J Terry ("the Applicant")
PROPOSED DEVELOPMENT: Proposed two storey extension to rear and single storey rear extension ("the Application")
AFFECTED PROPERTY: 46 Novi Lane, Leek, ST13 6NU

We refer to the above planning application for planning consent. We have had sight of the Applicant's submitted documents and we know the proposed site and the area very well.

Further to seeking legal advice on the matter, as the registered Proprietors and occupiers of the above-mentioned adjacent semi-detached affected property, we now write to formally object to the Application and would be most grateful if you would please accept and register this letter as our formal objection to Application Number SMD/2020/0619 as set out below.

The proposed Application would lead to a loss for ourselves of :

1) Privacy

The proposed layout would severally and substantially impact our right to privacy by dint of creating a common law tort of nuisance through interference with the amenity of "quiet enjoyment of the land". This violation of our property rights has been confirmed in the case of *Williams v Network Rail Infrastructure Ltd* (2018).

Specifically, the party wall boundary between 44 and 46 Novi Lane, does not extend as a straight line along the adjacent properties. This means that a large part of our garden (46 Novi Lane) is actually located directly underneath the Applicant's proposed extension. Thus, any opening sited on the extension's north facing side would immediately and substantially impact on our privacy.

2) Light

(i) Declaration – An agreement dated 19 January 1939, noted in the Charges register of the Official register against the respective titles to both 44 & 46 Novi Lane, formally and specifically confirms *inter alia* that all rights of light benefiting 46 Novi Lane shall remain unaltered. The proposed development would therefore constitute a breach of this agreement.

(ii) Prescriptive easement – In addition, and for the avoidance of doubt, our house has in any event acquired a prescriptive easement of a right to light through uninterrupted exposure to light well in excess of the required statutory period of at least the last 20 years pursuant to the Prescription Act 1832.

3) Amenities

Whilst there are no statutory provisions to protect our right to a view, following the recent case of *Dennis v Davies* (2009), we feel that the proposed layout would create another tort of nuisance by considerably restricting our enjoyment of the existing local landscape views (please note that 44 & 46 Novi Lane are the only semi-detached properties in the area benefiting from having large unobstructed and open gardens in the area thus providing excellent views). The proposed development would therefore significantly reduce this important residential amenity.

Please note we may raise further objections if deemed necessary. We also reserve the right to seek injunctive remedy and/or damages by way of compensation in respect of any development that may infringe on our legal rights.

Notice

Please note our Notice that if the Application is to be decided by councillors, we would like to speak at the meeting of the committee at which the Application is expected to be decided. We would therefore appreciate if you could please let us know as soon as possible the date of the meeting.

We look forward to hearing from you in due course.

Yours faithfully

Ms K A Price and Dr N Corp