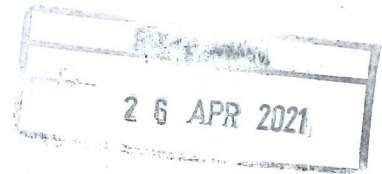


Heaton Bank
Heaton
Rushton Spencer
Staffordshire
SK11 0SJ



21st April 2021

Dear Sir/Madam,

APPLICATION NUMBER: SMD/2021/0235

LOCATION: Rose Cottage, Back Lane, Heaton, Rushton Spencer.

Please take this letter as my formal objection to the above application.

Before outlining the grounds for my objection I would like to explain the background to the situation that currently exists between our property and that of the applicant.

In August 2020 we were made aware that the applicant proposed to replace the roof of an existing conservatory with a flat, load-bearing roof with the intention of creating the roof terrace for which planning permission is now being sought. I contacted SMDC Planning Enforcement at the time who subsequently spoke to the applicant. Your Planning Enforcement Officer, Julie Howard, then wrote to the applicant to advise them that if they proceeded with the works and it transpired that permission was required then any works would be carried out at their own risk. At that time, the applicant denied any intention to create a roof terrace and proceeded with the works to replace the conservatory roof. Despite this denial, it is apparent from the method of construction (i.e. a load-bearing roof) that the applicant has always intended to create a roof terrace.

It is not clear whether the roof construction or the existing footings to the conservatory comply with Building Regulations for a structure which could bear the weight of several people. You may therefore wish to refer this matter to your Building Regulations Department.

In terms of my objections to the planned development I would ask you to consider the following matters.

Misleading Information. The submitted plans accompanying the planning application describe the space proposed to be covered by the roof terrace as a "sitting room". This is

inaccurate as until last August this space comprised a PVCU conservatory covered by a lightweight roof of polycarbonate construction.

Section 4 of the application form states that the work has not already been started without consent. This, too, is misleading since the prior installation of a load-bearing roof, whilst not of itself requiring planning permission, is integral to the proposed change of use for which planning permission is now being sought.

The application plans state that the proposal is "mainly to provide maintenance access." This is also misleading as maintenance access would not require the installation of a permanent staircase or the erection of a balustrade. These features, together with the installation of thick rubber tiles on the new roof make it clear that the roof terrace is principally intended to be used as a recreational space.

Loss of Amenity. The roof terrace would give elevated views across a large part of our garden. This would result in substantial overlooking and a significant loss of amenity and privacy.

Visual and Noise Intrusion. There would be significant visual intrusion from the terrace as well as a potential for increased disturbance from noise. All this would be exacerbated by the absence of any form of visual or physical barrier especially since the height of the dividing hedge was illegally reduced my neighbours.

Precedent. Whilst it is entirely normal to expect a degree of overlooking from a neighbour's bedroom windows, this is entirely different from the deliberate creation of an elevated recreation space which might be occupied for substantial periods especially in the summer months. It would surely create an undesirable precedent if every flat roofed conservatory (built within permitted development limits) were subsequently permitted to utilise the roof space in a way that would undoubtedly intrude on the privacy of neighbours.

Unnecessary and Opportunistic. The applicant's house already enjoys the benefits of an adequate garden and outdoor leisure/entertainment space and the application should therefore be viewed as unnecessary and opportunistic.

Finally, though it might be mentioned that the property adjoining the application site (Ivy Cottage) has a similar terrace, it is my understanding that this was created some years ago without planning permission and is thus beyond the time limit for a breach of planning control. This cannot therefore be used in any way to justify the creation of a second roof terrace with such detrimental effects on my property.

In the circumstances I would respectfully urge that planning permission for this development be refused.

