

From:
To: [Planning Comments \(SMDC\)](#)
Subject: Planning Application SMD/2025/0141
Date: 15 April 2025 15:05:30

Dear Planning,
Having viewed the proposed plans for 344 Ash Bank Road Werrington SMD/2025/0141 on 8/4/25 we have a number of issues for your consideration.

1. Maintenance
2. Loss of Light

1. Maintenance

It is proposed that 225mm is to be the distance between our building and the proposed new extension. In our opinion this distance is inadequate, when maintenance of our building is required. Access will be required at some point for glass cleaning/repair, brickwork repair/inspection and debris removal/sweeping of the ground area (maintaining the damp course).

2. Loss of Light

Considering the size and proximity of the proposed extension, the loss of light into our conservatory and in particular our living room, would be significant. The adjacent wall to the proposed new extension is constructed using a significant amount of 145 x 145mm glass bricks/panels covering an area of 5.5 meters square (see attached image). The loss of light into our building would be inevitable and would materially diminish our reasonable enjoyment of the property, inevitably affecting habitable rooms (ie the living room) which is a concern for the reasons stated above.

It is our view that the interference would meet the legal test for substantial infringement as set out in the Prescription Act 1832 and the Right to Light Act 1959, a homeowner acquires a "right to light" by prescription where uninterrupted light has been enjoyed through a defined aperture for at least 20 years without consent, interruption or objection. This right allows the owner of a property to receive adequate natural light through windows and other openings.

We have lived in our property for almost 30 years (which can be verified if necessary) and for the entirety of that time we have enjoyed natural light entering our conservatory and our living room through the windows and side wall to the rear of our property. In particular our living room is entirely dependent on light coming through these windows and side wall, as otherwise the room would be left in perpetual darkness. Given the number of years that we have lived in the property and enjoyed this light it is our view that prescription has occurred and we have a right to light.

As such, we respectfully urge the Planning Authority to reject this application in its current form, or to require amendments, that ensure our right to light is preserved. We hope you will give our concerns due consideration.

Regards Mr and Mrs D Rowley (15/4/25)