

Waveney District Council  
Planning and Coastal Management  
Town Hall  
High Street  
Lowestoft  
Suffolk  
NR32 1HS

14<sup>th</sup> June 2014-06-14

Re:

**Planning Reference:** DC/14/1773/VOC  
**Development Proposed:** Variation of Condition no2 of DC/13/0543/VOC  
**Location:** Plot 2, Former 243 Long Road, Lowestoft, Suffolk.  
**Applicant:** Mr Ian Sinclair

Mr J Dye  
27 Viking Heights  
Martlesham  
Woodbridge  
Suffolk  
IP12 4RT

Dear Mr Povey

We are replying to your letter dated 5/6/14 and responding to your visit this morning to discuss our concerns regarding the variation to original plans. Also to make you aware in writing of the problems that has arisen from the subsequent build next door.

Whilst I will try to make it as succinct as possible due to the nature of the problem we are providing you with photographic evidence to support our position.

1. On the matter of the proposed window that has already been added to the front elevation of the new build (plot 2) without planning consent we object. It was not on the front elevation of the approved drawing.
2. As can be seen from the photograph it can look directly into one of our bedrooms.

Image 1 as viewed from inside our bedroom window:



We do not accept limited opening or obscured glass will give us the privacy we enjoyed prior to the build and change to plans. Even a limited opening would give direct line of sight into our bedroom window!

Any changes to raising an already unacceptable fence will darken our bedroom and make it the room very oppressive and gloomy. With a proposed 1.9m fence only 1m from our window. Why should we have to accept a 2.4m fence when we had enjoyed a beautiful beech & privet hedge for 40 years until this (chalet bungalow), “more like a house” was built? Incidentally the developer took it upon himself to remove this hedge without my parent’s consent or serve any notice on them of his intention to do it.

3. Outside view of the front aspect of the respective properties demonstrating how dwarfed their property is by plot 2, how close it is, and how the window in question is significantly higher compounding the intrusion of privacy.



(245 Long Road to the left of picture, plot 2 to the right)

4. Due to the property (plot 2) having been raised significantly above ground level: Not indicated on the submitted plans (shown as built on level ground). Assumed to be built on an equal level with 245 Long Road. There is also significant intrusion of privacy to the side and rear with windows and doors looking down directly into the garden despite the 1.9m fence erected. This was never identified or perceived as the original plans indicated level build.



5. The velux windows fitted to the roof of plot 2 also have an unobstructed view directly into their garden. As demonstrated in the picture above and below even with the window only partly (100mm) open. Again it has been suggested using limited openers but an inch would be sufficient to spoil the previous privacy.



(The light fitting/cables are clearly in view through the open window demonstrating eye level possibility and clear view into our rear garden).

6. The plans (scale drawings) show a gap of at 3.25m between the two properties. I know Planning appear reluctant to get involved in boundary disputes but as a point of interest: The hedge (our boundary) removed without our permission was approximately 8ft thick and the replacement fence has been erected on our side of where the hedge terminated. My parents have lived there for 40years with the boundary undisputed and therefore maintain they have lost between 3 and 4ft of their land along the entire length of the fence. The plans also support this clearly showing a 2/3 to 1/3 ratio boundary line between the properties in our favour. This is now clearly not the case as shown in the image below.



(Plot 2 left of picture, no. 245 to the right).

In this image you can see what is left of our hedge (not yet removed), demonstrating the thickness, position of new fence and ratio of gap between the properties in the favour of plot 2, approx 60/40.

Our principle point however, is that the planning was granted with a gap of at least 3.25m between properties. The new build is only 2.54m from our property. A reduction from plan of over 700mm clearly showing that even taking my parents land, the property has not been built with the approved gap between them!

With the additional height of plot 2 above ground level this reduction has been compounded. We have lost light, privacy, space and boundary.



As viewed from the opposite direction:

(Plot 2 to the right of picture)

The metal fence indicates the planned route of the fence to replace our hedge.

The window on the left is a high level window to our lounge (nearly 5ft above floor level) and is looked down into from plot 2 by a standard height window again a loss of light and privacy

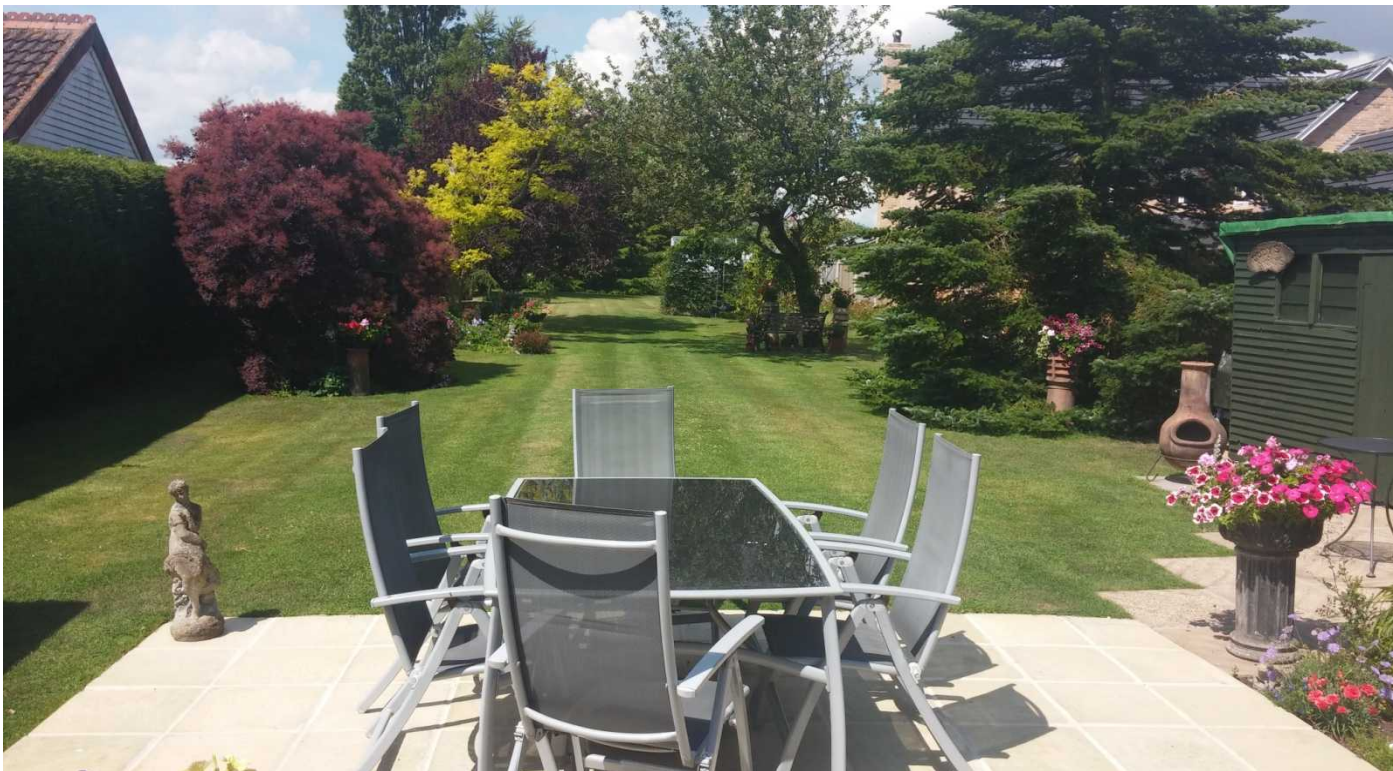
7. I have tried to demonstrate the difference in height between the properties by showing the bottom of the door to plot 2 (shown right of picture) and the amount of ground to be made up. The approved plans show the floor level just above ground level not some 800mm above with built up levels totally over shadowing my parent's bungalow.



8. Our bungalow (right of picture) which has had perfect privacy for 40 years is now overlooked and dominated by this monster (plot 2).



9. I have attached the picture below to show how much their garden means to them and what they had once to themselves!



To summarise, whilst it would appear we are late in raising our concerns we were given to believe a level property to ours was being built and we would not be overlooked with a reasonable gap between. That there would be a gap of 3.25m between us and plot 2, not 2.54m!

We would retain the boundary hedge which would be sufficient to provide us with privacy and not be so blatantly overlooked.

We would not have windows above ours looking directly down into our lounge and bedroom and be constantly overlooked by people using the side doors and first floor rooms.

My parents are both not in the best of health. My father is just recovering from a life- saving operation performed only seven weeks ago. My mother is on the waiting list for major surgery and we have had to evaluate our priorities. It is accepted that we should have raised our concerns before now. My parents are continually stressed by this development and the unauthorised change to the build just exacerbates their medical problems which they should not have to endure. We expect the Planning process to safeguard their property and subsequent enjoyment of their house and garden. This development has clearly devalued their property which should not be allowed to happen.

We have done our best to provide an accurate appraisal of the situation and would welcome any further inspection by the Planning Department or any other body who may be concerned. We are looking into the Ombudsman and legal representation for the boundary dispute as a civil claim if necessary.

I would lastly like to say that developer has demonstrated a gung ho attitude to exploit vulnerable pensioners.

Yours sincerely,

Jason Dye.

cc. Mr & Mrs GH Dye, 245 Long Road, Lowestoft, Suffolk, NR33 9DF.