

CHECAA

Craigweil House and its Environs Conservation Area Association

'Preserving our Regal, Historic and Architectural Heritage for Future Generations'

AW-312-14-HH – 37 Kingsway – further objections – 8-2-2015

8 February 2015

Head of Planning Services
Arun District Council
Maltravers Road
Littlehampton
BN17 5LF

EMAIL ONLY

Dear Sir

FURTHER OBJECTIONS TO AW/312/14/HH – 37 Kingsway – extensions – within the Craigweil House Conservation Area and Area of Special Character

In extension of and further to objections already made by CHECAA, and for avoidance of doubt, we wish to make further points – particularly upon the further information supplied by the applicant and upon the Tree Officer's report, please, as follows:-

1. The Tree Officer either misdirects himself or has not been asked to report upon what harm will come to the trees during the proposed construction work which will involve the digging up of the driveway, excavation and laying of structural concrete and – along the line of the existing wooden fence next to No. 39 – deep excavation (likely to be 1m deep or more, depending upon the ground) and the pouring of hundreds of cubic metres of highly toxic concrete containing cement which causes burns to building operator's skin surfaces and will certainly kill tree roots and percolate through the soil and kill off an almost endless mass of attractive trees, shrubs and other vegetation in the garden of Mr. and Mrs. Houlton at No. 39 Kingsway. And those footings, for a wall to be on the line of the fence, will have to be dug some 300mm – 450 mm within the garden of No. 39, yet the owners have not been told or asked about this by the applicant.
2. **Whether or not these trees are worthy of a Tree Preservation Order is academic for the issue is whether or not the trees will be harmed and it is for the applicant, through submission of the three Plans, according to BS 5837:2012. The Tree Officer in bold at the bottom of page 2 of his report, requires the applicant to show that he can carry out the construction without causing harm to anything (trees/ shrubs/vegetation) of A THIRD PARTY (39) and that is not an option but a requirement of the BS and LPA and but Mr. and Mrs. Houlton stand firmly against any works which will harm even one leaf of the vegetation which they hold so dear.**
3. **For the applicant to cause harm to the property owned by others will constitute Criminal Damage and, further, should he do this with the consent of the Local Planning Authority then they will, equally, be liable for any harm done, costs and damages etc. as we see things.**
4. **More than that, the owners of No. 39 will lawfully be free to prevent or remove any footings or structures laid in their land and to sue for costs and damages both parties. The applicant cannot carry out works on the land of another except by consent and there is no consent.**

5. For clarification and better understanding of the Tree Officer's report, when he speaks of roots in a 'porous border area' – that is assumed to be what we call 'soil'. When he speaks of this abutting a 'non-porous layer' – that is taken as referring to the reinforced concrete driveway. Plain English used to be encouraged by Local Authorities and it would be helpful if it was used by Arun, please.
6. On page 1, the Tree Officer says '*As T1 identified in this report is a multi-stemmed tree, the use of the Helliwell Method of calculating the RPA*'. That is an incomplete sentence and is meaningless as it is written. 'RPA' will not assist those not understanding that this is an abbreviation for the 'Root Protection Area' as defined and applied in the '**British Standard 5837:2012 – Trees in relation to design and construction – Recommendations**'. **This, as we have already stressed elsewhere, is no longer a Guidance but now ungraded to a Recommendation which is binding upon the LPA and Planning Inspectors alike. There is no mention of Root Protection Areas in the Helliwell Method and the Officer is wrong. The RPA directions are in BS 5837:2012.**
7. It follows, therefore, that all land to the east (that is within No. 39) of the driveway at No. 37 is owned by the Houlton's and within the RPA's of multiple trees and shrubs **and is sacrosanct within the provisions of the BS. It is also sacrosanct and inviolate because it is land that is not in the ownership of anyone other than Mr. and Mrs. Houlton and must not be damaged or trespassed upon in anything other than a lawful process. These proposals would not be lawful but a criminal trespass – except with consent of the owners, CHECAA notes that these issues have been addressed by the LPA to this time but, through the Tree Officer's requirements, it seems that the applicant can be made to understand that he cannot develop another's land without lawful authority of the owner.**
8. The inclusion of the diagram extracted from BS5837:2012 is useful to explain how boundaries must be protected as sacrosanct from before construction works commence to after their completion and it served the purpose of begging the question of the applicant as to how he can even erect this – before starting on any conservatory or wall – and then dig footings! The supporting barriers will not be going in the garden of No. 39 because Mr. and Mrs. Houlton will not permit this invasion of their property. It is difficult to understand how it can be fixed in the existing reinforced concrete driveway, which must be removed for the placing of ground slab, and retained until the construction is completed **but this will no doubt be explained in the three BS Plans properly and admirably sought by the Tree Officer.**
9. As to fact, there can be no doubt that some roots of all the vegetation to the eastern side of this boundary fence must be under the concrete driveway and would be harmed by its removal. **More than that, the applicant has vehemently maintained verbally to the writer that roots of the Cercis Tree in No. 39 run under his driveway and garage and he has stated and written to the LPA that these roots have caused cracks to his poorly built garage. However, he has failed to make a formal complaint regarding this or to attach the requisite Arb.'s Report and Structural Engineer's Report required by Arun District Council LPA to substantiate these claims of roots causing damage. CHECAA says the claim is spurious – it is silly!**
10. In all the circumstances detailed above, we respectfully ask that the Tree Officer be asked to report again when he has received and studied the three BS Plans requested and that these be published on the website or forwarded to CHECAA in order that we may study their content and implications and comment if need be. A pile and beam foundation could be designed to bridge the driveway with, say, a 1m gap below to enable roots to breathe and take in oxygen, nutrition and water but this – apart from creating an undesirable precedent and adversely affecting the Conservation Area – may make entry to the semi-bungalow difficult. CHECAA thinks that it is not practical.

COMMENTS UPON THE ADDITIONAL SUBMISSION DATED 19 January 2015

11. The applicant wrote to the Case Officer, Mrs. J. Chapman of the 19th January 2015, stating his **‘other serious reasons for applying for planning...’** Although, of course, he does not have to declare ‘reasons’, as such, for an application, it is helpful to be able to understand what it is intended to create, particularly in the context of an ASC and CA and their respective constraints.
12. **In the letter of the 19th, we now learn that his three prime reasons for creating a conservatory and a car port are:-**
 - Three years after buying the property, he has discovered that there is a step outside the side door to the east that it is dangerous and people leaving the dwelling can step into the path of a moving car. **Apart from being utter drivel, this is not a planning matter.**
 - Three years after buying the property, as seen, he has discovered that the drive is too narrow to drive down especially because cars are now much bigger than in the 1960’s. **Again, we say that this is not a planning matter – nor is it true. He and I walked between his car, parked in the driveway, and his property with ease and between his car and the fence to No. 39 with ease. The property was on the market for 2 years (he says) so he had long enough to study it and measure it. In the final analysis, we say ‘caveat emptor’ but it still has nothing to do with building a conservatory which will, in fact, by the very construction, make the driveway narrower!**
 - Three years after buying the property and apart from the fact that he does not use his garage and rarely visits from his London home, he has difficulty ‘to reverse in and out of his garage.’ As to fact, it is jammed full of property from floor to roof and wall to wall. **If the applicant has difficulty in reversing his car safely then he should, perhaps, take some driving lessons or consider surrendering his driving licence to Swansea DVLC for cancellation but that will still not translate his reversing problem into a material planning consideration, we respectfully suggest.**
13. The attached letter dated 19 January 2015 to Mr. and Mrs. Houlton and copied to ADC, yet again, borders upon being inconsequential rubbish and being petty, malicious and childish. In addressing this tree/shrub issue for the third time – and the writer having spent well over an hour discussing all the issues he wished to ask of CHECAA – the applicant did not complete Section 7 of the application form honestly.
14. **He stated that there were NO trees or hedges ‘on adjoining properties which are within falling distance of your proposed development.’ Small cracks to the front top edges of the garage were pointed out to the writer who has been in civil engineering for 40 years or so. The applicant was told this and that the undoubted cause was normal thermal movement on the south facing wall and lack of maintenance by the very elderly previous residents he has mentioned. Another crack inside the garage – a vertical opening to the east side some 150mm from a brick pier was, he was told, easily attributable to normal settlement of the poorly built structure but that it was outside the Root Protection Area of the Cercis tree which he is now happy to suggest.**
15. However, although it has nothing to do with this application, he was advised of how to complain of this tree allegedly damaging his property and to supply to the LPA an Arboricultural and Structural Engineer’s report to the LPA who would, undoubtedly, then consider the matter.

16. In his letter to the Assistant Director of the 8 July 2014, the applicant inter alia comes up with an alternative reason for wanting this development when he says **‘One of the reasons for my application was to alleviate the overlooking aspect of the opening dormer windows at 39 Kingsway’** He goes on to say **‘Hence my planning application as I hope the garage and conservatory would alleviate this overbearing dominant dormer from my view.’**
17. As we read this letter it appears as infantile rambling of no material planning significance whatever and refers only to a planning Consent AW/338/07 which was granted on the 30 January 2008. **The Case Officer, Mrs. C. Rodway, stated, inter alia, ‘...the proposed extension would not detrimentally affect the residential amenities of ANY neighbouring property by way of overbearing effect, loss of privacy or loss of light, nor detract from the character of the surrounding residential area.’** CHECAA are disposed to accept that as a fair statement.

CHECAA again asked for this application, please, to be REFUSED.

Yours faithfully

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Richard D. Ostler
Chairman

Established 20 January 2001

**Chairman: Richard D. Ostler: ‘Silvergates’, 52 The Drive, Craigweil-on-Sea, Aldwick, PO21 4DT
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