

Mr & Mrs Gee

1 Outerwyke Avenue

Felpham

West Sussex PO22 8JH

26th March 2018

Arun District Council Attn Amber Willard

We wish to object to the planning application FP/43/18/HH No 3 Outerwyke Avenue Felpham on the following grounds

1. It seems we have an on-going boundary dispute with Mr Warner
We object firstly to this development because the plans indicate that the extension proposed by Mr Warner trespasses over onto our land. His drawings appear inaccurate in scale as to where the actual boundary is. Please note that there are measurements on 3 sides of the proposed extension but not on the short side where the rear door is to be placed, and in our opinion, it is only possible to have this rear door if the extension is significantly over onto our land.

When we purchased our property, we were informed by our solicitor that although the T markings are not shown on our deeds, we have the responsibility for the boundary between No 1 and No 3. The previous owners of our property had completed their information details to include this. Although Mr Warner has said that his deeds show the T markings and that the boundary is his, we have purchased a copy of his deeds and these are the same as ours, the markings have been omitted in error over the years, and when asked to show the T markings Mr Warner was unable to do so. We have obtained a copy of a neighbour's deeds No 7 and this does show his T markings which when you follow down the boundaries this makes the boundary our responsibility and the fencing and hedge our property as we were originally informed (copy of No 7's deeds attached, and original available for inspection if necessary).

The boundary between No 1 & No 3 is made up of our 30 + year old rear extension, an 18 ft fence and a very old privet hedge of about 60ft in length. The 18ft fence has been set back towards our property by about 9 inches from the boundary, we were told as a courtesy to prior residents of No 3 to allow easy access to their rear garden. This was done probably when the previous extensions were built to the two properties as an informal courtesy by previous owners. As a courtesy to the owners before Mr Warner, we allowed a gate post to be erected within our boundary at the edge of their drive, so they could put up a long gate without digging up their concrete drive to allow vehicle access while protecting their young children from the road. Mr Warner sees this as a further indication that the boundary needs to be moved. He has also stated that he wants to move the boundary to the line of the edge of the cross over in the road for his dropped kerb.

Mr Warner disputes the original boundary and has stated previously that he intends to use the position of the setback 18 ft fence line, the gate post and the edge of the crossover in the road as the realigned boundary along the whole length of the boundary. This will mean that our extension wall would be within his garden as will our drains and manholes which run tight to the privet hedge currently within our garden the length of the boundary hedge and out to the road.

We have maintained this boundary for the past 17 years in the knowledge that the boundary is ours, and you can see from the aerial photos that the hedging goes all around our property. Originally the whole hedge was privet but as the privet on the road side has died back it has been replaced with quicker growing conifer, some of this while we have been owners. The privet hedge between No 1 and No 3 has been in place for many years, long before we moved in, it was a very old boundary hedge then and possibly dates to the 1930's as the original boundary as required by the deeds. Mr Warner has previously declared his intention to remove this hedge and replace it with a fence aligned along a new boundary line. We strongly requested that the hedge was not removed only to find that while we were out the hedge has been excessively pruned to the point where we are not sure it will survive, and it no longer has any depth to it. We have pointed out that if the hedge is removed and replaced on his new line with a fence, our drains will be built over and in fact the manholes will be under the fence and we will no longer have access to them.

We attach a copy of the plan attached to our deeds and you will see that our house stands at an angle to the boundary and that Mr Warner's land is rectangular, if the boundary is realigned as Mr Warner intends his plot will no longer be rectangular, it will be trapezoidal, and it will encroach into our garden by the time it reaches the road by about 1M.

Mr Warner has been shown our deeds, but he refuses to accept the boundary is correct and asked that we pay for a survey to prove that the land is ours, which we feel is unacceptable. The boundary has been accepted as correct since the property was built in the 1930's, and when extensions were built many years ago to both properties.

2. I am of the understanding that the Local Authority will only grant planning permission for an extension if the proposed work is within the boundary for that property. In this case there is insufficient room for the extension unless it is built well onto our property and at some point, very close to, or over our drains.
3. As previously stated our drains run very tight along the boundary hedge within our property. There is a manhole between our properties near where the extension is to be built and the drains run to the boundary, the angle of which, where this extension is proposed, is unclear without excavating them, but we do know it is close. It is also our understanding that a 'build over' agreement will be necessary from the Water utilities if the extension is to be this close to the drains.
4. We believe that Mr Warner's plans are inaccurate and there is not enough space within his boundary to build this extension. It is also our understanding that permission is no longer granted to build right up to the boundary, a gap must be left to ensure that any foundations guttering, or roof overhang does not trespass onto our property, in this case it is our understanding of the situation that even the extension itself will trespass onto our property.

5. A planning application made by the previous owners of No 3 was refused after a site inspection by councillors partly because of the detrimental effect it would have on our property. We consider this proposed extension to be even more detrimental. If permission is given our front door will be accessed via a narrow dark alley, between our house and this extension, and a bedroom and our kitchen window will also be in the alley.
6. Item 7 of the application form, both items are ticked no, whereas our aerial print attached shows that a substantial section of our hedge will have to be removed to make way for this extension and that our mature flowering cherry tree will possibly be put at risk, if this boundary is moved. It seems to us that allowing this planning permission will give credence to his claim of a wrong boundary layout for the past 80 plus years.
7. I would point out that Mr Warner's property is built parallel to his boundary as shown on his deeds whereas his present extension is built at an angle towards our property and the boundary, it seems from the plans submitted with this application that he intends to continue with this angle towards and over onto our property.
8. If permission is granted for this extension it will exacerbate an already tense situation, we request that if you are unable to refuse the application, you delay your decision for at least a month to allow us to get further evidence to support our objection. Rather than escalate this to court action at this point we are consulting with our solicitor to obtain mediation to resolve this boundary dispute, however this will require time to put this into action.