

Please find enclosed objections to planning permission No LU/284/19/R
Documents No 1 & 6 relate to objection from No 1. NORTHWAY ROAD
Documents 2/3/4/5 relate to objection from residents of No 1/2/3/4/9/10 Northway Rd.

NORTHWAY ROAD RESIDENTS

- No. 1. Mr. & Mrs. KOKULE
- No 2 Mr. & Mrs WITHERS
- No 3 Mr & Mrs SEARLE
- No 4 Mr. & Mrs RICHARDS
- No 9 Mr & Mrs DAWLING
- No 10 Mr & Mrs DOUGHTY

ARUN DISTRICT COUNCIL TECHNICAL SUPPORT
22 OCT 2019
ACTON

1
Date – 21 October 2019

Response to LU/284/19/PL

My Submission is split into two parts .

The first my concerns and objections specific to my personal circumstances as I am adjacent to that plot of land .

Secondly in support of the other residents of Northway Road that I have copied their submission below mine as I fully support all the points within that submission.

Please refer to my own planning application LU/58/19/HH which has been granted.

This is necessary as it details how my extension to my property will look once built .

My main concerns are as follows :-

As you will note there are windows and a door on the extension facing the side of the new properties proposed to be constructed.

These were placed to allow natural light to enter the property to ensure a pleasant environment for my family.

The placing of the proposed properties' in the plan LU/284/19/PL would block a significant amount of the light due to the close placement to my boundary and my new agreed build.

Also I have significant concerns on the ability for the land within the proposed area to support the structure intended.

Due to the large trees within the boundary of the proposed build the root structures would penetrate most of the ground destabilising it and as the foundation would have to significantly deeper than on my extension it could cause real problems with my build.

Also I object to the use of the title of the planning application being referred to as 1a And 1b [Northway road when in fact the land relates to Lyminster road or Worthing Road as this is very misleading.

I have provided a Google earth picture of the trees mentioned above.

Below that is a copy of the submission submitted by other residents of Northway Road as mentioned previously.

[illegible]

2
Date – 21 October 2019

Response to LU/284/19/PL

For your convenience I have listed below statements that pertain to our objections for granting planning permission regarding above. With the reasons why.

Restrictive covenants' apply to the land as evidenced by the land registry under Title number WSX80325

The covenants are detailed below as detailed:-

Schedule of restrictive covenants

1 The following are details of the covenants contained in the Conveyance dated 15 December 1924 referred to in the Charges Register:

"The Purchaser for herself and her heirs and assigns (with the intent to bind all persons in whom the land hereby conveyed shall for the time being be vested but so as not to be personally liable for the breach of any restrictive covenants after she has parted with the said land) hereby covenants with the Vendor that the Purchaser and the persons deriving title under her will henceforth at all times hereafter observe and perform all and singular the restrictions and stipulations contained in the First Schedule.

Title number WSX80325

THE FIRST SCHEDULE above referred to

2. Nothing except a fence or fence wall may be erected nearer than twenty feet from the western boundary of the said land.
3. Suitable fences shall be erected within three months of the date hereof on the north and east sides of the land and such fences shall afterwards be maintained and kept in repair.

We believe that the current plans would breach both these covenants.

It is clear from the relevant documents that 2. Was added to protect the properties in Lyminster road from being adversely effected by any build.

Also it is worth noting that part of the current plot was original part of the individual gardens of the Lyminster Road properties which were always fully fenced with particularly reference to the fact that Lyminster roads north fence provide the boundary fence between Northway road and that property. No access was available into Northway road at any time from the land detailed in the above planning application.

The residents of Northway road had to erect their own fence some 40 years ago when covenant 3 was not complied with regarding maintaining and repair etc.

This restrictive covenant provided protection to the purchaser of the land to secure its boundary, but also ensure that no access to the land pertaining to the Northway Road estate, over which the residents were obligated to maintain. This ensured a clear division between the historical rights to the land north of the prescribed boundary and the land being sold. To which right of access could not be given by the seller.

The current single plot of land is comprised of land bordering Worthing road that was part of the

Globe Place development with access from Worthing road and included the purchased gardens of Lyminster Road. It appears care was taken to protect and ensure that no sale would grant access to Northway road to which no access was possible.

We are also unhappy with the proposed dwellings being referred to as 1a and 1b Northway Road implying that they are something to do with Northway Road which they are clearly not. They are also not being truthful saying that the land can be seen from a public highway as again it clearly cannot.

With the covenant restricting building within 20 feet from the western boundary of Lyminster Road and the encroachment and restrictions of light to the granted planning application at number 1 Northway road and with no access to the property we fail to see how this application can be accepted

Access rights to the building plot across Northway road estates land.

On the site plans below I have indicated the area in dispute for required access.

The land forms part of the land pertaining to Northway Road and it has been so since the estate was built.

Access on to that land has always been prohibited by a boundary fence and the land has been maintained by the residents of Northway Road.

The land itself has not only been maintained by the residents but enhanced to provide a pleasing view in entering the road.

Cherry trees were purchased and planted to help promote community spirit.

These trees are now well established (Since 2007) and look fantastic when in bloom.

Northway Road is not a highway and the road is maintained by the residents.

Signage at the entrance to the road advises its status and limited usage.

The road is used by residents as on street parking and is restricted accordingly to the use of residents only.

Access by commercial vehicles is restricted to those providing services to Northway Road residents.

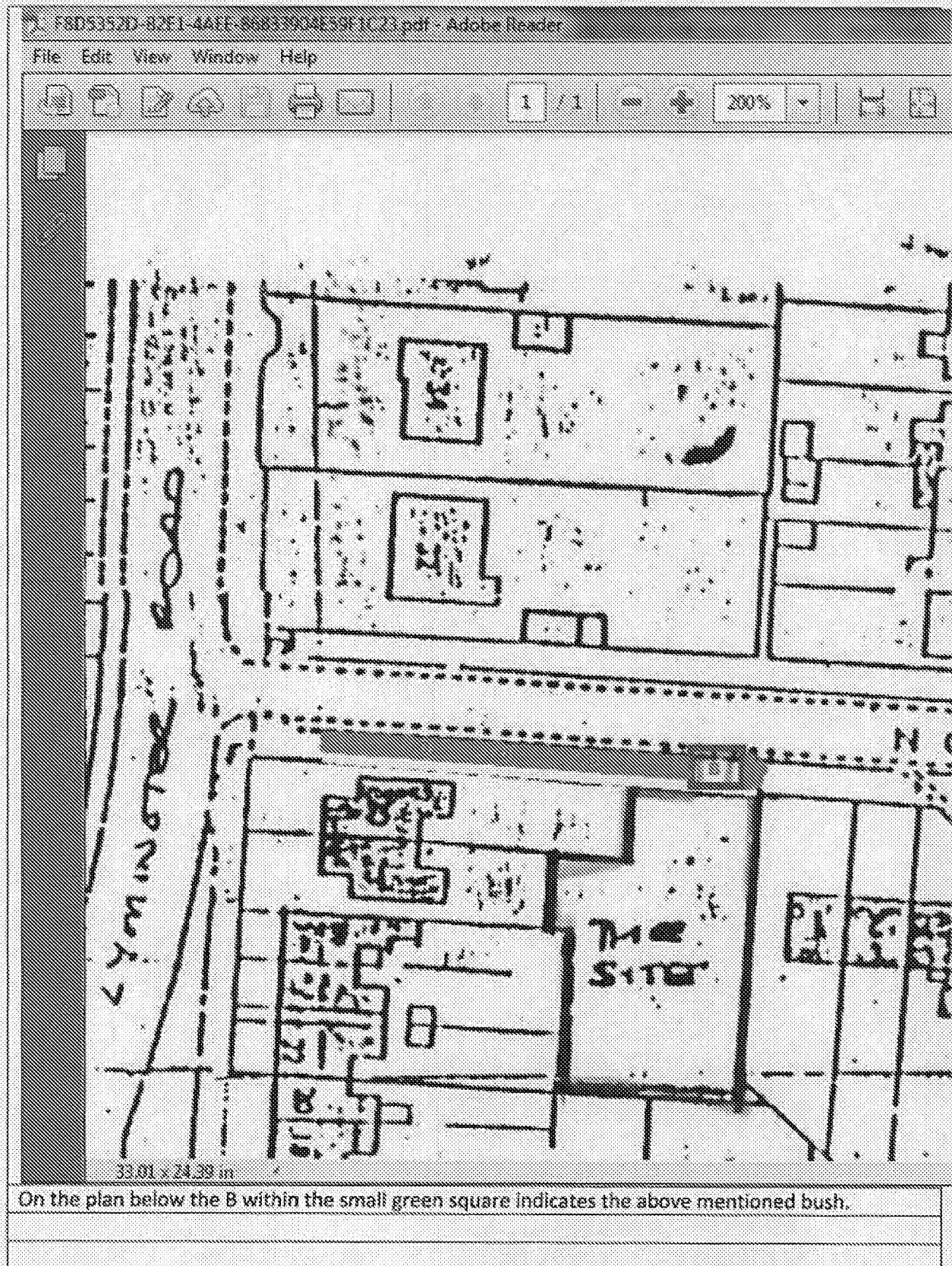
Any access to services (ie Water ,Sewage etc) would not be possible from Northway Road as it would require crossing the disputed land.

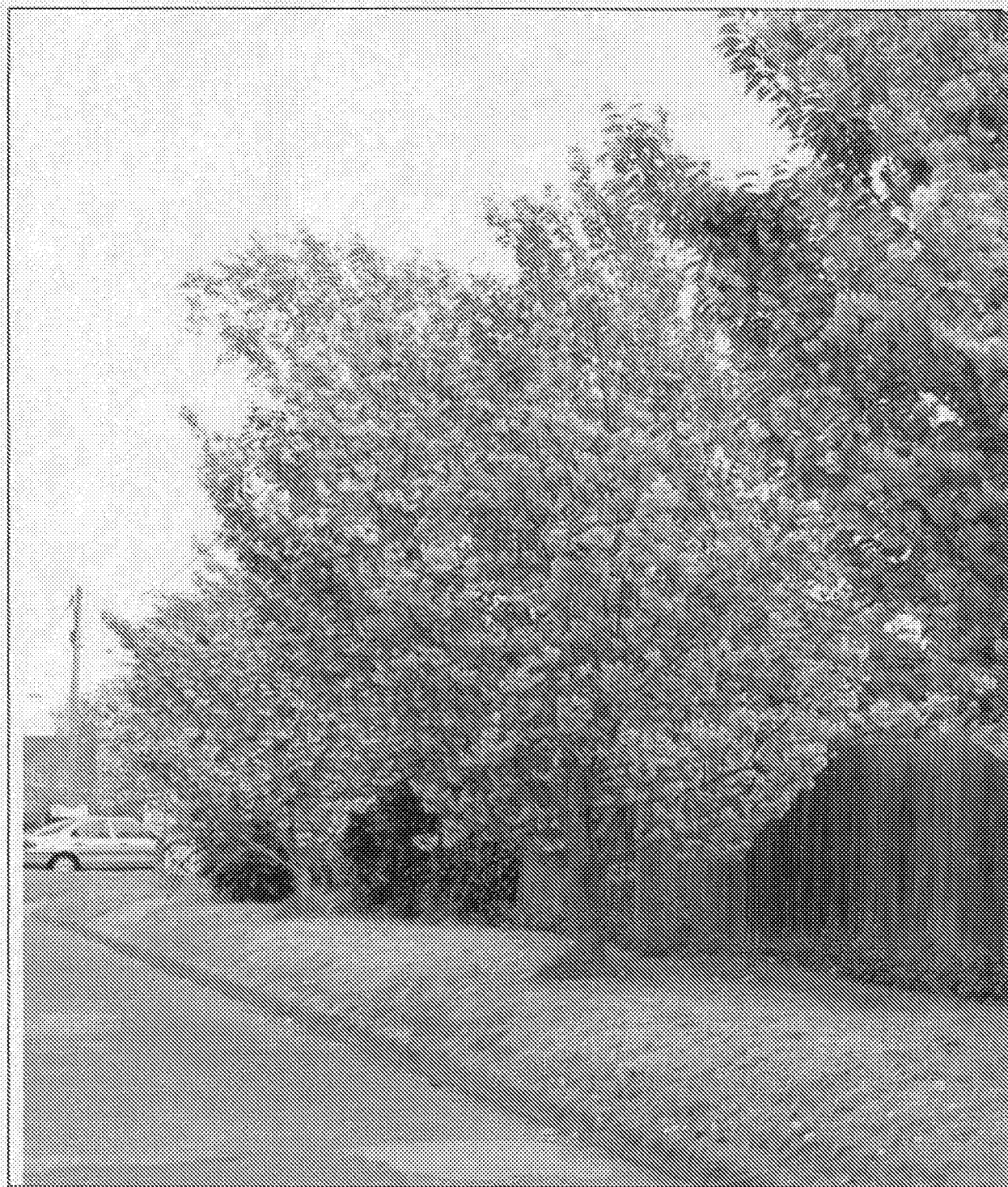
4

On the Plans below I have indicated the disputed land by a Blue square, This is for illustration purposes only and is not necessary accurate to scale. The B indicates the established bush planted and owned by Northway Road residents. The C's indicates the established cherry trees planted and owned by Northway Road residents.

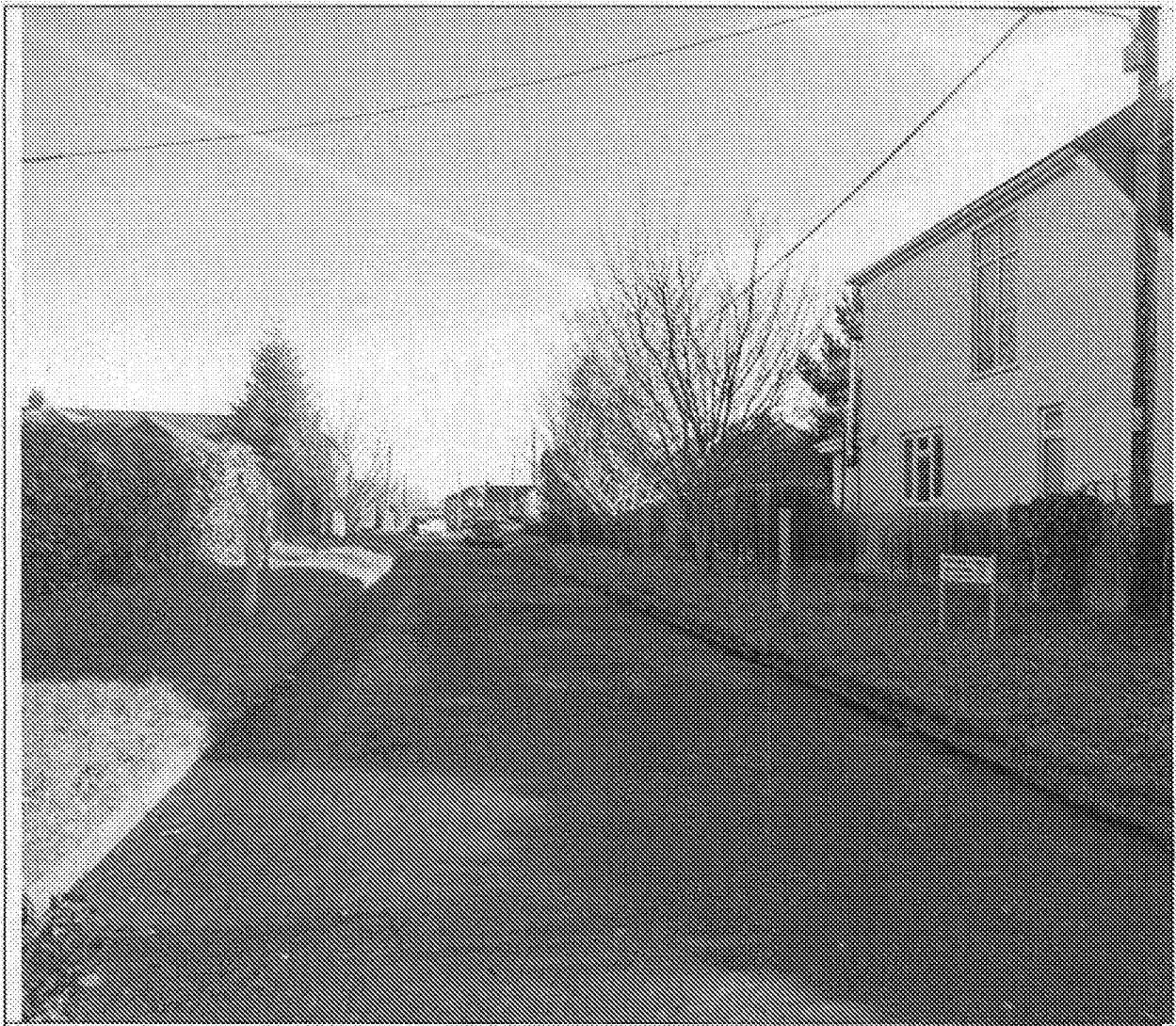
The yellow line indicates the Northway Road estate boundary fence and the green lines the indicates the full expanse of the land that the disputed area forms part of.
--

5





The picture below shows the view from the roads entrance



The picture below shows the view up to the main road.



The picture below shows the signage at road entrance.

