

From: planningcomments@highpeak.gov.uk
To: [Planning Comments \(HPBC\)](#)
Subject: Comment Received from Public Access
Date: 02 March 2023 11:52:14

Application Reference No. : HPK/2023/0037

Site Address: 12 Lee Dale Harpur Hill Buxton Derbyshire SK17 9LQ Buxton

Comments by: Micah Stocks-Greaves

From:

13
Lee Dale
Harpur Hill
Buxton
Derbyshire
SK17 9LQ

Submission: Objection

Comments: With reference to the applicants description of the proposed 'already undertaken' works.

Whilst the work does indeed replace an existing area of decking, missing throughout this application is mention that the works also extend the projection of the decking further into the garden by approximately 60-70cm and increases the higher area of steps considerably.

The new decking is indeed similar in design but its newly extended projection into the garden and around the conservatory steps affords anyone standing on it a view of our garden that did not exist from the old decking; detail of the EXTENSION to the decking that is at the root of dispute and brought the change into scope for 'permission' is omitted from the wording of this application.

The decking has not simply been replaced, but has been extended. This extension to the decking was even more problematic when it was originally built by the owner and extended by 2 feet from its original footprint on the boundary of the rear garden with 13 Lee Dale. It was at the point that this was NOTICED by the owner of 13 Lee Dale 'and SPECIFICALLY NOT DIVULGED' by the applicant, and that I as the owner and occupier of 13 Lee Dale pointed out that the extension of the decking at this position afforded anyone standing on the decking at this point a view of 100% of the rear and side garden in 13 Lee Dale and that adults standing on the decking would be at crotch height with the existing boundary fence, and that that was simply unacceptable. The applicant during this first conversation said that they had intended to place trellis or a plant at this point on the decking as screening, but I responded immediately to say that a temporary or seasonal solution of this nature was unacceptable, as a result the applicant later responded to my request for him to find a solution by agreeing to remove a portion of the decking at that point and the plans in this application reflect that change.

I said during my follow-up conversation with the applicant and his son that although I appreciated the change they had made, I was pretty sure they needed planning permission to extend the decking in the manner they had, as it stood more than 30cm above the ground surface, and that they had not simply replaced the decking like for like - and I made my enquiry to confirm this with the planning department on or around the same day. I am absolutely certain that an application would not have been submitted had I not made this approach.

I have been particularly confronted by the lack of communication and omission of detail about the 'extension' element of the improvements being made to the decking, and the subsequent misdirection by the applicant

which sought to under-inform and manipulate our considerations, i.e. conveying a story that they would be the occupants of the house, and simply wished to have a larger outdoor dining table, but we had already been made aware by them, that it would continue to be a rental property. That deceptive tone and misdirection can be seen to continue into this application process, by the absence of acknowledgement that the decking was extended beyond its original footprint.

I am a reasonable person; I wish to continue to behave reasonably in the matter. I have already conveyed to the applicant that I appreciate that their plot is 3-4 feet higher than ours, and that clearly isn't their fault. That I appreciate they need to have safe and aesthetic access to the conservatory which existed in that configuration when they bought the property. However, I feel that we, as current and longstanding occupants of 13 Lee Dale, are making all of the compromise, we have already raised two of the fencing panels adjacent to the decking, we are considering the need to add a portion of trellis above the next panel down into the garden to provide partial screening, it is our garden that will have more shade cast by these changes, and we will still be more overlooked than we were in 2022 and preceding years. I am upset that we were forced into this uncomfortable position by having to confront building that had been mis described to us and had already taken place without permission.

Since 12 Lee Dale was purchased by the applicant, their use of it as a rental venture, means we have had very little correspondence with them as owners, and whilst we have always had good relationships with their past tenants, this cannot of course be guaranteed into the future. As the owners have already misled us on the nature of the property's use to divert our attention from the changes, there's now a concern that they will continue to act in this avoidant and deceptive way as landlords of a property that may be used for short term rental (where there is a possibility for us to form a good neighbourly relationship); or potentially and more ominously for holiday lets where an invasion of our privacy could occur more often and be more difficult to manage.

To clarify, my objection is based on the loss of privacy caused by the increase to both the height and surface area of the steps and the extended projection of the decking further into the garden, both of which provide anyone using the area at 12 Lee Dale a view of our garden and garden buildings that wasn't available from the old decking. To counteract those changes, we have to make adaptations which cast more shadow into our garden. In combination with the potential that the property could be used for holiday lets and the burden that would place on us to manage our privacy and associated disputes and the obfuscating nature of the applicants engagement with us as neighbours.

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