

From: planningcomments@highpeak.gov.uk
To: [Planning Comments \(HPBC\)](#)
Subject: Comment Received from Public Access
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Application Reference No. : HPK/2024/0424
Site Address: 11A Central Drive Buxton Derbyshire SK17 9RT
Comments by: Ken and Judith Airey
From:
15
Central Drive
Cote Heath
Buxton
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SK17 9RT

Submission: Objection
Comments:

We are the owners and occupiers of 15 Central Drive the property adjoining 11a Central Drive. We arrived home from holiday last August (2024) to discover a wall being constructed along the boundary between the two properties. Prior to this, there had been no communication from 11a that this was going to happen. On enquiring with the builder as to whether planning permission had been obtained his response was 'I haven't a clue, I've never asked'. This came as a shock to us.

We strenuously object to the proposed/retrospective extension at 11a Central Drive and are deeply concerned about the impact this development is having on our property, particularly due to loss of light, overshadowing, unauthorised construction, failure to comply with legal obligations under a restrictive covenant and the Party Wall etc. Act 1996, and several other material considerations that negatively affect our home and the wider area.

1. Loss of Light and Overshadowing

The extension significantly affects the amount of natural light that reaches the bedrooms of our home. Due to its excessive height and proximity, it has already caused a noticeable reduction in daylight, making these rooms darker and less habitable. The overshadowing is particularly severe in the mornings and late afternoons, negatively impacting our quality of life. This considerably worsened during the Winter months.

We understand that planning regulations, such as the '45-degree rule' and 'right to light' considerations, exist to protect residents from unreasonable loss of light and privacy. This development does not comply with these principles, particularly the 45 degree rule both in relation to our bedroom (close to the boundary) and also another bedroom which is situated right across the other side of the property.

The applicants planning application statement states the plan 'ensures there is no overshadowing or loss of light. The development has been constructed within the neighbours tree line again ensuring that no negative effect on sun light'.

We strongly disagree with the above statement; quite the opposite, there is a completely negative effect on sunlight and indeed natural light entering our bedroom. We would also request the evidence the applicant has used to make their statement, given they have never discussed this or looked at the proposed structure from the

perspective of our property. We request to see the light assessment that has been conducted to evaluate the extent of the impact on light. If no such assessment has been undertaken, then, again we would challenge that the applicant can not know this and therefore their statement is untrue.

2. Structure Built Without Planning Permission

A major concern is that much of this extension has already been built without necessary planning approval. The structure currently in place exceeds the dimensions shown in the submitted plans, particularly in terms of height. Given that planning permission was not obtained before construction began, we request that the council investigates this breach and takes appropriate action.

3. Breach of Restrictive Covenant

There is a restrictive covenant on the deeds of our properties which states that walls or structures cannot be built without the agreement of the Duke of Devonshire. To our knowledge, no such consent has been sought or granted for this extension. This constitutes a potential legal breach, and we ask that the council ensures that this issue is fully addressed before any further work continues. We did contact the applicant in this regard last August but received no response.

We ask that the council takes this into account and prevents any approval that would directly contradict existing legal constraints, as per the deeds of the properties.

4. Lack of a Party Wall Agreement

The applicant has not served us with a Party Wall Notice or sought a Party Wall Agreement, despite the extension meeting the criteria for requiring one under the Party Wall etc. Act 1996. This raises serious concerns about the legality and safety of the works. The extension appears to involve:

- ⌄ Building on or up to the boundary line between our properties.
- ⌄ Excavation within 3 metres of our property, with foundations possibly deeper than ours.
- ⌄ Structural alterations that could affect the stability of shared or neighbouring structures.

Under the Party Wall etc. Act 1996, we should have been given at least two months' written notice before any work commenced. We were not provided with this notice, meaning the work may have proceeded unlawfully. We request that the council investigates this breach and ensures that the necessary legal procedures are followed before any further work continues.

5. Increased Sense of Enclosure

The scale and height of the extension create an overbearing and oppressive presence on our property, particularly given how close it is to our boundary (basically right on the boundary). The positioning and

massing of the structure severely restrict our outlook, contributing to a boxed-in feeling that significantly reduces our enjoyment of our home.

Additionally, the excavation work that has taken place has caused damage to property in our garden and the groundworks on our property and, whilst we appreciate that this may be applicable to civil action, it illustrates the lack of planning and care by the applicant.

6. Noise and Disturbance

If the extension includes additional living spaces as stated in the application, or external areas close to our property, it could lead to increased noise levels affecting our home. Any additional doors, windows, or outdoor seating areas near our boundary could cause greater disturbance, particularly in the evenings and at weekends. The loft space has already been converted into extra living space. If the extension is intended for rental purposes as has been the case for at least 14 recent years (2010 to 2024) or multi-occupancy use, this could also intensify its impact on the local residential environment.

7. Drainage and Structural Impact

We have concerns about the potential impact of the extension on local drainage and ground conditions. If the development is built too close to our boundary, it may alter surface water drainage and increase the risk of runoff onto our property, which could lead to waterlogging or other related issues.

Additionally, any deep foundations near shared walls or our home may pose a risk to structural stability, particularly if excavation work has not been properly assessed. We request that the council investigates whether appropriate structural and drainage assessments have been carried out before approving this application.

8. Loss of Green Space and Environmental Impact

We believe this proposed extension contributes to overdevelopment of the plot. The digging of foundations has affected our tree and we have been advised it may die as a result of the interference. Removal of trees, hedges, or other greenery may also have an impact on the local environment, particularly if it affects wildlife habitats. We would ask the council to consider whether the scale of the extension is proportionate to the original footprint of the property and whether it leaves sufficient outdoor space.

9. Precedent and Cumulative Impact

If this extension is approved despite its excessive scale, loss of light, and overbearing nature, it may set a precedent for other similar developments in the area. This could result in a gradual erosion of the character of the neighbourhood, as more properties seek permission for similarly large and intrusive extensions.

The applicant lists numerous other properties with extensions on the estate. However, in absolute contrast to the

applicant's proposal, these do NOT obstruct the living space of their neighbours and are NOT built right on the boundary overshadowing and obliterating light into living space and garden area. No doubt other extensions in the area have been required to comply with planning rules, and approving this one in its current form would be inconsistent with these.

10. Request for Review and Alternative Proposal

Given the significant impact on our property and the apparent disregard for planning regulations, we would respectfully urge the council to: -

1. Take into consideration the unauthorised construction of this structure in August 2024, with no consultation or communication with us, who are majorly and adversely affected by it on an everyday basis.
2. Confirm whether the structure exceeds the approved specifications, particularly in relation to height. Appendix 5 states that it has been built within our tree line. This is untrue and it is much higher. An old picture (that has been stretched wide to make it appear lower?) has been used in the application.
3. Acquire and provide us with sight of the full review of the loss of light to our property, including a formal daylight and sunlight assessment. Where this has not been done, the applicant should undertake this at their own expense.
4. Take into consideration that given the construction is tight on the boundary, a Party Wall Notice was never served, nor indeed was there any prior communication whatsoever with us.
5. Take into consideration the breach of the restrictive covenant, as per the deeds of 11a when considering this application.
6. Consider requiring a revision of the plans so that the proposed extension is repositioned further away from our boundary and bedroom windows. For example, to the opposite side of the property which, if planned and built correctly would not adversely affect any other residents.

For these reasons, we strongly oppose this application in its current form and request that it be refused or revised to mitigate the impact on our home.

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