

**Neil and Karen Jay
13 Elmtree Avenue
Cockernhoe
LU2 8QA**

24 October 2024

FAO: SHAUN GREAVES DEVELOPMENT AND CONSERVATION MANAGER

North Hertfordshire District Council
Planning Control
Council Offices
Gernon Road
Letchworth, Herts SG6 3JF

Dear Mr Greaves,

Planning Application 24/00170/FP

Change of use of existing outbuilding at rear of 15 Elmtree Avenue Cockernhoe

We are writing to object to the above planning application. We are adjoining neighbours at 13 Elmtree Avenue, and this existing domestic workshop/storage/outbuilding borders our garden at 3.2m high, at just 50 cm / 20 inches from our boundary for 10m length.

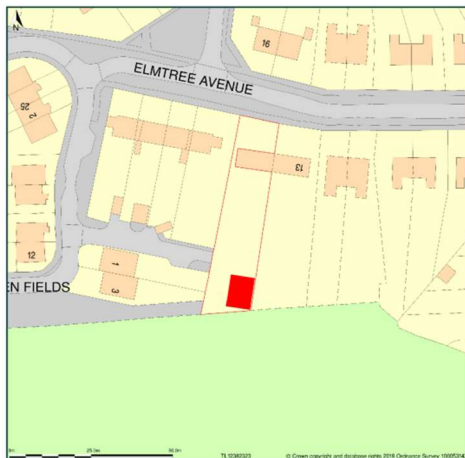
In properly preparing our objections, we have taken the time to relook at the original planning application for this workshop.

BACKGROUND

- 1) 15 Elmtree Avenue has a similar history to our own home at 13.
- 2) Both were built as tenanted farm cottages, transferring to council homes, and then purchased under right-to-buy by the then tenants before subsequently being sold as private properties.
- 3) Following the death of a family member, the owner of 15 Elmtree Avenue, divided the garden before selling, and we presume created a second land registry title for the bottom of the garden.
- 4) The current owners of 15 Elmtree Avenue initially purchased the property with boundary approximately half-way down the garden. Subsequently, they were able to purchase the rest of the garden.
- 5) This workshop itself, was built under planning application 18/03070/FPH and permission was granted on 16/1/2019.
- 6) In reviewing the original application 18/03070/FPH we have some concerns to flag:

- a) There is no mention that the planned workshop was to be built on the separate parcel of land – the location plan shows the garden as a single space. See picture 1.

15, Elmtree Avenue, Cockernhoe, Hertfordshire, LU2 8QA



Picture 1: original plan of workshop 18/03070/FPH

- b) In the Case Officer's Delegated File Note, the following two comments are made:

4.3.8 Given the above, it is considered that the proposed development would not result in an unacceptable impact upon the character and appearance of the host property and would therefore be compliant with Policy 28 and 57 of the District Local Plan and the core principles set out within the National Planning Policy Framework.

and

4.3.10 Whilst large, the development is sited away from any neighbouring property by some distance and would not result in a detrimental impact upon the outlook of neighbouring occupiers. Furthermore, it is considered that the proposed development would result in no unacceptable overbearing impact upon neighbouring occupiers and is therefore compliant with Policy 28 of the District Local Plan and the aims of the National Planning Policy Framework.

We contend that the development DOES result in detrimental impact on both the host property and upon the outlook of neighbouring occupiers. See picture 2, photo from our main bedroom window.



**Picture 2: View of workshop from main bedroom window at 13 Elmtree Avenue.
Note the size of the workshop in comparison to the normal-size shed to the right of the building. This is DETRIMENTAL IMPACT.**

- c) In the Decision Notice for 18/03070/FPH, planning was approved with this language: *“The development hereby permitted shall be carried out wholly in accordance with the details specified in the application....”*. We note the following discrepancies:
- i) The Walls should be White – not Blue
 - ii) The Windows should be Grey UPVC – not White
 - iii) Boundary Treatment should be wooden fence panels – the boundary between our gardens remains unfenced at the bottom of the garden and we have installed temporary wire fence
- d) In planning application 18/03070/FPH, the applicant answered the following question incorrectly:

9. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☐ Yes ☒ No

This site is very visible from the footpath on the border between North Herts and Luton and from Luton Road. See pictures 3 and 4.



Picture 3: Taken from the footpath along the NHC/LBC border. The site is very visible. In the picture, our home at 13 is dominated by this workshop.



Picture 4: Taken from Luton Road on the border between NHC/LBC. Again, Illustrating the site is very visible from both the road and the footpath.

- e) We must presume that NHC Planning based their original 'approval' decision on inaccurate data from the applicant, and that no checks are carried out post-build.

This background information is provided to demonstrate our frustration at the process followed for the original application and demonstrates why we now object to the current planning application.

OBJECTION NEW APPLICATION 24/00170/FP

We object to application 24/00170/FP to change the use of this existing workshop to a residential bungalow for the following reasons:

- A. The building is totally out of character with, and design of, the surrounding family homes.
- B. The current NPPF stresses the importance of well-designed, beautiful homes. This is not a well-designed, beautiful home.
- C. Noise disturbance. All the bedrooms in our home are at the back of the house, very close to this site (see Picture 2). Noise disturbance would increase. You may argue that we live near an airport and there is already noise. However, we are not on the flight path and distant hum from the airport is white noise. Noise from homeowners at such close proximity, e.g. talking, laughing, shouting, music, car engines, doors slamming, is much more sudden, intrusive and disturbing.
- D. The development would result in an overbearing impact upon our home and the homes of our neighbours in the immediate vicinity and therefore has a DETRIMENTAL IMPACT.
- E. East of Luton development. You will be aware, there are proposals for development in the field behind our gardens owned by The Crown Estate. In the event the EOL development goes ahead, we understand the Parish Council and The Crown Estate have agreed to a 45m bufferzone between the gardens and the development build. This bufferzone will contain noise dampening planting, i.e. shrubs, bushes and trees, precisely to address concerns around Noise Disturbance. If this planning application 24/00170/PH is allowed to go ahead, you will effectively bring the development and associated noise pollution into our back garden and home and the gardens and homes of the houses in the immediate vicinity.

OTHER

We have other observations to make.

- On the design/layout, we note that one of the bedrooms has no external window – simply an internal door to the main living space. We believe this would be a health and safety hazard. In the event of a fire in the main living space, any occupants of that bedroom would have no means to escape and would put rescuers at risk.
- The application refers to ‘...installation of appropriate sewage macerator pumping station’. Who would be responsible a) for the on-going maintenance and support of the macerator in the event of any blockages and b) for its replacement given their relatively short lifespan? In the event of financial hardship of a future occupier, we would be concerned how human waste would be removed in the event of blockages.
- Regardless of the outcome of this planning application, we request the outstanding item from the original planning application 18/03070/FPH is completed, i.e. the erection of a wooden fence along the western edge of the development (between 13 and 15 Elmtree Avenue) to the height of the nearest fence panels (c. 6ft).

We would be very grateful if you could take our concerns into account when determining this planning application.

Yours sincerely



Neil Jay



Karen Jay