BONALLACK & BISHOP
SOLICITORS

ROUGEMONT HOUSE, ROUGEMONT CLOSE
SALISBURY, WILTSHIRE. SP1 1LY
TELEPHONE: 01722 422300
FAX: 01722 422121
DX: 58017 Salisbury

EMAIL: salisbury@bishopslaw.com
WEBSITE: www.bishopslaw.co.uk

FAO: Development Manager
Wiltshire Council,
Bythesea Road,
Trowbridge,
Wiltshire
BA14 8JN

7th December 2023

Direct line: 01722 424428
Email : carl.raybould@bishopslaw.com

Our Ref: 105131.001/CAR/CAR
Your Ref:

Dear Sirs,

Formal objection to planning application number: PL/2023/09675
Application: Front and rear dormer windows; two storey rear extension at 6 Shaftesbury Road, Salisbury, SP2 0DR.

Our client: Carol Lewis, 4 Shaftesbury Road, Salisbury, SP2 0DR

We represent Carol Lewis, who is the neighbour of the applicant that is seeking permission to build the extension and dormer windows.

Our client formally objects to the planning permission being given on the following grounds:

1. Loss of light
2. The height of the proposed building/extension
3. Loss of privacy
4. Appears out of character with the existing property.
5. Previous conduct of the applicant regarding a previous installation:

1. Loss of Light:

Our client has sought advice regarding the effect of light on the property. As it is shown from the report attached, the loss of light will be considerable especially during certain months of the year.

Our client has a glass roof on the conservatory and as such, the extension will affect her use and enjoyment of the property. Additionally, it will affect the light in the property. This is not only true for the conservatory but also the out-building in the garden.

The properties appear to have been built in 1916 and our client has therefore obtained the right to light easement pursuant to the common law of prescription and the Prescription Act 1832. As such, this will be infringed if the planned development were to obtain permission.

Pursuant to Section 3 The Prescription Act 1832, it states:

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3. Claim to the use of light enjoyed for 20 years.
When the access and use of light to and for any dwelling house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing

(Emphasis Added)

As such, our client claims and states that this would infringe upon her rights and as such, is opposed on that basis. Further, this is objected to as detailed in the next section.

2. The height of the proposed building / Extension

The height of the proposed extension is more than 3 metres high and is within 2 metres of the boundary and is more than 50% of the dwellinghouse. The proposed extension is also extending the side elevation to the applicants extended part of the building.

This is not permitted pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A Paragraphs:

Development is not permitted under Class A:

A.1(i)the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

A.1 (j)the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(i)exceed 4 metres in height,
(ii)have more than a single storey, or
(iii)have a width greater than half the width of the original dwellinghouse; or

A.1(k)it would consist of or include—
(i)the construction or provision of a verandah, balcony or raised platform,
(ii)the installation, alteration or replacement of a microwave antenna,
(iii)the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(iv)an alteration to any part of the roof of the dwellinghouse.

As such, the extension is objected to on the above basis and in accordance with West Wiltshire Supplementary planning guidance dated 2004, (Attached for ease) which states as follows:

…for adjoining or houses which are closely related to each other, a single storey extension which exceeds 3 metres in length at or near the boundary is more likely to have an adverse effect on the neighbour. Other factors will also be taken into account such as the design, shape and orientation of the extension and its relationship with the adjacent property. This will apply mainly to terraced and semidetached houses or to detached houses if they are situated close to each other.

It also states:

An extension can reduce the amount of daylight and sunlight enjoyed by the

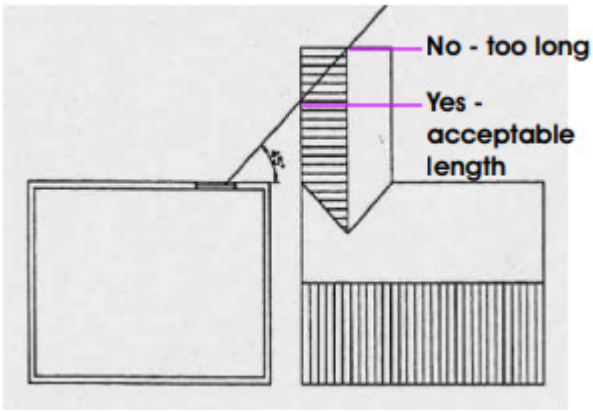
neighbours. This applies to both the garden area and the windows to habitable (lounge, dining room, bedroom) rooms.
Permission will not normally be granted for an extension that significantly affects the amount of daylight/sunlight enjoyed by the neighbours.
Large extensions, especially two or more
storeys, close to the boundary with the neighbours can overshadow their gardens and make them less pleasant

Further it states:

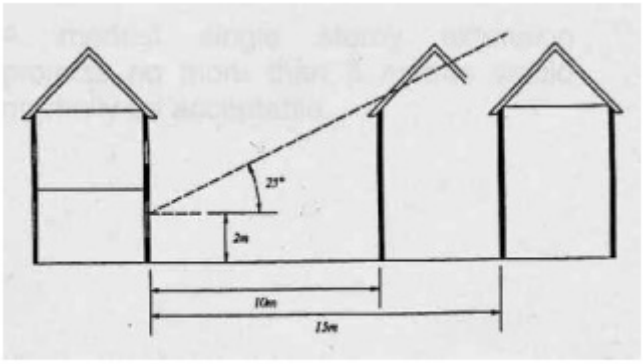
…the 45 degree line projected from the middle of the neighbouring
property's windows shows the acceptable length of extensions. It ensures occupiers of these properties will have at least 90 degrees of open view in front of their windows….

This relationship may vary for properties with more than two storeys or where there is a significant difference in ground levels.
For extensions located in front of existing windows, the 25 degree projection line can be used to gauge if the height of the extension is acceptable. Again the line is projected from the ground floor window of the habitable rooms across to the roof of the extension.
A proposed two storey roof height above the 25 degree line is unlikely to be acceptable.

An example used in the policy set by the council is below showing the 45% rule to allow light to the side:



An example used in the policy set by the council is below showing the 25% rule from the downstairs window showing the required amount of light into the window below to the neighbour.



Applying the 25 degree rule, the righthand two storey extension would normally be acceptable

Given that the development to the side of our client's property is within the area not permitted under the policy from the council, we seek that the permission be denied.

Current position:



Proposed position by applicant:



It is evidently clear using the two illustrations above that the proposed development will be blocking the allowed light to our client within a 45% angle from the windows and 25% from the lower glass roof as deemed required by the planning guidelines of the council.

The application is opposed on this basis.

3. **Loss of privacy**

Further, in the guidelines set by the council, it states as follows:

> Overlooking can be a problem for extensions to existing houses, when upper storey extensions or dormers are proposed or the properties are situated at a corner plot. This can apply to both private garden areas and to windows of habitable rooms.

> As a general rule a distance of at least 21 metres should be maintained between the main habitable room windows of the existing, property, the neighbour's properties and any directly overlooking windows of an extension.
> (i.e lounge, dining room, bedroom but not a kitchen or bathroom, although a kitchen diner is classified as a habitable room).
> A minimum distance of 10 metres should be maintained between the neighbours' garden boundary and any directly overlooking windows in the extension. Exceptions to this minimum distance may be acceptable for single storey extension or facing windows set at an angle where there is no direct overlooking.

Given that the windows will be directly overlooking the property of our client and will be 2 stories high and together with the extension also being further into the garden, our client objects to both the extension and the windows on this basis.

Further the guidance set by the council for planning states as follows:

> Permission will not normally be granted for an extension where the windows will directly affect the neighbours privacy.

Additionally, it states:

> Use of obscure glass in windows or glass bricks in a wall may overcome the problem, but not for windows in habitable rooms. In some cases a roof light or high level windows may be the answer.

By high level windows, that would be windows that are not able to be viewed through at eye level within the room and are as per roof windows that are not able to be looked through.

Given that the windows are not obscure and are also in connection with a room that has failed to obtain planning permission to be there in the first place, we seek that permission be denied.

4. **Appears out of character with the existing property**

The property is to be a single use dwelling and at present the property is being proposed to be a multi-use dwelling that appears to be being sought to be converted into two flats without permission, which has not been permited.

This is not permitted pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L Paragraphs:

Development not permitted
L.1 Development is not permitted by Class L if it would result in the use—

(a)as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
(b)as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

Given that, firstly, they have not applied for permission to make the property into two separate dwellinghouses, the development is out of character for the type of property it is supposed to be and as such is sought to be denied on that basis.

5. **Previous conduct of the applicant regarding a previous installation:**

Our client has had numerous issues with the current building work conducted at the property of which has caused damage to our client's property. Further, in the previous planning application made by the Applicants, under BR/2021/15868, the Council informed us that the works have not been approved or regularised because they had not been carried out to the regulations required and no proof has been provided to the council to evidence otherwise. We aver this goes to the conduct of the person conducting these building works and our client seeks that permission be denied on that basis also, especially given that the planning sought is to develop an area of the property that has not been given permission to be built by the council and is currently in breach of planning regulations until regularised.

Yours faithfully

Bonallack & Bishop

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