

Wayne Dunn
Lakeland View
Chaucer Avenue
Egremont
Cumbria
CA22 2FE

Date: 7th August 2024

FAO: Ruth Howell (Case officer) ref: APP/Z0923/W/24/3343278

I am writing this as my final statement regarding planning permission reference number APP/Z0923/W/24/3343278 - LAND ADJOINING LAKEAND VIEW, CHAUCER AVENUE, EGREMONT.

Thank you for this opportunity to let us explain why we have attempted to gain planning permission 3 times without success.

I would like to start by stating that our sole intention for building is not for profit or gain, but simply to build a small bungalow which we can spend the rest of our lives in and reside in the same community that we have always lived in close to family and friends.

We built our current property Lakeland View which is now on the market and we always hoped that we would sell this property to downsize and fund the proposed bungalow on the land adjacent to our home Lakeland View. The sale of our current property would pay off our mortgage, releasing funds for the proposed new build bungalow, which would cement our retirement plan as we fully intend to live in the property for the rest of our days. This could also be a fantastic opportunity for another large family to obtain a five bed property that are rare in Egremont.

We are a family of five. Our daughter is 18 and has already left home but does stay with us frequently. Our oldest son is 16 and is now in full time employment. Our youngest son is 5 and attends Orgill Primary school which is just a short walk away from our home and proposed bungalow. He will continue to attend Orgill school for another 6 years and then he will attend Westlakes Academy which is also only a few minutes walk away from our home and proposed dwelling.

We really do not want to move away from this area. We have lived in this post code area for the last 25 years. All our family and friends are in this area and my family have always used the local amenities such as the schools which have been beneficial to our children. We get on well with the residents from James Park Homes but unfortunately we have never met the lady from no.6 James Park Homes, in fact we have never even seen her in all the years we have resided here.

We have done a lot of work for our local community over the last 15 years through our business Lakeland Scaffolding. This includes helping fund Egremont Crab Fair by erecting

stages at our own expense. We have also given young lads apprenticeships over the years. We weren't sure whether we were entitled to put in a Planning Obligation, so we got in touch with our local Councillor, Mr. Sam Pollen, asking him if we were entitled to the Planning Obligation, hoping that the work we do for the community would carry some weight in obtaining our Planning Permission so we could continue to live in the same community that we have always supported. His opinion was that this probably wasn't relevant in our case, in his email to us he said "The obligation agreement (or 106 agreement) refers to legal agreements between the Council and developer but probably isn't relevant in this case, although no one could question your family's commitment to the local community."

We understand that Gleeson Homes have been granted planning permission to build a housing estate about 20 yards away from our drive and they are going to invest millions of pounds into the local community e.g. schools. Although we don't have millions of pounds to invest we do have time and services that we can offer which is why we asked about the planning obligation.

The 2 Letters of Objection

After reading both of the objection letters, they both seem to have come from No.6 James Park Homes. The reasons that we think this are as follows: -

- On the word document letter of objection it states "Since living here I have enjoyed an open and unobstructed outlook from my kitchen window and often sit at the open door of my kitchen to enjoy the sunshine and fresh air. If this application was to succeed, I would lose this view and my outlook would be dominated by a wooden fence just a metre and a half from my kitchen door with the wall of a dwelling only a few metres beyond resulting in oppressive living conditions."

The only James Park Home that this could be is No.6 because that is the only one where the kitchen window would look onto the proposed site.

- On the PDF letter of objection (which isn't signed by anyone) it states "I note also that the proposed bungalow would have 4 windows and a patio door facing and in close proximity to 6 James Park Homes."

This could surely only be written by the resident at no.6 as this is the home that is being referred to.

- Also on the PDF letter of objection it mentions about the previous appeal that was dismissed in February 2018 – APP/20923/W/17/3187213. In this current letter of objection it refers to the previous refusal stating "My response will be on file, and I draw your attention to my concerns expressed there, and to the decision of The Planning Inspectorate dated 1 February 2018 to dismiss the appeal (Appeal ref: APP/20923/W/17/3187213)."

This previous objection was from the resident at no.6 James Park Homes. Therefore this current letter of objection can only be from the same resident at no.6 James Park Homes.

If these two letters are from the same residence then surely they can't be used as 2 objections and should only be classed as 1 objection.

- On the PDF document letter of objection it refers to residents from no.5, 6 & 7. Surely the resident objecting to this application can only comment on their own behalf and not on behalf of the residents of neighbouring properties. Residents from no.5 and 7 James Park Homes have not objected to the planning application. In fact the resident of no.5 James Park Homes was unaware that his address has been mentioned in the objection letter and wasn't informed of this until we told him. Since then he has written a letter relating to this and in support of our application. I have submitted this letter with my final statement. The letter from no.5 was not submitted by 24th July as requested because he was unaware of all this.

Some other comments made on these letters that we don't agree with are: -

- "The land on which the proposed bungalow is situated is actually the garden of the 5 bedroomed house, currently advertised for sale as a new build with Right Move."
This is not true. Our property advertised on Right Move does not include the land that we are asking to build on. It does not even mention this.
- "a 2 meter high wall is currently under construction along what would be the boundary between the forecourt and the proposed development. Both the house and this new wall have a detrimental impact on my privacy and outlook."
This comment is irrelevant as we are within our rights to build this wall as it does not exceed the 2 meter limit. Also this is in a different place to where the resident previously states her view would be impacted.
- The resident also states "this land has never been developed as a garden. It is a wasteland, used as a tip in the area adjacent to the new wall, while the rest is an eyesore, with a mound constructed along the public footpath that is overgrown with weeds and hides the wasteland behind."
In response to this comment I would like to state (without sounding harsh) – why does this resident say that she likes to look out of her window and by building the bungalow it would affect her view etc, when she states here that the land she wants to be able to look at still is "wasteland" and an "eyesore". Also there is no public footpath here, this is on the opposite side of the road.
- The comments about a habitable view prompted me to do some research on this and I found that on legislation.gov.uk it states "'habitable rooms' means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;".
The kitchens in James Park Homes do not have room for a table which excludes their kitchen from being a habitable room. Also, since we have lived here the resident of no.6 James Park Homes has had a net curtain up at the kitchen window and we have never seen the resident sitting at the window or the kitchen door. Like we have previously mentioned we have never met the lady or even seen her since we have lived here.
Regarding the proposed timber fence which the architect added to the plans, we think that this has been stated to demonstrate that we are entitled to build this at

any given time. Although we have avoided doing this we would still be within our rights to put a 2m timber fence up along the boundary of our land (the proposed site) and this could not be objected to by the resident. Obviously this is something that we would try to avoid but should be taken into consideration with regards to the residents right of view etc.

Over Development of the site

The site is not overdeveloped. The area of land indicated within the red line boundary is very similar to the adjoining site where a large detached dwelling is sited. The proposed dwelling is accommodated easily within the site boundaries. Car parking provision, turning heads and private amenity space are all located within the boundary of the site.

The words “over development” are therefore incorrect. The site across the road from our proposed site has now been given planning permission to build up to 105 new homes. This is with Gleeson Homes. I am struggling to understand why planning permission has been granted for this when it is 105 homes but we cannot gain planning permission for just 1 home that is within 20 yards of the accepted Gleeson Homes site.

Delegated Report information

In the delegated report it states under “Assessment” on page 8 that one of the key issues raised by this application relate to “access and highway safety”. On page 3 of this report there is a consultation response from Cumberland Council – Highway Authority & LLFA and this states that “this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the agreement.” Also on page 12 of this report it states that “the Highway Authority have been consulted on this application and have offered no comments” and also states “on this basis the development is considered to comply with policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.”

On page 4 of this report it states that a concern raised on a letter of objection is regarding policy DM12 requiring minimum separation distances between dwellings. The comment states “A minimum of 12m should be retained between the development and my property.” After researching this I am unsure whether this 12m minimum rule applies to mobile homes or whether in fact the rule for this is 6m?

On page 13 of this delegated report it states “The development is not considered to be able to achieve the required separation distances and would result in the development being overbearing and dominant on the outlook of these existing properties resulting in oppressive living condition for existing and future occupiers.”

Our response to this would be that our existing property is approximately 10 meters away from no.6 James Park Homes and approximately 3 meters away from no. 7 James Park Homes.

In regards to the Flood Risk Assessment, there has been a multi million pound scheme addressing the Flood Defence for Egremont. A lot of this work was done on our doorstep, with the work compound being on the site which has now been granted planning permission

for Gleeson Homes. We worked alongside the Flood Defence company as they were on our land quite a lot. We provided some scaffolding for this and were happy to assist with anything they needed. The Flood Defence scheme has now finished and is complete. One of the reasons for refusal of our planning application was the Flood Risk Assessment was out of date but we weren't prepared to spend thousands of pounds on this if this planning application was going to be refused again.

My company Lakeland Scaffolding have worked on many new builds over the years throughout Cumbria on plots a lot smaller than our proposed site, and I honestly believe that if this application was in Allerdale (Workington for instance), this application would have been granted.

If we were to be granted planning permission for the bungalow then we would comply with all the conditions that have been proposed and sent to us from the Planning Inspectorate, including a new Flood Risk Assessment.

Yours Sincerely,

Mr Wayne Dunn.