

APPLICATION NO: 16/01283/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 19th July 2016		DATE OF EXPIRY : 13th September 2016	
WARD: Prestbury		PARISH: PREST	
APPLICANT:	Mr & Mrs J Walker		
LOCATION:	45 Whitethorn Drive, Prestbury, Cheltenham		
PROPOSAL:	Proposed two storey side and rear extension		

REPRESENTATIONS

Number of contributors	4
Number of objections	3
Number of representations	0
Number of supporting	1

39 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 26th August 2016

Fortunately my property has not been affected by subsidence, unlike the 3 neighbouring properties. Remember well the strain caused looking for cracks internally and externally when the problem on the estate first came to light. I do not look forward to this prospect being raised again.

Number 45 Whitethorn Drive backs on to my property and whilst I do not look forward to the proposed looming outline at the rear of my property exacerbated by the fact that the houses are constructed on a slope that is not my main concern.

If subsidence damage should result in my property, after building work for the proposed extension is carried out, exactly who is liable in respect of compensation?

I would be grateful for clarification on this point please.

41 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 24th August 2016

Whilst not wishing to over-react to this, I must concur with the key point made by our neighbours at No. 43. Our house is significantly further away from No. 45 and it's my hope that it would be unlikely to be affected by any groundwork or pile-driving operations at No. 45. Nevertheless we are wary, since our house suffered from severe damage due to subsidence about 17 years ago, and it was an extremely expensive insurance job to rectify the problem and put right all the damage - we were most inconveniently out of our house for many months. Since that time there has been no sign whatsoever of any recurrence of the problem, although we have had to replace

a brick built garden wall on the main estate road side of our house, which subsequently subsided. We too have an insurance excess clause relating to any further house or garage subsidence.

Should there be any sign of cracking of our internal or external walls following the building work at No. 43 we would seek to recover any resulting costs from whomsoever in law would be liable. This claim would in addition include compensation for any increase in future insurance cover and also for any reduction in the ultimate re-sale value of our house.

Loss of view from our garden is not an issue for us because of our location relative to No. 45, and we are not concerned about being overlooked as there are at the moment trees which come between us and the upstairs back window of the proposed extension.

Comments: 29th August 2016

We note the modifications to the proposed design, which of course have no bearing on our specific concerns.

Should the plan go ahead, detailed photographs of our house and garage must be taken by the representatives of No. 45 before work commences. We further require written confirmation as to whose legal responsibility it will be, both short- and long-term, to rectify any problems with our property, and to provide full financial recompense, especially relating to any adverse effect on the resale price of our house, caused by pile-driving or other building work at No. 45. Such responsibility must clearly continue into the future, independently of whether the current owners of No. 45 remain as the owners.

Comments: 3rd September 2016

For the public record, we were subsequently sent an e-mail by Mr. Hawkes stating that [sic]: "*your comments have been noted and will form part of the consultation responses in the officer report when it is written. I would however at this point need to highlight that the issue regarding subsidence and the possible effects of the proposed extension on neighbouring properties relating to subsidence, compensation and responsibility is a civil matter that would need to be discussed between land and home owners. Cheltenham Borough Council would not be for responsible for such issues that arise during construction stages of the proposed development should planning permission be granted. I would advise that you engage with the applicants and neighbours directly to ensure that this matter is discussed fully*".

I responded via e-mail on 31 Aug, as follows: "*Thanks for this feedback, Ben, and I note your stated position regarding liability for any possible problems. I'm not qualified to agree or disagree with your statement, but will consult with our solicitor on the legal angle. Of course, we all hope that there will be no problems, but feel that we must explore all angles, just in case.*"

And - for the record, and before we have consulted with our solicitor - I am as yet unconvinced that Cheltenham Borough Council can bear no responsibility.

Tudor House
43 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 2nd August 2016

This is in further reference to the Cheltenham Borough Council letter of 25th July 2016, relating to the proposed two-storey side & rear extension listed above.

Firstly, as next door neighbours to 45 Whitethorn Drive, this is the first we have heard of the proposed development, and have been disappointed that our neighbours did not notify us of their intention. However, we strongly object to the two-storey extension on the following grounds:

- We bought our house in 1985 from the Bovis house developer, whilst it was in the planning stage, and chose our house carefully because of the size and outlook. For the last 31 years, we have enjoyed glorious uninterrupted views to the top of Cleeve Hill and Prestbury School playing field and trees. Our 2 main bedrooms look onto these views and from our Sitting Room patio windows we currently can see trees, sky and light. With the proposed two-storey extension, we will be looking onto a 20 foot blank wall (4 feet away from our boundary): all our skyline & views will be blotted out. The visual impact will be horrendous. Surely we are entitled to have a right to light!
- In 1999, we had to move out of our house due to subsidence, along with our neighbours at Nos. 41 & No. 45. The previous owners of No. 45 Whitethorn Drive moved out first into a rental property and whilst their house had extensive remedial piling works and major excavation works carried out over a period of 6 months, this forced the cracks in our house to deteriorate even further, causing our bricks to split and our internal doors and windows not being able to open or shut. This was all corrected when it was our time to have the subsidence works done and the £100,000 bill was paid for by Bovis and the NHBC. Obviously, IF the proposed two-storey extension was to go ahead, specialist piling foundations would have to be applied and we would hold the owners liable for any damage to either our property or garden. For information, again due to the subsidence, Dyna-rod, Severn Trent, Cotswold Drains and various other drain company have been out at least 20 times to correct the drains in the back gardens between Nos. 45 and 47, during the last 10 years, which has affected all the houses in the cul-de-sac. The Estate road to the side of us has also had remedial work carried out to correct subsidence in the last 5 years.
- In November 2015, we had our garden extensively landscaped to accommodate my wheelchair needs. A large patio was created, incorporating slopes so that I could access all the garden space and we thoroughly enjoy eating meals and spending time in our garden. If the two-storey extension was to go ahead, we would be staring straight onto a brick wall!
- Earlier this year, some of our neighbours complained about our son's vehicle being left in the road opposite the cul-de-sac, whilst he was waiting to find a replacement engine. This caused a problem with traffic and the Council were called out and as the vehicle had the necessary tax, M.O.T. and insurance, they notified us we were legally able to keep it there. However, we were aware of the enormous trouble this vehicle was causing with the neighbours, and as a small cul-de-sac, any additional vehicles do create an obstruction. With the proposed development, this would incur heavy machinery, the need for the neighbours to park their cars on the road, etc. creating a multitude of problems.

As you can see from the above, we are totally against the proposed two-storey side and rear extension. For us, it's not a case of selling & moving on; our house has been developed for my disabled needs, with a lift installed, ceiling hoists to get me in and out of my electric wheelchair, ramps, fully disabled bathroom, etc. Our house has been our pride and joy for the last 31 years.

Possibly a point for the Building Control Department of Cheltenham Borough Council, but we are extremely worried about the excess drilling and vibrations whilst the piling foundations would be carried out, causing both damage to ourselves and to our neighbours property. We currently have a subsistence clause in our buildings insurance and have to pay the first £3,000 excess. If damage did occur, who would be responsible for the repairs ... the owners, or the Council? Even last week, a house in the next cul-de-sac had to move out due to subsidence and this is 30+ on.

We would very much welcome the Planners to come to our property, to see how this proposed development would adversely affect us.

Comments: 5th September 2016

We still strongly object to the revised plans for the proposed extension, and feel the two-storey rear extension is overbearing and as previously mentioned, our view from our patio seating area would look out directly onto a 20ft wall ... Please note that planning applications for double storey extensions to both 47 Whitethorn Drive and 30 Willowherb Drive were refused because of next door neighbour's complaints of blocking out light, views and being too overbearing. Both these applications were toned down to single storey extensions.

We are also very concerned regarding possible damage caused to ourselves and nearby properties as well as the drainage system, due to the piling required for this extension. Both Nos. 45 and 47 suffered for many years with drainage problems. We would like written confirmation of who will be liable for any claims to cover a 30-year period, if piling affects either our houses or garden structures. Would the Council or the Builder pay for any damage to neighbouring properties? Our insurance underwriters currently agree to insure our property, at a hefty extra premium, and after we have been 20 years without a subsistence claim (which is 3.5 years away), they will reduce our annual insurance premiums. Therefore, we do NOT want to jeopardise this by any future claims!

Our understanding is that Bovis only carried out 6 boreholes on the entire site and used "Vibro Compaction Piling " - a much cheaper cost option of piling. Investigating this type of piling which was designed to be mainly used in solid firm ground - so the compacted stone columns shouldn't be effected by movement. The stone columns are of little benefit in loose fills which are susceptible to collapse settlement (such as may be present in back-filled quarry pits). This site was previously a quarry pit. Collapse settlement may arise from first time inundation of water directly through the ground surface, from underneath the ground surface (such as a leaking pipe) or from a rising groundwater table. The stone columns may facilitate the passage of water unless suitable precautions are taken. Sudden settlement of the fill would lead to an instant loss of lateral support at the top of the column.

I have MS and use a wheelchair 24/7, we have just this year had our rear garden fully landscaped (only 4ft away from the proposed extension) to allow complete access to the garden, incorporating ramp areas and slopes for easy access. This was an expensive operation - if cracking, vibration causes damage, who will pay? We feel that having lived at our house for the last 31 years, we are fully entitled to have the right to a view and a right to light, instead of a massive double-storey extension looking directly onto us from our garden patio.

We request in the strongest of terms that the planning application is rejected in its current form and would appreciate the chance to convey our concerns in person to the planning committee at your next meeting.

45 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 20th September 2016

Letter attached.

16/01283/FUL 45 Whitethorn Drive p 65-76
-additional representation

PROPOSED TWO STOREY SIDE
EXTENSION

45 WHITETHORN DRIVE
PRESTBURY

PLANNING APPLICATION NO.
16/01283/FUL

APPLICANTS REPLY TO PUBLIC
COMMENTS

PLANNING APPLICATION NO.
2 STOREY SIDE EXTENSION No. 16/01283/FUL
No. 45 WHITETHORN DRIVE PRESTBURY

PURPOSE OF THIS STATEMENT

- In reply to the public comments received regarding the proposed building extension we submit the following supporting statement in answer to the various points and comments raised;

PROPOSED FOUNDATION DESIGN AND GROUND DISTURBANCE

- Several comments have raised similar concerns related to the existing ground conditions and the foundation design to be adopted for the new extension. We do not consider this to be a valid "Planning Development" issue. Ground stability and foundation design is a specialist technical requirement that will be resolved by experienced professional consultants and civil engineering companies with the final solution being assessed and approved by Building Control as required under the Building Regulations 2010 (Amended April 2016) Part A. Designers and Contractors responsible for the construction detail and methods will be required to carry adequate Third Party Insurance Cover to protect the interests of owners of adjacent properties. (see attached letter from a typical company) Relative to piling and ground stabilisation projects carried out in dense inner city areas the foundation design and ground works for this proposal would be considered simple and straight forward and should not have any impact on the surrounding structures if carried out and managed by competent specialist organisations. This has been demonstrated and previously proven by the numerous extensions and underpinning carried out to similar houses, and in fact, adjacent properties including the application site on the Whitethorn Drive estate.

LOSS OF VIEWS AND LIGHT

- Specific comments relating to the massing loss of views and light which have been put forward by the adjacent owner of No. 43 Whitethorn Drive have been carefully considered.

Any addition to an existing building will result in a change to the immediate environment and will, to some degree, affect nearby properties. The new extension has been carefully designed to have the least impact on the

neighbouring properties. The extension only protrudes 1700mm (5'6") out from the existing rear building line and retains the original 1200mm (4'0") clear distance from the boundary with No.43. The new extension also fully complies with Planning Guidance related to affecting existing amenity space of neighbouring property by maintaining a 45° line of view from the nearest window reveal serving a habitable room of No.43.

- There is concern that a 20ft wall will be built along the side boundary between the two properties. In reality the wall will only be 15ft in height, this being the existing eaves height of both No.43 and No.45 and will sit on the existing side wall 1200mm (4'0") from the boundary which already extends to a height of 11ft to its highest point being the apex of the garage roof. A clear distance between the two houses will be maintained along the side elevations as the existing garage width and a 950mm (3') passage way between the boundary of No.45 and house wall of No.43 will be fully maintained. This will leave a clear open space 5150mm (17ft) between the new wall (which is on the line of the existing garage wall) of the extension and the side wall of the house of No.43.
- The blocking of light and views has been raised as a concern by No.43 Whitethorn Drive which is somewhat confusing due to the position of the existing house relative to their rear garden. The principle view of Cleeve Hill appears to be already blocked by the existing house No.43. There is no existing view from the rear garden of No.43 of the Cleeve Hill escarpment that could be gained across the applicant's plot and therefore the proposals will not have any detrimental effect in relation to views.

No.43 has a south west facing garden and therefore benefits from direct sunlight across the whole of the garden from approximately 11am to late evening. The proposed extension to No.45 is located along the north boundary and protrudes only 1700mm (5'6") from the existing rear wall of the house. Also located on this northern boundary within the garden of No.43 is a substantial timber Gazebo measuring 8' in diameter and 10' in height. In addition there is a substantial mature tree with a spread of approximately 6 meters (20'). There is also a close boarded fence along the entire boundary between No.43 and No.45 7'6" in height (2.2mtrs). All these obstacles along the north boundary reduce further the light from the north. Therefore the nominal extension of 1700mm (5'6") will not significantly reduce the light coming from the north into the garden of No.45.

OTHER CONCERNS

- Reference is made to the health issues of the occupant of the neighbouring property. Although an element of understanding and compassion is required in ensuring that the needs of those less fortunate are taken into consideration this also needs to be balanced with the needs of family living and raising growing children. The proposed extension is simply required to improve the living conditions within what is currently very restricted domestic accommodation and make it more congenial to raising a close interrelated family.
- We consider the proposals will have minimal interference on any of the neighbouring properties as one of the main objectives of the design brief was to limit the impact on neighbours as much as possible. The proposals, therefore, only nominally increase the existing footprint of the property using the existing walls and foundations for the majority of the extension. The enjoyment of existing gardens and views from existing neighbour's windows, we believe, will not be affected in the slightest. It could be further argued that the proposed extension will benefit some neighbouring properties by providing additional privacy as the existing door to the kitchen of No.45 which is close to the boundary with No.43 will be relocated closer to the centre of the garden.

CONCLUSION

- The proposed extension would blend well into the existing surrounding architecture. The use of existing architectural details, features and materials will result in the new build appearing as original construction and not an extension. The majority of the new extension remains within the original building footprint and therefore maintains the scale of the existing house and the surrounding development generally.
- We respectfully request these observations are taken into account and given careful consideration in determining the application.

Attachments:

- Garden Layout
- Details of typical piling Contractor

M&D FOUNDATIONS

1st September 2016

Mr G Williams
21 Bramble Rise
Prestbury
Cheltenham
Gloucestershire
GL52 5LR

Dear Sir/Madam

Recent Planning Application

We understand that you have recently submitted a planning application for a proposed new development and wish to introduce our company in the event that the ground conditions dictate the requirement of a specialist foundation.

M & D Foundations undertake the design and construction of piled foundations for any type of construction as a competitive solution against conventional deep trench foundations.

Piled foundations are often necessary due to poor ground conditions or where the construction is sited at a close proximity to trees as detailed within the NHBC guidelines. It is also a fast and clean method of construction which will not be affected by future ground changes or subsidence.

A full in house design package producing the relevant drawings and calculations to provide the most optimum foundation solution is also available, and we are also in a position to offer a full insurance backed guarantee details of which are available upon request.

Please visit our website www.mdmidlands.com for further information where a downloadable brochure is available.

Yours faithfully
for M & D Foundations Midlands



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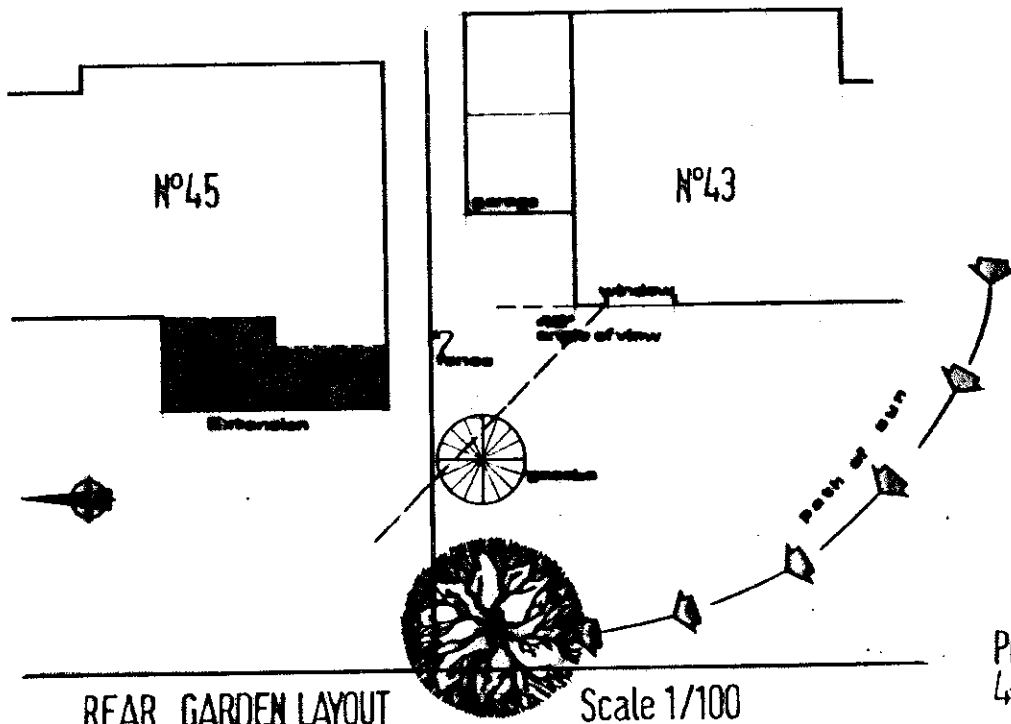
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REAR GARDEN LAYOUT

Scale 1/100



LOCATION PLAN

Proposed 2 Storey Extension
45 Whitethorn Drive Prestbury