

Ms J Szollosi
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

24 September 2026

Dear Ms Szollosi,

APPLICATION: DM/26/1597

PROPOSAL: RETROSPECTIVE APPLICATION TO RAISE LAND LEVELS TO CREATE A LEVELLED GARDEN AND INSTALL PATIO (UPDATED PLANS RECEIVED AND DESCRIPTION AGREED ON 11.09.2026)

SITE: 5 WILLIAM ALLEN LANE, LINDFIELD, HAYWARDS HEATH, WEST SUSSEX, RH16 2SA

I am writing on behalf of Sue Massingham of 7 William Allen Lane, Haywards Heath. We wish to register our strongest objections to this planning application, for the reasons detailed in this letter.

We note that the description of the development has now been updated to include the raising of land levels at 5 William Allen Lane. However there are still discrepancies on the plans, which we clarify in this letter.

1. The Extent of Engineering Operations

The re-submitted plans still do not accurately reflect the extent of the land raising along the boundary with my client's property. The submitted section plan indicates that the land has been raised by 620 – 640 mm in the north-eastern corner of the garden, adjacent to the last two fence panels. However, this is not borne out by the measurements taken on my client's boundary.

My client instructed Benjamin Siggs of S Siggs & Sons Fencing Contractors to remove the two end fence panels, so that the construction behind the panels could be properly inspected. Their Site Inspection Report is appended to this letter.

With the fence panels removed, it has been possible to inspect the construction undertaken in the neighbour's garden, take accurate measurements, and observe the impacts the work has had on my client's property.

The removal of sections of fencing has exposed construction which was previously concealed and which is not adequately represented on the submitted section drawing. The photographs show soil and other material immediately behind the existing fence, together with timber boarding, concrete/mortar and the construction supporting the raised patio. Figure 1 shows the height above ground level of these constituent parts.

My client recalls that when her boundary fence was erected there was no substantial difference in ground level between the two properties at this location. The absence of any concrete retaining wall at the base of my client's fence supports her recollection. Had there been any change in levels, this would have been compensated for with a concrete skirt, to prevent fence panels from being placed against bare soil and subsequently degrading.

Figure 2 shows a worn piece of hardboard that has been wedged between the horizontal struts of my client's fence and the mix of soil and mortar that has been placed to fill the gap behind. This extends down to the very bottom of my client's fence, 1.2 metres *below* the level of the neighbour's new patio. The 1200mm measured does not correlate with the 640mm height increase shown on the submitted section plan.

Irrespective of the original level, we are not seeking to draw conclusions beyond what the physical evidence demonstrates.

What is clear is that the construction associated with the raised garden and patio has been formed hard up against the existing timber boundary fence and that the finished patio/ground level is now 1.2 metres above the level of my client's adjoining garden. The fencing contractor records that soil, concrete/mortar and other backfill are all in direct contact with the fence.

The Site Inspection Report states that parts of the lower retaining construction/footings appear to have been formed using timber boards approximately 100–125mm wide fixed against or between the existing fence posts, with concrete/mortar and block work constructed above.

Figures 3 and 4 show this horizontal timber board referred to in the report. The original fence supports are outlined in blue. The photograph shows that the upper timber board has been fixed to the *back* of the fence, and *below* the blue irrigation pipe (see Figure 1). This indicates that engineering operations have been undertaken at lower levels than indicated on the submitted section plan. Above the pipe there is a further 560mm of concrete, blockwork and patio pavers.

This reinforces our concern that the submitted section drawing does not provide sufficient information to understand the depth of engineering operations, their construction or the relationship between the original ground levels, the retaining construction and the finished levels.

Notwithstanding the height discrepancies, the revised section is still incomplete because it indicates changes in ground level without depicting the retaining construction by which those raised levels are actually being supported. The investigations undertaken by my client prove that the construction is not uniform, but has been built up in discrete layers. This is particularly important now that physical inspection has revealed that the construction interfaces directly with the existing timber boundary fence.

The plans remain inadequate in order to properly describe the development. The Town and Country Planning (Development Management Procedure) (England) Order 2015, requires an application to be accompanied by,

"7(1)(c)(ii) any other plans, drawings and information necessary to describe the development which is the subject of the application"

This is reiterated in the Planning Practice Guidance.ⁱ

2. Structural Issues

The Site Inspection Report confirms that the retaining wall and raised patio on the neighbouring property had been built directly against the existing boundary fence. This is illustrated in the enclosed photographs.

The fencing contractor measured the fence as being approximately 100mm out of plumb towards No. 7 and observed retained material in direct contact with its rear face. He considers the movement to be consistent with pressure being applied from the higher neighbouring side. He further advises that a normal close-boarded timber fence would not ordinarily be relied upon as part of a permanent retaining structure where there is approximately 1.1m difference in ground level. The inspection did not reveal any permanent retaining structure having been put in place at No 5.

Given these observations, the engineering operations should not be approved by the LPA unless Officers are satisfied that a sufficiently robust retaining structure / foundations are in place to support the land raising without compromising the structural stability of my client's fence.

3. Loss of Privacy and Amenity

The engineering operations described above have resulted in the neighbours' patio being built at 1200mm above my client's ground level, which now affords close up and direct views from the neighbour's patio into my client's garden.

Figures 5 and 6 illustrate this. Someone standing on the neighbours' patio is now visible from the waist up, and this has a very damaging impact on my client's ability to quietly enjoy the her own home. She can no longer enjoy the privacy that one would expect in her rear garden as a result.

The photographs in Figures 5 and 6 are decisive and indisputable. Policy DP26 requires that new development must not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy. The engineering operations to raise the level of the garden have caused significant harm to my client's privacy as they allow for direct, unrestricted views into her private outdoor space. These are not mere glimpses from a distance but a close up, direct and unobstructed view into her private garden. There is nothing to prevent the neighbour from looking directly over her fence into her garden *and* through the patio doors into her living room at any time of the day or night.

Also, my client has an outdoor seating area directly below the raised land, so it is not difficult to imagine how much the unobstructed overlooking by the neighbours adversely impacts on her enjoyment of her home.

Unlike overlooking from a first floor window, which is an established characteristic of suburban living, the ability to look over a garden fence in this manner is not commonplace, nor is it acceptable. Permitted development allows for boundary fences of up to two metres for a reason; it prevents overlooking of neighbouring private gardens.

The engineering operations at 5, William Allen Lane have fundamentally changed the relationship between these two gardens. Clearly, this is contrary to policy DP26 and the application should be refused on loss of privacy alone.

4. Drainage Issues

The investigations behind the fence panels also revealed evidence which reinforces my client's earlier observations of pooling water in this eastern corner of her garden. Mr Siggs observed signs of soil erosion and washout, which may indicate water travelling from the higher ground or patio towards No. 7.

The works appear to lack any proper drainage, and if so then surface water will be trapped behind the fence panels, causing the soil to become waterlogged and adding to the stresses being placed on the fence. This would be expected given the substantial difference in levels between the two gardens, and it corresponds with the erosion/washout signs and my client's observations of pooling water.

Policy DP41 requires all development, no matter how minor, to not increase the risk of flooding elsewhere. The engineering operations are not properly drained and this is undermining the structural stability of my client's fence, and contrary to policy DP41.

5. Lack of Realistic Solutions

It was suggested to my client that she plants conifers along her boundary to eradicate the overlooking caused by this unauthorised land raising. My client has no desire to create a dark and foreboding corner where she currently enjoys sitting out in the sunshine, and nor should she be required to mitigate the consequences of an unauthorised development carried out by her neighbour.

Ms Massingham has already been advised that her trellis was unauthorised as it was over two metres high and she has removed it. This has only added to the harmful impacts of the overlooking.

6. Patio to the Rear of the House

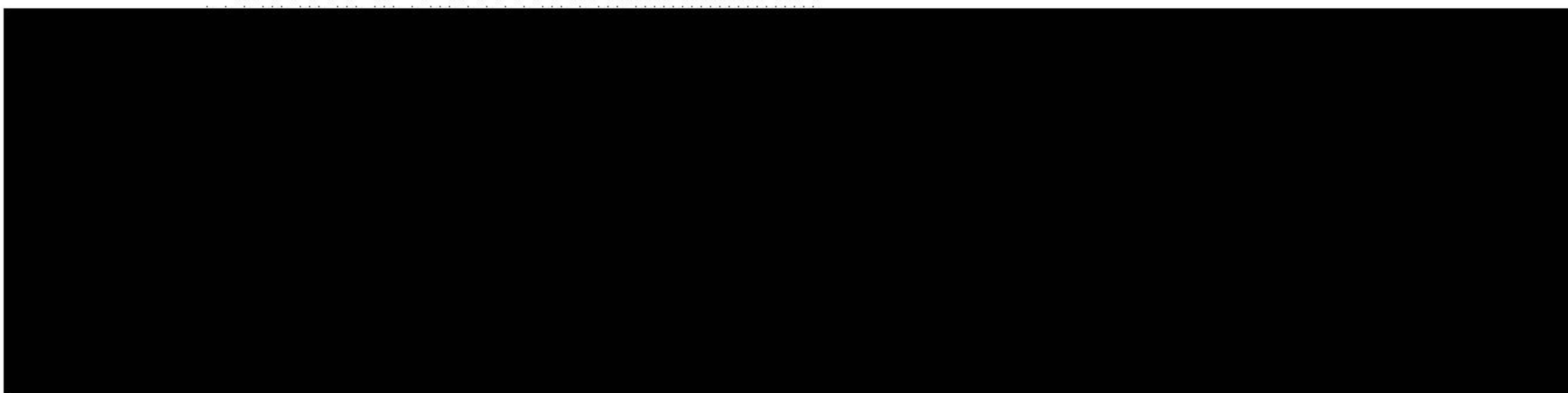
The application site area is shown on the 1:500 plan as extending to the rear wall of the dwelling; however little information has been provided regarding existing or final land levels in this area immediately behind the dwelling.

Given the extent of the engineering operations elsewhere within the rear garden, we ask that the applicant provides sufficient information to clarify the extent of any land raising undertaken in this area and the relationship between the finished patio level and the original ground level.

In summary, the adverse impacts of this unauthorised development cannot be satisfactorily mitigated. The loss of privacy and overlooking is seriously detrimental to the amenity of No. 7, contrary to policy DP26.

We respectfully request that Officers refuse this application and that appropriate action is taken to restore the application site to its former condition.

Yours sincerely



ⁱ NPPG, Paragraph: 023 Reference ID: 14-023-20140306

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5, William Allen Lane, Haywards Heath, RH16 2SA

Photographs

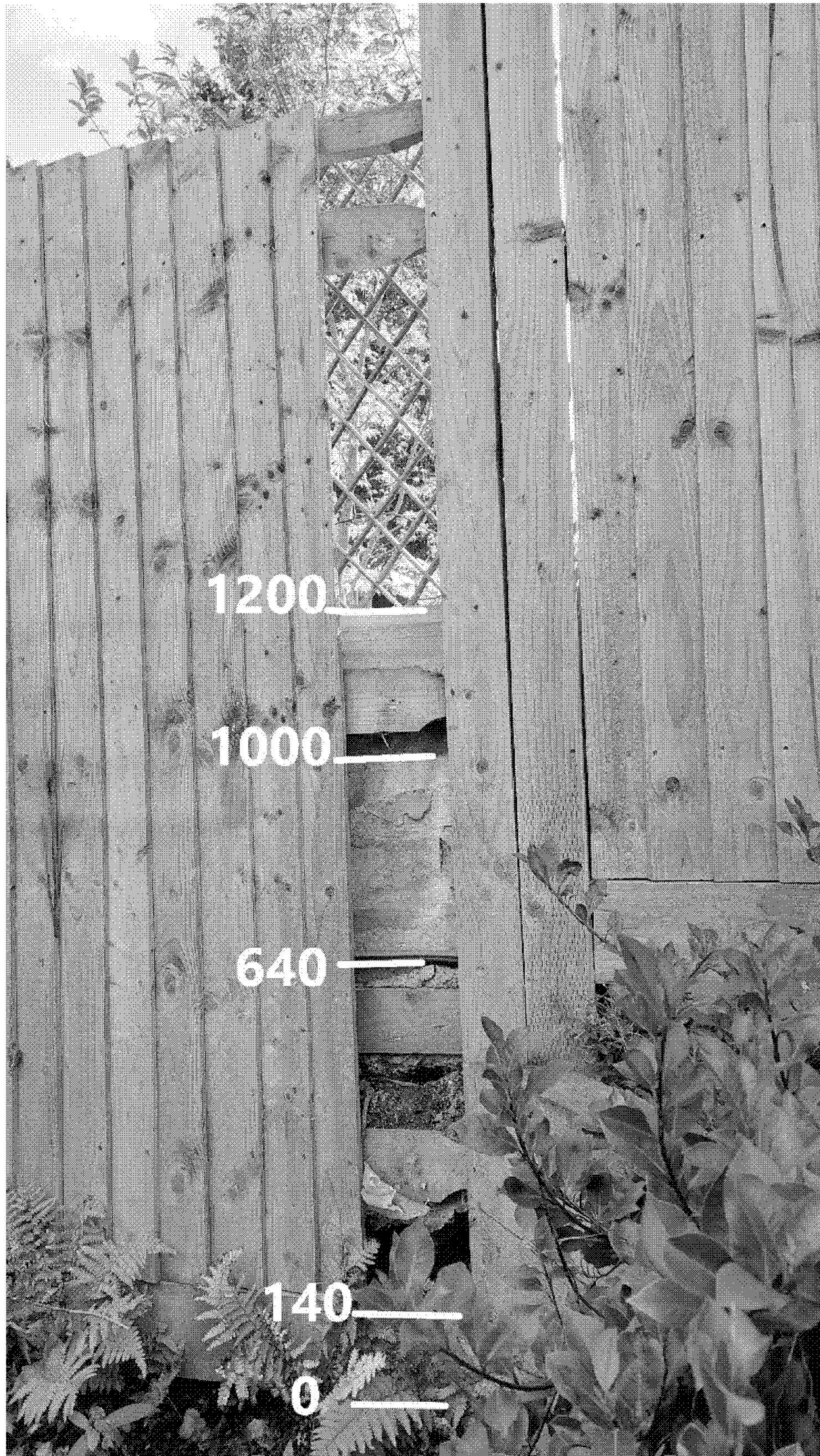


Figure 1: Heights of the constituent parts of the land raising above ground level, in millimetres

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Figure 2: Piece of hardboard wedged between the original horizontal slats attached to the fence panel, and the newly installed horizontal board above (behind the hardboard).

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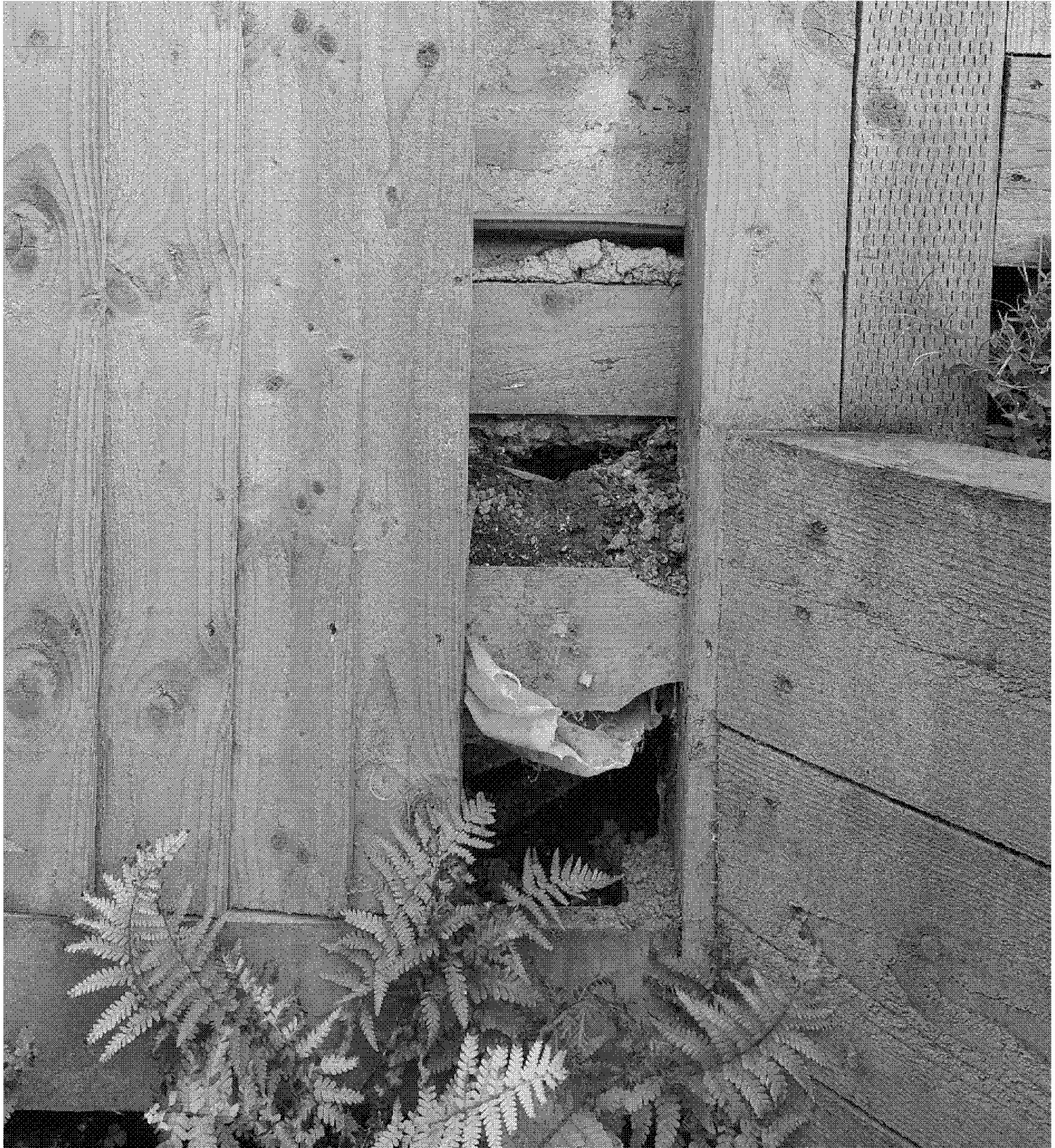


Figure 3: Close up of soil and plastic fill below the blue pipe. The horizontal timber board that has been fixed to the back of the fence is visible just below the blue pipe.

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Figure 3: Original parts of the fence (outlined in blue) and the horizontal board that has been fixed to the back of the fence (red)



Figure 4: View showing outdoor seating area, and proximity to the neighbour's raised patio

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Figure 5: Person visible above waist height



Figure 6: Close up showing extent of overlooking from neighbour's patio

Site Inspection Report – Boundary Fencing / Retaining Wall

Client: Mrs Sue Massingham

Date: 2 September 2026

Contractor: S Siggs & Sons

Estimate: 1552

I attended the property on 2 September 2026 to remove two sections of close board fencing to allow inspection of the area behind, then reinstate the fencing afterwards as agreed in Estimate 1552.

After removing a number of pales at each end of the sections, it became clear that the retaining wall and raised patio on the neighbouring property had been built directly against the existing boundary fence.

From what I could see, parts of the lower retaining construction/footings appear to have been formed using timber boards approximately 100–125mm wide fixed against or between the existing fence posts, with concrete/mortar and block work constructed above.

The visible lower part of the masonry/retaining construction/footings appears to start approximately **300–500mm above the lower ground level on my client's side**, and sat directly on soil, while the neighbouring patio/ground level is approximately **1.1 metres higher than my client's garden**.

There is soil, concrete/mortar and other backfill directly against the rear of the fencing. Because of this, I did not feel it was sensible to completely remove the two fence sections as originally planned. In my opinion, removing them could have disturbed material behind the fence and may also have made it difficult or impossible to safely reinstate the fencing afterwards.

The existing fence is also noticeably leaning towards my client's garden. From my inspection, parts of the fence appear to be approximately **100mm out of plumb**. There is direct contact between the retained material and the rear of the fencing, and in my opinion the movement seen is consistent with pressure being applied from the higher neighbouring side.

I would not expect a normal timber close board fence or its posts and boards to be relied upon as part of a permanent retaining structure, particularly where there is approximately 1.1m difference in ground level.

I also noticed **signs of soil erosion/washout** at one end of the inspected area. This may suggest water is travelling from the higher ground or patio area towards my client's garden. I was unable to inspect the drainage arrangements on the neighbouring property, so I cannot confirm the exact source, but I believe this should be investigated further.

There are also services running through the narrow space between the retaining construction and fencing.

Based on what I could see during this limited inspection, my main concerns are:

- the retaining wall has been constructed directly against the existing timber boundary fence, and I am unaware if any wall party agreement exists;
- timber fence posts and boarding appear to form part of, or sit immediately alongside, the lower retaining construction;
- the visible footing appears to start some approx. 300-500mm above my client's lower ground level;
- the neighbouring ground/patio is approximately 1.1m higher;
- retained material is pressing directly against the rear of the fence;
- the fence has already moved approximately 100mm out of vertical;
- there are signs of possible water run-off or soil washout towards my client's garden; and
- the fence cannot easily be removed or replaced independently without potentially disturbing the retaining material behind it.

I am a fencing contractor and not a structural engineer or building surveyor, so this report is only intended to record what I observed during the inspection. I cannot confirm the full foundation construction, structural adequacy, ownership of the wall or whether any planning or Party Wall requirements applied when it was built.

However, based on what is visible, I would recommend that the retaining wall and drainage arrangement are inspected by a suitably qualified person before any further removal or replacement of the affected fencing is carried out.

Benjamin Siggs

S Siggs & Sons

2 September 2026