

Dear Sirs

Further your notice regarding Application ref No : DM/25/1558

Which sets out to question the legal position on construction of a habitual dwelling being sited on Southern Boundary of property 18 Reeves Mead, Burgess Hill, RH15 0YR.

In any event this matter is in direct contravention of covenants set on the developments which clearly contravenes TP1 Deed of Covenants of the property, As this is a new build the TP1 - and Deed of Covenants state that -

PART 5 - Restrictive and other covenants by the transferee-

2 - Not during a 5 Year Period commencing on and including the date of this transfer to erect or construct any building or other structure whatsoever whether temporary or permanent on the property. (except for good quality domestic sheds and green houses size appropriate for the property).

11 - Not to Park or Cause or suffer or permit to be parked any commercial Vehicle, Caravan Mobile Home, camper van, or boat on the property, between any building on the property and the private road.

Further to these breaches;

- 1/ Tthe proposed size of that applied for would put it within the 1M boundary of both neighbouring properties 16 & 20 Reeves Mead.
- 2/ the proposed Height of the Property is above the 2.50M restriction, given the 200mm raised support giving a total height of 2.7m, **see "If the outbuilding is within 2 metres of the property boundary the whole building should not exceed 2.5 metres in height."**
<https://interactive.planningportal.co.uk/mini-guide/outbuildings/8>

It appears from the application that it is clearly intended as a building to be used as a frequent if not regular sleeping and living accommodation, and as such I would ask the following;

- 1/ What is being done to ensure any noise either internally within or externally of the proposed structure is being taken
- 2/ What is proposed plan for drainage, both rain water run off and foul water from the accommodation? The garden at 18 Reeves Mead, sits higher than that of 20 Reeves Mead. Therefore, any water run off will naturally drain towards number 20.

I have already been in dispute with the developers in that they have failed to ensure sufficient land drainage was installed at any of the properties on this particular stretch of the development. The grounds of all the properties flood. In deed I have already had to have in excess of 30 tons of almost liquid slurry clay excavated from my garden and replaced with decent quality top soil in order to try and remedy this.

The developer refuses to address this issue or offer any assistance in any way, shape or form and continues with little more than a 'fudge' or 'well take us to court' attitude. This I believe to be in breach of NHBC regulations. Which state "*Foundation and drainage: Proper drainage is required to prevent water from flowing onto your neighbour's property, and a strong foundation ensures stability, especially for permanent garden structures.*"
<https://www.ukpropertymarketnews.co.uk/building-within-1-metre-of-boundary/> If these matters affect 20 it will also without doubt affect number 18.

In my opinion the grounds would need to be excavated to bring its elevation considerably lower than that of plot 20 in order to ensure sufficient land drainage be undertaken to remove excess water connected to main sewer system and ensuring that it does not impact number 20.

- 4/ Lack of sufficient Foundation. According to the proposals there is no intention of placing adequate foundations, Considering the ongoing issues with ground water flooding and that the gardens are reimported clay from the building development itself which sinks knee deep when ground have had rain etc I have little doubt that the proposed structure would unevenly sink without proper excavation and foundations. In point of fact when my landscaper was trying to level my garden, both his mini digger and

waste carriers sank well past their axles and had to be pulled out of the ground using the huge mechanised vehicles that the developers had on site.

Other Observations that I feel should be taken into account are;

Noise & Lighting -This 'dwelling' will naturally cause noise and disturbance, particularly if used on a regular basis. It could be more acceptable if restriction were placed on the lines of 'cannot be used as sleeping or living accommodation for more than x days per Callander month.

Number of Occupants – what will be the restriction on number of occupants allowed?

Kind Regards

