

Mr & Mrs Walter Lima  
43 Northaw Road East  
Cuffley  
Hertfordshire EN6 4LU

To The Case Officer  
Mr Sam Dicocco and  
Mr Colin Haigh Head of Planning  
Welwyn Hatfield Borough Council  
The Campus  
Welwyn Garden City  
Hertfordshire AL8 6AE

2<sup>nd</sup> March 2017

Dear Sir

**RE: Objection to Amendments to Application by Mr & Mrs Anklesaria. - Ref:6/2016/1855/VAR Proposal to Removal of Condition 2 - Revised Plan drawings dated 17<sup>th</sup> January 2017)**

We refer to the Council's letter dated 20<sup>th</sup> February 2017 attached to your email of 24<sup>th</sup> February 2017.

The Council must uphold their decision that they have already made on this matter on 18 August 2016 at the DMC. The owners of No.45 have presented no new facts, consequently there is no basis whatsoever for the Council to change their decision. The facts remain the same, the decision must therefore also remain the same: All the dormer windows of No.45 should be non-opening and glazed with obscure glass.

The owners of No 45 Northaw Road East, Cuffley EN6 4LU have repeatedly made various Variation Applications. They have persistently refused to accept the decision of Mr Colin Haigh following the determination of the DMC on 18<sup>th</sup> August 2016. We request that the Council should not issue "A Completion Certificate" and not "Approve" the Breach of Planning Approval to No. 45.

We suggest the Council rejects further discussion on what it already has determined, the Council should avoid the delay and expense of having both the Council and the neighbours to raise objections and the attendance at DMC to determine the decision made on 18<sup>th</sup> August 2016.

As we are required to respond with our objections by 6<sup>th</sup> February 2017, we are disappointed at the Council's failure to comply with protocol causing further delay in the determination of this matter.

We reiterate our objections to the further proposed Variation and the Revised Plan drawings dated 17<sup>th</sup> January 2017 as stated in our previous letters of objection and in particular to our letter of objection dated 8<sup>th</sup> December 2016 which we reproduce hereunder.

### **Enforce Previous Decision and Human Right to Privacy:**

We request of our simple Human Right to Privacy be granted and that the Council uphold **a decision that has been already made** at DMC Committee on 18 August 2016, that all the dormer windows of No.45 should be non-opening and glazed with obscure glass. This decision was made based on the facts presented and as no further facts have been presented by No.45, we do not understand why the Council is considering this matter again. The DMC Committee's decision on 18 August should be final.

The dormer windows of No.45 overlooks directly into our bedroom which is regularly used by our **grandchildren aged 5, 10 and 12**. They should be safeguarded from being in full view of No.45 whilst dressing and sleeping. Our right to privacy is clearly being breached, as we are being seen when we enter our bedroom, get dressed or sleep. Likewise, in our kitchen we should be able to make a cup of tea in our dressing gowns without the fear of anyone able to observe us.

### **Partial obscure glazed Dormers facing No.43**

For the reasons stated above, we object the proposed Amendments to have partially glazed Dormer Windows facing our property at No. 43. Fixed obscured glass glazing is essential to protect our privacy, amenity and enjoyment of our property. The Council's decision on 18 August should be final.

All windows must be obscured in their entirety, partial obscuring up to 175cm for certain windows is not enough. **At 175cm from the floor a person 5ft 10" and above can easily look through** the non-obscured section. It is not an appropriate solution and any variation to the Committee's decision on 18 August is not acceptable.

### **Window Restriction:**

Partial opening of the windows is not acceptable as future adjustments to the range of opening can be made by the present and future owners of No. 45 to open the windows in their entirety. Allowing any opening of the windows would destroy: (i) our right to Human Right to Privacy; and (ii) would render the obscuring of the window glass pointless. **Restricting the window opening is just as important as obscuring the glass.** The Council should enforce the decision of the committee immediately and avoid further Applications.

### **Fire-Escape and Ventilation:**

There is **no requirement under building or fire regulation for any of the first floor windows facing No.43 to be opening**. All windows, should therefore be fixed.

There is only one habitable (as defined in the fire and building regulation) first floor

room facing No.43, Bedroom 3, located at the front of No.45. Bedroom 3 has a window facing the front of the property which is opening.

No. 45 has a Juliet balcony at the rear, a window facing the front of the property and 2 Velux windows facing No.43 and 1 Velux window facing No.47 with full opening access.

If there is a requirement for ventilation, trickle vents can be fitted to the windows, or ventilation fans can be fitted. We have such ventilation fans at No.43.

**Drawings:**

The Middle Dormer facing No.43 has four separate windows and not three as shown on the drawing. We have drawn the Council's attention to this breach of planning approval besides other blatant breaches.

The drawings of the South Facing Elevation facing our property at No.43 in respect of these Elevations are misleading. Our property at No. 43 is North facing. The Council originally had to amend their report at the DMC Committee meeting of 18<sup>th</sup> August 2016, when this issue of elevations was considered.

In conclusion, no new evidence was produced by No.45 in respect of their Amendment Ref.No.6/2016/1855/VAR to justify the removal of Condition 2. We do not understand why the Council is revisiting what has previously been considered at the DMC Committee on 18<sup>th</sup> August when no new evidence has been presented, the Amendment should be rejected out of hand. Hence we request that the decision of the DMC committee on 18<sup>th</sup> August to be upheld.

Yours faithfully

Mr and Mrs Lima  
43 Northaw Road East  
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EN6 4LU