

Attachments:

- [1] Letter dated 2nd February 2016 from Chris Carter to Mr & Mrs Lima
- [2] Letter dated 11th March 2016 from Mr Colin Haigh to Mr & Mrs Lima
- [3] Photograph showing the view from our Kitchen skylight
- [4] Photograph showing the view from our Bedroom skylight taken whilst sitting on the bed
- [5] Photograph showing the view from our Bedroom skylight taken from my son-in-law's height
- [6] Photograph showing the view from our Bedroom skylight taken from my Wife's height
- [7] Photograph showing the view from our Bedroom skylight taken at night
- [8] Photograph showing the view from French doors of No.45.

From: 43 Northaw Road East, Cuffley

19th October 2016

To: Mr S Dicocco, Case Officer, Welhat Borough Council

Dear Sirs

Re: Decision by the Development Management Committee dated 18th August 2016 - All Side Facing Dormer Windows of No. 45 shall be fixed and glazed with obscured glass.

We strongly object to the removal of the above condition stated as a mandatory requirement for No. 45s Variation to Condition 2 by the Development Management Committee at the meeting (18 August 2016). I (Mr Lima) together with Mr Bob Stubbs (Councillor from Northaw and Cuffley Parish Council) were Objector Speakers.

The owners of No. 45 did not attend or make any representation at the committee meeting.

As stated during the meeting and supported by photographs taken from within our house (attached for reference), the Middle Dormer of No. 45 (which has an additional unauthorised Window) looks directly into our bedroom skylight which is the sole source of light (i.e. only window) in the bedroom, is of clear glass and has no window dressing. Our grand-children frequently use this bedroom. We find it shocking that anyone should have the ability to a full view of ourselves and that of our grand-children sleeping and either getting dressed or undressing in this bedroom. The Kitchen Skylight is also over looked by both of No. 45s middle and rear Dormer Windows. Our kitchen is in constant use as my wife is at home and therefore uses it throughout the day.

The fact we are overlooked in any capacity is Invasive and an extreme Invasion of our Privacy both clearly a Breach of our Human Rights.

Mr Haig was present at the Committee Meeting but Mr Sam Dicocco was unable to attend (away on leave). Unfortunately, Mr Dicocco therefore did not have the benefit of hearing the Objectors and subsequent discussions of the Councillors who, having considered the evidence and photographs provided by us and the owners of No. 47, unanimously made the decision that all side facing dormer windows of No. 45 shall be fixed and glazed with obscured glass. Because of this, we believe that Mr Haigh would be the appropriate council officer to consider this matter with due respect to Mr Dicocco.

I (Mr Lima) telephoned Mr Dicocco on Monday 10th and Tuesday 11th October 2016 and left messages requesting him to return my call, in order that I could express my concerns due to this matter having already been considered and decided on in Committee. The Application by No., 45 is Unjustified and should be Rejected.

In terms of the history of this case, Mr Haigh apologised for the error made by the Council's case officer (K. Charles) stating *"I have concluded that errors were made in the consideration of the planning application itself and for this I apologise on behalf of the Council. "(please see attached letter [2]).* In Mr Haigh's email of 3rd May 2016 in reply to us stated that a request was made to the owners of No.45 to fix obscure glazing windows to their dormer windows.

Mr Chris Carter, Principal Major Development Officer confirmed in his letter (please see [1]) that *"I have been in contact with the architect who submitted the planning application on behalf of the owners of number 45 Northaw Road East. I have requested that his client considers the application of obscure glazing to this window..."*

Mr Carter in his above letter comments on the (2) Juliet Balcony when referring to the case officer's Report. It is abundantly clear as confirmed by Mr Haigh that the case officer got it wrong when it came to considering the impact on the loss of our privacy. Besides overlooking into our Bedroom and Kitchen; we have evidence that No.45 can also overlook into our decking area. Please see the attached photograph (8). This photograph is the evidence provided by the Council marked "view from French doors to rear" with the scaffolding in situ. Again, this is another instance where the council should seriously consider the further loss of privacy to the peaceful enjoyment of our property,

In April 2016, the enforcement officer also advised the owner's agent that a glazing film would not be acceptable and the windows should be obscure glass.

Thereafter the Council made numerous requests to the owners of No. 45 to have their side dormer windows facing our property (No. 43 Northaw Road East, Cuffley) to be glazed with obscured glass. The Owners failed to do so.

In the meantime, we also made representations of the loss of our privacy to the Cuffley Parish Council and the elected Councillors to the Welwyn Hatfield Borough Council.

With regards to Apcar Smith Planning's letter dated 6th September 2016, on behalf of the owners of No.45, we do not agree to the submissions made. We deny that the councillors' decision at the committee meeting is unreasonable and unnecessary. We believe that there

are also some errors in fact. The reference to the staircase/landing were fully discussed by the Councillors who concluded that irrelevant of whether the overlooking room only gave a 'passing' direct view into our bedroom, our privacy was hugely compromised and therefore all the side-facing dormer windows of no. 45 should be fixed and glazed with obscured glass as determined and resolved in the Council's Minutes of the DMC meeting on 18th August 2016. This was followed by the Council's Notice of Decision letter dated 18th August 2016 to the owner's representative Mr M. David of MD Designs.

To conclude:

- a) We strongly object against the removal of the condition, as it would result in No. 45 having a direct view of ourselves and our grandchildren - a clear breach of our Human Right to Privacy, a scenario which we do not believe to be reasonable or fair. Furthermore, we believe that consideration must be given to the fact that the dormer windows of No. 45 are not a transitory matter and that this decision does not only affect us and the owners of No. 45, at this point in time, but will also affect all future occupants and owners of No. 43 and No.45, of which no speculation can be made over whether future occupants of No. 45 choose to look into our bedroom and invade our privacy or not.

- b) As 'Condition 2' has been decided by the Councillors at the Development Management Committee, Mr Dicocco, the assigned case officer Must Reject No. 45's Application and avoid further deliberation on this matter. The Council must not appear to be encouraging and setting a precedent for further rejection of Council's Committee Decisions and entertaining endless Applications for Variations.

Yours faithfully

WJlima JFlima

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