

# Comments for Planning Application 21/00269/VAR

## Application Summary

Application Number: 21/00269/VAR

Address: The Lodge 122 Banbury Road Oxford Oxfordshire OX2 7BP

Proposal: Variation of condition 2 (Develop in accordance with approved plans) and 8 (Landscape carry out after completion) of planning permission 18/03113/FUL (Erection of 2no. dwellinghouses (Use Class C3) within the grounds of 122 Banbury Road, including new access off Belbroughton Road, landscaped amenity space, car parking, bin and cycle storage.) to reflect changes to scheme design and remove reference to previously permitted landscaping scheme.

Case Officer: Tobias Fett

## Customer Details

Name: Mr Mark Blythe

Address: South Lodge 128 Banbury Road Oxford OX2 7BP

## Comment Details

Commenter Type: Neighbours

Stance: Customer objects to the Planning Application

Comment Reasons:

- Amount of development on site
- Effect on adjoining properties
- Effect on character of area
- Effect on privacy
- General dislike or support for proposal
- Information missing from plans
- Light - daylight/sunlight
- Not enough info given on application

Comment: We object to this application:

1. For reasons given by other objectors, we think the application is, in substance, a new application and not a variation, and should be treated accordingly.

2. The documents supporting the application are insufficient to enable us to judge the effect of the development proposed on our house, South Lodge. Much is made in the Planning Statement of its marginal and therefore acceptable effect, but with no supporting detail. To take a couple of examples: the drawing of the west elevation appears to show a high wall on the north side of a new terrace adjacent to our garden, but the Statement makes no mention of this, and the Statement is silent about the fact that from the windows in the west elevation of House 1 it would be possible to look into our main bedroom.

3. Much is made of the need to retain the 'conifer hedge' on the south side of our garden. This is, in fact, a Cupressus Leylandii hedge which is already far too high and continues to grow rapidly. It makes our pocket-sized garden very dark and greatly affects the amenity of our house. Such hedges are of course, subject to regulation by the Council under the Anti-Social Behaviour Act 2003, part 8. Our right to secure a reduction in the height of the hedge pursuant to the provisions of this Act cannot be negated by the Council in the exercise of its powers under the planning legislation as we are not party to the planning application and therefore not bound by the terms of any permission granted.

4. Finally, a related point: we consider that a request to retain the Cupressus Leylandii hedge would be outside the scope of the powers of the planning authority. To require or envisage the retention of a hedge, any hedge, as a means of negating or reducing the adverse effect of a development on a neighbour's amenity cannot be a proper exercise of the authority's planning powers. Hedges are not for ever; they can and do die.

Mark and Brigid Blythe