Appeal in regard to AWDM/0394/13 - Retrospective change of use from amenity land to residential curtilage and erection of close boarded fencing | 1 Westmount Close Southwick Brighton West Sussex BN42 4SR.

I am writing this appeal concerning the retrospective planning application that has been submitted by Mr David Lee in regards to the change of use from amenity land to residential curtilage erection of close boarded fencing. I, Dr Sobhi Yagoub, am the owner of 49 Kingston Lane which is situated on the corner of Westmount close and is attached to the west side of 1 Westmount close via our garden.

Attached with this appeal are 3 0rdnance Survey Location maps that I have obtained from the Adur and Worthing Council Planning website regarding this application. I will be referring to these documents as titles on each document:

1) Personal Space Page
2) Common Land and Points of Conflict Page
3) Views Page

17 JUN 2013

There are also 2 pages of photos that should be looked at when referring to the Views Page of the OS Maps.

The first general question I have is who has authority over this amenity land that is linked to the gardens of my property, 49 Kingston lane and 1,2,3 and 4 Westmount close? As I believe that this land is common land, which is land that is owned/authorised by someone, but other people, including members of the public can use it in specific ways. On the other hand, specific ways does not include erecting a fence that will affect other properties around it, which in this case has affected my property.

As you can see on the Personal space page, I have highlighted the area of land that we own in Green Hatching. The Red lines are where Mr Lee has continued the gardens of 2,3 and 4 Westmount Close. The Blue Hatching is where Mr Lee has crossed the line and extended his garden in a westerly direction and has now intruded onto the rear of our garden. As you can see this has caused a few problems.
Looking on the Common Land and Points of Conflict Page, I have highlighted the alleyway in Orange Hatching, and you can see the outline of my property in the Green Border and the erected fencing in the Red lines. There are 2 points I have plotted on this map, X1 and X2. These are 2 very vital points which I would like to comment on also using the photos that I have attached of different views. Regarding X1, as you can see from View 2 and View 3 of the photos, Mr Lee has extended his garden with the fencing and then blocked the end with a gate. What is the reason for the gate apart from having access to it? He could have had an opening to his garden from the end of the fencing which should have stopped at the corner of my property flush to the brick wall of my garden. Instead Mr Lee has continued his

fencing half way down my property which has caused serious problems. He has extended it by 6.4m from the corner of our property down the alleyway. First of all, I am now not able to create an opening in the rear of my garden for access, as I have no way to access the rear of my garden because of the continuation of the fencing that Mr Lee has put up. X2 marks the point that we would be making an opening in our garden for entrance but this is clearly not possible at the moment and I would like this to be changed in order for this to be possible. Not only has this effected access points but as you can see from V1 on the views page and View 1 on the photos page, as the brick wall we have with patterned stone across the top of it is now linked to Mr Lee's extended garden, there is now a clear view into both gardens which is a major issue of privacy for us in the house.

Another major issue is the issue of devaluation. We purchased this property at a high price because it had the exclusivity of being detached from any house apart from via the garden. The house has now been attached to 1 Westmount close from the north side of the property and the east side due to the extension of the garden of 1 Westmount close.

The erection of this fencing has caused a lot of problems for me and upset and I would like you to consider this appeal very carefully and understand how this has not just affected me now but will affect me in the long term. I would like you to consider the removal of the extension of the garden of 1 Westmount close in the direction of the rear of my garden and for it to end at the corner of my house which is attached to the garden of 1 Westmount close.

Yours Sincerely

[redacted]

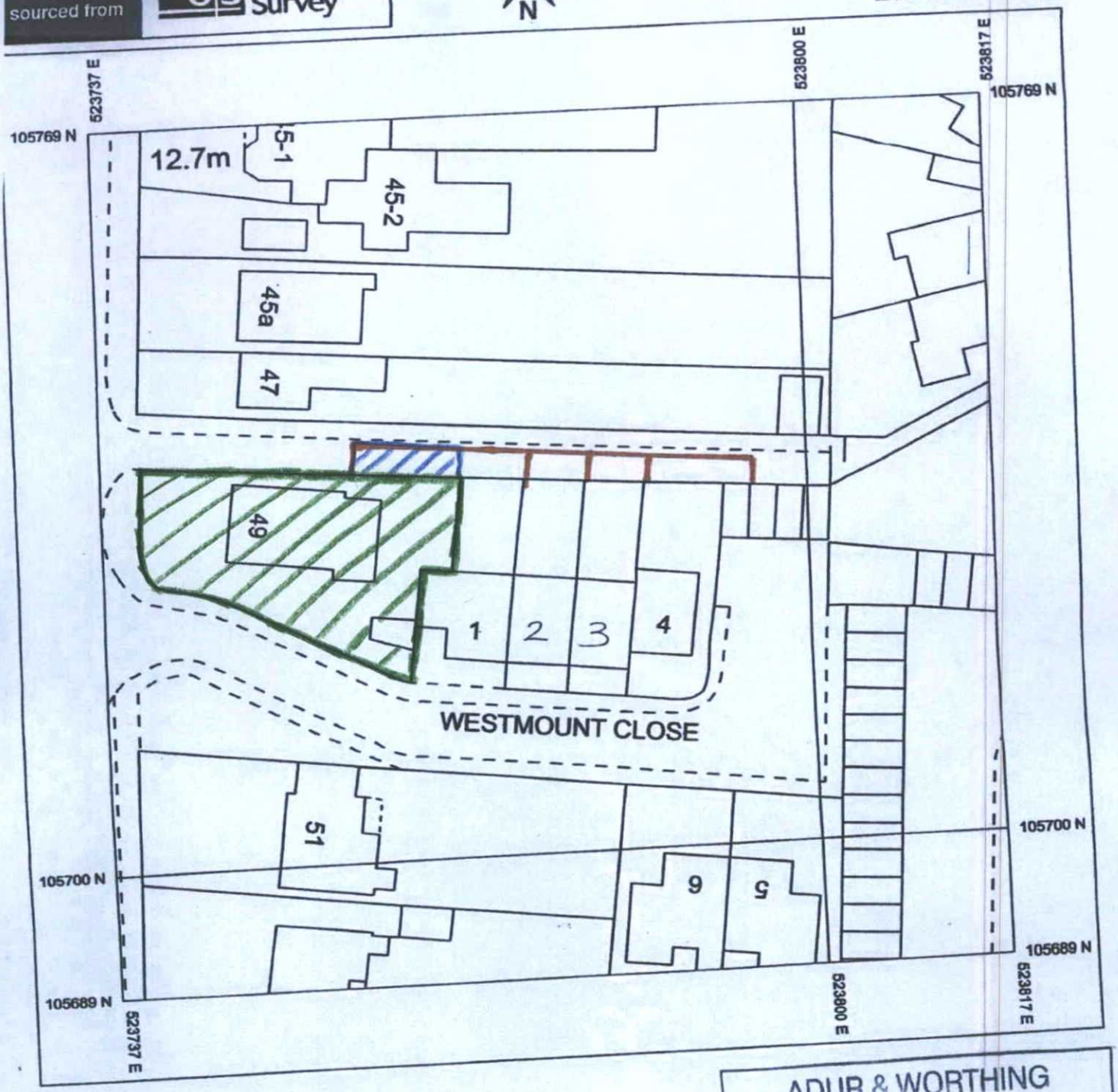
Dr Sobhi Yagoub

373 Upper Shoreham Road
Shoreham By Sea
West Sussex
BN43 5NB

① Personal Space page

Mapping sourced from Ordnance Survey

Location Map



ADUR & WORTHING PLANNING SERVICES

REF AWDM/0394/13

DATE VALID 21 MAY 2013

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The representation of features as lines is no evidence of a property boundary.

0 8 16

Scale 1:500

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Serial number: 001092365

Plot Centre Coordinates: 523777, 105729

• ② Common Land and Points of Conflict Page

Mapping sourced from Ordnance Survey

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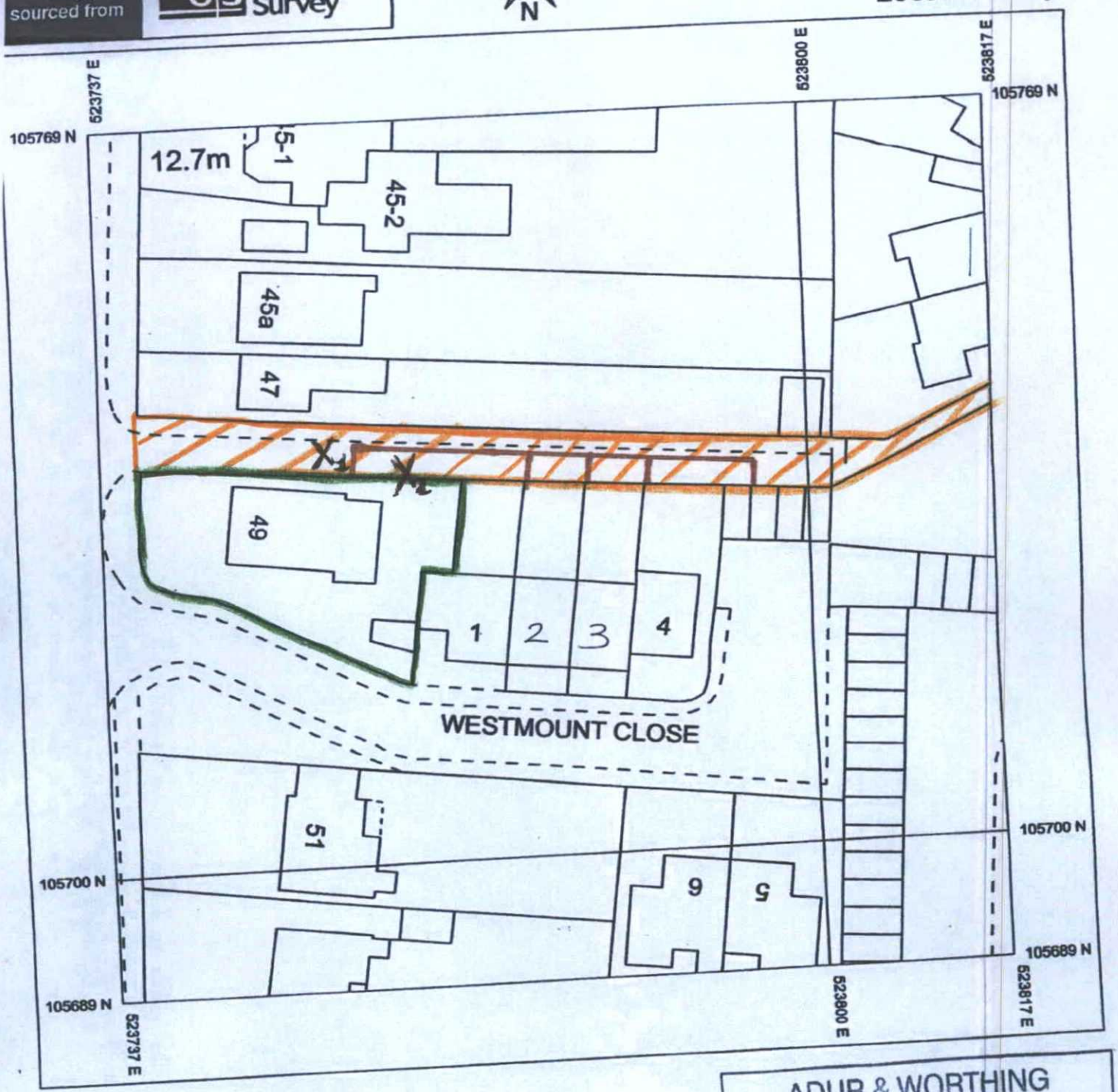
Location Map



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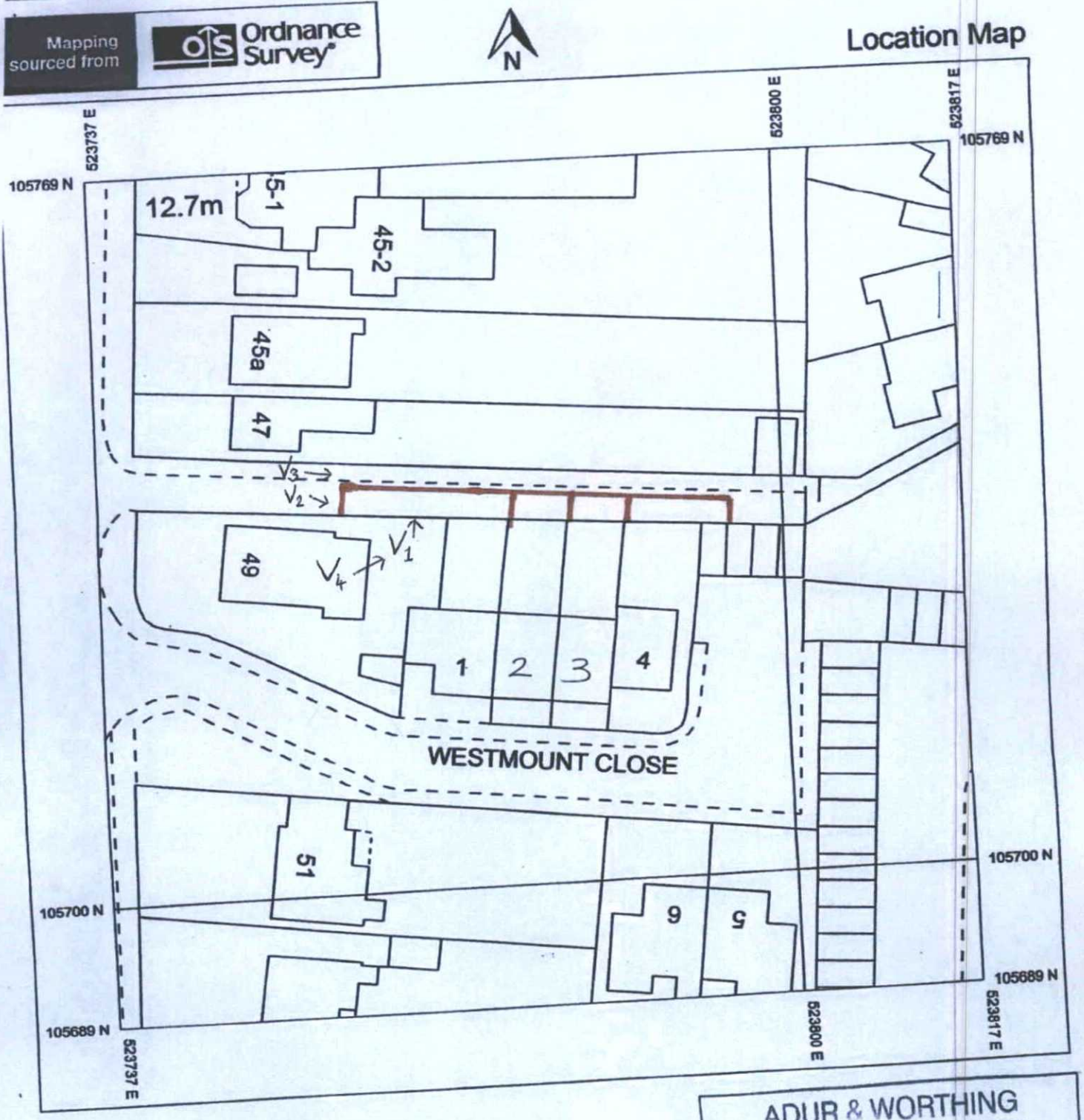
(3) Views Page

Mapping sourced from Ordnance Survey



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Images of different views in and around 49 Kingston Way with reference to the erection of the extension of garden way by 1 Westmount close. Please refer to the Scaled Ordnance Survey page titled 'Views Page' for directions of points of view.

View 1



View 2



View 3



View 4

