

Santamana  
Jacksons Hill  
St Mary's  
Isles of Scilly  
TR21 0JZ

12th September 2019

The Planning Department  
Council of the Isles of Scilly  
Town Hall  
The Parade  
St Mary's  
Isles of Scilly  
TR21 0LW

Dear Mrs Walton,

**RE PLANNING APPLICATIONS: P/19/044 & P/19/050 PARK VIEW**

We own 1 Harbour View Mansions and have a number of concerns regarding the proposed erection of a new 3 storey, 3 bedroom building between Harbour View Mansions and the Scillonian Club.

1. There is no right to access over the courtyard of Harbour View Mansions, only a narrow footpath directly behind Madura and Park View therefore no way of getting machinery and building materials on site other than via the beach.
2. The wall adjoining Harbour View of the proposed building shows a tapered void, this may be a prime damp area that we would have no access to maintain. At present we already have an unresolved rising damp issue internally along the whole of that wall in our flat which we will be addressing this winter.
3. This same wall falls under the Party Wall Act and agreement from the members of Harbour View Management Company would be required to join in to the structure.
4. Our bathroom window would be affected by the 45° right to light rule which would be impaired by the height of the proposed building. Section 3 of the Prescription Act 1832 Claim to the use of light enjoyed for 20 years states '*When the access and use of light to and for any dwelling house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right*

*thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.*

5. The sewer pipe in the forecourt of Harbour View has blocked on several occasions in the few years that we have been involved with the building and until the sewerage system is improved more effluent will only compound the problem. As per the plans there is drain cover (I.C.) directly outside our bathroom window which belongs to Harbour View and would be immediately in front of the proposed boat store which could cause access issues. We need to have access to maintain any pipework and drains.
6. If planning were granted, the noise to the surrounding properties could seriously affect future tourist bookings that the owners rely on. With Harbour View being a concrete building drilling, hammering etc reverberates severely through the entire structure.
7. According to the Local Plan Policy 3 - Housing, the applicants do not fit the criteria to build as they are currently adequately housed in a property they purchased 4 years ago, extended and completely refurbished.

Yours sincerely,

Stuart Hitchens & Sonia Fletcher