



Karl Grimsey  
11 Hodgson Close  
Fritwell  
Oxon  
OX27 7QB

**4<sup>th</sup> Dec 2019**

**For the attention of James Kirkham**

I would like to register my objection to development **19/00616/OUT - 28 dwellings Fewcott Road, Fritwell** for the legal reasons listed below.

In my previous letter I asked several questions and made several points - Do you know if anyone will be replying to these questions or are they only noted and published on the CDC website?

I commented in my letter and gave photographs to show the loss of sunlight in my garden due to the planned houses that would be built. My Garden faces the east and was built deliberately to enjoy the sunrise coming up on the farmland giving perfect sunlight in to my home as well keeping my garden in sunlight throughout the day. Any building erected based on Cala's plans will take away my amazing view of the morning sunrise as well as creating a shadow that will spread over my garden

### **1. Under the Law I have a right to light**

**Right to light** is a form of easement in English law that gives a long-standing **owner of a building with windows a right to maintain the level of illumination**. It is based on the Ancient Lights law. **The rights** are most usually acquired under the Prescription Act 1832

*Claim to the use of light enjoyed for 20 years. 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.* My home was built in 1996.

**A right to light is protected in England and Wales under common law, adverse possession or by the Prescription Act 1832 ...** *Any kind of development that could potentially block the light coming into your home.*

Based on the plans presented by Cala a 4/5 house will be erected on this site in front of my rear garden, any building erected here will effect light to my property as well as my garden.

## **2. Overshadowing.**

*The effect of a development or building on the amount of natural light presently enjoyed by a neighbouring property, resulting in a shadow being cast over that neighbouring property.*

**If a developer is undertaking any type of building work, they must consider whether the development will affect my right to light.** *If there is a planned development which you believe will result in a loss of light, **You are in a strong position to make a loss of light planning objection.** If any rooms classed as 'habitable' are likely to be affected, this may add more weight to your application. These types of rooms include: bedrooms, living rooms, kitchens and conservatories, i.e: rooms that tend to be in constant use for 'everyday living'.*

## **3. Right to privacy**

I can see that Cala's agents have given you reports regarding the hedges and trees they want to take down but regards to my garden and privacy there is not one mention in this whole application on how to protect my privacy, I wish defend my Human Rights - **Act 1998; "Protocol 1, Article 1 protects your right to enjoy your property peacefully."**

Any house built in the location on Cala's plans will have windows at the rear of that property that will be able to look directly into my home, teenage daughter's bedrooms and bathrooms. They will be able to overlook my garden which denies me my right to privacy.

#### **4. CDC Official Boundary**

When I bought my home in Hodgson Close my solicitor confirmed that the buffer zone at the end of my garden was there because it signified the boundary of the Village and that nothing could be built on greenfield agricultural land. This field was used for cows and pigs and a few horses grazing .

When I spoke to the CDC planners, at that time, they also confirmed that this buffer zone was council's legal landmark as the border of the Village?

**Have the Council moved the village boundary** or is this development being built outside of CDC official Village Boundary? If boundary has been moved from this location can you let me know when it was moved to half way down this agricultural field?

#### **5. What is a valid objection to a planning application**

- Loss of light or overshadowing.
- Overlooking/loss of privacy.
- Visual amenity (but not loss of private view)
- Noise and disturbance resulting from use.

Please accept this letter as my objection to the Cala development 19/00616/OUT - 28 dwellings Fewcott Road, Fritwell

Regards

Karl Grimsey