

Alison Webster
Senior Planner
Gravesham Borough Council

By email to: alison.webster@gravesham.gov.uk

31 January, 2025
5287_CL_Response to objection letter_250130

Dear Alison,

**St Josephs Convent of Mercy Hillside Drive Gravesend Kent DA12 1NY:
Planning application reference 20241161— response to objection letter**

In response to your email of 27th January:

- The driveway to No. 9 has been laid over unregistered land which belongs neither to No. 9 (Title K834409) nor the Convent (Title K932789). See SK 1 and 2 of 7, in the attached *Response to objection letter_Sketches*.
- K834409 grants a right of way over this unregistered land “with others having a similar right on foot and with or without handbarrows laden or unladen at all times over the passage way of the width of about four feet coloured brown on the said plan”.
- The unregistered land is not part of no. 9's freehold.
- The existing pillar next to no. 9 being removed is either on Convent land or it is on the unregistered land.
- The new gate proposed in this position will be a standalone item that will be fitted independently of the remaining gate post, which is either part of No. 9 or it is on the unregistered portion of the land.

In an email on 12 March 2024 discussing this issue when it was last raised by the architect, the Convent's legal advisor Mr James Carter of Bridger's Law wrote:

What has happened is they (no. 9) have concreted over the unregistered foot-path area. The application included this area of land on the caution against first registration. The owner of number 9 is not going to be able to register the land because it has not actually been incorporated into their garden i.e. it has not been fenced to prevent the sisters or their successor in title using the side access way.

It is quite clear when you look at the photo and it is helpful that there is a car parked on it, that really this unregistered area of land is used by them to open a car door and close it. The car is carefully parked not obstructing the pathway

leading to the rear of the property. The sisters do not own the land but neither does number 9 but certainly the sisters over the last 70 plus years have acquired a prescriptive right to access the property.

There is no need for us to be asking the owners of number 9 for access over this portion of the driveway because they don't actually own it.

The use of the word bungalow in the application is merely to describe the type of development proposed. It is not intended to be the name of the property or final postal address of the property.

An alternative name will be suggested. Does this need to be finalised at the planning stage? If so we will have to consult the Sisters on a name.

We thank the respondent for pointing out the existence of a side window on the east wall of no. 9— we had inadvertently missed this in our design development . We attach with this letter a series of photographs, visualisations from our 3D model, and sketches to illustrate the points and proposed mitigation below.

On overlooking and privacy:

- The ground level for the proposed bungalow appears to be more or less level with the ground level of no. 9. It is certainly not 2m higher. See SK 3 of 7
- The ground floor window to the side of the proposed bungalow is a clerestory window set 1.8m above the internal finished floor level, it brings light into the proposed dining area but is above the line of sight and does not overlook no. 9. See SK 4 of 7.
- A 1.8m high fence runs along the side of the patio and screens no. 9 from the patio. There is also an existing 2mH boundary wall between the properties, although admittedly the top third does not provide any screening. See 3D views on SK 7 of 7.
- The submitted design does however enable views from the rear first floor bedroom window into part of the window on the east wall of no. 9. See 3D view top SK 6 of 7 (red).
- We propose to mitigate this by angling the new window 10° away from no. 9. See sketch plan SK6 of 7 and resulting 3D view bottom SK 6 of 7 (green).

On overshadowing:

- The existing 3-storey Convent building overshadows the attached existing former 1.5 storey laundry building, as it will overshadow the proposed bungalow. Therefore no additional overshadowing is considered to occur, over and above that which has been historically experienced by the former laundry and No. 9. See photographs SK 5 of 7
- In detail, the proposed bungalow is 400mm higher than the existing structure but has been set an additional 2.7m away from no. 9. See sketch 3 of 7.
- The existing convent building Rydal is more than 5m taller than the proposed bungalow. The bungalow is sited northeast of no. 9, not south of no. 9. Rydal casts a large

shadow to the north-east of no. 9. Therefore its overshadowing impact on no. 9 will be no worse than any pre-existing impact from Rydal, i.e. minimal.

Lastly, title deed K932789 shows that only a small central section (less than half to a third) of the proposed turning area is unregistered land. Over the last 70 plus years the Sisters have acquired a prescriptive right to use this land. See SK 1 of 7.

We trust the above information is in order.

Please advise us if the mitigation proposals are acceptable and if we can make the necessary minor amendments to the plans and elevations.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'Kasan Goh', with a stylized, sweeping flourish extending to the right.

Kasan Goh
Director
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