

Planning Unit

Notice of Submission on an Application for Resource Consent

Application Reference:

RC245737

Resource Management Act 1991 - Form 13

Send or deliver your application to: Selwyn District Council, PO Box 90, Rolleston 7643 or submissions@selwyn.govt.nzFor enquiries phone: (03) 347-2800 or email: contactus@selwyn.govt.nz

1. Submitter Details

Name of Submitter(s) (state full name(s)): Logan Brown and Courtney Chamberlain

Physical Address: 37 Petticoat Lane, Dayleston

Address for Service (if different):

Email:

Telephone (day):

Mobile:

2. Application Details

Application Reference Number (if not stated above): RC245737

Name of Applicant (state full name): Michael McAden and Bella Wilson

Application Site Address: 35 Petticoat Lane, Dayleston

Description of Proposed Activity: Land use consent is sought for an internal boundary setback intrusion

3. Submission Details

- I / We: ☐ Support all or part of the application
☒ Oppose all or part of the application
☐ Are neutral towards all or part of the application

The specific parts of the application that my / our submission relates to are: (give details, continue on a separate sheet)
Please refer to the attached information.

The reasons for my / our submission are: Please refer to the attached information

The decision I / We would like the Council to make is: (give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought.)
Decline the application for retrospective land use consent.

4. Submission at the Hearing

- ☒ I / We wish to speak in support of my / our submission.
- ☐ I / We do not wish to speak in support of my / our submission.
- ☐ If others make a similar submission I / We will consider presenting a joint case with them at the hearing.
- ☐ Pursuant to section 100A of the Resource Management Act 1991 I / We request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of the commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

5. Signature

(Of submitter(s) or person authorised to sign on behalf of submitter(s))

Signature

Date:

11/07/2025

Signature

Date:

11/07/2025

Note: A signature is not required if you make your submission by electronic means.

6. Privacy Information

The personal information requested in the form is being collected by Selwyn District Council so that we can process your application. This information is required by the Resource Management Act 1991. This information will be held by the Council. You may ask to check and correct any of this personal information if you wish. The personal information collected will not be shared with any departments of the Council not involved in processing your application. However under the Official Information and Meetings Act 1987 this information may be made available on request to parties within and outside the Council.

7. Important Information

1. The Council must receive this submission before the closing date and time for submissions on this application.
2. You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
3. All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind about whether you wish to speak at the hearing, please contact the Council by telephone on 347-2800 or by email at planning.technical@selwyn.govt.nz
4. Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the planning report.

For Office Use Only

Received at the Office on at am / pm

Submission Opposing Retrospective Resource Consent – Garage at 35 Petticoat Lane, Doyleston

To: Selwyn District Council

Regarding: Application for Retrospective Resource Consent – Garage at 35 Petticoat Lane, Doyleston

Submitter: Logan Brown (owner) Courtney Chamberlain (occupant)

Address: 37 Petticoat Lane, Doyleston

Contact: Logan Brown
Courtney Chamberlain

1. Our Interest in This Application

As the owner and occupier of 37 Petticoat Lane, the residential property directly adjoining the subject site to the west. We are directly affected by the garage subject to this retrospective application, which has already been constructed not meeting the requirements of the Partially Operative Selwyn District Plan.

2. The Decision we Seek

We oppose the granting of this retrospective land use consent and respectfully request that the application be declined.

3. Grounds for Opposition

3.1 Non-compliance with Boundary Setback Requirements

- The Partially Operative Selwyn District Plan requires that where a garage wall exceeds 7 metres in length and is adjacent to an internal boundary, the setback must be 2 metres.
- The garage wall in question is 9 metres long and has a setback of only 0.9 metres, representing a setback intrusion of 1.1 metres.
- The true boundary is in fact 300mm closer to the garage than the current fence line.
- This is a significant breach and the effects are not minor.

3.2 Effects on the amenity of adjoining residential properties with regard to privacy, outlook and shading.

As the garage is elevated, the glass door of the garage results in visibility from the garage into our kitchen space, which causes significant discomfort and infringes upon our privacy.

Additionally, the large, dark, and dominant presence of the garage negatively impacts the outlook from our kitchen. The structure's size and design overshadow our view and diminish the overall aesthetic quality of the space, creating an oppressive atmosphere in what should be a pleasant and functional area of our home.

Due to its height and proximity, the garage creates an increased sense of enclosure and contributes to a loss of openness, which is inconsistent with the character of the Low Density Residential Zone.

The garage's motion sensor lights can activate when we walk on our own property, which is intrusive and disruptive. This would not occur if the garage was set back the required additional 1.1 metres. The current placement causes light spill onto our land.

Due to the proximity, garage-related noise is more pronounced, further diminishing our peaceful enjoyment of our home.

We have plans to make use of the area directly outside our kitchen, with intentions to develop an outdoor entertaining space and other improvements to enhance our enjoyment of the property. However, the garage's close proximity to the boundary significantly undermines our right to the quiet, peaceful enjoyment of this space. The noise from the garage is particularly amplified due to its closeness, further detracting from our experience of the property.

Moreover, given that we are forced to look at/into the garage from our kitchen, it has become a major source of discomfort and disruption in our daily living environment. The garage being 1.1m further back would without doubt increase our right to privacy.

It is essential that the adverse effects on us are not disregarded. The owners of 35 Petticoat Lane stated that they have attempted to put all buildings as close to the boundary as possible. We have expressed concern over the garage to the owners of 35 Petticoat Lane and have discussed this with them. They said that they would ensure fire line gib protection was added in the meantime and the best option for both us and them would be to move the garage back. This was offered as a remedy by Michael and we agreed that this would be for the best. This was the last discussion we had with the applicants and we were of the understanding that this would be done, however, we were surprised when contacted by the council through this process.

3.3 The extent to which the reduction in the setback provides for the mitigation of the effects of natural hazards.

There is an added fire risk of the garage being close to the boundary without fire protection. This puts our property at increased risk.

3.4 Effects on the accessibility of the space between buildings and the affected boundary for cleaning and maintenance, access for emergency services personnel, storage, and to keep the area free of vermin.

The fence needs to be moved to the correct boundary, the garage being so close to the boundary will make remedying the fence difficult and any future maintenance harder.

3.5 Response to information provided in the application

The application for retrospective land use consent for a garage, 35 Petticoat Lane, Doyleston prepared by Sonja Perrin states that it "is an assessment of the actual and potential effects on the environment generated by the land use application at 58 North Terrace, Darfield". This is concerning that it is referring to a property unknown to us and questions whether the information provided is accurate and correct to Petticoat Lane.

In the information provided to us, it is stated that Doyleston is a “a small farming community” we would note that you would not expect a large, newly built garage to be allowed to be only 90cm from the boundary in a low density residential zone. There is an expectation of privacy and a rural feeling in Doyleston, not a feeling of being built in like you may expect in a high residential zone. As the garage is built within the view of the kitchen and outside area of the kitchen this impact is exaggerated where as if it was built elsewhere on the section the adverse effects would be somewhat mitigated.

Although Sonja Perrin in her report stated that “the effects of the garage have been established” this is not accurate as the fence is required to be moved 300mm closer, therefore, the true effects will not become fully apparent until this is remedied.

It has also been stated that, “the garage does not affect any outlook or outdoor living area of the neighbouring property, since the neighbours garage is on the opposite side of the fence.” However, this is again inaccurate as we look at the garage from our kitchen and do use the outdoor space, we hope to enhance the use of this space further. Our current garage is lower in height, is a small single car garage, green in colour and does not create the adverse effects of the large, high, dominant, brown/black garage. It does not have the overshadowing effects. The lack of noise from our garage also does not impact us like the noise from the intrusive, neighbouring garage. Our small garage is also unlikely to stay in our plans for the property and due to all of these reasons it should not be taken into consideration. Our garage can be removed by us if in the future it was to impact us negatively, however, we do not have this control over the garage at 35 Petticoat Lane and if there are any future negative impacts on us, we cannot simply remove it.

“The 0.9m setback provides for adequate space for access and maintenance”. This is again not accurate as it does not allow for access and maintenance of the fence. The fence has not been up to standard and in need of repair for some time now, every time we approach this issue with the owners of 35 petticoat lane they say they cannot financially afford to contribute to half as well as other reasons for not agreeing to it, however, when their friends dog came through the fence onto our property it again showed the need for repair but they continued and still do to be uncooperative. This will need to be remedied soon, as our concern for the state of the fence as well as it not being on the true boundary need to be addressed. The garage being 1.1m further back at a distance of 2m as required would allow for the fence issues to be rectified.

A low Density Residential Zone provides for residential activity and is characterised by low density and spacious housing. We are entitled to an appropriate level of openness around our residential house and the garage does not meet this standard and is impacting on this.

3.6 Precedent and Integrity of the District Plan

It is necessary to ensure that we as an affected party are heard and our relevant concerns considered. It is important to uphold the integrity of the relevant rules, these need to be maintained for the sake of the whole community. Allowing the garage to stay sets a precedent for others. It is essential that all new buildings are built to meet the requirements and should not be breached to the detriment of the neighbours, in this situation us at 37 Petticoat Lane.

4. Conclusion

We believe the construction of the garage so close to our boundary is affecting our use and enjoyment of our property. Prior to the garage's construction, we were able to enjoy our kitchen and outdoor space without any issues. However, since the garage was built so close to the boundary, it has had a negative impact. The garage has obstructed our view, increased noise levels, and created a feeling of being enclosed within our own property. Its proximity has introduced a dominant and intrusive presence, leading to discomfort and annoyance. These effects have substantially diminished the enjoyment of our property that we had prior to the construction.

In the information provided by the council we note that it states that “the fact that a building already exists does not influence the outcome of the resource consent process, as the application will be considered as if the structure had not yet been built”. It is therefore, important to consider the impact on us at 37 Petticoat Lane in why a resource consent should be granted to allow for the building of the garage to our detriment where there is ample area at 35 Petticoat Lane to meet the Partially Operative Selwyn District Plan requirements.

For these reasons, we respectfully ask that the Council decline the retrospective resource consent for the garage at 35 Petticoat Lane and require that it be relocated to comply with the 2-metre setback rule.

The retrospective approval of this garage would result in ongoing and unreasonable adverse effects on our privacy, outlook, amenity, and use of our property.

Pictures of garage from our view.

