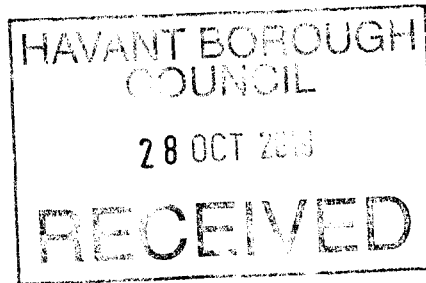


Mrs B Crawford
Planning Development Dept.
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Mr D Pallett
26 Heather Close
Waterlooville
Hampshire
PO7 8EE

Tel: 02392 231327

28th October 2019

Your Ref: APP/19/00976 dated 11 October 2019

Dear Madam,

Comments to the Proposed Planning Application APP/19/00976 at 25 Heather Close, Waterlooville, Hants, PO7 8EE

As the result of receiving the letter dated 11 October 2019 notifying me of the subject Planning Application. I hereby **OBJECT** to the application and submit my comments for the following reasons, as outlined under the headings "Objection Reasons" below.

Whilst compiling the information within this document, the guidance of the authoritative documentation listed below under the "References" heading, have been consulted and referred to within my comments, under the headings "Authoritative Support" below.

In addition, I've also included copies of actual and pictorial documents that are identified as 'Enclosures' (Encl) within my comments and which are listed at the end of this letter.

References:

- A. Land Registration Acts 1925 to 1971.
- B. H. M. Land Registry Charge Certificate
- C. H. M. Land Registry Register Title Number HP170098/HP208567 dated 26 March 1982.
- D. H. M. Land Registry Register Title Number HP208567 dated 18 June 1996.
- E. H.M. Land Registry Ordnance Survey Plan Title Number HP208567 dated May 1982.
- F. Housing Act 1957.
- G. Land Registration Rules 1925.
- H. Hampshire County Council Act 1972.
- I. Town and Country Planning Act 1990.
- K. Department for Transport Manual for Streets 2007.

1a – Objection Reasons

The residents of the property at 26 Heather Close (HC), will be directly affected by the proposed application should it be approved, as it would have a substantial impact on their safety whilst reversing their vehicles out of their driveway. This is in addition to the similar situation they are currently experiencing, which is explained further on within paragraph 1b.

By extending the Eastern fencing line along the boundary line between 25HC and 26HC to the inner edge of the Southern pedestrian footpath, together with the repositioning in total of the existing Southern fencing line from its current location to the Southern inner edge of the pedestrian footpath with new 6ft high fencing, would create a significant blind spot, as the result of the fences relocation, height and density (refer to Encl 5).

This situation would also severely obstruct the sight line of the road and footpath down towards the corner adjacent to 25HC, because it would be completely unable to see vehicles and/or pedestrians approaching from this area, without having to pull out of their drive completely onto the footpath and partially into the road, to enable a clear view of the area to be achieved whilst reversing out of their driveway (refer to Encls 6 and 8).

In addition, their view is currently and would continue to be further obstructed, as the result of the residents at 25 HC, who currently park their vehicles down from 26HC driveway to the corner area of the road, either on the road, or partly off and on the footpath, the latter aspect restricting access for pedestrians, pushchairs and the disabled.

The relocation of the fence and the parking situation, would also create increase hazards for vehicles entering and exiting the estate, as they would have restricted views on their approach to the corner area. Therefore, the resulting risks and outcomes of an accident occurring, should also be a factor that should be taken into account.

It should be noted that the reason why the existing Southern fence line was so positioned at the distance it is away from the inner edge of the Southern footpath of 25HC boundary line. Is to enable a suitable enough clear area (known as an 'open area') to be established, down to the area of the corner adjacent to 25HC that would enable vehicles to be reversed out of the driveway at 26HC, to have an unrestricted view (known as a sight line) down the road and footpath to the corner of 25HC.

This area was established along with six other open areas at road corners throughout the estate, as the result of the agreement between Havant Borough Council (HBC) (vendor) and Bovis Homes Limited (BHL) (purchaser) in 1980 during the purchase/development stage.

Should approval of this application be granted, these situations would considerable increase the hazard and risk factors the residents at 26HC would be subjected to, in addition to the possibility of sustaining an accident/injury, to which, other road users and pedestrians would be exposed to also.

1b- Objection Reasons

The residents at 26HC are already experiencing difficulties whilst reversing out of their drive, as the result of the unkempt overgrown, tall and dense vegetation area that abuts their South/Western boundary line (refer to Encls 5 to 9)

This area encompasses what is known as an "open area" that extends between and within 25HC outer Eastern, Southern and Western boundary lines. This area which, extends towards the Southern inner edge of the pedestrian footpath, also includes 25HC existing Southern fencing line and outer garage wall, from which, the fence abuts upon and runs along to the end of their South/Eastern fence line refer to Encl 6 and 8).

The presence of this overgrown area is a substantial hazard that has created a blind spot that obstructs to having a clear viewing sight line of the road and footpath down towards the corner adjacent to 25HC (Encl 2, page 2, para 2(b) and Encl 3, page 2, para 3(g) refers).

In addition, the view is further restricted as the result of the vehicles of 25HC being parked from 26HC driveway along the road down to the corner of their property, either on the road, or partway off and on the footpath, which also restricts access for pedestrians. This creates a situation in which, it is unable to see clearly vehicles and/or pedestrians approaching from this area, without having to pull out of 26HC driveway onto the footpath (refer to Encl 3, page 2, paras 3(f) and 3(g) also Encl 6).

As a result, the residents at 26HC have encountered several near misses in the past. This situation is not only placing themselves at risk of an accident/injury, but other road users and pedestrians also.

1c– Objection Reasons

There are concerns also that should this application be approved it could generate further unacceptable situations that would have a direct impact on the residents of 26HC.

As far as it is understand, the reason as to why this application is being submitted, is to create more garden space, as the existing raised lawn area is small and narrow. Should approval be granted, the additional space might well cause the residents to consider erecting further garden structures, in addition to those that are already sited along and adjacent to the Western boundary line of 26HC.

Their location so close to 26HC boundary line is, as it is understand, the result of the narrowness of their small raised lawn area and the height of the drop down to a paved patio area adjacent to the house; as well as the size of the structures, especially one of them, to be able to fit within the confined space of the lawn area.

The noise generated by these structures and the residents using them in addition to the objects that regularly come over into 26HC property, has resulted in the residents of 26HC being unable to enjoy the relaxing pleasures of their garden and having to keep shut the doors and windows.

Therefore, it can only be conclude that the residents are not conversant with the Covenant requirements stated within Encl 2, page 3, item No 2(b) and Encl 3, page 2, para 3(h) refers.

2a – Authoritative Support.

The process of the purchase of a property involves the property having to be registered with HM Land Registry, who issue a Charge Certificate (Refs 'A', 'B' and 'G' refers). This document contains Register Conditions and a Schedule of Restrictive Covenants that describe certain conditions that impose a positive obligation on the purchaser to comply with. (Refs 'A' and 'G' refers).

There are a number of synonymous Register Conditions and Restrictive Covenants that residents within Heather Close (HC) and Mallow Close (MC) have to comply with, in respect of their properties. These were agreed in 1980 between Havant Borough Council (HBC) (vendor) and Bovis Homes Limited (BHL) (purchaser). (Ref 'C' page 1 para 3 and Ref 'D' page 1 entries 1-2, refers).

Either a summary of and/or referral to a copy of an actual and pictorial documents (indicated as an enclosure Encl) of the compliance requirements of significant Register Conditions and Restrictive Covenants; in addition to any other relevant Legislative documents applicable to this case and which, supports the objection to the application, are described as follows:

- 2b. The following documents, describes the requirements to comply with Register Conditions and Restrictive Covenants.

- Encl 2, Charge Register, page 1, entries 1 and 2.
- Encl 2, Schedule of Restrictive Covenants, page 3, item 2.
- Encl 3, page 1, para 3.
- Hampshire County Council Act 1972, Section 14.
- Town and Country Planning Act 1971, Section 52.

- 2c. The paragraph and plan within the following documents, describes/shows the requirements to comply with the Restrictive Covenant that particularly refers to not being able to erect a fence other than along the lines marked with a 'T' inwards on the HM Land Registry Ordnance Survey Plan.

Refer to:

- Encl 3, page 1, para 3(a)
- Encl 4, HM Land Registry Ordnance Survey Plan.

- 2d. This Covenant summary paragraph (Encl 3 refers) below, describes the requirement **not** to erect any fence, wall, hedge or other physical division on any "open area". The plan (Encl 4 refers) shows the highlighted location of the open area at 25HC. The document (Ref K refers) describes in detail information concerning open areas.

Not to erect or permit to be erected, any fence, wall, hedge or other physical division on any "open area". The expression "open area" is defined as any part of a plot that has a frontage and the front of any dwelling house erected on a plot extending to the whole width of a plot. In the case of plots which also abut (either at the side or the rear or both) on another road or roads, the open area shall include that part of the plot which lies between such other road or roads and the fence line approved by or agreed with the Local Planning Authority or Highway Authority. In this clause, the word "road or roads" shall include public highways, estate roads and footpaths and private driveways.

Refer to:

- Encl 3, page 1, para 3(b)
- Encl 4, HM Land Registry Ordnance Survey Plan
- Ref K. Department for Transport Manual for Streets 2007 pages 90 to 94, paras 7.6 to 7.8.

- 2e. Within HC and MC there are six designated "open areas" of land that are located on the corners of the roads within the boundary land plots of numbers 1, 9, 23, 25, 27 HC and 1 MC. These open areas were approved during the development stage of the estate in 1980 (Encl 2, refers) that are to be conserved for the purpose of ensuring that there are unrestricted clear views (known as sightlines/visibility splays – Ref K refers) in and around road corner areas for both vehicles and pedestrians. It should be noted on viewing the plan that no fence lines are shown that would obstruct the sight lines within these open areas.

Refer to:

- Encl 2, page 1, entry No 2)
- Encl 3, page 1, para 3(b).
- Encl 4, HM Land Registry Ordnance Survey Plan
- Ref K. Department for Transport Manual for Streets 2007 pages 90 to 94, paras 7.6 to 7.8.
- Encl 10.

- 2f. The paragraphs within the following documents, describes the Covenant requirements as follows:

Not to cause, permit or suffer to be done in or upon the land hereby transferred, any act or thing which, may be or become a nuisance, annoyance, danger or detriment to the owners of occupiers of adjacent land and other parts of the Estate.

Refer to:

- Encl 2, page 3, item 2b.
- Encl 3, page 2, para 3h.

As the result of the contents of the aforementioned Covenant, it is clearly applicable to this application, as it has ramifications that will not only directly affect the residents at 26HC, but it would also have an impact on all other estate residents, as well as others who may enter the area, as is described throughout this document.

- 2g. The paragraph within the following document, describes the Covenant requirements that relates to the maintenance of trees and shrubs.

Refer to:

- Encl 3, page 3, para 4(b)
- Encls 5 to 9.

Additional Comments

If this application is approved it would spoil the environmental and horticulture look of the estates garden areas that residents take pride in maintaining. The fence would demean the area and be a visual intrusive plight on the landscape.

Conclusion

As the result of the aforementioned information that has been gathered, I would conclude that the contents of the legal Covenants and other legislative documentation stated, clearly and overwhelmingly prevents this application from being approved.

The fact that the area of land that the application refers to is classified as an open area which, as such, is to be conserved as one for the purpose of ensuring clear lines of sight not only for the residents a 26HC when reversing out of their driveway, but for all other residents and others who may travel through the estate, either by vehicle or on foot.

I would be grateful for confirmation of receipt of this objection and to be advised of the outcome of the application as and when a decision has been made.

Yours faithfully



Dennis Pallett

Enclosures:

1. H. M. Land Registry Charge Certificate.
2. H. M. Land Registry Register Title Number HP170098/HP208567 dated 26 March 1982.
3. H. M. Land Registry Register Title Number HP208567 dated 18 June 1996.
4. H.M. Land Registry Ordnance Survey Plan Title Number HP208567 dated May 1982.
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