

Application Number: APP/21/00956

5, Westgrove Gardens, Bridge Road, Emsworth, PO10 7DR

The comments in the letter from Havant Borough Council dated 12th October and relating to the above reference and address have been noted, particularly the following:

“Application for certificate of lawfulness relating to existing rear dormer”

and,

“However, in this case the Council can only consider whether or not the use/building has existed continuously for the appropriate period preceding the date of the application. If this is proven the Council has no option but to issue a certificate under the Town and Country Planning Act, as the merits of the use/building are not at issue”

A timeline for the existence of the rear dormer is as follows:

From the date of the building of No 5 Westgrove Gardens the roof of this house was of a hipped construction matching the other eight houses in the two Westgrove Gardens terraces until the last few days of August 2022 (See 1 below for further detail):

- Application received by HBC on the 6th July 2022 for a Development Certificate for a ground floor extension and a dormer extension to roof. These changes to the development were not transmitted to any local resident by HBC or the builder/architect.
- By 1st September 2022: Installation of roof beams for dormer complete. Roof boarded and felted.
- 3rd September. Having discovered that a Development Certificate had been sent to HBC and having checked the revised plans, an email was sent to HBC stating that the built dormer extension was three times the size of the dormer shown on the plans. (Date of this set of plans is not known as they do not carry a revision date – presumably they accompanied the Application of the 6th July)
- 20th September. HBC responded – unaware of change of size of dormer extension, builder to submit updated plans.
- Builder submitted updated plans dated 21st September showing a dormer of ‘as built’ size.
- Therefore the “...existing rear dormer” has only existed since the 1st September 2022, although correct plans relating to its construction were not provided until after the 21st of that month.

Further Comments relating to this Application:

1. When the original development application was made (received by HBC on 24 August 2021) it was pointed out by the undersigned in his submission dated 3rd October 2021 that the height below the pitched roof only allowed for a very small living space. At that time and according to the plans, a dormer extension was not required by the developer. Once Planning permission had been granted (9th March 2022) construction began and when roof beams were erected in late August it was immediately apparent that a very large dormer extension, not shown on the plans approved by HBC Planning, was being built. According to dated photographs of the development these roof beams were installed between the 21st August and the 1st September 2022. By the 1st September 2022 the timber construction and roof boarding of the ‘dormer

extension' had been hastily completed and two coats of felt had been applied to the dormer roof. (This was the commencement of its 'existence') It was at this time that the Application of the 6th July was discovered. Neighbours raised the matter with the HBC Planning Dept on the 3rd September 2022 and they instructed the builder to provide corrected plans. (See bullet points above for timeline and details) At the same time a Licence to build a substantial ground floor extension that abutted a neighbouring property and sealed off two small windows in the neighbours property, was applied for. Following discussions with HBC Planning the builder/architect decided to move this wall one metre, which was appreciated by the neighbour concerned. However, this application also meant that a drainage overbuild agreement was required from Southern Water but this was not mentioned until, once again, neighbours brought the matter to the attention of the HBC Planning Department and Southern Water and they both instructed the builder to adhere to the due process of contacting Southern Water.

2. All of the above begs the questions: 'Why apply for Planning Permission to build something that, as soon as permission is granted and construction has begun, is re-designed on a much larger scale and is only put through due process when instructed by HBC Planning and Southern Water, following action on the part of concerned neighbours? And why make an initial application for permission to build something that is clearly not what was required? Perhaps it might not have gained Planning permission had it been initially proposed in the form now being sought? This continuous manipulation of the design and planning process makes one wonder about the possibility of pre-conceived and planned 'mission-creep'.
3. Since construction has begun neighbour's views have strengthened, and concerns raised, about the ever-increasing size of this development. The two terraces of Westgrove Gardens have, since their construction more than 80 years ago, formed a pretty backdrop to the head of the Emsworth Mill Pond. They are located only metres away from the edge of the Emsworth Conservation Area and, apart from the replacement of a fine flint wall by a high brick wall when the Emsworth Short By-pass was built, has not only remained unchanged but has complemented the buildings along each side of the mill pond. These varied but complimentary buildings include, in Bath Road, a terrace built to the same style as Westgrove Gardens. Even if this Bath Road terrace did not fall within the Conservation Area, it is unlikely that any one of these houses would have been allowed an extension of the proportions now sought by the current owner/builder of 5 Westgrove Gardens.
4. Further to 3 above, 5 Westgrove Gardens is a corner property. According to the Technical Guidance known as the GPDO the 'Principal Elevation' is described/defined as: *"– in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation."*
 Given the buildings' situation relative to the Emsworth Mill Pond and the Emsworth Conservation Area (as described in 3 above) it is our contention that 'a view regarding which is the principal elevation' does need to be taken; there is now a strong case, since the 'main

architectural features have now become the high pitched roof, the two balconies and the extensive glazing, for the 'principal elevation' to become the elevation which faces the Emsworth Mill Pond and Conservation Area. It should also be noted that '*the main highway... that sets the postcode for the house concerned*' (PO10 7DR) is also used for the four adjacent houses whose principal elevations are on Havant Road and facing the Emsworth Mill Pond. As a result the design of the cumulative alterations and proposed extensions to No 5 Westgrove Gardens mean that the criteria for the elevation facing the Havant Road to be considered as the 'principal elevation' have been met.

5. As a result of the reasoning in para 4 above it is suggested that the owner/builder of this property be allowed only what he originally sought, and gained, permission for but without the further extension/dormer at ground and second floor levels.
6. The property has the potential and space for yet more Licence applications to be made for further extensions and changes and this is of great concern. All of the stages that followed the granting of permission for the original development appear to be commensurate with a bid to increase the financial value and saleability of the property – to the general detriment of the neighbours and the surrounding area, including those who visit or live in the Conservation Area. It is also highly likely that the development will have an adverse effect upon the saleability and value of surrounding properties, particularly numbers 1-4 Westgrove Gardens. All this without bringing any improvement to the area beyond what could have been achieved by a straightforward 'tidying-up' project as previously described.

[Redacted text]