



# The Planning Inspectorate

3/10a Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Direct Line:  
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Miss Karen Wooden  
Havant Borough Council  
Business Development & Support  
Team  
Civic Centre  
Havant  
Hampshire  
PO9 2AX

Your Ref: APP/14/00497  
Our Ref: APP/X1735/A/14/2226044  
Date: 5 November 2014

Dear Miss Wooden

## Town and Country Planning Act 1990

### Appeal by Mr B LONG

### Site at Land Adjacent 8 Westbourne Close, Emsworth, PO10 7QY

I enclose third party representations relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than **18 November 2014**. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

### Using e-mail and the internet

You can use the internet to send us documents and check the information and the progress of this case at ([www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes)). If you send us your comments by e-mail, you only need to send us one copy of each. However, if you post your comments, please send us 2 copies of everything and put the full appeal reference number on each copy.

Comments submitted after the above deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours sincerely



N. OLIVER



Neale Oliver

211L(WR)(AR13)



The Planning Inspectorate  
Room 3/19, Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

28a Clovelly Road  
Emsworth  
PO10 7HL

29<sup>th</sup> October 2014

Dear Sirs

Planning Inspectorate Appeal Reference APP/X1735/A/14/2226044

Land adjacent to Westbourne Close. Emsworth PO10 7QY

I enclose herewith 3 copies of my representations concerning this case and would ask that my comments be taken into consideration in this appeal.

Yours faithfully

A solid black rectangular box used to redact the signature of the councillor.

R.W. Galloway Councillor

RECEIVED

03 NOV 2014

REGISTRY

DEPUTATION 8 WESTBOURNE AVENUE

I have been asked to make this deputation as a ward councillor by neighbours of this site.

Firstly I accept that the principle of development of this site was established by the Planning Inspector by decision dated 15<sup>th</sup> January 2014. The scheme as presented to the Inspector could therefore be developed subject to the conditions specified.

These conditions are in my opinion crucial to this further application.

In the Inspectors decision he made the point that adequate open area and garden should be retained and he therefore made conditions to that effect.

The relevant conditions are 4 and 6 of the decision.

The developer is now seeking a further permission for an enlarged building and for inclusion of a garage both of which were specifically excluded by the said conditions.

It seems to me the planning officer is interpreting the decision to mean that further development is only precluded if no significant open space is lost and there is no significant loss of amenity to adjoining neighbours.

Another interpretation is that condition 4 is absolutely specific in stating that no extensions to the dwelling including the roof or garages shall be erected on the site.

I believe that an average person reading this condition would consider option 2 to be the correct one.

The Inspectors decision was based on the site as existing and on the plans before him. He considered that the scheme as presented was acceptable as long as there was no further reduction in the open space available. He made the conditions based on this judgement.

The planning officer is arguing that although the building is bigger and a garage has now been included there is no appreciable reduction in open area or in neighbours amenities and therefore is acceptable. In addition the implication is that the Inspectors Decision is in fact flexible and capable of interpretation..

In my view this is difficult to accept since the site has not changed but there is clearly an increased building footprint. The site is an extremely small site and any reduction in open area is in my view critical to the overall appearance of the development. The wording of the condition is absolutely categoric and does not have any indication of flexibility. If the Inspector had intended such flexibility in interpretation I believe he would have worded the condition differently.

The interpretation of what was in the Inspectors mind can only be a matter of speculation.

I would therefor urge the members to refuse this application on the grounds that it conflicts with the conditions set out in the Inspectors decision in the interests of fairness to the neighbours.

10 Westbourne Avenue,  
Emsworth,  
Hants.  
PO10 7QU

21 October 2014

The Planning Inspectorate,  
Room 3/19, Eagle Wing,  
Temple Quay House,  
2 The Square,  
BRISTOL,  
BS1 6PN



Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**APPEAL UNDER S78 AGAINST REFUSAL OF A HOUSEHOLDER APPLICATION**

**Site:** Land adjacent to 8 Westbourne Avenue (NOT Close), Emsworth, PO10 7QY

**Proposed Development:** Erection of 1No. one bedroom bungalow and detached garage with access from Westbourne Close. (Revised application incorporating amendments to planning permission APP/13/00228)

**Planning Application Number:** APP/14/00497

**Planning Inspectorate's Appeal Reference:** APP/X1735/A/14/2226044

**Appeal Start Date:** 30 September 2014    **Appellant's Name:** Mr Long

Dear Sir/Madam

With respect to the above appeal, I would be most grateful if you could furnish me in due course with a copy of your appeal decision letter.

Yours faithfully,



Peter Willicombe

10 Westbourne Avenue,  
Emsworth,  
Hants.  
PO10 7QU

21 October 2014

The Planning Inspectorate,  
Room 3/19, Eagle Wing,  
Temple Quay House,  
2 The Square,  
BRISTOL, BS1 6PN



Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**APPEAL UNDER S78 AGAINST REFUSAL OF A HOUSEHOLDER APPLICATION**

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**Planning Application Number:** APP/14/00497

**Planning Inspectorate's Appeal Reference:** APP/X1735/A/14/2226044

**Appeal Start Date:** 30 September 2014    **Appellant's Name:** Mr Long

We are surprised and perplexed to receive notice that the appellant has appealed against the local Council's decision to deny an amendment to his plans as above as they appear to contravene your inspector's decision of 15 January 2014 (APP/X1735/A/13/2202188).

I believe that you will have access to previous applications and our letters of objection over more than 10 years. In addition I enclose a copy of our e-mail letter of objection to Havant Borough Council of 28 May 2014 to his most recent application for amendment of plans.

We are aware that you had upheld the appellant's former appeal in your decision of January 2014, but we believe that his new application to extend the proposed dwelling northwards will significantly reduce the garden space on the corner of Westbourne Close with an adverse effect on the street scene.

His proposal for a garage will reduce the off-road free-standing for visitors' vehicles. Westbourne Close is an extremely narrow highway with inadequate parking space for visitors, delivery vehicles, etc and the appellant has already whilst developing the site been parking partly onto the West side pavement, restricting the pedestrian passage for older persons and mothers with children and buggies.

We trust that your site visit will enable you to ascertain the unreasonableness of the appellant's latest proposed amendment and encourage him to complete the development approved by your decision of January 2014.

Yours faithfully,

Peter and Alison Willis

From: [REDACTED]  
Subject: **Revised Planning Application: APP/14/00497**  
Date: 28 May 2014 11:49:02 GMT+01:00  
To: [planning.development@havant.gov.uk](mailto:planning.development@havant.gov.uk)

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Dear Mrs McMurray

Your Ref: APP/14/00497

**Site Address: Land adjacent to 8 Westbourne Close, Emsworth**

**Revised application with amendments to planning permission APP/13/0022.**

Further to your letter of 16th May 2014, informing us of revised plans to this proposed development, we would wish all our previous correspondence over the last 10+ years to be reviewed.

We are aware that after an appeal by Mr B Long under Town and Country Planning Act 1990 (Appeal reference: APP/X1735/A/13/2202188), that Nick Fagan of The Planning Inspectorate granted permission for erection of 1 No. one-bedroom bungalow, dated 15th January 2014.

It is with utter consternation and amazement that we have been invited to consider any objections to this new amendment of a garage and extension of the dimensions of the bungalow.

The Inspector's report under "Conditions" - section 4, clearly states: "... no extensions to the dwelling... or garages shall be erected on the site", thus we naturally conclude that this new amendment is in contravention of the Inspector's approval.  
We would urge you to reject this amendment.

Yours sincerely

Peter Willicombe  
10 Westbourne Avenue  
Emsworth  
PO10 7QU

[REDACTED]

8 Westbourne Avenue,  
Emsworth, Hants. PO10 7QU

21 October 2014

The Planning Inspectorate,  
Room 3/19,  
Eagle Wing,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol BS1 6PN



Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)  
Appeal under S78 against refusal of a householder application

**Site:** Land adjacent to 8 Westbourne Avenue, Emsworth, PO10 7QY

**Proposed Development:** Erection of 1 No. one bedroom bungalow and detached garage with access from Westbourne Close

**Planning Application Number:** APP/14/00497

**Planning Inspectorate's Appeal Reference:** APP/X1735/A/14/2226044

**Appeal Start Date:** 30 September 2014 **Appellant's Name:** Mr. Long

We are writing to make our representations concerning this appeal, adding to what we have already said in expressing our strong objections to the variation in the planning application. We request that all our earlier representations will be considered alongside the following comments.

In our view a grave error of judgment was made in initially granting approval for the appellant to build the small bungalow on the pocket-sized plot adjacent to our land. The building that is currently being constructed is totally different from all the properties adjacent to it - bungalows and detached houses which stand within their own plots, each of which has a well-spaced garden to the front. The new bungalow is being placed on such a narrow site that it will stick out like a sore thumb, and it will have such small garden areas as to be totally at variance with adjacent homes.

Having said this, we and other neighbours were encouraged when Havant Borough Council Planning Development Committee rejected the appellant's application to make the footprint of the bungalow even bigger, and to erect a garage on it. When the appellant is so insistent in repeating applications (there has been, as you will be aware, a history of perverse perseverance on his part in seeking permission to utilise the site for even larger buildings), one wonders if he is intending to vary the original application yet again in future and will try to turn the bungalow into a chalet-style one. This would entail windows on the first floor overlooking neighbouring properties, including ours.

Our objections to the latest application can be summarised as follows:

1. Packing the bungalow and garage onto this tiny plot will leave little, if any space, for cars to be parked off the road. Westbourne Close has a very narrow carriageway, and the proposed access to the site is on a corner of the close. We would not wish to see vehicles partly parked on the pavement if several visitors to

- the appellant were to visit him concurrently,
2. Should the suggested answer to this problem be that cars can instead be parked in Westbourne Avenue, this will raise additional concerns, e.g. cars located near the corner where drivers often approach this area at quite a speed, together with the fact that more and more vehicles are using Westbourne Avenue as a safe place to park. We think that our proximity to Emsworth railway station means that those travelling by train make a habit of leaving their cars just minutes' walk away. There have already been some collisions at this spot, and we have mentioned the risk to car drivers who have parked too close for comfort to the corner. They have appreciated our concern for their cars and put them further away.
  3. We are greatly concerned at the nearness of the western wall of the bungalow to our boundary, making it almost impossible for maintenance to that wall to be carried out without affecting our amenities.

We would respectfully request that the appellant's change to the original approval be rejected once and for all, indicating to him that he needs to abide by decisions made by the planning committee without constantly seeking to vary them to suit his own purposes.

Yours faithfully,

ALAN AND PAULINE BARROW

*P.S. We would strongly recommend a further site visit in view of the appellant's claim that he has acquired more land to justify his latest appeal.*

*AWB*



1 Westbourne Close  
EMSWORTH  
Hampshire  
PO10 7QY

18<sup>th</sup> October 2014

Dear Sir

**Planning Appeal Reference: APP/X1735/A/14/2226044**  
**Land adjacent to 8 Westbourne Close, Emsworth**

Having received notification from the Havant Borough Council that the Apellant, Mr Long has submitted yet a further appeal regarding the refusal of a detached garage on the above site, we write as follows.

You have our previous correspondence regarding our objections and concerns which remain the same.

We would however like to re-iterate that, according to your 'Conditions' of the last Appeal Decision dated 15<sup>th</sup> January 2014, Clause 4 clearly states that 'no extensions to the dwelling (including to the roof) or garages shall be erected on the site'.

Our daughter attended the Planning Meeting at Havant Borough Council regarding this on 17<sup>th</sup> July 2014 and spoke on our behalf to strongly object to the erection of a detached garage for the above reason particularly but also as to our concerns regarding parking in the Close.

Surely as you set out the conditions of the last Appeal (Ref APP/X1735/A/13/2202188) they must remain the same and as the outcome was a refusal partly due to the contravention of Clause 4 of the conditions as well as other reasons then why is this further appeal even being considered ?

This condition is clearly not being adhered to and it must be noted that previous applications for a garage have been refused by the Havant Borough Council.

Please also refer to your Conclusion and Conditions Clause 16 of the Appeal Decision which stipulates 'I agree a restriction on permitted development rights for extensions and garages is appropriate to ensure adequate open area and garden is retained and in order to prevent overlooking of the neighbours'

According to the Plans the rear boundary of the new proposed detached garage is sited too near to the boundary fence belonging to Number 8 Westbourne Avenue and we understand there are guidelines and strict criteria in place for the distance between a dwelling and a neighbouring property, let alone room enough to build a garage and also park one car in front of it comfortably without using the road, therefore resulting in inadequate parking facilities and overdevelopment of the site in question.

We have voiced our concerns regarding this on several occasions and believe there will be vehicles parked over the kerb or indeed in the road for years to come causing a much inconvenienced route to the rest of The Close. What happens if there are visitors where are they going to park ?

With regard to the southern boundary, we see that a fence has already been erected, but on looking at the site plan, this has been placed outside of the boundary. We therefore ask the question, who owns this extra piece of land ? If the Appellant has been given permission to do this, have the appropriate forms and procedures been followed ? We have been advised that a Certificate B is required – has this been issued to the neighbour concerned and to the Council ? We understand that if this has not been done then the Appellant's Application is invalid.

Over many years we have submitted our objections and concerns to the building of any dwelling on this site and continuing applications are making our lives a misery! Worry and anxiety are part and parcel of old age but over the years of perpetual planning applications for this allotment sized plot, this is causing much more distress and upset on top of daily living.

As we are sure you will appreciate, peoples' lives are being severely affected and greatly interrupted on a day to day basis!

In conclusion therefore we feel that it is up to you, the Planning Inspectorate, to uphold your previous decision and refuse the Appeal against the erection of a detached Garage on this site for the reasons stated, and we trust that the right decision will be made.

Whilst writing to you could we please also request our own copy of the Appeal Decision Letter.

Yours faithfully



Mr G T Hopperton

Mrs Sheila Hopperton

The Planning Inspectorate  
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Temple Quay House  
2 The Square  
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