

Mrs S Jones
9 Abbotstone Ave,
West Leigh,
Havant.
PO92HL

15-Jan-2014

Appeal against planning permission refusal REF:APP/13/0160

Sir/ Madam

With reference to the planning permission submitted to Havant Borough Council and refusal REF APP/13/0160 and the objections lodged by Mr Poole living next door at 11 Abbotstone Avenue. Referring to letter sent by Mr Poole to Mr Murray dated Saturday 9th November 2013. I feel the reasons given have been grossly over exaggerated and in most cases inaccurate. With reference to Mr Poole's objections in his letter to Havant Borough Council.



Note the proposed conservatory size will project 3.7m from rear wall and the height to the eaves will be 2.25m. This is NOT an extension to the property this, is a standard conservatory (PVC with glass panels) installation this is consistent with the majority of properties in this area. The wording in Mr Poole's objection tends to imply a request is being made for major alteration to the property, especially when the words "development and extension" are used, this is simply not the case.

Substantial overlooking and loss of privacy.

I contest this objection due to the fact that my property joins 11 Abbotstone Avenue, and the back walls are aligned. The proposed conservatory will be projecting from my back wall and therefore not overlook Mr Poole's property any more than standing in my garden does today. Furthermore there are 6 foot (1.83m) fence panels between the two properties, so within the proposed conservatory, views in to Mr Poole's garden are limited as it already is today. So in my opinion I cannot agree there is loss of privacy than already exists.

Substantial overshadowing and loss of light.

Again this is an over exaggeration by Mr Poole, for the following reasons.

1. The houses are north – south facing, with the rear of the properties being directly north facing. Due to the orientation of the proposed conservatory there will be no reduced sunlight to Mr Poole's property.

2. The height to eaves of the conservatory will on be 2.25m high which is only 0.42 meters above the height of the existing fence panels, so to state there will be a substantial overshadowing and loss of light in my opinion is incorrect and exaggerated.
3. With reference to the comment that Mr Poole states he "no longer receives sunlight and suffers reduced daylight"
 - a. This is in no way related to my proposed conservatory as it has not yet been erected and therefore irrelevant in the context of my planning permission.
 - b. There have been no external structures built at number 13 or 9 since Mr Poole moved in 10 years ago, so how can it be that he no longer receives sunlight and reduced daylight. The wording implies Mr Poole is losing something that he has never had.

Substantial noise and disturbance

My comments to Mr Poole's objections are:

1. There will not be a direct attachment of the conservatory to any wall other than my own back wall, so this will not cause any noise normally associated with adjoining rooms for attached properties.
2. If anything the use of the conservatory will reduce noise levels as more time will be spent in the conservatory rather than in rooms with adjoining walls. Mr Poole's comments that "more noise will be generated on adjoining walls" are therefore invalid in my opinion.
3. Reference the remarks to previous tenants; I would like to point out that the previous tenants were very elderly with no children occupying the property. It is unreasonable for Mr Poole to assume a family with children will be as quiet or quieter than the previous occupants. It should be appreciated that these houses are "family houses" as well as dwellings for elderly people.

Substantially affect the appearance of Mr Poole's amenity

1. With reference to comments related to the existing structure at number 13, surely this is totally irrelevant to my request for a conservatory, particularly as the structure at number 13 was in place for a few years before Mr Poole moved in to number 11.
2. The comment related to contravention of the "Party Wall Act 1996" and being sandwiched between two large extensions again is misleading as the conservatory being proposed on my property is NOT a large extension. In fact the proposed conservatory is no bigger in size and height than most conservatories that have already received planning permission in this area.
3. With respect to the comments to the effect to Mr Poole's lawn "becoming covered in moss and difficult to maintain". The said "lawn" is misleading as grass covering in his garden is in a raised flower bed and measuring no more than 9' x 6' which is in the shade from Mr Poole's own border fencing. As this area is shaded already there can be no case for stating the proposed conservatory will "exasperate" this situation.

References to the "Party Wall Act"

Below is an extract from "Party wall Act" ref paragraph 27

27 What does the Act say if I want to excavate near neighbouring buildings?

If you plan to:

*excavate, or excavate for and construct foundations for a new building or structure, within 3 metres of any part of a neighbouring owner's building or structure, where any part of that work will **go deeper than the neighbour's foundations** (see diagram 6); or*

excavate, or excavate for and construct foundations for a new building or structure, within 6 metres of any part of a neighbouring owner's building or structure, where any part of that work will meet a line drawn downwards at 45° in the direction of the excavation from the bottom of the neighbour's foundations

Given the above reference I have no intentions of excavating anywhere near the depth of the foundations at number 11. The proposed conservatory foundation will be within building regulations and should be dug no more than about 400mm. So I question if the "Party Wall Act" referred to by MR Poole is relevant in this case.

I find it unfair that Mr Poole is tending to use intimidating threats in his letter to Mrs Price (Havant Borough Council) by stating he will serve notice, I quote "I serve notice that Mrs Price will be liable for all costs and work incumbent in respect of any contravention of this act including any legal costs". My concern is that intimidation should not be used to try and influence the outcome of my planning application.

General Comments

I would like to express the following general comments in relation to Mr Poole's letter,

1. All I am looking to do is erect a standard style and size conservatory that is not uncommon in most premises in this area. This is a simple structure that is not over sized and does not require any "non" standard works to erect. All I am looking to do is better my property and provide more amenities for my family. I find it extremely unfair that Mr Poole is contesting this application using inaccurate points of objection that have been grossly exaggerated and in some cases irrelevant to the planning application.
2. I hope my appeal can be reconsidered based on accurate facts and counter points I have made.
3. Reference Mr Poole's considerable alarm to the point of excavating undertaken and the proximity of drainage
 - a. Prior to commencement of excavation a survey was carried out by a qualified drainage engineer in respect of the excavations made.
 - b. If Mr Poole had carried out the simplest of checks (i.e. lift the man hole cover) he would have found that the drainage pipes run far deeper than any excavation required.

