

Havant Borough Council  
Planning and Development  
Public Service Plaza  
Civic Centre Road  
Havant  
PO9 2AX

18<sup>th</sup> October, 2021

**For the urgent attention of Ms Julie Terzoudis**

Dear Ms Terzoudis

**Re:- Your Planning Application reference APP/21/00969**

**Neighbour comments on Proposed Amendments to Proposed Garden Dwelling**

Thank you for writing to us by letter on Thursday 14th October, to inform us of the Applicant's suggested amendments to the garden dwelling proposed. I have to say that asking for comments by 26th October when we only received your letter on Saturday 16th October seems unfair. This allows us only 8 working days to respond to you, rather than the usual 21 calendar days/15 working days. Nonetheless, we have managed to review these suggested amendments under Reference APP/21/00969 and write to OBJECT on the following grounds:

1. Major Amendments. Changing the siting of the proposed new dwelling is far too excessive a change to be dealt with merely as an amendment to the original proposal. Furthermore, the description of development is even more misleading and inaccurate in describing the development proposed. By the Applicant's admission, this is now a new, freestanding dwelling and still as before cannot be deemed to constitute a replacement of an unlawful shed. Given a material change re siting and the need to amend the description of development, resubmission is necessary, in order to avoid opening the Council up to potential challenge at a future date. Withdrawal and resubmission would also allow an appropriate and reasonable level of consultation;
2. Boundary Gap. The amendments include moving the proposed new dwelling away from the boundary wall that we own. This addresses our point that relying on our boundary wall is unacceptable and unlawful, with the addition of brickwork course to our wall without our permission being pursued outside of the planning process. However, the new dwelling has been moved only to create the smallest of corridors from our boundary wall and the eastern elevation wall of the proposed new dwelling. This gap will be insufficient to allow for maintenance of the building and the dividing land without unacceptable (and wholly unavailable) reliance upon our wall

and/or trespass onto it or from our land. IF planning permission is to be pursued then the gap must be at least 1.5m to allow for land and building maintenance;

3. Design and Drawings. The proposed new dwelling now even more closely has the appearance of a mobile home/static caravan. This is wholly and utterly out of keeping with the existing houses and the urban fabric, entirely without taste or merit in terms of architecture, design or appearance. Also, it is noted the amendment drawings do not include a proposed east elevation. For completeness, ease of viewing, transparency and the avoidance of doubt, the Applicant should confirm that this is to be unchanged from that originally proposed;

4. New Dwelling. The nature of the design, its siting and orientation all serve to reinforce that the proposal is for a new, freestanding dwelling. This is demonstrated by patio doors being proposed in the north elevation, facing and close to the rear boundary, as opposed to being within the southern elevation which faces the rear of the main house and focused to the existing garden area. South would also be the most logical principal elevation for the living room rather than north, in order to maximise sunlight and daylight. Also, the proposal shows the existing access door into the shed in the south elevation not replicated in the proposed new dwelling which, if this structure were to be ancillary to the main house (which is so clearly now not the case), would make no sense whatsoever. These observations further underline the Applicant's clear intentions for the future and ongoing use of the structure as a freestanding new dwelling; and

5. Deliverability. A freestanding new dwelling within the garden of 322 Sea Front would be wholly in breach of restrictive covenants imposed upon 322 Sea Front and neighbouring properties designed to prevent exactly this kind of inappropriate development. Whilst any such breach will be pursued separately, it is for the planning system to consider whether or not the proposal is deliverable which is clearly a concern in this case.

For the reasons set out above, we wish to maintain our OBJECTION and add to these the additional comments made above in the context of both the amendments and the 'in principle' context of the Applicant seeking to secure permission for a new freestanding dwelling in their rear garden.

