



The Planning Inspectorate

HAVANT BOROUGH
COUNCIL

13 AUG 2018

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For official use only
Date Received

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".**

WARNING: The appeal and essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name DAVID LUCAS

Company/Group name (if applicable)

Address THE RAILWAY INN
95 NORTH STREET EMSWORTH
HANTS Postcode PD10 7PQ

Daytime phone

Fax

I prefer to be contacted by Post ☒ Email*

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name MARK SINGLETON

Company/Group name (if applicable)

Address 14 BRIGHTSIDE
WATERLOOVILLE
HANTS Postcode PO7 7BA

Your reference

Daytime phone 07952338717 Fax

I prefer to be contacted by Post ☒ Email* ☒

*Email address mark.singleton@hotmail.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA **HAVANT BOROUGH COUNCIL**
LPA's application reference number **APP/18/00535**
Date of the application **24 05 2018**
Did the LPA validate and register your application? Yes ☒ No
Date of the LPA's decision notice **24 07 2018**

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address **THE RAILWAY INN**
95 NORTH STREET EMSWORTH
HANTS Postcode **PO10 7PQ**

Note: Failure to provide the full postcode may delay the processing of your appeal

Please answer the questions below:

- 1 Is the appeal site within a Green Belt? Yes No ☒
- 2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet. Yes No ☒

E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No ☒

REMOVE CONDITION 5 AND VARY
CONDITION 4 FROM APPROVAL APP/16/01311.

Area of the whole appeal site (i.e. the boundary) in hectares **0.034**

Area of floor space of proposed development in square metres **86.6**

Does the proposal include demolition of non - listed buildings within a conservation area? Yes No ☒

F. REASON FOR THE APPEAL

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See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

- | | |
|--|---------------------------------------|
| 1 Refused planning permission for the development described in Section E. | 1 |
| 2 Refused permission to vary a condition(s) | 2 ☒ |
| 3 Refused prior approval of permitted development rights | 3 |
| 4 Granted planning permission for the development subject to conditions to which you object | 4 |
| 5 Refused approval of the matters reserved under an outline planning permission | 5 |
| 6 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object | 6 |
| 7 Refused to approve any matter required by a condition on a previous planning permission (other than those above) | 7 ☒ |
| 8 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval | 8 |
| 9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation | 9 |

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

W ☒ *

This is normally the quickest and most straightforward way of making an appeal. The written procedure is suited to the vast majority of appeals.

- * a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No ☒
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes ☒ No

2 THE HEARING PROCEDURE

H ☐

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. If you are proposing that this appeal follows the hearing procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

- ☐ If the hearing procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

- a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes No



3 THE INQUIRY PROCEDURE

I ☐

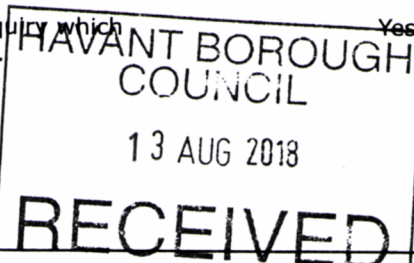
This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You are required to provide information concerning the number of witnesses and the length of time they need to give their evidence. If you are proposing that this appeal follows the inquiry procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

- ▲ a) How many witnesses do you intend to call? No. of witnesses
- b) How long do they need to give their evidence?
- c) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

G. CHOICE OF PROCEDURE (continued)

- ◆ If the inquiry procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

d) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.



H. FULL STATEMENT OF CASE

See section H of the guidance leaflet to help you decide what to include in your full statement of case.

There is no further opportunity to add to your statement of case at a later stage.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes No ☒

Have you made a costs application with this appeal?

Yes No ☒

The original Planning Approval as issued by Havant BC (Ref APP/16/01311) 14th March 2017, had 6 No Conditions applied. Following receipt of the Planning Approval the drawings were adapted to meet with the requirements of The Building Regulations. This application when reviewed by Havant BC advised on the need to provide Automatic Opening Vents (AOVs) to the staircase from first to second floor level, so as to achieve compliance with Part B of The Building Regulations. The drawing was subsequently amended to include these points and Building Regulations consent also given. The doorway onto the first floor flat roof on the rear side (South) elevation was no longer required. The door was shown on the original Planning drawings as it was assumed a means of escape would be achieved this way. Planning Condition No 5 was therefore added to restrict access onto the flat roof area.

However, the original scheme to provide the self contained Managers flat for the premises includes it's own external private open space/courtyard area on the newly formed second floor, as is clearly shown on the proposed drawings. As a result of this the existing first floor flat roof area will remain unaltered and more importantly unconnected with the self contained flat →

H. FULL STATEMENT OF CASE (continued)

to be located at second floor level. With the provision of the AOV windows it is also not possible the flat roof at first floor level from the new flat. Therefore as the original application for the removal/variation of Planning Conditions submitted Planning Condition No 5 should be removed from the original Planning Approval as it is irrelevant to the new flat to be formed.

It should also be noted that a subsequent Planning Approval has been given for two new houses to the rear (east) of the site which will also reduce the area of flat roof at first floor level to approximately 2.6m, from the existing east wall of the building. The existing doorway located at first floor level gives access to the existing studio (Managers Flat). When the new Managers flat is completed this studio flat will be demolished to enable the construction of the two houses approved. There is currently no restrictions or Planning Conditions for using the existing flat roof area and with no further doorway or access being provided the requirement of Condition No 5 is meaningless for the proposed creation of the new second floor flat and should be deleted from the original approval.

In addition Condition No 4 should be varied to suit the 2 No required AOV windows which will be fixed shut at all times, except in the event of a fire situation to release smoke from the stairwell and enable an evacuation to safely occur from the second floor.

It should be noted that the AOV windows will also be provided with obscured glazing all in accordance with the requirements of Planning Condition No 4. (The drawings have been annotated to reflect this.

The variation request for Condition No 4 appeared to be ignored in the decision notice given.

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Please continue on a separate sheet if necessary

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

Please tick **ONE** box only ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A

A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

OR

C/D

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

Please tick **ONE** box only ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

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J. ESSENTIAL SUPPORTING DOCUMENTS**RECEIVED**

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-6 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- | | | | |
|---|---|---|---|
| 1 | A copy of the planning application sent to the LPA. | 1 | ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at <u>application stage</u> (this is usually part of the LPA's planning application form). | 2 | ✓ |
| 3 | A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. | 3 | ✓ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | 4 | ✓ |
| 5 | Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet. | 5 | ✓ |

DRAWING Nos. 06/16 - 01, 02 AND 03

- | | | | |
|---|---|---|--|
| 6 | Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet. | 6 | |
|---|---|---|--|

You **must** send copies of the following, if appropriate:

- | | | | |
|---|--|---|--|
| 7 | A copy of the design and access statement sent to the LPA (if required). | 7 | |
| 8 | A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. | 8 | |
| 9 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA . Acceptance of these will be at the Inspector's discretion. | 9 | |

Please number them clearly and list the numbers here or on a separate sheet:

- | | | | |
|----|--|-----|--|
| 10 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. | 10 | |
| 11 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission , please enclose: | | |
| | a) the relevant outline application; | 11a | |
| | b) all plans sent at outline application stage; | 11b | |
| | c) the original outline planning permission. | 11c | |
| 12 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the <u>original permission</u> with the condition attached. | 12 | |
| 13 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 13 | |
| 14 | If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over the local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application | 14 | |

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge. ✓

2 I have enclosed **all** the essential supporting documents listed in section J. ✓

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal). ✓

4 I have signed and dated the form (*unsigned forms will be returned to you*). ✓

Signature ...  (MARK SINGLETON) Date... 7th AUGUST 2018

Name (in capitals) MARK SINGLETON On behalf of (if applicable) MR DAVID LUCAS



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we **RECEIVE** your appeal form and **ALL** supporting documents within the time limit. See section M of the guidance leaflet

Send THIS form (not a photocopy of it) to us at:

Initial Appeals
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Helpline: 0303 444 5000

Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

You may wish to keep a copy of the completed form for your records

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When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.