

FAO David Eaves Planning Officer

APP/17/00651 - Land Adjacent to 60 Gladys Avenue

Comments on the Applicant's Additional Information Submission Dated 04/08/17.

G Haskins/B Martin-Haskins - No17 Lovedean Lane, Cowplain

Date: 17/08/17

Further to the revised plan submitted by the Applicant on 9th August which we comment on separately, the Applicant has now added aerial photographs of both No8 London Road/ The Brow, Widley and No17 Lovedean Lane and surrounding land, to demonstrate similarities between the two plots.

A planning application to build a bungalow at No8 London Road, Widley - (APP/17/00179) was approved in April this year. The Applicant for Gladys Avenue has drawn comparisons between this case and her current Application for the land adjacent to 60 Gladys Avenue (APP/17/00651). The Applicant and supporters of her proposal assert that the two cases are identical and argue that because planning at No8 London Road has been approved by HBC, that this now sets a precedent for further planning decisions.

Firstly, as this has been raised repeatedly now, we would like to address the argument of precedent and its use in this matter from our viewpoint: It is our understanding that each planning application is treated as separate, individual and assessed on its own merits against the Council's own approved Core Strategies. If this were not the case and the argument of precedent was to be applied, then it could be argued that the five previous refusals to build on the plot in Gladys Avenue also fall within the precedent category and therefore, this current application would not be under consideration now. This clearly is not the case.

It is a matter of fact that planning mistakes very occasionally occur. Decisions can be challenged which can provide opportunities for revision. The vast majority of planning decisions, however, are achieved by the consistent application of the Core Strategies and framework adopted by the Council. To apply the argument of precedent as a blanket rule for further decisions based on one earlier decision, regardless of whether that decision could be flawed, surely risks the possibility of repeating the same mistakes indefinitely. If arbitrary decisions are to be made on precedent rather than measurement against Core Strategies, what is the point of having a framework to work within? To make our point clear, we are not questioning the decision made on the London Road Application, we simply wish to make the point that using precedent rather than adhering to the carefully compiled strategies implemented by all Councils across the country, cannot be regarded as safe and best practice. It is our belief that Havant Borough Council have consistently and fairly assessed the individual merits/ or not, of each of the previous five planning applications on the Gladys Avenue plot against its own Core Strategies and each time, have found them to be at variance. This in itself could be argued as setting a precedent.

Comparisons between APP/17/00179 and APP/17/00165

We would argue that the two cases are very different in many ways: To demonstrate this accurately we have visited 8 London Road/ The Brow for ourselves and append our own photographs.

Based on the aerial photographs and physically visiting the site, it can be seen, as a matter of fact, that significant differences exist between the two. Please refer to comments below on the aerial photographs uploaded by the Applicant of the Gladys Avenue Application:

Should read 00651

Planning application APP/17/00650 - Land adjacent to 60 Gladys Avenue, Cowplain



Approved application APP/17/00179 - 8 London Road, Widley



Factual differences

The setting of the area at No8 London Road/ The Brow and its relationship to its neighbouring homes is far more spacious in comparison to Lovedean Lane and Gladys Avenue, with greater distances between each of the dwellings. The corner plot at No8 London Road/ The Brow consists of an established, wide, detached bungalow with a moderate sized garden incorporating a large rear driveway. It is situated on the corner of London Road and The Brow, with its rear garden extending downwards along the Brow. At the bottom end it has a large garage, large block paved driveway and double gates.

Its immediate London Road neighbour is No10 - an almost identical, wide, detached bungalow with similar garden bordering No8 London Road to the North. It also sits on a corner plot with a service road passing down the side of its entire plot to the North. *See Photo 1.* This service road provides even more space between the next home and contributes to the spacious setting of the area. Importantly, it can be seen that the rear of No10 does not extend back any further than its neighbour No8. *See Photo 2.*

This in itself is a significant difference to the situation in Lovedean Lane, where the extension of the kitchen/dining-room of No15 Lovedean Lane extends back Southerly, way past the building line of No17 and almost to the end of our garden virtually obscuring our Easterly aspect. *See Photos 3 & 4.* This is an extremely important point as should planning be approved for the bungalow in Gladys Avenue, our house would be effectively boxed in on all sides. The plot at No8 London Road does not have this consideration and the (equivalent) Northerly aspect is open and far more spacious as can be seen from the attached photographs and aerial photograph comments.

No8 London Road is set at the highest point on The Brow and the road quickly slopes down significantly along the plot. *See photo 5 and aerial photograph comments.* This means the new build bungalow will sit significantly lower down in the garden of its neighbour, No8 London Road. Looking at the submitted plans for No8 London Road and considering the low position of the new build, the same overlooking and privacy concerns we have in Lovedean Lane are greatly reduced at the London Road site.

The proposal for No8 London Road is to build a separate dwelling on the large driveway/ garage situated at the bottom of its garden. The Applicant is apparently a builder, already lives on the plot and wishes to divide off his rear driveway and garage - ultimately to create a safe living space for his disabled grandson for whom he has sole care for. A large driveway already exists at the front of the property. This is very different to the Gladys Avenue proposal which plans to use only garden.

The Applicant's home at No8 London Road will by far be the most affected by this new development, and under normal circumstances, would, almost certainly, have raised very similar concerns to those raised by us and our neighbours in Lovedean Lane. Significantly, any objections from the householder of No8 are indeed absent in this case because he is of course the Applicant. This has to be a relevant consideration if assessing this case against the case of Gladys Avenue.

This also raises the point that any overlooking and privacy will not be of the same concern when the two properties will be occupied by the same family members.

The Case Officer who dealt with the London Road Application made a number of comments in her report that are relevant to this matter:

We would again argue that 'Precedent' is not applicable or relevant, as the Planning Officer clearly stated within the 'Officers Report' for the application at No8 London Road, when concerns of setting

a precedent were raised by objectors, *'this application has to be considered on its merits'*. The main merit being that the property most affected by the application proposal happens to be owned by the Applicant also, on the same plot. Therefore issues/contraventions of Core Strategies, in particular CS16 were not considered applicable by the planning officer as circumstances were different to a normal application with distinct boundary lines and property ownership. The other adjacent properties are such a distance away that impact is minimal.

This is not the case for the application at Gladys Avenue. If each application is considered on its own merits, we would assert that there are no merits to this application. There are major impacts to the properties of No17, No15 & No13 Lovedean Lane that have been registered repeatedly in this and previous applications.

The proposals are in clear contravention of Havant's Core Strategies, in particular CS16 and CS15 and when considered within the immediate area surrounding the plot, can only be classed as an over development, out of character, not of comparable size and at variance to the building line of other properties within the vicinity.

The Case Officer for the London Road proposal also stated within her report that: *'Both the existing and proposed dwellings would have relatively small gardens. In the case of the existing dwelling the garden at 8m deep would fall below the guidelines in the Borough Design Guide of 10m, however, it would be 14m wide and as such would provide an appropriately sized useable amenity space.'*

The same cannot be achieved on the Gladys Avenue plot as there are clear boundaries of ownership and can at best achieve a 6.0m deep (to its Northern boundary with No17 Lovedean Lane) by 9.4m wide amenity space for the proposed development.

Furthermore, on the previous application for the Gladys Avenue plot, APP/17/ 00068, refused only in March this year, the case officer stated: *'The proposed private amenity space for the dwelling would be set adjacent to the rear garden of No17, reducing the tranquillity and privacy of both amenity areas'*. On the current proposal, the amenity space is still in the same position, immediately adjacent to No17's amenity space. At this point, the garden of No17 Lovedean Lane is only 9 metres deep. With a proposed amenity space of just 6m by 9m immediately adjacent to boundary of No17 Lovedean Lane, the concentration of noise in such a small area of garden would significantly impact on our privacy, tranquillity and peaceful enjoyment of our garden and home. In addition, a double crossover driveway is also placed immediately adjacent to our boundary/garden contributing to further noise, disturbance and loss of privacy. The permanent removal of the Westerly boundary fence for the construction and final arrangement will expose us to increased road noise from Gladys Avenue as a consequence. This is all in clear contravention of Havant's Core Strategies, in particular CS16.

We would request that the above and attached is taken into full consideration together with all previously registered comments and concerns on this current Application.

G J Haskins

B Martin-Haskins



Photo 1 – Side view of No10 London Road with service road extending past the entire plot demonstrating the spacious outlook for residences in the immediate area



Photo 2 – Rear of London Road showing No8 and No10. The rear of both houses are aligned and spacious setting.



Photo 3 - Rear of 17 and 15 Lovedean Lane. The extension of 15 Lovedean Lane extends along the Easterly boundary obscuring the Easterly aspect.



Photo 4 – North-Easterly aspect 17 & 15 Lovdean Lane demonstrating the extent that the extension of No15 borders the Easterly boundary of No17. A bungalow erected on the plot in the foreground would box us in



Photo 5 – View of the side of No8 London Road/The Brow demonstrating the steep downward sloping of the road.



Phot 6 -View from front of No10 and No8 London Road demonstrating the spacious setting



Photo 7 - Rear view of No8 London Road demonstrating the spacious aspect and distances between houses when compared to the rear aspect of No17 Lovedean Lane



Photo 8 - Side view of rear garden of No8 London Road.