

Richard Jones, 63 London Road, Widley, Waterlooville PO5 5AQ

Public Service Plaza
Civic Centre Road
Havant
Hants PO9 2AX

HAVANT BOROUGH
COUNCIL

10 FEB 2017

RECEIVED

8 February 2017

re APP/17/00066

61 London Rd Widley: 2 storey rear extension & bi-fold doors to front elevation

Dear Sirs

During my extensive perambulation of your website, during which I was unable to find a Public Access profile registration point (I had hoped to submit this electronically), I noticed a number of applications for illuminated façades etc, which were referred to my address, a private semi-detached house. These refer to an opticians in W'ville Precinct; I had occasional mail for the firm, which I redirected, ultimately calling on them to correct the error, but they declined to rectify it. I believe their correct postcode is PO7 7EX. I have never submitted any schemes to you.

re APP/17/00066

1 It seems the applicants have not consulted their title deeds. The two small scale maps shown on the pdf showing the existing plan are incorrect. I enclose a copy of the plan which was enclosed with the title deeds of the previous owner, Mrs V Blakey, now deceased.

a) At the east, the site extends to, and includes, the retaining wall and pillars on London Rd.

b) At the west, the site is shown as including the final portion of the access road. During a planning application by Mr & Mrs Muscat of 1 Highbank Road, Mr Muscat told me that he had examined title deeds of all the houses served by the access road from 63 to the end house on Highbank, 75, and found that each one had a right of access along this road up their property, and an additional length for maintenance etc, to the southern end of their property. When I took ownership of 63, and for many years after, a pair of wrought iron gates were suspended from wooden posts, aligned exactly with the fence between our gardens – 61 & 63. It seems from the site plan that these were already outside the 24 foot N-S width outside the double garage of 61. Some years later, Mrs Blakey decided to move the gates and support them on brick pillars at the entrance to my garage. The pillars were considerably wider than the previous posts, so the westerly pillar was situated off the access road to accommodate the gates. Originally I thought this had been built on land belonging to Mr Muscat, as the additional plot was not shown on my title deeds. I have a document in which a small area at the south of his garden had been bought by a previous owner of my house as a "hard standing". I have no document of this being disposed of. This gate appears on recent OS maps.

On the Property Register for 61, A(c) gives the right for the owners of 63 to "encroach upon the land coloured BROWN". On the map this is shown as 40ft (12.192m) from the northern end of my property (63), southwards. I do not expect this to be gated, especially when the gates are on neutral territory, ie the access road. I spoke to Mr Curry before he moved in, when he was reluctant to give me his name, and pointed out the offending gates.

2 I enclose a copy of the title deeds to 61 London Road. The property is covered by a number of covenants. Page 1 A: Property Register section (b): "the right of the owners of 63 to the light and air passing to the windows on the east and west side of the dwelling house". The current house 61 is about half a brick (c100mm) further to the east (London Road side), whilst the west of the property extends about 2 brick lengths (c 430mm). Whilst the air might not be affected, the light blocked by a 3000mm extension, with an overall height equal to the ridge height of the current roof would be substantial. In the winter months, no direct sunlight would reach my kitchen window, and at other times of year when the sun is higher it would be delayed by a number of hours, which I am

currently unable to calculate. The north wall of 63 is about 2m distant from my south wall, and the increased height of the west elevation by the addition of a gable would obviously have a shading effect. It is unfortunate that the elevations do not have dimensions indicated.

The section **Schedule of Restrictive Covenants**. The first I suppose is meant to be restricted to vegetation, but could easily be applied to a 3m, 2 story extension. 3 denies use of the property in any commercial use. Whilst I do not know the details, there is a continuing, but intermittent flow of expensive cars, Mercedes, Audi and some smaller vehicles which are parked for between a few days and a several weeks, but without seeing who drives them in or out. Some are parked between his garage on the north fence where they cannot be easily moved when he has three other vehicles on site. I have assumed, perhaps erroneously that he is trading as a car dealer? Or perhaps he has a large circle of rich friends, who visit once and never come back?

To be absolutely clear, these covenants would be perfectly acceptable to me, if I was the subject of them, provided I was informed about their existence before agreeing to buy, and I cannot see why the current owner is ignoring them – unless he is unaware.

In the description of the modifications, I see "bi-fold doors" located on the front elevation. Since the existing front door is retained, is the lounge to be furnished with doors as well? Surely the ground floor at the rear, currently an external conservatory, will need the bi-fold doors, or the house will have no access to the rear garden. This is just a comment; I studied Architecture briefly at Newcastle University after leaving school and still retain an interest in the subject.

I believe the Planning Dept take note of existing "building lines". The existing houses both to north and south follow a similar line, which would be broken by the proposed application.

I also note that 13: Biodiversity Conservation questions have all been answered in the negative. Although now retired (aged 74), I worked as an ecologist since 1985. My first survey was for Hants CC at Hurstbourne Park, the estate of Sir Patrick Donner which HCC were considering taking over; but as far as I know, they never did. I carried out more surveys for HCC over the following years, for Dorset CC, Hants & IoW Naturalists Trust, Natural England, Marwell Zoo (managers of Eelmoor Reserve at the side of Farnborough Airport) and privately owned nature reserve owners.

I managed my own garden to encourage the maximum biodiversity, and it had at its peak more biodiversity than all but one of the much larger sites I professionally surveyed. I recorded several nationally rare species. Any undisturbed, vegetated area will gradually acquire a diverse biota. An over-managed "nature reserve" will only have a variety of species which the warden is most interested in. If this scheme goes ahead, it will have only a marginal effect on my garden. What annoys me intensely is that the biodiversity value has been made without any assessment, just an evaluation by someone who doesn't even know what biodiversity means.

While the matter of the fencing of the rear garden may not be the concern of the Planning Dept, it was allowed to collapse by the previous owner, and rebuilt, not to the specification given in the title deeds, at the *post mortem* instructions. I am informed, of Mrs Blakey's daughter and son-in-law. It was carried out by an operative of "YourMove" estate agents in Waterlooville, whilst I was away on the summer bank holiday. Not very expertly, as it is not even in a straight line, and finishes a couple of panels short of its former extent. So my neighbour has appropriated a couple of extra feet at the back of my garage. The fence to the front garden has also mostly collapsed, but has not been replaced.

Yours faithfully,

A large black rectangular box redacting the signature of the sender.

OFFICIAL COPY OF REGISTER ENTRIES

This official copy shows the entries subsisting on the register on 31 May 2005 at 15:29:33. This date must be quoted as the 'search from date' in any official search application based on this copy.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

Issued on 31 May 2005.

This title is dealt with by Land Registry Portsmouth Office.

Land Registry

Title Number : **HP165253**

Edition Date : 3 July 2000

A: Property Register

This register describes the land and estate comprised in the title.

HAMPSHIRE : HAVANT

1. (22.01.1980) The **Freehold** land shown edged with red on the plan of the above Title filed at the Registry and being 61 London Road, Widley, Waterlooville, (PO7 5AQ).

2. The land has the benefit of the following rights granted by but is subject to the following rights reserved by the Conveyance dated 22 September 1966 referred to in the Charges Register:-

"(a) For the Purchasers and the owners and occupiers for the time being of the property hereinbefore described to pass and repass on foot only along the piece of land coloured Blue on the said plan being four feet in width which is intended to be laid out as a footpath and to pass on foot only over that half of the steps leading to and from London Road as is coloured Green on the said plan and for the benefit of the land secondly hereinbefore described to pass over the part of the steps as is coloured Yellow on the said plan

(b) For the Purchasers and the owners and occupiers for the time being of the land hereinbefore described (and is so far as the Vendors are able to grant the same for the benefit of the owners and occupiers of the land firstly hereinbefore described) but in common with all other persons having similar rights to the free passage and running of water and soil in and through the sewers and drains respectively shown by the firm and dotted blue lines on the plan attached to a Certain Conveyance dated the Sixteenth day of August One thousand Nine hundred and Thirty three and made between Edward George Briggs and Alfred Henry Briggs of the one part and Richard Hough Garner of the other part

(c) For the Purchasers and their successors in title and the owners and occupiers of the land secondly hereinbefore described and all persons authorised by them in common with all others having similar rights thereto to pass and repass with or without horses and other animals carts carriages and motor vehicles laden or unladen by day or by night for all purposes connected with the use and enjoyment of the property hereby

A: Property Register continued

conveyed in over and along the accommodation road leading into Highbank Avenue and then along Highbank Avenue into London Road aforesaid and the right to use the drain lying under the adjoining property of the Vendors known as Number 63 London Road Widley aforesaid EXCEPT AND RESERVING

(a) as regards the land firstly hereinbefore described the right of way at all times for Arthur Donald Thomas Thistlethwayte and his assigns and his tenants servants and workmen with horses carts and carriages to such extent only as such right of way is enforceable and existing at the date hereof and has not been abandoned by disuse obstruction or otherwise

(b) the right for the Vendors and the owners and occupiers for the time being of Number 63 London Road Widley to the light and air at present passing to the windows on the West and East sides of the dwellinghouse now erected on the said land

(c) the right for the gutters and footings of the porch or conservatory on the South side of the dwellinghouse Number 63 London Road Widley and of the garage lying to the East of the land coloured Brown on the said plan to encroach upon the land hereby conveyed

(d) the right for the Vendors and the owners and occupiers of the land retained by them to enter upon the land hereby conveyed for the purpose of repairing and maintaining the said porch or conservatory and garage."

NOTE:-Copy plan in Certificate. Copy plan filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

1. {15.05.1980} **PROPRIETOR:** ERIC BLAKEY and VIOLET BLAKEY of 61 London Road, Widley, Hants, PO7 5AQ.

C: Charges Register

This register contains any charges and other matters that affect the land.

1. A Conveyance of the land in this title and other land dated 9 February 1933 made between (1) George Alexander James McLaren (Vendor) and (2) Edward George Briggs and Alfred Henry Briggs (Purchasers) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
2. A Conveyance of the land hatched blue on the filed plan and other land dated 16 August 1933 made between (1) Edward George Briggs and Alfred Henry Briggs (Vendors) and (2) Richard Hough Garner (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

C: Charges Register continued

3. A Conveyance of the land in this title dated 2 September 1966 made between (1) Ronald Barry Meston and Winifred Georgina Meston (Vendors) (2) Co-Operative Permanent Building Society (3) Hilda Florence Clayson and (4) Gordan Bicknell and others (Purchasers) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
4. (15.05.1980) **REGISTERED CHARGE** dated 29 April 1980 to secure the moneys including the further advances therein mentioned.
5. (15.05.1980) **PROPRIETOR:** THE TRUSTEES OF THE LIVERPOOL VICTORIA FRIENDLY SOCIETY of Victoria House, Southampton Row, London, WC1B 4DB.
6. (25.10.1985) **REGISTERED CHARGE** dated 22 October 1985 to secure the moneys including the further advances therein mentioned.
7. (25.10.1985) **PROPRIETOR:** THE TRUSTEES OF THE LIVERPOOL VICTORIA FRIENDLY SOCIETY of Victoria House, Southampton Row, London, WC1B 4DB.

Schedule of Restrictive Covenants

1. The following are details of the covenants contained in the Conveyance dated 9 February 1933 referred to in the Charges Register:-

For the benefit of some adjoining or neighbouring land of the Vendor the Purchasers jointly and severally covenanted with the Vendor and his successors in title and so as to bind the land thereby conveyed into whosever hands the same might come that they would not use or permit any portion of the said land thereby conveyed or any building erected thereon to be used as a Dairy or for the sale of Milk.
2. The following are details of the covenants contained in the Conveyance dated 16 August 1933 referred to in the Charges Register:-

COVENANT by Purchaser with the Vendors:

(1) Not to use or permit any portion of the land thereby conveyed nor any buildings erected thereon to be used as a Dairy or for the sale of milk.
3. The following are details of the covenants contained in the Conveyance dated 2 September 1966 referred to in the Charges Register:-

"FOR the benefit of the land and premises retained by the Vendors the Purchasers for themselves and their successors in title hereby jointly and severally covenant with the Vendors that they will observe and perform the covenants set out in part 3 of the Second Schedule hereto

THE SECOND SCHEDULE

PART III

1. Not to do or permit to be done on the said property anything which shall be or grow to be a nuisance or annoyance to the owners of Number 63 London Road Widley aforesaid.
2. To erect only one private dwelling with the usual outbuildings on the land hereby conveyed.

Schedule of Restrictive Covenants continued

3. Not to use such dwelling other than as a private residence and not to carry on any business or profession thereon.

4. Not to erect the said dwelling on the land except in accordance with plans and in a position both to be approved by the Vendors,

5. Within a period of Three months from the date hereof to erect and forever thereafter maintain a good and sufficient fence along the Northern boundary of the property hereby conveyed except where such boundary is formed by the buildings situate at Number 63 London Road such fence being of Larchwood lapping on hardwood posts not less than Six feet apart and which fence shall have a height of Six feet for a distance of Twelve feet to the west of the rear wall of the dwelling Number 63 London Road and for the remainder of its length not less than four feet in height.

7. Not to damage the said gutters and footings of the porch and garage belonging to No. 63 London Road where the same encroach upon the land hereby conveyed."

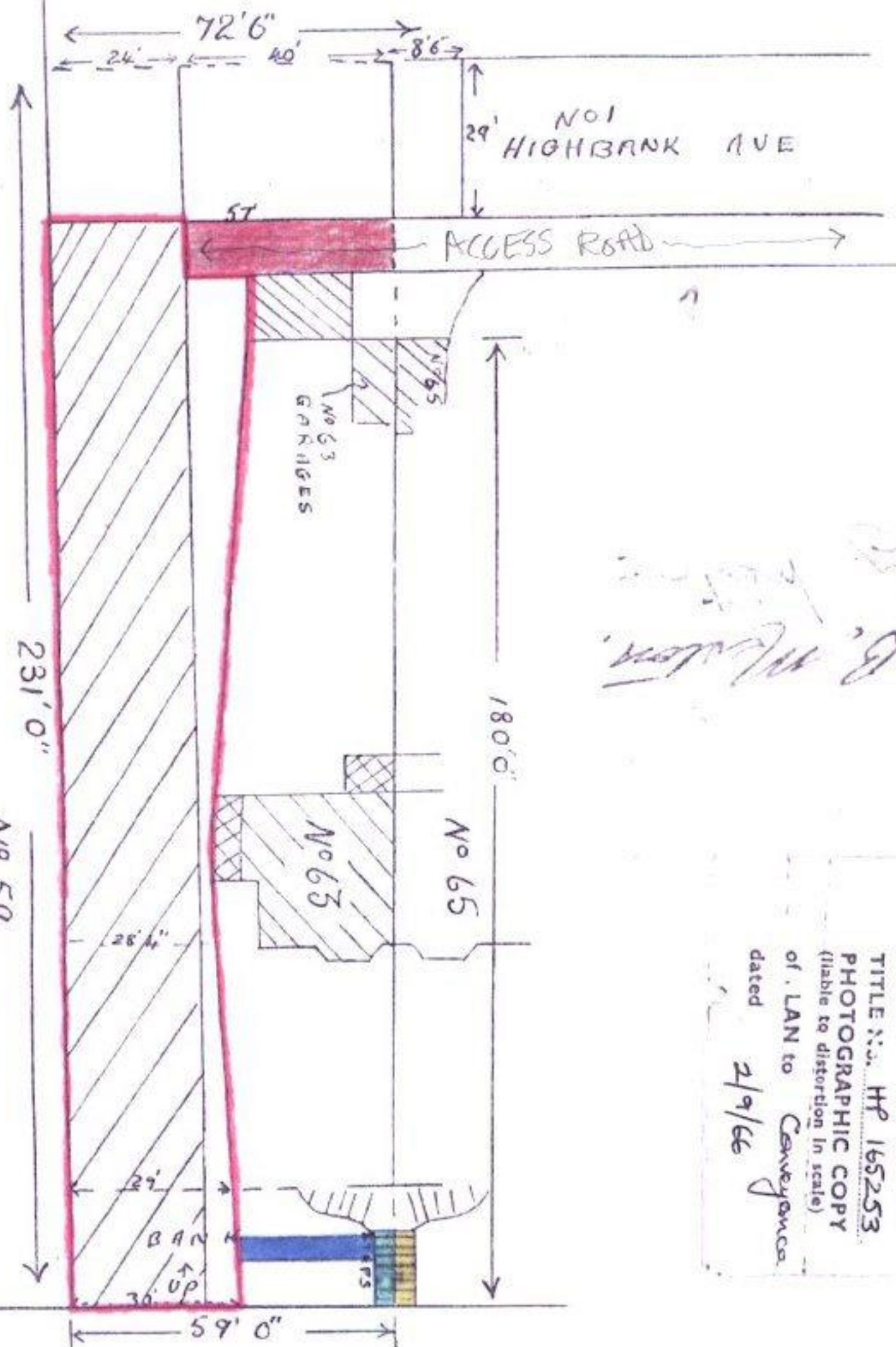
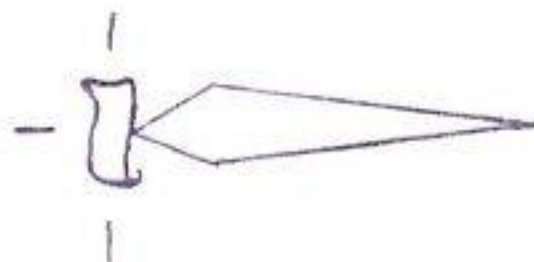
END OF REGISTER

NOTE: The date at the beginning of an entry is the date on which the entry was made in the Register.

Land Registry

Official Copy

This copy may not be the same size as the original.



A. B. Wilson

H 137
H.M. LAND REGISTRY
TITLE NO. HP 165253
PHOTOGRAPHIC COPY
(liable to distortion in scale)
of LAN to Conveyance
dated 2/9/66

L O N D O N R O A D

To PURN HOOK



SEQ134



HP165253



PLAN

Public Service Plaza
Civic Centre Road
Havant
Hants PO9 2AX

Objections to Proposal APP/17/00066

61 London Road, Widley, Waterlooville PO7 5AQ

2 Storey rear extension and bi-fold doors to front elevation

1 letter, 5 pages Land Registry Property Register and site map



Havant
BOROUGH COUNCIL

PLEASE KEEP AS RECEIPT NO **7709**

