

**David Garton and Havant Borough Council (HBC) planning Committee meeting
10th July 2018 at 5 pm**

Deputation to Development Management Committee

Planning Application: APP/18/00158

Address: 5A Simmons Green, Hayling Island

Representation by applicant – David Garton.

Appendix A. Aerial view of the properties.

Appendix B. PPS 7 (Addendum): Residential Extensions and Alterations. Annex A: Residential Amenity: Privacy

Conflicting Advice.

I took great pains to consult with various officials throughout this project and have been given conflicting advice. If proper advice had been provided when requested, during the councils enforcement visit then I may well have chosen other options but I was told to continue.

I first took advice from an experienced and respected architect who was guided by the government guidelines added below. PPS 7 (Addendum): Residential Extensions and Alterations. Annex A: Residential Amenity: Privacy. (Appendix B).

Regarding the objections made by the Chichester Conservancy, I note that you have not upheld their objections but cannot help feeling that those objections hold sway.

On receipt of the Conservancy objections I contacted them directly on two occasions asking them to visit the site, provide constructive advice rather than the threatening posture adopted. On both occasions no reply was received. This has been my experience throughout this process,

It is clear that the real objection is the design of the extension which complies with permitted development rights. When directing me to change the windows to closed and obscured, I am of the opinion that the law does not require that those windows be obscured and that is the only fact that should be considered.

It is true I can see into Mrs Percy's garden, but when he purchased the house I could see into his garden as much perhaps more. To provide us both with privacy, I have purposely not crowned the shrubs and trees screening both our properties, A28 of the Government guide lines state, 'Few households can claim not to be overlooked to some degree'.

While I am aware that this meeting concerns the application for 5a Simmons Green, I believe the application for 11c Salterns Lane, must be considered for context when certain privileges have been granted to that applicant that are denied to me.

There is a disparity between what I understand to be professional procedures regarding planning, and the treatment that I have received. There are also questions regarding integrity and honesty which I will develop further if I have to make a formal complaint or appeal.

Lack of clarity has also caused unnecessary animosity between myself and my neighbours.

Surveys.

I would question why the need for this to be placed before a planning committee at all.

During the committee survey, a party of nine officials visited my home. While I understand that no submissions were to be made at this time, I would have expected common courtesy to dictate that introductions should be made when visiting a house regardless of the reason. Are there no guidelines for this or a protocol to follow?

During this survey, for which I presume, the main intention was to assess the privacy issue for the neighbour, several of the party appeared uninterested without my interaction and invitation declined to even bother to step forward to look at the view, I had to guide them to the original window it all seemed very strained.

I was left confused & slightly mystified as to the purpose of the visit. I would like to state that a person stated how beautiful the view was from my bedroom. This was further confirmed by nods and, 'yes it's lovely', vocalised by the visiting committee.

During the survey, one of the party made issue regarding the existing window on the East side, asking why it was not obscured glass. This question was twice submitted to the Council representative. She seemed unable to comprehend that the window has been in existence and clear for over twenty years.

With regards to the following paragraph in the Agenda, Item 9/1.

“The new windows in the eastern side of the dormer extension provide an additional degree of overlooking further to the existing windows. These new windows have been fitted with clear glass and are 3.1 metres from the window of the original dormer and therefore overlook an additional part of the gardens of the neighbouring properties to the east.”

“Two new east facing windows have been inserted into the extended section of the east dormer window. These are clearly glazed and openable and as such, provide a direct view into the rear part of the garden 11c Salterns Lane and also 11d Salterns Lane beyond this. The rear parts of the garden in this particular location are well utilised given the proximity of the coastline and the desire to enjoy the view. The side windows, therefore, are considered to result in a direct loss of privacy to the neighbouring properties, contrary to Policy CS16 of the Local Plan”.

I do not agree with the conditions imposed on this development and object for the following reasons:

1. I made every effort to liaise with Mr Percy to ensure he was happy. I make this point because I do not believe there is any issue with my development. I asked him specifically 'What would make you happy?' He replied that he would not be happy with the window but would accept one half the size and see what it was like in the summer. This was his words. I subsequently reduced the size of the window.
2. At one stage I did offer to not put the window in and discussed this with Mr Percy, however, once the space had been opened, it was clear no additional overlooking would occur and was within government set guide lines, so opted for the half size window and amended the plans accordingly. I then reiterated this to Mr Percy.
3. I have repeatedly invited him to come upstairs to look out of the window so that he can see for himself but he has always declined,
4. It is not reasonable to expect bedrooms to have obscure glass. It looks unsightly and spoils the continuity of the line of windows. If the council had expressed genuine, provable objections at the start, I may have chosen to have walls instead of windows which would have looked better than obscured glass. As it is, to do that now would involve considerable expense and the reasons you present for it are neither, rational or genuine. This is supported by the document PPS 7. (Appendix B.)

5. The existing window offers more view of 11C than the new windows, if one so chose to look at the property.
6. I fail to see how the new windows “provide an additional degree of overlooking”. Please see photo. (Appendix A). As you can see, there is a tree (Marked ‘E’) between, ‘A’ (5a Simmons Green) and ‘B’ (11C Salterns). This tree completely obscures any view of the occupants of 11C in any part of the house and main area of the garden. In ‘A30’ of the PP7 document (Appendix B), it clearly states,
7. ‘Overlooking of gardens may be unacceptable where it would result in an **intrusive, direct and uninterrupted view** from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours’ house. As a general rule of thumb this area is the **first 3-4 metres of a rear garden**, closest to the residential property.’
8. It is a fact Mr & Mrs Percy’s main sitting area is immediately behind his house, they have spent considerable sums of money extending this area. All their main seating is situated here. The end of the garden is a secondary area. It is impossible for me to see or have an **intrusive, direct and uninterrupted view** from a main room, to the most private area of the garden’.
9. The house at 11C Salterns Lane is set back 10 metres behind the build line of 5A Simmons Lane, comprising of a patio area that is at least 7 metres deep. (As shown by the red line marked ‘C’) (Appendix A). This is considerably past the 3-4 metres of the ‘most private’ area of a garden. The additional windows cannot see any part of this nor back to the house.
10. The house next door to 11C has a balcony & clear glazed windows which provide a full view of 11C; directly into the garden his private seating area and the rear of the garden!
11. The plans for the garden house 3.5 mts wide 2.5 mts high 3mts deep (marked ‘D’) at the bottom of Mr Percy’s garden have already been approved by the council, offering even more privacy for Mr Percy further negating the need for obscure glass. While it is understood that there is no right to a view in planning terms, it is against common law and unequitable for the council to make their decision based on the area of the garden being, **‘well utilised given the proximity of the coastline and the desire to enjoy the view’**. You recognise the desire to enjoy the view for my neighbours but disregard my own desire to enjoy the view – an amenity that was the main consideration for me when deciding where to buy a house. This is unequitable.
12. The reference to a ‘direct view’ to the garden of 11d Salterns Lane (marked ‘F’) cannot be taken into account. There is no direct view of the garden. I accept you can see hedging but this has always been the case regardless of the roof extension.

In summary, all of the windows in 5a Simmons Lane comply with A29 and A30 of PPS 7 (Addendum): Residential Extensions and Alterations. Annex A: Residential Amenity: Privacy (Appendix B) as copied below. I see no valid reason for the any of the windows to be obscure or fixed closed.
