

Development Management

Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN

Tel: 023 8068 8264 www.eastleigh.gov.uk

Office hours: Mon-Thurs 8.30am - 5pm, Friday 8.30am - 4.30pm



Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mrs

First name

Annette

Surname

Mead

Company Name

Address

Address line 1

Waters Edge Lands End Road

Address line 2

Address line 3

Town/City

Bursledon

County

Hampshire

Country

United Kingdom

Postcode

SO31 8DN

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Addition of third floor, enlargement of raised terraces, alteration to fenestration

Reference number

H/21/90833

Date of decision (date must be pre-application submission)

05/08/2021

Please state the condition number(s) to which this application relates

Condition number(s)

4

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

13/12/2021

Has the development been completed?

☒ Yes

☐ No

If Yes, please state when the development was completed (date must be pre-application submission)

22/07/2023

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

The reason given for condition 4 was to protect the amenity and privacy of the adjoining residential properties. This pre-supposes that the adjoining property benefitted from privacy. The reality is that the front roadside terrace of Waters Edge overlooks the garden of our neighbour at The Boat Store. The windows of our sitting room, lobby and master bedroom all look directly at the windows of The Boat Store on the North side of their property and vice versa. Our side terrace looks directly into the garden of the Boat Store. This has been exacerbated by the neighbour raising their North side terrace by approx 1.5m and they now look directly into our bedroom. I do not see any planning consent given for their raised terrace, which was carried out after the date of our planning consent

The Boat Store has two vellux windows in the roof which can be opened and the neighbour could look onto us all day long if they wish. The height of the neighbours raised terrace and amenity area means they can be seen by hundreds of boat users on the river. Condition 4 does not seem reasonable when the neighbours did not have the benefit of privacy of amenity before our planning consent. The garden areas and amenity space for Waters Edge and The Boat Store are clearly visible from the river as there are no fences. The neighbours would have known their amenity space was overlooked from all directions when they bought the property so there is no privacy to protect.

I am also concerned about the ambiguity of the wording of Condition 4. The condition refers to glazing 1.7m above the floor in which it is installed. Mr Edwards, when he made a site visit, took a photo of the window because he interpreted the clause as the window. He later referred to glass being installed on the wall of the terrace. That is not what condition 4 says. I looked at the Planning Practice Guidelines, para 55 of the National Planning Policy Framework and there are 6 tests that have to be satisfied when conditions are used in a Planning consent, one of which states the condition has to be precise. Condition 4 is not precise because it does not say the wall has to have obscure glass on top, it refers to the room.

One of the other tests is that a condition must be necessary. I do not believe Condition 4 to be necessary as it does not prevent overlooking of the neighbour or loss of amenity and privacy from many other directions. For the same reason, I do not believe Condition 4 is reasonable, particularly when the neighbours have raised their own terrace making themselves even more visible.

I do not believe Condition 4 takes enough account of the context and character of the area, when the houses on the river front side of Lands End Road are all overlooked.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

I would like the condition removed.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

- ☐ Yes
☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

*** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.**

**** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

- ☒ The Applicant
☐ The Agent

Title

Mrs

First Name

Annette

Surname

Mead

Declaration Date

29/04/2024

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Annette Mead

Date

30/04/2024