Appeal Statement from the appellant

1.01 This appeal is about fairness.

1.02 We bought 89 Old Fort Road in 2013.

1.03 There had been a proposal for a pair of houses refused at appeal. A single 2 storey house approved though planning and a semi-detached pair of houses approved at planning. All these proposals were objected to by my neighbours.

1.04 We built what we felt was a neighbourly building: a bungalow.

1.05 The Local Authority liberally applied planning conditions to the approval.

1.06 Whilst most of the conditions were unnecessary, we took them within our stride. Removal of our PD rights was an infringement of our normal every day rights that we carry forever.

1.07 Removal of normal everyday rights can never be considered fair.

1.08 During the application process we suggested the Local Authority change the wording of Condition 7.

1.09 This suggestion was not explored.

1.10 Building within 1m of the boundary may be undesirable to neighbours and therefore rewording of the planning condition so that only landscaping less than 1.5m high can take place here may overcome this concern.

1.11 A neighbour to our north is concerned about the irregular piece of land on the north west corner. Our accompanying plan shows that development would be limited here too.

1.12 The reasons for refusal would suggest that we may cause ourselves harm by unfettered PD rights by building over the entire garden.

1.13 We have no intention of building over the entire garden, but similarly, we should not have to apply for permission to erect a greenhouse to grow tomatoes.

1.14 My neighbours could grow tomatoes without causing harm.

1.15 The Local Authority reasons for refusal would suggest that we may cause harm to future occupiers by unfettered PD rights.

1.16 Buildings can be removed if future occupiers have different needs to ours.

1.17 We respect the view of the Appeals Inspectorate in all outcomes of this appeal.

James Breckell RIBA March 2018