

Mrs Barbara Claridge - Secretary, Highfield Residents' Association,  
Apartment 1 Towan Place, 11 Westwood Drive,  
Highfield,  
Southampton SO17 1DL  
[HRA.HonSec@gmail.com](mailto:HRA.HonSec@gmail.com)

The location address, 12 Russell Place, SO17 1NU, of the Enforcement Notice Appeal ref. APP/D1780/C/21/3276078 is within the Portswood Residents Gardens Conservation Area which falls within the boundary of Highfield Residents' Association (HRA). HRA represents the interests and concerns of its members. It is the principal resident association of the Highfield and Portswood areas of Southampton and currently has 498 member households. HRA objects to the Enforcement Notice Appeal and fully supports the Local Authority, Southampton City Council Planning Department, (LPA), in refusing the Retrospective Resubmission (20/00120/FUL) seeking planning permission for Removal and Rebuilding of front boundary wall and gates (Retrospective).

HRA concurs with the explicit reasons, as given on each of the previous two Planning Application refusals by the LPA, for the same front boundary wall.

Since 2000, the property owner, Mr Mohammed Naeem Ahmed, has made twelve planning applications relating to the site of 12 Russell Place. These include both amendments to previous planning applications and three retrospective / resubmissions to previous applications.

1. 2000 (00/01400/CAC) – withdrawn
2. 2007 (07/00832/FUL) – approved
3. 2008 February (08/00234/FUL) – refused
4. 2008 August (08/01124/FUL) – refused
5. 2009 (09/00951/FUL) – approved
6. 2010 July (10/00011/TCA) – approved \* Relates to a tree leaning over the neighbour's fence in the back garden
7. 2010 August (10/01049/FUL) – refused
8. 2011 (11/01060/DIS) – approved
9. 2016 (16/01869/FUL) – approved
10. 2018 (18/00883/FUL) – refused \*Relates to a Retrospective Amendment to Planning Permission 2. above
11. 2019 (19/00070/FUL) – refused \* Relates to Retrospective removal of original front boundary wall
12. 2020 (20/00120/FUL) – refused \* Relates to Retrospective Resubmission removal of original front boundary wall and rebuilding with gates

On each occasion the planning decisions by Southampton City Council were thoroughly and properly explained to the appellant. The last two applications relate to the front boundary wall.

It is important and relevant to note that, once the appellant received notice of SCC refusal to remove and rebuild the front boundary wall (19/00070/FUL), an Appeal was lodged with the Planning Inspectorate (APP/D1780/D19/3225110). The appeal was dismissed on 17 June 2019.

A retrospective resubmission was then made in January 2020 (12 above), and this was refused by the LPA and an Enforcement Notice was then served. The current Planning Inspectorate appeal is against this SCC Enforcement Notice.

This background to the high number of planning applications made in respect of the same dwelling is relevant, as it demonstrates that the appellant is determined to pursue his views. This is despite the planning concerns and regulations of the city council Planning Department and the Planning Inspectorate along with objections from PRG, HRA and neighbours in adjacent family homes with regard to the front boundary wall.

HRA does not agree with the arguments submitted by the appellant in his *Appeal Statement of Case* prepared by Mr Julian Spencer. Specifically:

- On p.2, paragraphs 5, it is stated that the front wall was compromised by a large overhanging tree, reported to be dead by tree surgeons (photos pp.6,7). In p.2 paragraph 6, it is stated, “that the owners did not realise at the time that permission was needed to take down the dead tree or that planning permission was required to rebuild the wall”. This does not seem an accurate statement because the owner has already applied successfully for Planning Permission to take down a dangerous leaning tree in the back garden some years earlier. Ref. 6 above (10/00011/TCA).
- On p.10 paragraph 2, it is stated, “In this case, due to ignorance of the law, it was demolished but rebuilt in close facsimile.” This again refers to the owner not knowing that Planning Permission was required for the removal of the tree or the demolition and rebuilding of the wall. The wall that exists can not be described as a close facsimile due to its height and .
- These two statements above, referring to ignorance of the law, do not seem valid. Claiming lack of knowledge of the Planning Process when so many Planning Applications, Amendments to Planning Permissions and Retrospective Planning Permissions had been made over a considerable number of years by the owners

does not seem likely. HRA believes the owner to be experienced in and familiar with Planning Regulations but does not agree with them.

- In p.2 paragraph 7, it is stated that no-one had ever complained about the height or design of the wall before the Retrospective Application, Ref. 11 above (19/00070/FUL). This is not the case. Whilst the appellant had no recollection of any direct complaints, the wall and lack of Planning Permission had been discussed at an HRA Committee Meeting on 11 February 2019. At this meeting, a previous conversation between the HRA Chair, Jerry Gillen and the Head of Planning, Steven Harrison, about the unsuitability of the wall was reported and further discussed. (Appendix i).
- On p. 3 section: *The second Application (20/00120/FUL Retrospective Resubmission)*, describes how in this application an attempt was made to make minor amendments to the wall to make it acceptable. As the LPA clearly stated in its refusal decision to Planning Application 19/00070/FUL, that the wall was over-dominant and adversely affects the street scene. A minor amendment with higher capped ball pillars was never going to provide a suitable solution.
- In respect of Planning Application 20/00120/FUL Retrospective Resubmission of 19/00070/FUL, a drawing (Appendix ii.) was submitted showing the minor adjustments to the wall with a thick hedge in place of the two (non-native trees – *Cercis canadensis*) that were described in the Planning Application – an inconsistency. At no time since the wall has been built has any vegetation been planted, so the wall remains as a stark and out of place feature in the street scene. In addition, the caps to the driveway brick pillars were further enlarged.
- In his conclusion (p. 22), Mr Spencer states that, “This is very much a subjective issue”. This must be referring to the approach taken by his client, over his need to lodge another Appeal to the Planning Inspectorate. The Enforcement is quite the opposite. It is an objective process, undertaken by the LPA in discharge of its responsibilities in matters of breach of Building Control. The objective facts are that the wall does not meet planning requirements and that Mr Ahmed has broken the law.

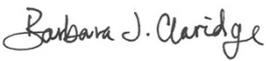
The SCC Enforcement Notice was served on 28 April 2021 and the reason for the enforcement is that the front boundary wall was erected without Planning Permission and is therefore a breach of Planning Control.

Mr Spencer, on behalf of his client, is incorrect by stating, "The main issue of this appeal is whether the development preserves or enhances the character and appearance of the Portswood Residents Gardens Conservation Area." (p.5 paragraph 1). The sequence of photographs and explanation text (pp.5-22) are not therefore relevant to the Enforcement for breach of Planning Control.

Finally, although the photographs and text referred to above are laid out to persuade the Inspectorate that there is a degree of precedence to boundary walls locally, it does not mean the unauthorised standing wall at 12, Russell Place, nor the Amended Retrospective Resubmission Wall Plans (Appendix ii.) are appropriate, in keeping with those examples or even in character with them. There has been a clear and deliberate disregard of planning authority.

For these additional reasons, the Planning Enforcement by Southampton City Council Planning Department is fully supported by Highfield Residents' Association.

We respectfully request that the enforcement is upheld and ask that the Appeal is dismissed.

A handwritten signature in cursive script that reads "Barbara J. Claridge". The signature is enclosed in a thin, light-colored rectangular border.

Mrs Barbara J Claridge (Secretary HRA)

## Appendix i)

Extract of Highfield Residents Association Minutes dated 11 February 2019. Complaints and concerns had been raised in residents' forums and between neighbours. The extract from the Minutes confirms that the wall at 12 Russell Place had already been a subject of concern between HRA Committee Chair, Jerry Gillen and Steven Harrison, Head of Planning SCC about the prospect of enforcement because the wall had been built without Planning Permission. (Names have not been redacted as this document has been published on the HRA Website).

### a. Planning Issues

A complex exchange had taken place between Jerry and Stephen Harrison (SCC) in recent weeks concerning two outstanding Planning Enforcement issues: 12 Russell Place [REDACTED]. It was welcomed that the council was now taking a firm stand with an enforcement notice against the unauthorised work. An appeal against the Enforcement Notice is to be expected.

Tom O'Connor (PRG) stated that there had been limited time to canvass opinion from PRG members but that our approach should be to work with SCC who would only be taking this action if they were confident of their case. It was felt likely that Michael Rudd should be instructed again once any Appeal is lodged. Tom said he would report back after his meeting at the end of the month (Action: Tom).

Cllr Matthew Claisse commented, that as the enforcement notices had been issued, we would be duplicating efforts with the council who were now firmly on the 'same side' as HRA. His advice was to wait and see. There was a danger that further HRA involvement sets one side up against another in the community and the council should take on the enforcement. Tom concluded, that if we need to, we could go out to HRA members for their views, but individuals could express their opinion to the process at any time.

Adrian Vinson added that all previous submissions would be re-submitted before the appeal process including those prepared initially by HRA. Cllr John Savage cautioned that the whole process, including appeals and enforcements could take as long as two years.

Barbara Claridge  
Hon Sec and Minuting Sec

**Appendix ii)**

Proposed sketch of amended wall showing the minor amendments of heightened pillars with enlarged stone ball capping and hedging behind the wall instead of the two trees.

Submitted by the client with Planning Application 20/00120/FUL Retrospective Resubmission of 19/00070/FUL

