

Changes to the External Appearance of Property

1. Changes in External Appearance

The purpose of this guidance note is to assist owners of houses at Port Solent, who may be considering building extensions or making other changes to the external appearance of their house, by setting out the policy and factors taken into account by the Board of POSOL when it exercises its responsibility to implement the following covenant.

SCHEDULE IV para 2(a) or para 2.1, depending on the version of the Deed of Transfer: *“Not at any time to erect or suffer to be erected any buildings walls or fences or other structures (save for any existing screen walls or fences and future replacements thereof) or to grow or permit to grow any hedge on the open area.”*

SCHEDULE IV para 2(b) or para 2.2 states: *“Without prejudice to para 2(a), or 2.1, of this schedule not without the prior written consent of the Company (POSOL) to make or suffer to be made any alteration or addition to the external appearance of the premises or to erect or suffer to be erected any additional buildings walls fences or other structures of any nature whatsoever on the premises”.*

The residential units were designed, as a whole, in terraces with differences in storey height, materials, road layout, car parking arrangements, landscaping and basin size and shape – all to create a visually harmonious but consistent appearance. Consideration was given by the developers to optimising privacy for the houses around the marina basins but allowing an open aspect to be enjoyed by all.

The POSOL directors' view is that the majority of residents enjoy Port Solent for these very qualities and do not want the character or value of their property to be jeopardized by inappropriate or unmanaged development.

In all decisions Posol attempts to find a fair compromise between preserving the appearance and ambience of the estate on one hand against the desire to give house owners flexibility in the enjoyment of their property on the other hand, whilst remaining within the overarching policy framework

Applicants are recommended to talk to the Covenants Working Group. The CWG is aware of POSOL's policies and may be able to suggest modifications to help with the application. As a POSOL director is part of the CWG this also ensures that any special aspects are fully understood by the board when it make its decision.

Any shareholder is welcome to join the working group. Only the elected directors of Posol, however, make final decisions.

2. General Advice

Start by asking the POSOL Management Company for advice via its Managing Agent. If you have sketch plans of your proposal, please send them in with your request. We recommend that you don't

initially have full architectural plans prepared or seek Planning or Building Regulations Approval until the CWG has had a chance to consider your ideas and, perhaps, make a few recommendations or suggestions for change. Do please allow sufficient time for your request to be considered. Members of the CWG and POSOL directors are all unpaid volunteers who give their time because they care about sustaining Port Solent's precious marina village lifestyle but they also have other demands on their time. The Board meets monthly and the CWG meet one week before the Board meeting.

POSOL and the CWG welcome and wish to encourage owners who want to improve their properties. Such improvements, so long as they are in keeping with the original design concept of the housing development, raise the profile of the whole site and tend to raise property values generally.

3. Frequently Proposed Changes

The most frequent applications for change of appearance received by POSOL for approval are below. It should be noted that this is an illustrative guide only, designed to give owners a general indication but POSOL will consider each application by reference to detailed policies.

3.1 Two Storey Loft Conversions

These have proved to very popular, inspired originally by the development on Bryher Island. POSOL will in all probability approve these applications provided 'Velux' or similar roof lights are used. In most cases, sufficient headroom can be provided at the top of the stairs without the need to fit dormer windows but these can be approved, provided they are have a gable roof, are fitted with obscure glass lights and any opening lights are at the top and hinged horizontally.

3.2. Three Storey Loft Conversions

These also will in all probability be approved by POSOL but care has to be taken that the aspect from higher windows does not invade other residents' privacy. Similar conditions apply as for two-storey loft conversions. Applicants should also note that some of the houses are constructed with higher roofs, which can obviate the need for a dormer to provide staircase headroom. There are examples on the estate where the dormer has proved to be unnecessary because the staircase to the new fourth floor has been located in the existing third floor small bedroom.

3.3 Conservatories

Applications are generally received for houses away from waterfront locations with sheltered secluded gardens. As above, POSOL generally would in all probability approve such an application. POSOL will not approve conservatories on the waterside elevation of a house.

The courts have previously recognised that the "thin edge of the wedge" argument was a material factor to consider in relation to a building scheme and POSOL reserves the right to reject any application that might lead to impairing the waterfront.

3.4 Extensions on Water Side of Properties

Although the requirement for POSOL's approval of any change to the external appearance of properties is totally independent of planning decisions by Portsmouth CC the company does concur with the Council's prohibition of building forward of the building line to the front of the property. Port Solent is unique in that the waterfront is equally (or more) important. POSOL will not approve the construction of any extension that is closer to the waterfront than the building line established by the original developer. For the avoidance of doubt the edge of the balcony is considered to be the limit of the original building.

3.5 Decking

Decking/Patios

The waterside homes at Port Solent are built, for obvious reasons, with the house above the level of the marina capping.

Previous guidance on decking requested that this should not project beyond the external wing walls to preserve the privacy of neighbouring properties. Over time decking and patios have extended beyond these wing walls but the requirement to maintain privacy with neighbours remains unchanged.

Recent change requests have seen decking/patios designed to be level with the floor of the rear of the house and extend unstepped towards to marina cap. Due to the slope of the garden involved, this leaves a high area of decking/patio, in some cases as high as the original fencing along the border at the marina cap. This in some properties most certainly invades the privacy of neighbours. Such designs have had to be amended to reflect the need for privacy.

Rather than issue a lengthy set of guidelines to suit all variations of patio/decking design and house build, any proposed change involving decking/patios should be submitted using the Change of Appearance Form (available on the Posol website) and a site visit will be arranged with the Covenants Working Group. The aim of the visit will be to assess the design and the location and ensure a workable solution can be reached to both enhance the property and maintain privacy.

In addition, it should be noted that the wooden deck generates noise under foot which can cause nuisance and may provide a refuge for vermin if not properly sealed.

3.6 Carport gates

Provided that the gates are constructed of wrought iron, painted black and are vertically hinged, the Board will normally approve this form of development unless it affects the provision of car parking within the property. There are many good examples around the estate.

Some owners have attached plastic or glass sheeting to their black metal gates. This has provided some security and thermal advantages but from a visual point of view it has been found that thin acrylic sheeting suffers from significant colour changes, becomes very brittle and distorts giving the carport a very poor appearance. Thick polycarbonate is a better solution but POSOL recommends the use of toughened glass fixed to the inside of the gate thus ensuring a standard appearance.

3.7 Car Parking

Allocation of car parking per house was calculated on the strict planning guidelines, as they were then enforced in 1986 when the site was designed. The Directors are not minded to give approval for any other use of carports, by applications to create total internal enclosed spaces. The directors are also anxious to protect the landscaped areas and will not give approval to increase car parking spaces by elimination of landscaping.

3.8 Conversion of Car Ports into Rooms.

See POSOL document "Conversion of Car Ports and Integral Garages into Habitable Accommodation".

The front façade of Port Solent houses is relatively featureless save for the inclusion of carports. To preserve this visual appearance any application to convert the carport into living accommodation must comply with a requirement that the new wall should be set back from the front of the building by 1 metre. The original developers did not always insert carports into end of terrace houses and the above 1 metre restriction will not apply to end of terrace houses. (See below re wheely bins).

3.9 Refuse Bin Disguise

Wheely bins are a visual blight and if anyone wishes to camouflage theirs the example shown below was an acceptable solution in its particular position. House owners wanting to implement this design should apply to Posol.



Alternatively, a non-permanent screen may be constructed just inside the carport. To avoid conflict with the 1 metre rule (see para 3.9) policy regarding walls inside carports any screen should be limited to a width of 750 mms and should not be constructed out of bricks or concrete. Any visual embellishment should be non intrusive and should blend in with the colour of the carport.

3.9 Replacement or Installation of Additional Windows.

The golden rule for the replacement of windows is to change like for like so that the replacement windows look the same as before with the same colour to comply with the covenants. Some shareholders have made changes to existing windows by increasing their size, by installing Juliet windows or changing sliding glass doors to bi-fold style doors. POSOL has generally agreed to these changes subject to them blending in with other windows in the vicinity.

The main issue with regard to windows from an appearance point of view is where the next-door neighbours install additional or different windows leaving properties out of balance. See diagram below:



POSOL always hopes that shareholders will coordinate with their neighbours simply for reasons of symmetry and better appearance.

3.10 Replacement of Balcony Balustrades

A balcony out of step with its neighbours will destroy the architectural cohesion of the estate. See POSOL document "Port Solent Balcony Guide".

3.11 External Redecoration

See POSOL document "External Redecoration of Properties – Paint Colour guide",

and

POSOL document "External Redecoration of Properties – Report by C Brewer & Sons" which advises on the type of paint suitable for each type of render

3.12 Awnings

Retractable awning made of flexible cloth may be installed without POSOL's permission.

Permission is required for any permanent awning. Permission will only be given for permanent awnings that are cantilevered out from the wall, which extend no more than one metre, and have a glass roof.

The colour of the framework to be consistent with the woodwork colour specified for the area. No vertical supports will be accepted.

3.13 Solar Panels

Experience with existing solar panels is that large numbers of birds nest in the space between the panels and the roof tiles. All new panels need to have barriers in place to keep the birds out. Without this barrier cars in the immediate vicinity are the victims of extreme droppings.

3.14 Charging Points for Electric Cars

These are generally obtrusive and unsightly. where possible they should be located inside the car port rather than in full view of the road.

3.15 Flat roofs

All roofs at Port Solent are pitched and it is considered that a flat roof would be out of keeping and would unreasonably conflict with existing designs. Permission will not be given for flat roofs.

3.16 Trellises

No trellis may be erected in the front garden and any trellis in the waterside garden must not be closer to the marina wall than 5 metres except in the case of the outer boundary of an end of terrace house which adjoins land to which there is public access. In this context POSOL owned pathways giving access to remote berths are considered to have public access

3.17 Fences

Fences may not be erected to the Front of any Property.

Waterside Properties - Fences to the **rear** of waterside houses should be either the original fences, as erected by the Developer, or replacements thereof (in the same design, dimensions and colour (see below)). Fence types vary around the estate according to the 'Phase' in which houses were built as follows, with example fences shown:

Phase Ai – Sennon Place and Carne Place

Phase Aii - Newlyn Way and Carbis Close

Phase B - Cadgwith Place



Phase C - Tintagel Way

Phases D & E - Coverack Way, Mullion Close and Bryher Island

A common alteration which is made to properties is the under Balcony extension. As there were a number of phases to the construction of the estate, each one has variations on how the balcony was incorporated into the house design. What is common, however, is that the Balcony represents the



'building line' of all properties and that if the extension work has removed previous 'privacy' fences, these cannot then be rebuilt beyond that building line.

Phases Ai, Aii & B



Phases C, D & E



Original plans for Port Solent did not have fences running parallel to the Marina capping (at the bottom of waterside gardens). Developers did, however, install some specifically at Purchasers request. With safety in mind (particularly where Children or Pets are resident), requests to erect waterside fencing parallel to the capping will not be unreasonably withheld, provided it is in keeping with existing fencing and an application for Change of External Appearance submitted to POSOL.

Non-Waterside Properties - Generally rear gardens are divided by standard 6ft fencing panels. Requests to change such fencing are not envisaged.

Other situations - There are a few miscellaneous fences attached to houses but not forming part of the rear garden/ marina area. These are usually of 6ft vertical closeboard construction. Any requested changes would be subject to an application and POSOL approval.

Colour - New fencing timber will come with a weather resistant treatment. If a finish is required, acceptable colours are shown on the External Paint Guide on the POSOL website according to the Phase in which the house was developed. Over time, original finishes fade and many owners are happy with a 'weathered' look. If fencing is replaced it can therefore, be either painted in the appropriate colour as shown on the POSOL website or leave the pre-treated installed timber to weather over time.

4.Frequently Asked Questions

I own my house; it's freehold, so why do I have to ask permission to change it? When you signed the tripartite contract to purchase your house you agreed to be bound by the Covenants contained in that contract. Your solicitor should have brought these to your attention. POSOL has a legal duty of care to uphold these covenants to protect all shareholders who bought their houses with the comfort of the protection that these covenants provide.

I've got Planning Approval to change my house so why do I need POSOL's approval?

Portsmouth City Council Planning Department bases its judgments on specific planning criteria such as whether the land is zoned for commercial, industrial or housing use. Town planning policies change from time to time. Planners disregard the covenants as these are normally outside their direct control and may also be unknown to them. In signing your purchase documents you agreed to accept the POSOL covenants which are **in addition to** the local planning requirements.

I don't need Planning Approval, I've checked with Portsmouth City Council and I have Building Control approval. Do I still need to contact POSOL?

If the proposed work involves any change in the external appearance of the property, for example roof lights, POSOL's approval is required as you agreed when you signed the tripartite contract.

POSOL has refused my application but all my neighbours think it's a great idea. Isn't that good enough for POSOL?

Neighbours mainly want to be agreeable and their judgment at the top of the stairs affected by their relationship with you. Although the views of neighbours are important and it is courteous to consult with them, POSOL's approval is still required.

If POSOL rejects my application what happens if I go ahead anyway?

POSOL has the legal power to serve you with an injunction to prevent you proceeding, or requiring you to reinstate the property to its former condition if you have commenced work. At a future date when you come to sell your property POSOL's approval is required, as the Land Registry will not transfer the property to the new owners without POSOL's agreement. Under current legislation you are also obliged to tell any prospective purchaser about any disputes that affect your property, and this may affect the prospects for sale or the value.

... & Finally

Shareholders will appreciate that it has taken several years to develop a coherent policy. Unapproved developments have taken place in the past, which have alerted the directors to the need for vigilance to preserve the integrity of the site. In issuing this policy and the associated guidance and procedures the Board wishes to draw a line under the past. Each new application for development that affects the external appearance of a property will be considered on its merits in accordance with this policy. Previous precedents will not bind the Board. Accepting however that not all shareholders will agree with

the policy and procedure as outlined above the directors will always be willing to meet and discuss any submitted proposals.

Approved by the Board on 21 January 2022