

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/X1735/W/21/3279615

DETAILS OF THE CASE

Appeal Reference APP/X1735/W/21/3279615

Appeal By D & K CONTRACTING SERVICES LIMITED

Site Address
Land between 26-32 Padnell Road
Cowplain
Waterlooville
Hampshire
PO8 8DZ

SENDER DETAILS

Name

Address

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☒ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☒ Interested Party/Person Correspondence

☐ Other

YOUR COMMENTS ON THE CASE

We live on Padnell Road and have previously made full representation against the proposed development. We wish to reiterate our objections that we feel it is an overdevelopment for the plot size. There will be insufficient parking for the number of properties and a lack of open space for occupants' well being. Padnell Road is a major feeder road, one of the 2 that serve the Hazleton Estate of over 1000 properties and is also a bus route and access road to Padnell Junior and Infant schools, a pre school nursery and a church so more on street parking will be hazardous. There should be at least 2 parking spaces per property on site not the road.

There were surveys done on impact to nature and wildlife on the site but the date of these was after mature trees were felled and the many years of vegetation were cleared so hardly surprising surveys did not reveal what was there previously. This shows the attitude of the developers, as does the number of dwellings proposed for a small site. Their only desire is to maximise their investment . They appear to have no concern for existing home owners or for those who will be living on this site. We have no objection to the site being developed with a more sympathetic development which will be in keeping with the road

Caroline Harvey
The planning inspectorate
Temple quay house
2 the square
Bristol
Bs1 6np
11/01/2022



I am writing to register my response to the following planning application appeal (statement of case)
APP/21/00024 – Land between 26 and 32 Padnell Road.
Appeal Ref: APP/X1735/W/21/3279615

We would like you also to consider our objection letters sent to Mrs T Pickup Feb 2021. We would also like to invite you to visit the area and view the site from our garden to gain a better appreciation of the impact of this development.

In response to the Appellants case.

I disagree with the statements set out in 6.3/6.24 for the following reasons:

The proposed development to the front will be harmful to the visual characteristic of the area – on the south side. There are no other building that extend past the building line of existing properties. This will be clearly seen from the frontage, and will be detrimental to the resident's outlook, privacy, peace and quiet and outlook to the rear. The building, due to its mass and scale will dominate all other buildings in the area. It is not in keeping with the building line of existing homes. **It is the impact on the rear of the plot that will have the most detrimental impact on neighbouring homes and families.**

6.17 – 6.19 - Although there are two larger buildings on the north side of the road, these buildings in no way have an impact on the houses that neighbour them. The main bulk of the retirement flats run down the side of the church and access road. The church and retirements flats are not squeezed into a narrow piece of land between two homes that will be overshadowed and overwhelmed, by a dominant and overbearing building. The proposed development will only give a small separation between neighbouring homes as the site is narrow to the front, the impact on these homes will be

immense due to lack of light, additional noise and light pollution and increased movement in an existing quite dark area. The new development will have families living there who quite rightly want to enjoy the gardens in privacy and enjoy the open outlook. This will mean an increase of possibly 12+ people in the rear and small side gardens. This noise particularly during social events such as BBQs and parties will be a disturbance to existing families that mainly consist of four or less people. The boundary at the north-west corner will be less than 1 metre from our property wall.

(2.3) – number 26 has wrongly been described. The garage is to the front of an extension (this extension wall is close to the boundary) which has been this way for 25 + yrs. This is our kitchen/dining room with roof lantern window. The proposed building will have unobstructed views from the front first floor windows on the west elevation through my roof lantern directly into my kitchen. This is a gross invasion of our privacy.

3.1 – there has been no planning on this site because this site was a green belt for many years. Left to the school by a lady who kept her horse – Joey – on the field. It was enjoyed for many years by the residents as an open and green piece of land. It was visually pleasing to all those that passed by, and many older residents have stories to tell about walking through it to school. The older residents in the road have told us of their distress and sadness caused by the destruction of the woodland.

3.2/3.3 – the residents at number 32 had their original planning application for an extension refused and had to reduce it in size to the one mentioned at 3.2/3.3. The extension **does not exceed the building line due to the refusal**. This has not been mentioned in the appeal documents and is misleading.

3.5 /3.6 / 6.6- the original planning refusal for this development was because the proposed development was detrimental to the area, the character of the existing homes and overbearing to existing homes. From the developers appeal document it para 6.6 and figure 1 that the key issue has been completely omitted in the fact that in the image and supporting text there is only mention of the position and alignment of the frontages of the neighbouring properties and no mention whatsoever of the **rear building line that is one of the prime issues** and reason for previous refusal. The text as written is also not entirely accurate as the buildings to the west of the site are NOT set at an angle of 45degrees to the street. They are in fact only slightly (about 10 degrees) out from being at right angles to the street. Ref para 6.7 36 and 38 Padnell Road. I agree there is a difference in alignment (about 5 m) but the important fact here is that the property at No 36, although being set further back than No 38 it still does not extend beyond the established rear building line.

Figure 1 clearly shows the building line, some of these properties are over 100 years old, hence the slightly different positions from the front. However the photo clearly shows that there are no homes past the building line to the rear. All of the homes on the south side of the road have large gardens to the rear. Please see my photo below, taken pre 2020 before the trees were felled. The yellow line shows the building line of 26 and 32 etc. Padnell road. As you can see the trees were dense, and have now been lost. The red line shows where the proposed building will end, way beyond the established line, – point clearly missing in the appeal document.



6.7 – This statement is misleading - there is a clear building line that may differ by a few yards here and there, which is mentioned as inconsistency in the report- but **no line is as much as the 14/15 meters past this line the developer proposes, as shown in red on my photo below.**

There is a natural curve to Padnell road, and the statement made in 6.7/6.8 does not take this into consideration when looking at the depth and footprint of the homes built there. Most homes are dorma, detached and semidetached – not large two story blocks of flats.



5.6 - 5.24 – the presence of outbuilding is not relevant here. There are storage sheds, greenhouses, workshops and in few cases a garage not habitable dwellings let alone two-story blocks of flats -they are single storey and in no way invade the privacy of neighbouring homes.

CS16 of the Havant Core Strategy states that planning permission will be granted for a development that is “designed to a high standard which helps to create places where people want to live, work and relax”

The proposed building may be of high quality design, materials and to a high standard where people wish to live, work, and relax – this is right but needs to be in context in regards to this development and the people who are and have been living in the immediate neighbouring area prior to the development being proposed.

What about the people who have to live next door to the proposed development. Is it not our wish to live, work and relax in our homes? Is it not fair for us to enjoy our gardens without a 14 metre long and six meter high brick wall running the length of our gardens? Is it not fair that enjoying our garden, outlook, privacy, and peace is a wish we are entitled too also? The developer has not considered this or the Padnell road community, he wants to build this monstrous building, blocking our day light, sun shine, remove our enjoyment of our gardens, being able to sit in the rear of our homes without seeing a block of flats alongside our homes. Our outdoor amenities will be enormously reduced because there will be a large building running the length of our garden. There will not be a reasonable degree of separation between number 26/32 and the new proposed building.

(Point 6.30) We would like to enjoy the sunlight for most of the day – not just enjoy the evening sunshine as the developer has suggested in this statement. This is an unhelpful statement which clearly shows his disregard for the wellbeing of the residents in 26/24 and 32 Padnell road.

5.54 - this development will obstruct day light/sun light to number 24/26 and 32 - Sunlight will be obstructed, the sun rises in the east -this building will block morning sun from the properties to the west, it will then block sunlight in the late afternoon and evenings to the properties to the east. The sun will be blocked for approximately half my rear garden also to all rooms to the rear of my property. This has been one of the benefits I have enjoyed whilst living here for over 20 years.

The prevention of back land development on the south side of the road has been prevented throughout the history of Padnell Road. We ourselves rejected a proposal from the developer to buy the rear of our garden, in the spring of 2020. We would rather have our garden to enjoy, grow our veggies and fruit, and be able to sit and enjoy the good weather. No amount of money can replace that. The enjoyment of the private and secluded rear garden was one of the prime reasons for moving here.

The developer will complete his project, simply walk away from this community and take his profits without a second thought of the devastation he has left behind.

I ask all involved in this appeal and proposal to ask themselves – if this was happening next to my home – how I would feel. I can assure you it is stressful, emotionally draining and depressing. Not one person would want this to happen next to their home.

6.32 – the obscure glazing and restricted openings will not compensate for a large building running the length of our garden. I will have to close my blinds to maintain and protect our wellbeing and

emotional state just to avoid looking at this monstrous building 24 hours a day from my own home. The building will be overwhelming and over powering in respect to outlook and privacy.

6.34 – at present no other dwelling on the south side can be seen from our rear windows. Our garden is private and quiet. The developer suggests that gardens are already overlooked -again they are not adjacent to a 15 metre long and 6 meter high building protruding along the gardens to the rear. The buildings are well proportioned with room between to enjoy open space. The proposed development would have a detrimental effect on all homes to the east and west due to the extent of the footprint to the rear. 6.37 -the balconies will have an impact on our rear gardens – people will want to sit, eat and enjoy the view- although they will have no view due to the protected trees at the rear. This area is a quiet and dark area at present. How the developer can claim that gardens and neighbouring properties cannot be overlooked from the proposed rear balconies is completely untrue. The developers own plans and drawings will substantiate this fact. It is also insinuated that as the neighbouring properties have “generously proportioned gardens” it should not matter. This would suggest that a) We should not use the bottom of our garden so as to allow privacy for people on their balcony and b) if the developer is so concerned so as to make this point then there is obviously an issue with these balconies to begin with.

The proposed development is a contradiction to that written in section 5.25. In the area there has seen a significant build-up of homes over the past ten years. The area has become more densely populated and as a result traffic is horrendous. Flats and retirements homes have been built where large homes once stood on the old A3. There is a proposed development of 80+ homes on Padnell Grange land to the east of this development. Hazelton farm development proposes a large development for thousands of homes. There has been/and will be a reduction of green spaces because of this.

Providing additional homes as in 5.25 1-8 – should not include developers building large over dominating building squeezed between neighbouring residential houses.

6.35/6.60 5.27 - 2 / 5.33 (DM24) / 5.42 (E18)

This land was not waste land or derelict land. It was a beautiful green belt with mature natural trees: oak, field maple, alder, silver birch, hazel, hawthorn, grasses and bramble. We enjoyed birds, insects, newts, frogs, slow worms, hedgehogs, bees, owls and bats in this area. Many of these have disappeared because of the actions of this developer, from the start he destroyed the area quickly, during a national lockdown, so it could not be defended. He continued to flatten the area for his own gain during the planning and survey process.

The developer has made no effort what so ever to conserve or enhance existing landscapes, protect existing trees and hedgerows. It was in fact the residents of Padnell road that acquired the TPO's on the existing trees (including a veteran oak tree) in the school grounds to protect them against this development.

2.2 The site is now open and grassed land, with addition building materials dumped by the developer as he completed another protect in Cowplain. The site is this way because the developer felled mature natural woodland. This was extremely stressing for the community in Padnell road. He then removed the tree stumps and flattened the site twice in preparation for his planning application and then conducted an Ecological and Biodiversity survey. You would not be surprised by the survey results.

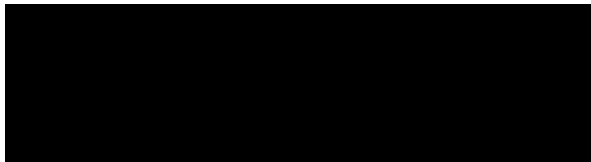
6.41/6.52- (2.4 –2.5)– although there are no parking restrictions outside the site Padnell Road remains a very busy through road for cars, vans, lorries and busses. It feeds a busy estate, two schools, two nurseries, activity and community centre, church (with addition activities) Cowplain shops and a busy health centre. Residents are frequently hemmed into their drives unable to get out due to heavy traffic. Staff from the health centre park their cars all day outside our homes. There have been a number of minor accidents due to poor visibility because of parked cars, large vehicles including busses have also been stuck on the road unable to pass cars that are double parked. The lack of adequate sufficient on-site parking will only exacerbate this situation. Most households these days have access to two vehicles or more. This would mean additional cars parked on the street from the occupants of the flats not to mention cars owned by visitors.

It was unfair for the developer to conduct a traffic survey on a Sunday evening in lockdown. Again the results would not surprise you.

2.6 – The site was considered a conservation area to the residents of Padnell road, we enjoyed the open area, the trees and wildlife associated with this. This has been lost.

The area to the rear of the plot, as do most of the gardens in this area, frequently flood. It has been worse since the trees were felled as they sucked up excess water. There is a large pond on the school grounds to the south west of the plot. This was not mentioned in the survey report carried out on behalf of the developer. We frequently get frogs and newts in our gardens.

I am quite sure that a building like this will be of a high quality and built to a good standard but this is not an appropriate site for such a building.



Dear Sir/Madam,

I am writing to register my opposition to the erection of flats for application APP/21/00024 on the land between 26-32 Padnell Road, Waterloooville. Reference APP/X1735/W/21/3279615.

The construction of this property will have a very detrimental effect on the area for a number of reasons.

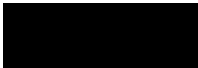
The building will be constructed in the middle of residential housing which, will demonstrates a lack of respect for the privacy of the neighbouring residents. The overbearing and dominating size of the building, apart from being out of character and context with the surrounding houses, will also cause a significant loss of sunshine in neighbouring properties during the morning on one side and the afternoon on the other. This will have a detrimental effect on the living conditions for those residents.

The construction of the building will cause an increase in street parking and with it being opposite a church entrance, will result in an increase of congestion causing issues and disadvantage to the neighbours and local area.

Whilst there may be a requirement for housing, this is not the type of building that should be constructed on this spot. Instead a building in fitting with the current ambience and surroundings would be more suitable.

These plans seem to be driven more by the greed for money than the consideration of constructing a property more respective for the area it is being constructed in.

Respectfully

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The Planning Inspectorate

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DETAILS OF THE CASE

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Appeal By D & K CONTRACTING SERVICES LIMITED

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YOUR COMMENTS ON THE CASE

My husband and I wish to reiterate our strong objections to this development. All of the reasons raised in our original objection letter still stand - we understand you will have a copy of our objection letter to refer to so I will not repeat them here. In addition, we wish to add the following concerns & objections:

1) Access into and out of the site will be very restricted because of the size of the plot. If a fire engine or ambulance needed to attend an incident we do not believe either would be able to get onto or off the site easily because of their size. At the very least it would mean they have to reverse out of the site onto a very busy road (which is also a main bus route), the number of parked cars on both sides of the road at peak times of the day e.g. in the morning and at the end of the school day mean it is an accident waiting to happen. This concern also applies to cars reversing out of the property, particularly when young school children are walking on the pavement across the access point.

2) Building a development of this nature & size at the rear of the plot would set a precedent & could lead to further applications to build at the bottom of gardens. We have no objections to a proportionate development, e.g. one set of Semi-detached houses to the front of the plot in line with all of the other properties, but consider this application to be an overdevelopment of the site & an indication of the greed of the developer.

We would urge you to support Havant Council and uphold their rejection of this planning application.

Caroline Harvey

The planning inspectorate

11/01/2022

Planning application number: APP/21/00024

Appeals reference: APP/X1735/W/21/3279615

Land between 26 and 32 Padnell Road.

I would like you to consider my comments in regard to the above planning application. I lived at ■■■■■ for 18 yrs, until I married and moved away in July 2020.

The proposed development of this site will not contribute any additional benefits to the local community especially the homes next to the site. It has in fact already had an impact on the emotional wellbeing of my family as this has been an ongoing stress factor for nearly two yrs. From the felling of many trees in the lock down, spring 2020, to the constant defence of their home to the present day, planning objections and appeal process.

This development would be a gross invasion of their privacy. The upper floor of the building would provide unobstructed views into all rooms at the rear of their home and that of their neighbours. The loss of privacy also extends to the rear garden. This area is currently a quiet area in which they have planted fruit trees, grow their own vegetables and since the developer felled the trees during the first lockdown they have planted native trees in an effort to compensate for the damage caused by the developer's actions. This is a space they can enjoy and relax and this would be taken away if this development is approved. All of the residents on the south side of the road value their gardens greatly. This proposed development extends approximately 15 meters beyond the building line therefore having a huge impact on the privacy and outlook. The proposed development due to its size, shape and position will have an unacceptable and adverse effect on the living conditions of the adjoining occupiers. Party caused by the noise and disturbance from pedestrian movement during both by day and night. The addition of lighting for potential residents during the hours of darkness would cause an unacceptable adverse effect on neighbouring homes and indeed the wildlife such as bats and owls.

The proposed balconies at the rear of the upper floor flats will also give unobstructed viewing into all gardens on the south side both to the east and west, and create noise and light pollution in an area which is presently dark and quiet. The proposed direction for the construction of the development would be clearly visible and dominate the outlook from almost all of the rear gardens and rear rooms of the dwellings this section of Padnell Road again both to the east and west. In short, the alignment of the proposed development will result in an undesirable form of back land development out of keeping with the character of the locality and detrimental to the amenities and families of the area. The dwellings in this section of Padnell Road are Chalet bungalows, Detached and Semi-Detached houses. The proposed development would therefore be totally out of character with the area. The proposed development by reason of its bulk, height and footprint would be an overpowering feature which will be detrimental to the visual amenities and have a negative impact on the area. All the dwellings along the south side of Padnell Road have been built running in-line with each other and running parallel to the highway with all of the dwellings situated to the front of the

respective plots, with large private gardens to the rear. The proposed development is completely at odds with this arrangement in that it is proposed to run front to back. This is a clear indication of the lack of thought to the surrounding homes and a total lack of consideration of the wellbeing of residents either side of the development. .

The proposed development will also make it difficult to refuse further similar applications. There is a future potential that any properties placed on the market for sale would be bought by developer with the aim of demolishing the original dwelling and replacing it with a similar type of development or even wishing to extend their homes to the rear in order to accommodate any number of flats.

The plot of land in question for the proposed development is, in context, not very large and the plan to construct a building of this size, with this many flats is clearly an overdevelopment of the site. This overdevelopment will undoubtedly contribute, to the detriment of the surrounding dwellings and neighbours. Due to its close proximity to the older adjacent buildings its, construction, particularly the deep foundations that will be required, raises serious concerns as to the effects on neighbouring buildings.

I strongly object to this development, now that the trees have been lost I agree a building should be placed on the land, but one that is in keeping to the existing homes, and one that will not be detrimental to families emotional wellbeing.

Respectfully

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The Planning Inspectorate

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Appeal By

D & K CONTRACTING SERVICES LIMITED

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YOUR COMMENTS ON THE CASE

We wish to re-state that we object to the proposed development of 6 flats and associated parking on the land between 26-32 Padnell Road. Our comments below are in addition to those that we made in our previous letter of objection sent to Havant council. All the points within that letter still stand and we understand you will have a copy of the letter to refer to when making a decision in this case.

We have grave concerns that with the school at the back of the property and the erection of the flats to the back of the plot instead of the front, it would make it very easy for any paedophile to spy on the children if they were to buy one of the flats.

We also think that this proposal is a massive overdevelopment of the site and if allowed it would set a precedent for others to apply for permission to build in their back gardens.

The proposed number of flats and residents would put significant pressure on an already struggling sewerage system, which has overflowed on numerous occasions during periods of heavy rain - we have been directly affected by that.

The development would also increase the amount of on street parking in the road which is a main bus route and is already difficult for buses (and ambulances) to pass at peak times such as the start and end of the school day. One parking space per flat is not sufficient.

Because of the limited space for turning, there is a danger that any cars reversing out of the drive could cause an accident involving the school children and general public who walk across the access points on the pavement. We cannot see that the access road leading to the buildings at the back of the plot would be large enough to enable a fire engine to get down to the properties in the event of a fire, there certainly would be no room for one to manoeuvre or turn around.

Finally - we object to the loss of privacy that will occur, as the windows in the flats will have a clear view into our garden and those of our neighbours.

We ask you to please uphold the Council's decision to reject this planning proposal.

Reference number - APP/X1735/W/21/3279615

Good afternoon,

I am writing with reference to an appeal that has been launched regarding the denied planning permission for 'Land between, 26-32 Padnell Road, Waterloooville'.

I am deeply disappointed that the decision made by the council was not accepted by the developer as they considered all the objections made by the residents. Whilst I fully appreciate the nature of the developers proposals, the development does not take any notice of the existing area and will be a total invasion of our privacy.

As stated in our original objection, the parking is a huge concern and will impact on an already busy road, that is a bus route. The fact the parking survey was conducted during the National Lockdown and on a Sunday is a reflection that not all supporting information was indeed accurate and tried to skew the local picture.

I believe it is the developers intention to maximise his profits from the build and has no consideration of the impact this development would have on the residents. Planning decisions have to be fair and just and the council were correct in declining this decision as previous planning applications had been denied.

Whilst building our own property we were governed by strict rules and regulations which we adhered to and it is only morally right for this decision to be upheld.

Maximising profit at the cost to the residents' privacy and objections needs serious consideration and I am confident when you review all the supporting materials and objections that you will uphold the council's decision to decline this proposed development.

Yours sincerely

A solid black rectangular box used to redact the signature of Mrs Jo Watson.

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Mrs Jo Watson

Caroline Harvey

The planning inspectorate

11/01/2022

Planning application number: APP/21/00024

Appeals reference: APP/X1735/W/21/3279615

Land between 26 and 32 Padnell Road.

I would like to register my comments in regards to the above planning application and appeals. I registered my objections on the Havant county council website in Feb 2021 and I still feel strongly that this development should not be approved.

The proposed development is an overbearing building and will have a negative effect on my privacy as my rear garden will be dominated by a large double story building that will overlook half of my open space. I am currently able to enjoy this open space, relax and unwind, if this development is approved it will have a negative effect on my mental and social wellbeing. The balconies to the rear of the building will result in the rooms at the rear of my home and the end of my garden being visible.

The building is an over development for the size of plot, and in comparison, to the other buildings on the south of the road. All existing buildings run in a line along the front, with good size private gardens to the rear, one of the main reasons the owners bought them. This building will dominate all other buildings to each side and will invade the privacy of many families to the west and east. The size of the building is vastly greater in bulk to any other building on the south side of the road. The building will run for 14 metres down the side of my neighbour's garden, this will have a negative impact on my garden also. It will block morning sunlight/daylight throughout the year from the east of my home, leaving the rear rooms and part of my garden in the shade.

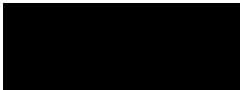
The site has for many decades been left as a natural green belt, front to back. There were many native mature trees on the site, as well as shrubs and hazel. The destruction of the trees in April last year has destroyed the habitat for many insects and animals and has resulted in more noise being experienced from traffic at the rear of my home. Many animals and insects have disappeared from the site. The site has been flatted to ensure it remains a barren space and uninhabitable for wildlife. The permanent removal of trees with no replacement being planned for the site will have a detrimental effect on the area. Bats and owls were often seen in the area to the rear, however these have virtually disappeared since the trees were felled. The rear of all buildings on the south side of the road are dark areas with no light pollution at all. This building will result in light and noise pollution to the middle and rear of the plot. The planting of a few shrubs and laying of lawns will in no way compensate for the wanton destruction of the original habitat by the developer.

Padnell road is already a busy through road and a bus route. Traffic has increased gradually over the past 10 years. The church, two schools, the building of nightingale lodge and the health centre has resulted in serious problems with parking and congestion along the road to the traffic lights. My driveway is often parked across. Staff from the lodge and health Centre park outside from early morning until early evening. Parking for the school at drop off and pick-up times is especially busy. The parking planned for this new building clearly has too

little parking for the six flats. Most families these days have use of two vehicles. The provision of a cycle storage, albeit too small anyway, will not make up for the lack of adequate onsite parking. This will result in additional parking from residents and visitors to the building and more congestion along the road. These additional cars and parking along the road will have a negative effect on air quality and this will effect local residents .The road is already noisy with traffic from early morning until late at night. The loss of trees at the rear of the plot has resulted in A3 and London road traffic being heard in my home.

The road has an ageing sewage system and there is an open case in respect to the overflow of sewage into gardens along the road. I have experienced the overflow of sewage into my garden on a number of occasions. The rear of my garden is often flooded during winter and heavy or continual rain. Adding an additional six flats into an already over stretched system will only worsen the problem. The loss of natural drainage on the site will result in gardens flooding even more and will become a serious problem for existing residents. During heavy rain the rear of my garden is flooded. There is a natural high water table here, there is a pond to the rear of my property on the school land.

Kind regards



Date: 14 January 2022

Planning Inspectorate's Appeal Reference: APP/X1735/W/21/3279615

I wish the following comments to be taken into consideration regarding the above appeal.

Firstly, I would like to take this opportunity to invite the Planning Inspectorate or representative to my property / garden to view the site in question to gain a full appreciation of the detrimental impact that the proposed development would have on my property and the lives of those who live here and that of neighbours and their dwellings.

In response to the developers appeal the following must be taken into consideration in the process of determining a decision.

1. Human Factor or Tick Box exercise

As with any potential development there is a human factor that must be considered above and before the need for the development itself. This is not merely a "tick box exercise" for the developer's convenience and profit. In this instance the developer is clearly not interested or concerned in the slightest as to the detrimental impact that his proposed development would have on the lives of those who would have to live with this incongruous building – the developer will simply walk away without so much as a second thought for those whose lives will be affected. No matter how well the developer and his associates manipulate the words and facts and twist them to their benefit to "tick the right boxes" the fact remains this not an appropriate site for this proposed development.

2. Shadow area / loss of sunlight

Refer to appeal statement Para 5.11. The developer has indicated in his plan drawing (No 2020/02) the path of the sun. The Planning, Design and Access statement, page 11, illustrates the shading on the ground that would be caused by the proposed building. There is clearly a discrepancy between the information provided in these documents. Firstly, I refer to the drawing 2020/02. If the sun rises as indicated on this plan there is no way that the shadow area in the Access Statement would be possible. The shadow angles are all incorrect. Secondly The shadow diagrams in the access statement are only given for one day (21/03/20). Even in mid-winter the sun rises much further to the East (see image No2 taken at 07:17, 23 Feb 2021). The result of the sun rising as seen in image 2 below will cast a completely different shadow area to that suggested by the developer in both afore mentioned documents. Considering that the roof of the flats is over six meters high the shadow area will result in complete loss of morning sunshine until approximately 10:00 – 10:30 to all rear rooms of my property. The above also only refers to one day of the year (21-03-20). The developer has failed to consider and include in his report that as the year progresses into and through the summer months (April through September) the sun will appear to rise further to the East and earlier in the morning thus the effect of the shadow area will be even more exacerbated until the sun rises high enough to shine over the roof of the flats. Having had the benefit of this early morning sun for the last 20 years its sudden loss is undoubtedly to the detriment to my family, property and the amenities to which we are accustomed.

Image 2



Diagram n° 1



3. Biodiversity / Wildlife

The Planning Appeal Document: Statement of Case (henceforth referred to as “The Appeal”) States at 5.6 “*Responds to (and) draws inspiration from and **respects** local context and (see statements b, c and e)*”

In response to item b – this site clearly does not meet this statement in the fact that the developer laid waste to, flattened (twice) and destroyed entirely the original landscape thus removing the habitat and wildlife that existed there (fox, hedgehog, newt, frog, slow worm and all manner of bird and insect species and bats) before having the audacity to have an ecological survey report commissioned which surprisingly concluded that the site was of low nature conservation value. No consideration was given to the retention of even one mature tree for future wildlife and to help with biodiversity. The plans propose a landscaped garden with grass and shrubs. This proposal will not replace in the slightest what the developer has already destroyed in his attempt to secure planning permission. The original plot **was** the variety and interest but this has now been removed.

4. Height / Massing / Building Lines/Privacy

Response to item c- referring to **existing heights, massing, existing building lines**. To quote “existing building lines” the developer clearly acknowledges that there **are** established existing building lines (a fact that he disputes later in his document). The proposed building clearly exceeds this line by approximately 15 meters with the end of the building being more than half-way down the length of my rear garden. It should be noted that there are **no** other habitable dwellings constructed in any of the rear gardens on the South side of Padnell road that extend beyond or exceed the established building line to the rear, this includes single story let alone two-story dwellings. This is a clear indication that the proposed building is not only out of character with the neighbouring dwellings but also out of context due to its sheer mass, bulk, size, height and its opposite alignment to all other dwellings on the south of the road. It will be overbearing, over shadowing and will be to the extreme detriment of the neighbours in the loss of outlook from all rear gardens to the south of Padnell Road. It clearly does not **respect** existing building lines.

From the developers own plans and documents (2020/02) and even the arial photograph on the front of the Design & Access Statement (Dec 2020) it can be clearly seen that an existing building line exists at the **rear** of all dwellings on the south side of the road. Further confirmation of this can be seen in the image below. The build line is not accurate down to the exact centimetre as insinuated in the appeal document where the fact has been manipulated to distort reality, but this should not detract from the fact that there clearly is a build line and the image clearly shows the this. This is yet another instance of the developer failing to acknowledge one of the key reasons for the refusal in the first place. The developer has attempted to divert attention away from this issue by concentrating and focussing on the build line to the front of the dwellings. This is not an issue.

The yellow line indicates the existing build line, and the red line indicates the extent to where the proposed building would end. From the image below it is clearly evident that the proposed building would exceed by far the established build line and would extend half-way along the length of my garden. This clearly demonstrates the monstrous size and scale of this proposed building compared to the neighbouring buildings. At present anyone looking through the rear windows of their property cannot see the neighbouring buildings thereby maintain the unbroken and clear outlook and privacy of rear gardens. This contributes to the ambience of Padnell Road. Furthermore, contrary to the developers claim that the dwellings to the west of the site are all angled at 45 degrees to the road. This, again, is incorrect and not accurate as although they are set at an angle to the road it is no more than 10 degrees. Clearly apparent in the image below. As can also be seen in the image all of the dwellings in this part of the road run almost parallel to and follow the gentle curve of the road helping to maintain privacy and character of the area. Section 5.8 states: *The policy criteria include responding to local context, reflecting the characteristics of the area such as height, **massing and proportions** of building features, and **contribution to the street scene including its relationship with existing built form**. Development is to **avoid over-dominance** and **not cause unacceptable harm to the amenity of neighbouring properties**.* This proposal contradicts, does not respect or conform to any of the embolden items above. Indeed section 5.9 mentions “*by their very nature these criteria are broad and subjective providing scope for interpretation and for decision makers to exercise planning judgement*”. This statement MUST work both ways and not just in favour of the developer.



The west end wall of the proposed rear flats will be approximately 6 meters in height and constructed of plain red brick.

This is 3 times the height of my garden fence and will totally dominate the outlook from every inch of my rear garden and, more importantly it will be permanently in view from every room at the rear of my property. I find this to be totally unacceptable to have a 6m high brick wall running alongside my garden and for half its length. In addition to the size and position of the proposed building there are balconies on the upper floor to the rear. These serve as elevated viewing platforms giving almost full and unobstructed views into my garden. These will create a feeling of being observed whenever I am in my garden. Not only are they overbearing and overshadowing they are a clear invasion of my privacy. The developer in his appeal document also states that because the neighbours have “substantial gardens” the presence of the balconies should not be problem. This statement insinuates that neighbours should use other areas of their garden so that they cannot be observed from people using the balconies. The idea is that any new proposed building should respect the privacy of the residents who are currently living the vicinity – not the other way round. Furthermore, the second-floor windows of the front flats on the west elevation are almost directly above and inline with the roof lantern window of my kitchen. Again, an invasion of my privacy as any future occupant would have clear and unobstructed views into my kitchen / diner. This would be made worse during hours of darkness when the lights are on in this living area of my property. Appeal statement 5.6 para c) *Uses the characteristics of the locality to help inform the design of the new development including heights, **massing, existing building lines, plot widths etc.*** As explained in the paragraphs above several of the features have not been either considered or applied when designing this building. The developer also claims that size of the building would not be apparent or obvious when viewed from the road at the front. Again, I refer to the developer’s own plans which clearly show there is a space of approximately 4 meters between the proposed building and No 32. Combined with the angle at which the building would be set on the site the size and particularly it’s depth would be clearly visible from the roadway to the east from the centre of No32.

5. Precedent

As previously stated, there are no other habitable dwellings in the rear gardens of Padnell Road. So much so that several applications for rear extensions have been refused as they extended too far into the gardens thus impacting on neighbour’s privacy. The dwelling at No 20 when constructed did replace a smaller bungalow but was still restricted to a 3 or 4 bed family home. Restrictions were also placed on how far back the building could extend into the garden. This restriction also contributed to the maintenance of neighbour’s privacy in their rear gardens. Taking into consideration all of the previous refusals for larger extensions / builds it would set a dangerous precedence should this proposed development be allowed to proceed. Should any current or future residents apply to extend their property or indeed wish to construct additional dwelling(s), particularly in the form of flats, to the rear of their properties the council would find it extremely difficult to refuse planning permission based on the approval for this building.

Approval for this development would set a dangerous precedence of backland development that would undoubtedly be to the detriment of the local residents and the character and ambience of the neighbourhood. Indeed, the council would have their hands tied.

6. Summary

In making the decision to refuse planning permission the council considered all information available to them. They conducted sight visits and liaised and communicated (in advance) with the developer. The decision was not made on malice towards the developer but on sound judgement and experience considering all of the evidence and facts available to them.

The officer's conclusion was that the proposed development would have a detrimental and negative impact on the immediate neighbours and the character of the area. These reasons far outweighed the requirement for the flats and the needs of the developer. I am sure that the proposed building would be a fine, well-constructed, eco-friendly building using the latest materials and techniques, but this is not the right site for such a building. This was the conclusion of the case officer.

When reaching a conclusion and making a decision councillors take into consideration the feelings of immediate neighbours and local residents and the likely impact on them. Councillors are experienced and knowledgeable in these matters and as such should be trusted to make the correct decisions when it comes to planning applications. So as not to undermine the professionalism of the case officer I feel it only right that the inspectorate support and uphold the decision to refuse planning permission.