

APP/23/01078 – Fowley Cottage: Objection and Representations

These representations on the amended proposal are in addition to my representations of 15 February 2024 on the initial proposal

Overwhelming, Overbearing and Loss of Outlook

The Flats are overwhelming and overbearing when viewed from the adjoining property at No. 44, most particularly from anywhere in its garden, and also result in a loss of outlook and sunlight, causing an unacceptable harm to the amenity of its residents

The properties along the length of the south-eastern side of Warblington Road all observe the established building line. More to the point, the depths of their built structures are broadly similar.

The proposed block of four flats fronting Warblington Road also observes the established building line. But in contrast to the existing properties in Warblington Road, its built depth is almost twice as deep as them. In consequence, the rear half of the block of four flats is situated along the complete length of the boundary with the garden of the adjoining property, which extends to the electricity sub-station under the northern part of tree no. 9, the white poplar. Indeed, the Arboricultural Impact Assessment Appendix 2 shows it extends beyond the end of the garden of the adjoining property.

If an existing property on the south-eastern side of Warblington Road were to propose a two-storey rear house extension of a similar depth as the existing built house, it would not be approved due to its scale, bulk and form and its overbearing presence. The siting of the two-segment block of flats is an exact parallel of this situation.

Emsworth Neighbourhood Plan, D1,c) *“Development proposals should have regard to the Design Checklist in this plan.”*

Design Checklist, paragraph 5.03: *“It is important that applications for new development consider the impact of the development on existing residents”*

Design Checklist, paragraph 44: *“New buildings should be in scale within the context of the surrounding buildings and located where they will not overwhelm their surroundings.”*

It is acknowledged that this block of flats has been moved an additional metre away from the boundary with the adjoining property since the initial site plan, with most of its overlooking windows repositioned. Despite this, the rear half of the block remains only 5.2 metres away from the boundary of the garden of the adjoining property at its closest point and only 7.4 metres at its furthest point.

It is considered the proposal has still taken insufficient account of its impact on existing residents and the 4-flat block is not in scale within the context of the adjoining house at no. 44 or, indeed, adjacent buildings along the south side of Warblington Road.

Running the complete depth of no. 44 and being 2-storey with a pitched roof, at 7.5 metres height this close, the flat block still presents as overwhelming and overbearing when viewed from the adjoining property, especially the rear segment of the flat block. This is particularly so when seen from anywhere in the adjoining property's modest garden.

Core Strategy CS16,1.e) requires proposals to demonstrate *“The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.”*

In addition to being overwhelming and overbearing, it is considered the rear half of the flat block results in a loss of outlook from the adjoining property and particularly from its garden.

Design Guide: Additionally, the Council’s Design Guide SPD gives guidance when considering the effect of loss of sunlight on a garden. At paragraph 5.10, the guidance states *“the extensive obstruction of sunlight to an existing property or its garden by the construction of a new building or extension is likely to be unacceptable.”* (emphasis added).

The overwhelming and overbearing appearance of the flat block, and especially its 7.5m high rear segment, by virtue of its scale and bulk, and its resultant loss of outlook and sunlight, causes an unacceptable harm to the amenity of the adjoining residents

Character and Density

Design and density of development not in character with the locality

All 15 dwellings are the same basic design and of the same building materials. This is wholly at odds with the materials and variety of design and materials characteristic of the locality. It is not considered to accord with the policies in para. 140 NPPF, Core Strategy CS 16, and Emsworth NP D2, D5 & D1.

The built density surrounding the application site was stated to be 10.35 dph in para. 23 of the dismissed appeal in 2020 to APP/19/00623. The net developable area of the application site is 0.368 Ha. 15 dwellings is a density of 41 dph - four times that of the surrounding locality and 2 ¼ times the density of the previous application APP/20/00376 in 2021 which was declined solely on density grounds.

It is considered the proposal does not accord with the policy in para. 130 NPPF *“Significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area”*

Arboricultural Implications Assessment

Compliance with Core Strategy DM8 unclear

The consultee Tree Officer had numerous reservations arising from the initial Arboricultural Implications Assessment and did not recommend approval. This led to an amended site and tree plan and amended Arboricultural Implications Assessment. The Tree Officer has not been consulted on this amended Assessment or, if so, their response has not been received.

Therefore, it has not been established that the proposal meets the requirements of Core Strategy DM8 or is acceptable in biodiversity and arboricultural terms.

Inadequate Provision for Servicing by Refuse Vehicles and Fire Tenders

Normal parking in Warblington Road will prevent Refuse Vehicles from accessing and exiting the site.

Swept path analyses 206 and 207 in appendix 8 to Bellamy Robert's amended Transport Statement of 3 May 2024 demonstrate a refuse vehicle entering and exiting the site. They clearly show such a refuse vehicle will be unable to turn into the site, or turn out, if other vehicles are parked in Warblington Road, on either side, in the vicinity of the site's entrance. This is because these refuse vehicles need the full road width to be able to turn in and out. Being close to the foreshore, vehicles commonly park in this section of Warblington Road, particularly as it is between the yellow-lined sections.

It is considered the following two outstanding Highways Authority requirements of 10 June 2024 should be complied with:

1. The refuse authority be consulted to confirm that they are satisfied with the access arrangements, &
2. A Stage 1 Road Safety Audit for the site access

The internal roadway is cramped, causing difficulty in accessing the houses

The internal roadway is cramped, resulting in difficulty in reaching the furthest houses, particularly by larger vehicles and when vehicles are both entering and exiting. The turning provision for refuse vehicles, fire tenders and similar large vehicles is also cramped. The recommendation by the Highways Authority to relocate a vehicle parking bay and a cycle bay, because refuse vehicle tracking when reversing and turning is close to them, has not been implemented.

Refuse Vehicles will not collect from the furthest 2 houses and the furthest 3 houses will not be accessed by Fire Tenders

The swept path analyses do not demonstrate refuse vehicles collecting from the furthest 2 houses. To do so, they would need to reverse, which is a manoeuvre British Standard BS 5906:2005 "Waste management in buildings — Code of practice" advises should be avoided by refuse vehicles. Furthermore, the reversing distance of 27 metres to the furthest house is more than double the 12 metres recommended in the Standard.

In addition, these swept path analyses do not demonstrate a fire tender accessing the furthest 3 houses. To access the furthest house, it would need to first turn and then reverse 34 metres to bring its rear to the furthest house.

Paragraphs 4.22 & 5.8 of the Transport Statement merely say "*Swept path analysis demonstrates that both refuse and fire tender vehicles can successfully access and manoeuvre within the site in forward gear.*". They do not state they can manoeuvre in reverse gear.

Fire Authority has not confirmed it is satisfied there will be adequate means of access for the fire brigade

In response to consultation, the Highways Authority has stated that the emergency services should be consulted on access. In response to consultation, the Fire Service has stated that access should be in accordance with S.12, Hampshire Act 1983 and Approved Document B5 of the building regulations. Section 12 requires the fire authority to be satisfied there will be adequate means of access to each of the buildings when building regulation approval is sought. Approved Document B5 require access for a pumping appliance to within 45 metres

of all points within a house. Dead end access routes requiring a fire tender to reverse should not be more than 20 metres long.

The swept path analysis for a fire tender in Appendix 8 to the May Transport Statement shows a fire tender entering and turning to exit. It does not demonstrate that, having turned, a fire tender can get within 45 metres of all points within the furthest house without reversing more than 20 metres. Therefore, the access arrangements will not secure building regulation approval.

It is appreciated the current application is for planning, and not building regulation, approval. Nevertheless, the site constraints will not permit the access and the internal roadway to be capable of alteration after planning approval is given, should it be that confirmation by the Fire Service cannot be given. Therefore, it is considered that planning approval should not be given before the Fire Service has confirmed it is satisfied under the Hampshire Act and under the building regulations. This confirmation has not been given.

It is unclear if the perforated cellular confinement system for the internal roadway will support the weight of a refuse vehicle

British Standard BS 5906:2005 “Waste management in buildings — Code of practice” states *“Roads providing access to buildings should have foundations and a hardwearing surface capable of withstanding the gross vehicle weight of the waste collection vehicle.”* No information is given in the proposal as to the axle weight of the Phoenix 2 Duo refuse vehicle in the swept path analyses nor of the load bearing capacity of the perforated cellular confinement system, such as ‘Geoweb’ or ‘Cellweb’, to be used for the internal roadway. Consequently, it is unclear whether the roadway will support a refuse vehicle.

Affordable Housing

Providing affordable housing does not make best use of the site or be in all parties’ interests because of the high relative market value of housing in the locality

It is acknowledged that policies require the proposal to include affordable housing. It does so by providing four 2-bedroom flats and one 3-bedroom semi-detached house.

A small, 3-bedroom bungalow, (Redacted), on the market with an Emsworth estate agent, sold earlier in 2024 for £1,200,000. It is suggested this is in line with market values of dwellings in this locality which is close to the foreshore. Even at massive discounts to market rent levels or market values, the designated affordable housing will remain unaffordable to those for whom affordable housing is intended.

It is suggested it would better serve the interests of those for whom affordable housing is intended, local residents and the applicant or their developer if the designated affordable housing units are replaced by market houses and the applicant be permitted to make a payment in lieu of affordable housing.

Boat Storage

Avoidance of overflow parking in Warblington Road

In response to representations, the applicant’s planning advisor has stated *“The Applicants can confirm that boat parking/storage will take place at the owners’ properties or on other*

land within the application site/owners control". If, despite this objection, the Council approves the application, it is considered that to minimise overflow parking in Warblington Road because of use of on-site parking spaces for boat or trailer storage or similar and as the 'other land' is outside the red-lined application site, provision of boat, etc, storage in the blue-lined area should be secured by a S.106 agreement. The agreement should provide for adequate gateway access to the boat storage area from the red-lined site for boats and their trailers.

If this is not possible, boats, etc. will be stored on-site in parking spaces, displacing parking onto Warblington Road, where there is insufficient space due to existing parking, entrances, road junctions and yellow-lined sections.

I strongly urge the Council to decline this application in its current form or secure a reduction in the density nearer to that of the surrounding locality.

(Redacted)