

Planning Development,
Havant Borough Council,
Public Service Plaza,
Civic Centre Road,
Havant, Hampshire,
PO9 2AX.

26 June 2024

Dear Sir/Madam

Objection Letter – Planning Reference: APP/24/00298

Site Address – 51 Winifred Road, Waterloooville, PO7 7TD

Proposal - Installation of a two storey chalet bungalow (Revised)

LRJ Planning Ltd has again been instructed by [REDACTED]
[REDACTED] to review and draft a formal objection response to
the above planning application on behalf that has been lodged with the Council.

Following a comprehensive review of the submitted plans and documents, it is evident that this latest proposal will still result in significant harm to my client's property, as well as the wider residential area. As a result, my client has serious concerns with the application proposed and therefore continues to strongly **OBJECT** to the application for reasons that will be detailed below.

1.0 BACKGROUND

My client on 24 July 2023 previously objected to an application under planning reference: APP/23/00416 for an outline application for erection of 1No dwelling with private garden,



new access and off road parking for access, landscaping and scale with other matters reserved. This application was withdrawn on 22nd August 2023.

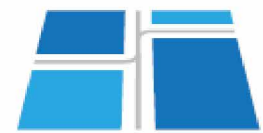
It is clear from this latest scheme that no consideration has been given to the previous concerns raised.

2.0 SUMMARY GROUNDS OF OBJECTION

In summary, my client objects to the planning application for the following reasons:

- i) **As a result of the nature of the use , as well as the intensive use of internal and external areas, the proposal will severely harm the level of residential amenity enjoyed by nearby residential properties [REDACTED] [REDACTED] through a loss of privacy, an unacceptable increase in noise and disturbance, excessive shadowing and overbearing impact;**
- ii) **The applicant does not benefit from access to and from the adopted highway network. The proposal as a result of the intensification in use of the site, as well as lack of on site parking, inadequate visibility splays and the resulting increase in the level of traffic to and from the site that will be detrimental to highway safety on a sensitive part of the highway network;**
- iii) **Flood risk concerns and lack of surface water strategy for the site;**
- iv) **The creation of this backland development will have an adverse impact on the character and appearance of this area; and**
- v) **The development will have an unacceptable impact on the local environment through an adverse impact on trees and biodiversity.**

The above concerns will be articulated below following a summary review of the development, and the prevailing local and national planning policy context.

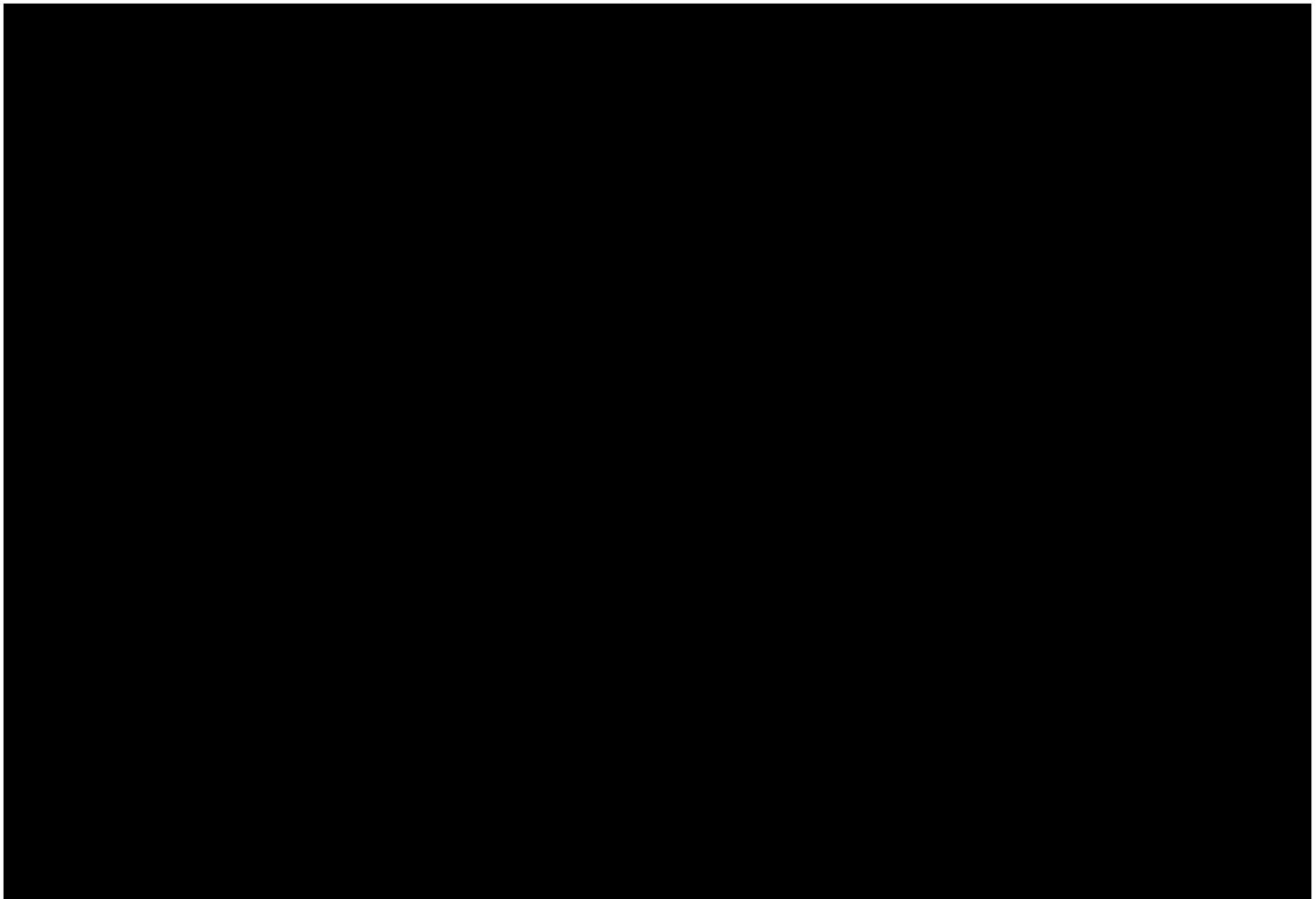


3.0 SITE DESCRIPTION AND CONSTRAINTS

The application site is located at the rear of 51 Winifred Road. A single width private drive that serves Nos.36 to 48 Muriel Drive runs to the side of No.51.

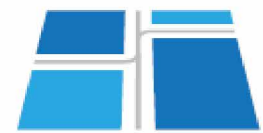
The surrounding area is made up of traditional style properties that are sympathetic to the overall character and appearance of the area. The site acts as an important green buffer. It is noteworthy that a number of mature trees have been removed from the site and the motives behind this are now clear with this latest scheme and the size of the dwelling proposed.

View of the Site and Relationship with Adjacent Residential Area



4.0 PROPOSAL

Full planning permission is sought for the erection of a two-storey chalet style dwelling and



the use of a private drive for access. It is notable that there will be a more intensive use of the site that will be fully functional 24 hours a day for 7 days a week.

5.0 PLANNING POLICY CONTEXT

In December 2023, the Government published the latest version of National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are expected to be applied. The NPPF took immediate effect.

Paragraph 2 of the NPPF states that *"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."*

Paragraphs 7 and 8 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and environmental dimensions.

The NPPF retains a presumption in favour of sustainable development. Paragraph 11 reaffirms that *"applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."*

The Development Plan comprises the Havant Borough Local Plan (Core Strategy) March 2011 and the Havant Borough Local Plan (Allocations) July 2014. The policies that are pertinent to this objection letter are attached at **Appendix A**.

6.0 DETAILED GROUNDS OF OBJECTION

i) Severe Impact on Neighbour Amenity

The proposal will result in the construction of a substantial two-storey dwelling that fills the width of the plot along with the use of the private road, and access serving a large parking area [REDACTED] This significant development will be sited [REDACTED]



other neighbouring properties, along Muriel Road.

In relation to the impact on the amenity of neighbouring properties, Paragraph 135 of the NPPF is particularly important and it states:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users (our emphasis)**; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Paragraph 135 (f) of the NPPF clearly describes that decisions should ensure that developments have a high standard of amenity for future or existing users. NPPF paragraph 191 decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution



on health, living conditions and the natural environment.

My client's [REDACTED] dwelling benefits from habitable room windows [REDACTED]
[REDACTED] The introduction of substantial built form, along with parking area that would span significantly to all boundaries of the site would have a significant adverse effect on the level of amenity enjoyed by my client.

The development would basically result in the enclosure of [REDACTED] residential property through this insensitive development. The proposal would have the following significant harmful effects:

- Increased sense of overlooking and loss of privacy
- Increase in noise/disturbance, light pollution and poor air quality;
- Loss of day light, outlook, extensive overshadowing;
- Overbearing impact; and
- Health and safety concerns.

Loss of Privacy

The plans detail the provision of a two-storey dwelling, which will have two first floor windows in the side elevation (west aspect) [REDACTED]. Due to the minimal separation distance this will allow direct overlooking into currently private areas of my client's property. This will inflict a significant level of harm, [REDACTED] will feel totally overlooked. Even if these windows are obscurely glazed and non-opening, there would be a loss of perceived privacy.

Noise/Disturbance, light pollution and Air Quality

My client is concerned that due to the nature of the use it will encourage significant activity at the site for extensive periods of the days. The following activities on the boundary with



their property are likely to result in unacceptable harm:

- Light pollution from lighting that will be needed for the car parking area;
- Increase noise from users at the site including from vehicles entering and leaving the site, the opening and closing of car doors and boots at all times of day and night;
- Being awakened by maintenance and delivery vehicles servicing the site;
- A significant increase in vehicles entering and leaving the site during the morning and evening.

The creation of such a substantial development on the boundary with an established residential area is going to result in a very different relationship than the existing green space at the site, which is devoid of development.

Noise and disturbance are a common concern associated with any increase in development close to residential properties.

The development will result in a poor internal and external living environment for my client. It will have a direct impact on ■■■ health and wellbeing, as a result of an increase in poor air quality caused by an increase in vehicles entering the site during all hours of the day.

The omission of an Air Quality Assessment is telling and the Council does not have any cogent evidence to demonstrate that due to the poor air quality that is generated from the site that there will be no harm to my client from the increased intensification of the use of the site from vehicles entering the site.

Overall, the proposal will result in unacceptable harm through an increase in noise and disturbance during social and unsociable hours, as well as increase in light pollution. Furthermore, the increase in fumes will impact on my client's health and wellbeing. The proposal is therefore contrary to the NPPF as well as local planning policy.



Overbearing Impact

Due to the built form's close proximity to the boundary, along with its overall size, scale, mass, and poor design, it will appear as an imposing and obtrusive structure from my client's property, clearly having an unacceptable overbearing impact. The substantial development's vertical and lateral spread will make it visually oppressive.

Loss of daylight /sunlight and overshadowing

My clients property is a tranquil place and benefits from natural light flooding into his property.

Given the substantial size of the development in respect of my client's property and the path of the sun, it is imperative that a Daylight/Sunlight and Shadowing Assessment is provided in support of the application to demonstrate that there will be no impact on my client's property.

The Council does not have any cogent evidence to demonstrate that there will be no unacceptable loss of light, outlook or excessive overshadowing at adjacent dwellings.

Health and Safety

Paragraph 101(a) of the NPPF goes on to add that *"Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate (including visitor attractions and night time economy venues). Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies



about the nature of potential threats and their implications.

This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security”

In light of the above, it is evident that it appears there is insufficient fire escape for such a high number of users at the site. Has the Health and Safety Executive and Fire Authority been consulted on the application?

Overall, there are a number of inaccuracies within the supporting documentation, as well as fundamental omissions in respect of technical evidence. The proposal will result in unacceptable harm through an unacceptable loss of privacy from the two first floor windows in the side elevation, along with an increase in noise and disturbance during social and unsociable hours, as well as increase in light pollution. The increase in fumes will impact on my client's health and wellbeing. Furthermore, the introduction of built form and associated parking areas along the boundary with neighbouring properties would have a significant adverse effect on the level of amenity enjoyed through overshadowing, overbearing impact, as well as a loss of outlook and daylight. The proposed development impacts on my client's right to a private family life and home under Article 8 of the Human Rights Act 1998. The proposal is therefore contrary to the NPPF as well as local planning policy.

ii) Effect on Highway Safety

Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

My client is particularly concerned about the use of the private road for access to this insensitive development. The proposed intensification of the use of this access on to the highway network will lead to a greater conflict for all road users, thus increasing the risk for accidents.

The access drive is narrow, in poor condition with no footways and no street lighting. It is



simply dangerous and is going to be prejudicial to highway and pedestrian safety. The level of traffic will increase the volume of traffic along this private road. Any intensification will increase the level of risk.

The proposed site plan is ambiguous as it does not illustrate how vehicles including delivery vehicles can access, park and turn safely within the site. No tracking plans for larger vehicles or details of the access arrangements have been provided in respect of the requisite visibility splays that can be achieved on to the highway. It has not been demonstrated that suitable access to the development can be provided.

Damage to Private Road

Muriel Road, a private and unadopted road, is not suitable for significant heavy goods vehicle (HGV) use. The road's current condition cannot support the substantial wear and tear from heavy construction vehicles.

Maintenance of Private Muriel Road

Muriel Road lacks tarmac, streetlights, pavements, kerbs, and road markings. The residents of 36-48 Muriel Road have individually taken responsibility for its maintenance, including laying tarmac, filling potholes, and resurfacing with stone dressing. [REDACTED]

[REDACTED] The increased use and damage from construction traffic will place an unfair burden on the current residents who maintain the road.

Danger to Pedestrians and Blocking of Right of Way

Muriel Road is a single-track road without a turning point. Large HGVs required for delivering heavy materials will block residents' Right of Way for extended periods. Contractor vehicles parked on the road will cause congestion and obstruct residents' access to and from their properties. Additionally, the increased traffic poses a significant health and safety risk to



pedestrians, as there is no pavement, and the lack of a turning point will necessitate frequent reversing by heavy vehicles.

Danger from 25% Increase in Traffic and Blind Spot

The proposed development includes four new parking spaces, increasing current traffic by 25%. The planned entry and exit points create a blind spot on this single-track road. This increase in traffic and the new blind spot will introduce additional hazards and dangers to the existing residents of Muriel Road.

Access for Emergency Vehicles and Waste Arrangements

Paragraph 6.8.9 of Manual for Streets stipulates that in respect of refuse collection, residents should not be required to carry waste more than 30m to the storage point. In this case, future occupants of the dwellings will have to transport waste far in excess of this distance. The proposed refuse arrangements are therefore unacceptable. Due to the narrow width of the access serving the site that it is not capable of accommodating a larger vehicle. This raises serious doubt if the street becomes blocked about how emergency vehicles can gain quick and easy access to the site, as well as neighbouring properties if there was a fire or accident. Has the Fire Authority been consulted on the application?

With inadequate access for a fire appliance the level of risk is too high and the development must fail on this ground alone.

Ultimately, the proposed intensification of the use of this access and local highway network will lead to a greater conflict for all road users, thus increasing the risk for accidents and potential harm for all road users. This presents a significant hazard for pedestrians and all road users.

Finally, it should be noted the private drive is not adopted and my client will not allow or provide any permission for the development to utilise this private road.



Overall, the proposal would increase the number of vehicles using this part of the highway network, thus increasing the conflict with pedestrians. Due to the narrow width of the access serving the site it will lead to parking on the highway that will impede the safe movement of all vehicles. The proposal poses great risk in respect of access for fire appliances. Further to this the proposed development will have a detrimental impact on Muriel Road due to the unsuitability of the road for heavy traffic, the burden on residents for road maintenance, obstruction of Right of Way, increased danger to pedestrians, and the hazards introduced by additional traffic and blind spots. Agreeing to this as laid out in the Planning Application would be disregarding legality as specified within The Road Safety Act. This would prejudice the safety and free flow of traffic on this part of the highway network to the detriment of highway and pedestrian safety. Moreover, the site cannot be accessed from the highway network. Accordingly, the proposal is clearly contrary to the NPPF and Manual for Streets.

iii) Flood risk and surface water drainage

My client notes that the private road floods in heavy rain which runs down Winifred road and down Muriel Road pooling in the cul de sac due to inadequate drainage. Photographic evidence of this can be provided if required.

Floodwater from surrounding areas continues to erode and deposit mud, clay, and dirty water onto our client's private property. Additional local development will only exacerbate this issue. A watercourse runs along the back of all the gardens on Winifred Road, and when it becomes blocked, additional surface water is diverted to Winifred Road, subsequently washing down the private Muriel Road. Development at the rear of 51 Winifred Road could significantly impact surface water flooding.

My client is concerned about the surface water strategy adopted for the site and that there is no increase surface water flowing from the site on to his property and private drive, that would cause third party detriment.



iv) Adverse Impact on the Character and Appearance of the Area

The objectives of the NPPF include those seeking to secure high quality design and a good standard of amenity (Section 12 – Achieving well-designed places). Paragraph 131 highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Notably, paragraph 40 of the National Design Guide stipulates that “well designed new development responds positively to the features of site itself and the surrounding context beyond the site boundary.” Paragraph 49 goes on to say that the “identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. In addition, paragraph 51 describes that local identity is made up of typical characteristics such as the pattern of housing, and special feature that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.

The above is echoed in local planning policy. In general terms, must relate well to adjacent properties and should not result in a detrimental change in the area or to the amenity of neighbouring properties. Ultimately these policies highlight that new development should be of a high quality and be compatible with the surrounding pattern of development.

The application site currently lacks any development. The surrounding area is characterized by traditional 1930's to 1950's dwellings. Inappropriate backland development, such as the one proposed, does not align with the character of the area. The proposed development is



simply not in keeping with the area's established aesthetic.

The introduction of a two-storey dwelling, with its squat appearance, along with the associated access and parking area, would dominate and overwhelm the area. The proposal fails to respect the existing pattern of development, resulting in a cramped and incongruent form of construction.

The development will be highly prominent from the adjacent residential area and will appear visually oppressive, clashing with the row of dwellings opposite. The proposal shows no appreciation for the surrounding built environment, including the nearby residential area.

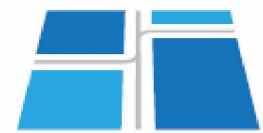
It is evident that the proposed development would appear alien and contrived. This issue is exacerbated by the limited separation distance from the site's boundaries. Combined with the size, scale, height, hardstanding, and parking area, the development would be extremely prominent, significantly hardening the site. It would spread laterally and vertically across the site, contrasting sharply with the existing sense of spaciousness.

Overall, this speculative proposal will result in a development that is hopelessly out of place in its surroundings, causing unacceptable harm to the street scene and the area's character and appearance. It would appear incongruous and poorly related to the surrounding development, dominating the skyline. Accordingly, the proposed development is clearly contrary to the NPPF and local planning policies, which seek high-quality design.

v) Trees and Biodiversity

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making.

My client advises that the site is home to abundance of wildlife including birds and protected species.



Paragraph 136 of the NPPF identifies that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

The application is not accompanied by a Tree Survey, Tree Constraints Plan, and Arboricultural Impact Assessment. From the information provided, it is clear that the proposal will lead to an impact on trees. Moreover, the Council's Landscape Consultant identifies that *"We have concerns with the loss of mature trees to accommodate the site"*.

The proposal will result in an increased level of lighting emanating from the site that will impact on bats who used the green corridor. Full details of external lighting should be provided.

It is evident that the scheme has been designed to maximise the level of parking and footprint of the development. The scheme has been designed with the trees and biodiversity viewed as a constraint.

7.0 CONCLUSION

There are compelling reasons why this latest planning application should be refused as the development comprises inappropriate development. In particular the following harm will result:

- **Adverse impact on neighbour amenity** – This insensitive proposal through the provision of two first floor windows on the side elevation [REDACTED] will result in a loss of privacy [REDACTED]. Furthermore, it will result in an unacceptable impact through increase in noise and disturbance, as well as poor air quality and light pollution. It will also result in a loss outlook, daylight, extensive shadowing,



overbearing impact on adjacent residential dwellings.

No access off adopted highway - The site does not benefit from access off the adopted highway network and my client does not agree or provide permission for the development to be served off this private drive. The proposed development will negatively impact Muriel Road due to the road's unsuitability for heavy traffic, the increased maintenance burden on residents, obstruction of the Right of Way, heightened danger to pedestrians, and the hazards created by additional traffic and blind spots. Ultimately, the proposal will lead to a severe harm to highway safety for all road users as a result of an increase in traffic (residents, visitors, servicing and delivery vehicles) on a sensitive part of the highway network;

Increased risk of flooding - There are genuine concerns about the surface water strategy that will be adopted for the site and the impact this will have in respect of third party detriment.

Unacceptable form of backland development - The development will visually jar with the surrounding development and appear as incongruous. The proposal will appear as a cramped form of development that is not reflective of the size and scale of the adjacent built form; and

Destruction of the local environment - The development will have an unacceptable impact on biodiversity including protected species, as well as trees.

Overall, the proposal is contrary to both local and national planning policies and does not comprise sustainable development. Therefore, it is respectfully requested that the planning application is refused.

Yours faithfully

Lloyd Jones MRTPI
Director



Appendix A – List of Relevant Policies

Havant Borough Local Plan (Core Strategy) March 2011

CS8 (Community Safety)
CS9 (Housing)
CS11 (Protecting and Enhancing the Special Environment)
CS14 (Efficient Use of Resources)
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
DM1 (Recreation and Open Space)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)
DM10 (Pollution)
DM12 (Mitigating the Impacts of Travel)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries & Undeveloped Gaps between Settlements)
DM18 (Protecting New Development from Pollution)