

Havant Borough Council
Planning Department

24 July 2023

Send via Email

Dear Sir/Madam

Objection Letter – Planning Reference: APP/23/00416

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

Proposal - 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.

LRJ Planning Ltd has been instructed by [REDACTED] who is the owner occupier of [REDACTED] Muriel Road, Waterloooville, PO7 7TE 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 the proposal will 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 **OBJECTS** to the application for reasons that will be detailed below.

1.0 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 through an unacceptable increase in noise and disturbance. Due to the position of the site as well as the location of the parking area and use of the private drive as access, the proposal will lead to a loss of light, privacy, excessive shadowing and overbearing impact on adjacent residential properties;
- 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 such a substantial development will result in the overdevelopment of the site and 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.

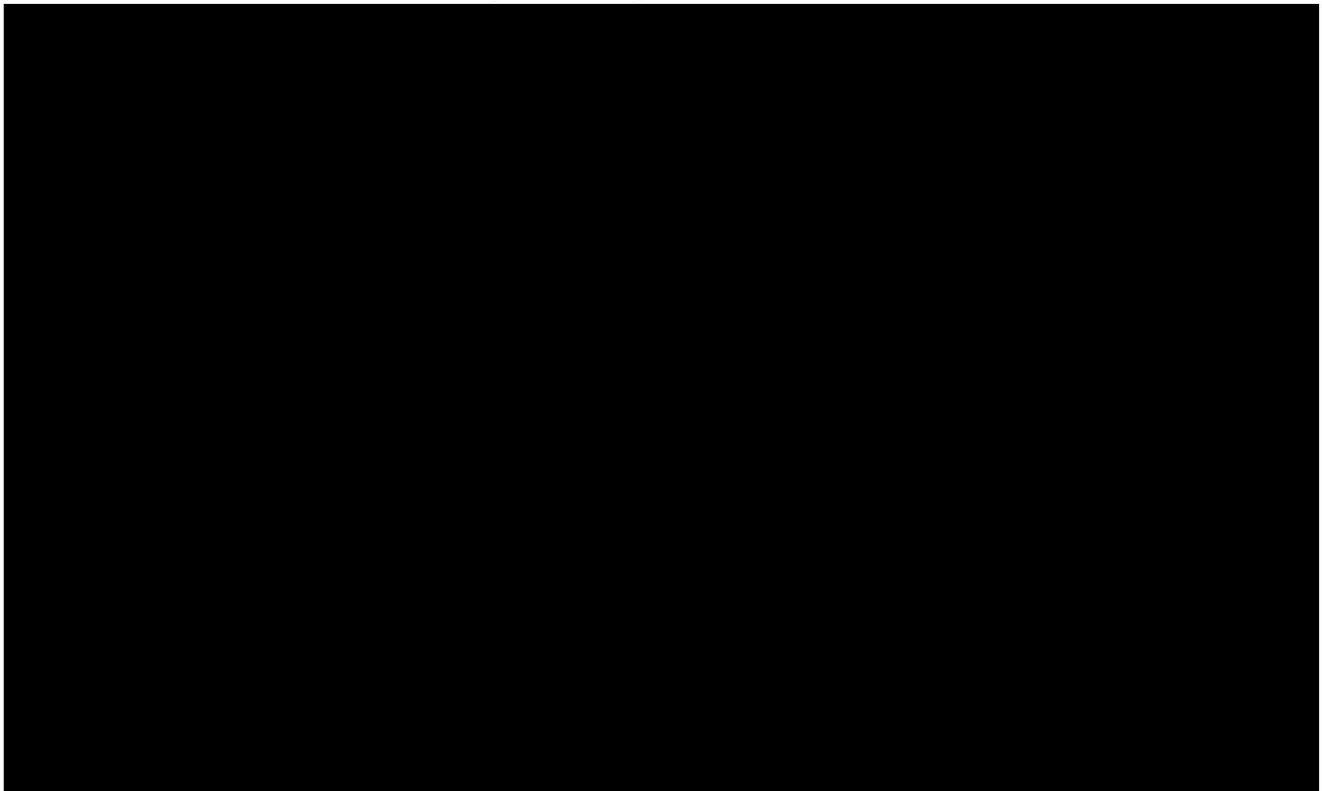
The above concerns will be articulated below following a summary review of the development, and the prevailing local and national planning policy context.

2.0 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 trees have been removed from the site and the motives behind this are now clear.

View of the Site and Relationship with Adjacent Residential Area



The closest residential development to the development site include my client's property at [REDACTED] as well as other residential properties.

3.0 PROPOSAL

Outline planning permission is sought for the erection of a 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.

4.0 PLANNING POLICY CONTEXT

In July 2021, 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**.

5.0 DETAILED GROUNDS OF OBJECTION

i) Severe Impact on Neighbour Amenity

The proposal will result in the construction of a substantial development along with the use of the private road, and access serving a large parking area directly adjacent to my client's property. This significant development will be sited directly to the east of my client's property, as well as other neighbouring properties, along Muriel Road.

In relation to the impact on the amenity of neighbouring properties, Paragraph 130 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 130 (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 185 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.

This is reinforced through paragraph 185 of the National Planning Policy Framework (NPPF), which states:

“Planning policies and 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

Specifically, the Planning Practice Guidance at Paragraph: 003 Reference ID: 30-003-20190722 stipulates that “Plan-making and decision making need to take account of the acoustic environment and in doing so consider:

whether or not a significant adverse effect is occurring or likely to occur;

whether or not an adverse effect is occurring or likely to occur; and

whether or not a good standard of amenity can be achieved.

In line with the Explanatory note of the noise policy statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

My client's dwelling benefits from habitable room windows facing the application site. The introduction of 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 his residential property through this insensitive development. The proposal would have the following significant harmful effects:

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

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 his 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.

Increased risk of fear of crime

Paragraph 92 (b) of the NPPF identifies that *“planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion”*

The intensification in the use of private access drive and creation of a parking area opens up the site and increases the risk of crime and fear of crime.

Loss of Privacy

Although in outline, the layout plans detail the provision of a substantial built form within the site and the creation of a parking area that will allow direct overlooking into private areas of my client's property. The lack of a sufficient separation distance compounds this and the loss of privacy will arise throughout all times of the day and night.

Overbearing Impact

As a result of the proximity of the built form close to the boundary and its overall, size, scale, mass and poor design, it will appear as an imposing and obtrusive structure from my client's property that will clearly have an unacceptable overbearing impact. It is evident that due to the vertical and lateral spread of the substantial development it will appear as 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. Daylight is the light received from the sun which is diffused through the sky's clouds. Even on a cloudy day when the sun is not visible a room will continue to be lit with light from the sky. This is also known as 'diffuse light'. Any reduction in the total amount of daylight can be calculated by finding the 'Vertical Sky Component'.

The Vertical Sky Component (VSC) is the ratio of the direct skylight illuminance falling on

a vertical face at a reference point (usually the centre of a window), to the simultaneous horizontal illuminance under an unobstructed sky.

The guidance states that the VSC will be adversely affected if after a development it is both less than 27% of the overall available diffuse light and less than 0.8 times its former value.

Therefore, if the VSC is more than 27% then enough light would still be reaching the window of the neighbouring building. However, if the VSC is less than 27% as well as less than 0.8 times its former value the occupants will notice the reduction in the amount of skylight.

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 97(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 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 extensive overlooking, overshadowing, overbearing impact, 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 111 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.

The lack of parking for visitors will exacerbate the existing parking issues and further impede the safe movement of vehicles. Given these local circumstances the parking provision proposed is one that is deficient.

Paragraph: 004 Reference ID: 42-004-20140306 of the Practice Planning Guidance identifies that Transport Assessments and Statements are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans). Transport Assessments are thorough assessments of the transport implications of development, and Transport Statements are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development (ie in the case of developments with anticipated limited transport impacts).

Given the nature of the proposed development and the level of traffic that will be generated by these units, it is critical that for a sound decision to be made that a Transport Statement is provided in support of the application.

In addition, 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, there are also significant issues regarding the construction and future maintenance of the site as any traffic would have to utilise the private road, raising further highway safety fears. Again, 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. Undoubtedly, the proposal will increase the wear on the unmade 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. 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.

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 126 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 is devoid of any development. The surrounding area is characterised by traditional development finished in locally distinctive building materials. Inappropriate backland development such as this does not form part of the character of the area. The development proposed is simply not characteristic of this area and will not be in keeping.

The provision of a substantial dwelling, together with associated access and parking area would dominate and subsume the area. The proposal clearly fails to respect the surrounding pattern of development. Given these factors the proposal would result in a cramped form of development that is not in keeping with the surrounding pattern of development.

The development will be extremely prominent from the adjacent residential area and will appear as visually oppressive. It would appear at odds with the row of dwellings opposite.

The proposal has no appreciation for the surrounding built form including the adjacent residential area.

It is clear that the proposed development would appear as an alien and contrived. This harm is compounded as the development would have a limited separation distance with the boundaries of the site. Along with the size, scale, height, hardstanding and parking area the development would be extremely prominent and significantly harden this site. It would spread laterally and vertically through the site, in contrast to the existing sense of spaciousness offered by the site. Given the extent of the development it would appear as a poor quality scheme.

Overall, it is considered that the speculative proposal will result in a development that will be hopelessly out of place in its surroundings and unacceptably harmful to the street scene and the character and appearance of the area. It would appear as incongruous, poorly related to the surrounding development that would dominate the skyline. Accordingly, the proposed development is therefore clearly contrary to the NPPF and local planning policies, that seeks 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 131 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.

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.

From the plans and information provided, it is not clear how the development will result in any biodiversity enhancements. Indeed, from the scheme presented there will be a net loss of biodiversity across the site.

It is imperative to ensure that the Council satisfies its public duty in respect of the above Act. As it stands the proposal directly contravenes this Act.

6.0 CONCLUSION

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

Adverse impact on neighbour amenity. 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 loss of privacy, outlook, daylight, extensive shadowing, overbearing impact on adjacent residential dwellings;

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;

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 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; and

The development will have an unacceptable impact on biodiversity including protected species, as well as trees.

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

Finally, it is noted that there are a number of deficiencies with the application and in

particular a number of the questions on the application form have been answered incorrectly. It is trusted that the Council will raise this with the applicant.

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 a
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)