



SDA Planning Ltd, 19 Well Copse Close, Horndean, Waterlooville, Hants, PO8 0HB

FAO: Mr Steve Weaver and Mrs L. Wells
Planning Department
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hants
PO9 2AX

15th November 2019

Dear Mr Weaver and Mrs Wells

**Re: APP/19/00421 - Demolition of existing dwelling and construction of a replacement 1 No. 3 bed detached dwelling, including balconies to front elevation and a single storey to the rear:
Point View, 10 Western Parade, Emsworth, PO10 7HS**

I write on behalf of the [REDACTED] and other neighbours who wish to maintain their **objections** to the proposal as it currently stands. The reasons for this objection are detailed below:

Procedural

The first area of objection relates to the encroachment of the proposed development onto and over the site of adjoining neighbour 9 Western Parade. Whilst Notice has now been served on the owners of 9 Western Parade, **the owners do not and will not grant consent, over and above the existing title agreement, to construct any part of the development on and over their site**, as such it will not be possible for the development to be lawfully implemented. The applicant will therefore need to bring the extension off of the boundary to ensure that the development is fully contained within the application site.

It is recommended that a set back of 1m be provided off of the boundary to address the above matter which would also be consistent with the development along this part of Western Parade.

Bats

It is noted that the Chichester Harbour Conservancy Officer has raised concern regarding the possible impact on bats, a view shared by the many objectors who have observed bats within Western Parade. All bat species and their roosts are legally protected in the UK. All bats are listed as European protected species of animals in the European Union's Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as the Habitats Directive.

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This Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).

There is also some protection for bats and roosts in England and Wales under the Wildlife & Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

Under the National Planning Policy Framework (NPPF, 2019) Local Planning Authorities have an obligation to promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species as identified under the Natural Environment and Rural Communities Act 2006. In the absence of a survey to confirm whether or not bats are present on the site the LPA cannot conform with its legal and statutory duty. As such **in the absence of the necessary survey this planning application cannot be approved.**

Decision Making Process

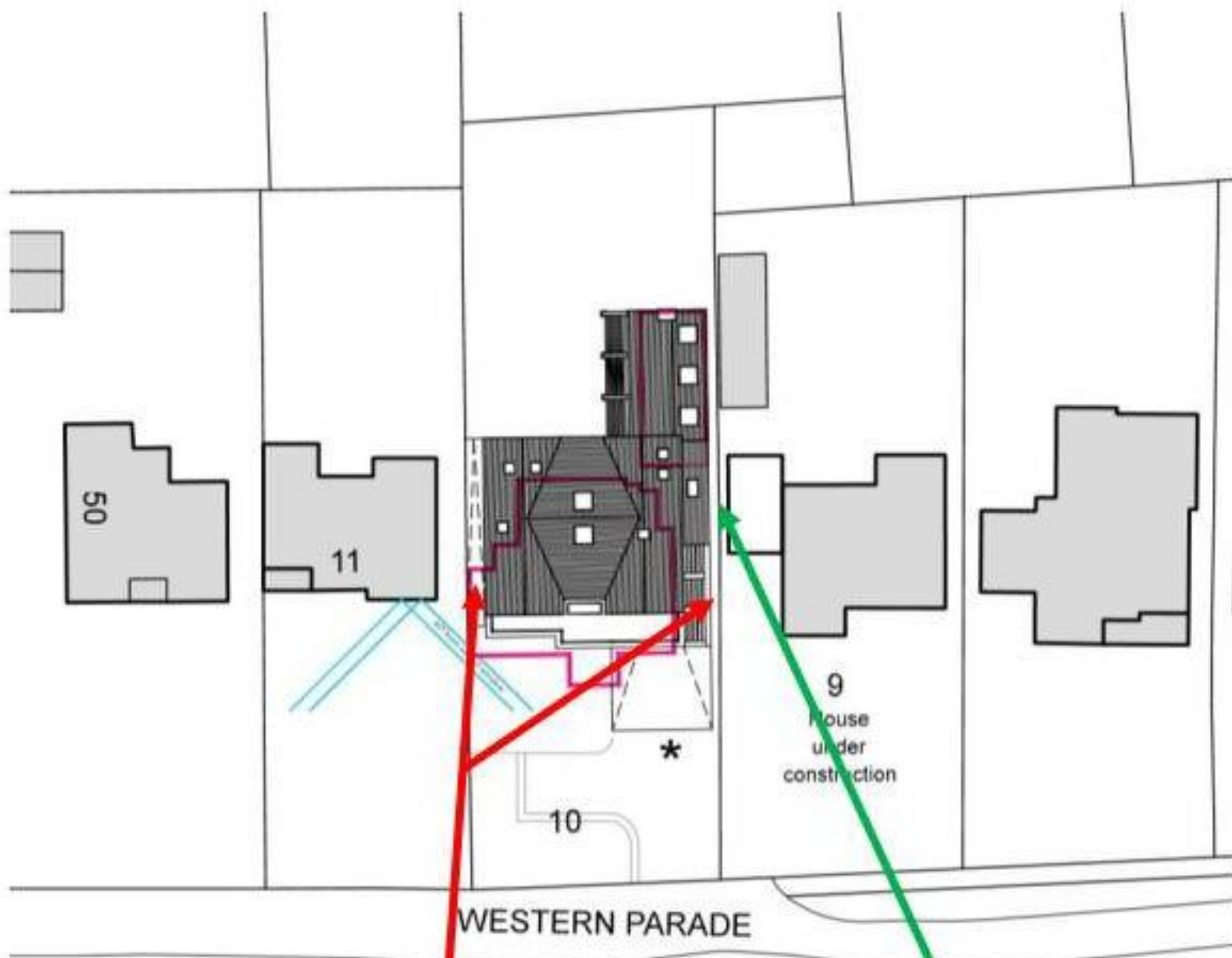
Having regard to the improper placement of the site notice by the LPA (making it unclear where the development was proposed), the incorrect information continually provided as part of this application by the applicant, the lack of a bat survey and the constant re-consultation and maintained objections as well as allegations made regarding the process, on both sides, it is argued that the decision for this application should be made by a planning committee instead of a delegated officer decision. This is in order to maintain transparency with the planning process and to be sure that all matters of concern and planning issues are considered prior to a determination in an open format. It is considered that this approach would also maintain credibility and faith in the planning decision making process.

Outstanding Planning Considerations

Notwithstanding the fact that it is maintained that the LPA cannot legally grant a planning permission for the above application, as it stands, there are some outstanding planning matters which are detailed as follows:

Impact on character and AONB

Paragraph 172 of the NPPF states: *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads."* It is maintained that the two storey width across the entire site fails to accord with the impact the site has on the immediate character of the area and the wider visual amenity of the AONB. The erosion of space from the side boundaries would impact on the existing spacing provided between dwellings along this section of Western Parade, creating a terracing effect and undesirable precedence in respect of the long term character of the area. The development as it stands remains incongruous with the current pattern of development and is visually harmful with the proposed dominant two storey bulk and mass along the width of the plot (see plan below).



Two storey development across the entire width of the plot. Out of keeping with and uncharacteristic of the existing built form of the area. This development results in a clear erosion of space currently afforded between dwellings.

Inaccurate plan. The plan does not show the inset of the boundary and resultant harm and encroachment onto 9 Western Parade.

It is noted that the applicant relies on the existing footprint and built form on the site to support the proposal, however at present the site accommodates a modest detached bungalow with two storey construction at the rear that is very much out of keeping. The replacement of the modest bungalow with a sizeable two storey addition, whilst retaining much of the bulk and massing at the rear creates a more dominant and sizeable overdevelopment of the site, that rather than be in keeping or respectful of the existing pattern and scale of development challenges and is at odds with it. The development therefore fails to apply the requirements and criteria of Policies CS12 and CS16 and disregards the objectives of the advanced Emsworth Neighbourhood Plan, particularly policy L4b..

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The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development (para.10). The National Planning Policy Framework clearly states that: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."* (para.47). This should be implemented and applied to this proposal.

Paragraph 124 of the NPPF states: *"The creation of high-quality 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."* It is maintained that the applicant and development has failed to effectively engage with the community, and this has resulted in an unacceptable form of development being pursued. As such the development has failed to meet the requirements provided within paragraph 124.

The NPPF makes it clear that *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents"* (para.130).

It is considered that the proposed development would conflict with the purposes and requirements of the NPPF as illustrated above as well as local plan policy and the relevant policies of the Emsworth Neighbourhood Plan. The proposed development should therefore be refused in its current form.

Suggested Solutions

1. Reduce the two-storey massing across the width of the site. The carport to the side should be set off of the boundary by approximately 1m and single storey in height. This would be consistent with the built form of Western Parade.
2. The two-storey addition at the rear is shown to be reduced to a single storey addition, yet the height is retained for a two-storey structure. If it is the intention of the applicant to retain a single storey addition at the rear this should be reduced, thus opening the space between properties and creating a clear visual improvement and enhancement of the site as encouraged by development plan policy.

Neighbour Amenity

The proposed front balcony adjacent to 11 Western Parade is set further forward than 11 Western Parade and is located close to the boundary. This would allow direct overlooking into the master bedroom of this immediate neighbour (see plan below). This is a relationship that does not currently exist and despite other examples of balconies along Western Parade no other balcony has this level of intrusion. The application is therefore unacceptable on neighbour amenity grounds as it will allow for the direct



overlooking and loss of privacy of the private personal space of 11 Western Parade. The development therefore conflicts with policy CS16.



The forward projection, depth and proximity to the boundary will allow for the unacceptable overlooking of and loss of privacy to 11 Western Parade

Suggested Solution

1. Reduce the depth of the balcony and width away from the shared boundary to ensure there is no opportunity to look back into the windows and openings of 11 Western Parade.

Flood Risk

It is noted that the site is stated as being in flood zone 1. A postcode search would support this as can be seen from the Environment Agency flood risk extract below. However, it is not the application site that is picked up. The map below actually shows that part of the front of the site is included within flood zone 3, an area at high risk of flooding.

This is more significant given that the application shows the carport level to be significantly raised, when considered against its relationship with neighbouring properties. Whilst no explanation is offered for this one assumes it is to counter this potential flood risk. If this is the case the application must provide a flood risk assessment to show that this raised area not only protects the occupants of the new dwelling but also accounts for the free flow and drainage of any flood and surface water.

In the absence of this information it cannot be demonstrated that the development does not unacceptably increase flood risk, particularly to the immediate neighbour 9 Western Parade which will be positioned much lower than the carport.

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In addition to any flood water the displacement of surface water, particularly into the grounds of immediate neighbours 9 and 11 Western Parade is also of concern. The alteration of the levels would clearly enable water runoff into 9 and 11 Western Parade and would alter the natural flow of surface water at present, as such the development could pose a significant flood risk to the immediate neighbours 9 and 11 Western Parade. This must be considered and factored into the decision-making process whenever land levels are altered and especially when part of the site is within and very close to Flood Zone 3.



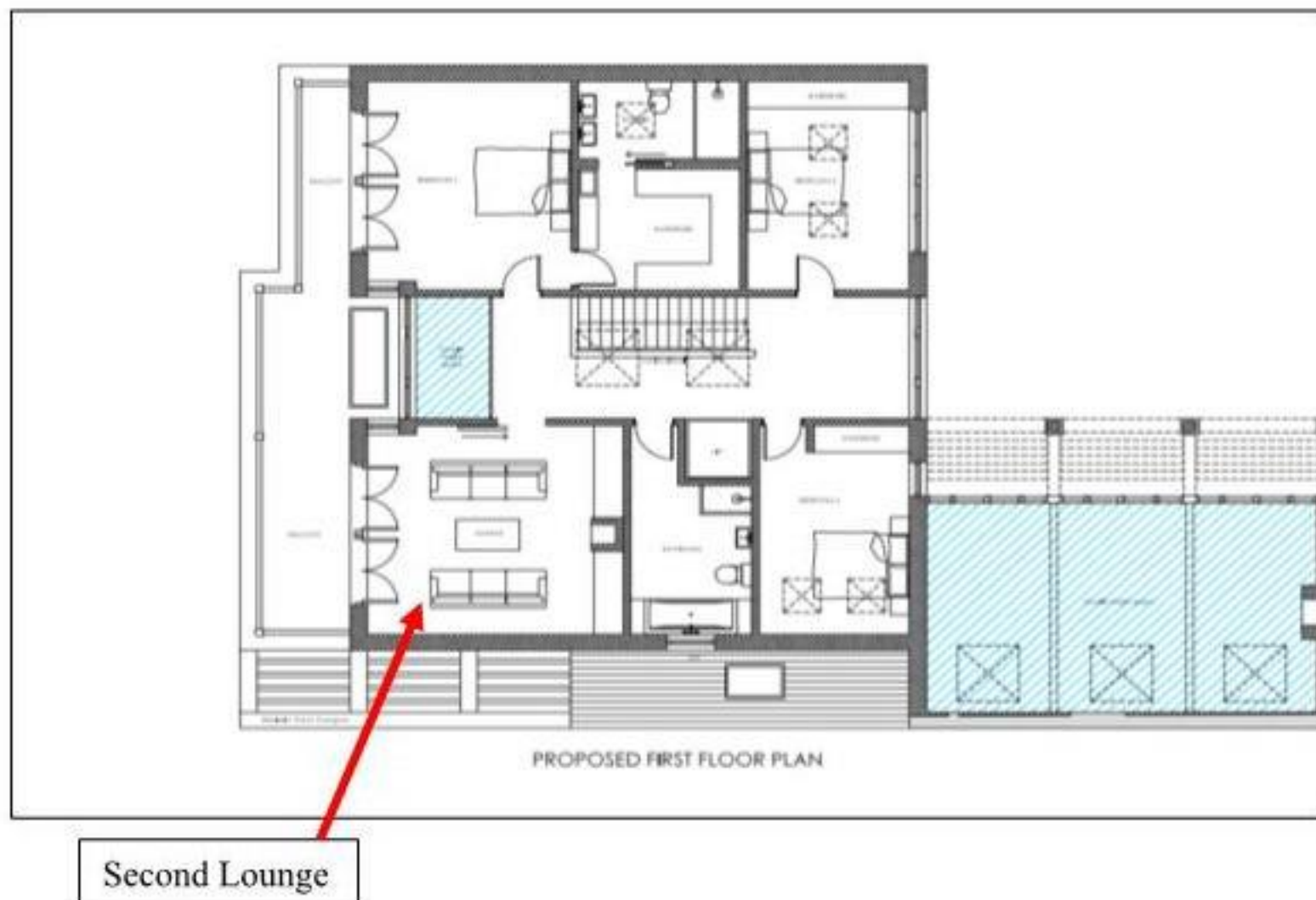


The application does not include any accurate topographical data and as such it cannot be accurately demonstrated how significant the altered land levels will be. This element of the development will therefore not only potentially increase flood risk but will also result in an incongruous design. The development proposed would therefore be harmful to the visual appearance of the dwelling as well as the relationship it would have with neighbouring properties. The cars would be markedly higher than those of neighbouring properties which serves only to emphasise the harm the development would have on the character and appearance of the area as well as flood risk.

Solent Recreational Mitigation Payment (SRMP)

The application claims that it seeks the demolition of the existing three bed dwelling and the erection of a replacement three bed dwelling. However, when considering the proposed plans (see below) this view is challenged.

The ground floor plan provides a lounge, kitchen, dining and social room, boot room and utility room disabled wet room, W.C. and storage. The first floor shows a grand master bedroom with dressing area and en-suite, two additional bedrooms, a bathroom and a second lounge. It is argued that this second lounge is more likely to be an additional bedroom and is put forward in a bid to circumvent the requirements to provide the required mitigation payment towards the SRMP.





Summary

Having regard to the above information the LPA cannot legally issue a planning permission for this site in the absence of a bat survey to confirm whether or not bats are present, to do so would open the decision to judicial review.

With regard to the encroachment of the development onto 9 Western Parade any planning permission approved could not be lawfully implemented without the agreement and consent of the owners of 9 Western Parade. It would therefore seem logical to address this issue at the planning stage.

In addition to the above there remain significant planning considerations in relation to character, neighbour amenity, flood risk and the SRMP. Therefore, for the reasons stated above the development remains contrary to local and National Plan policy and should therefore be refused for the reasons specified.

Yours sincerely

Stephen Andrews B.A. Hons DipTP MRTPI
Director - Planning

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