

Our ref – 13/ZB/PE01521

Your ref –

Date 8 March 2016

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Havant Borough Council

By email - Daphney.haywood@havant.gov.uk

Dear Sirs

APP/16/00101 – 52 Southleigh Road

We have been instructed by the occupier of 50 Southleigh Road, the neighbouring plot immediately to the south of the above site.

Our client objects to the proposal for the reasons set out below.

The applicant's supporting argument concedes that the application site is *in an urban area* and the *spacious character of the surroundings*. It further concedes that there is a *vast level of soft landscaping within the street scene with many trees and green verges*, that any development *must not constitute overdevelopment, have any overbearing impacts, and respect the acknowledged distinctiveness of this area*. This is helpful.

The Council is stated to have given tentative support for 2 bungalows but this was guardedly stated with the usual caveat that it must be acceptable subject to the scale and design and that it must accord with all material planning considerations. The officer view was accordingly limited and in any event does not bind the Council. It is for the applicant to satisfy the Council as LPA, that the scheme is sustainable in planning policy terms. For the reasons set out below, it is not sustainable development.

The assertions made on page 7 with regard to NPPF 17 and 111, are flawed. Urban residential garden land is excluded from the definition of previously developed land, see the Glossary. The recent Dartford case confirms this, as the LPA will know, the Judge Charles George QC not saying anything more than what NPPF specifically provides. NPPF mentions that garden grabbing (which is what this case would amount to) is a matter for all LPA's in policy terms to resist, where it will cause harm to the local area. Harm in this case stems not only from adverse impacts to amenities of adjoining occupiers, but public amenities as set below.

There is a clear obligation on all LPA's to carefully assess residential character, if it is distinctive, in coming to a view as to whether garden grabbing should be encouraged on a case by case basis as a matter of fact and degree. Accordingly the applicant's contention that paragraph 58 of NPPF is engaged is incorrect, if the development itself is not sustainable. Comparison to a new development down the road that has a different character (in both terms

of density and street scene) fails to engage with what is actually required in policy terms, i.e. the environs of the application site. There is a clear distinction between well established character, and a new estate – here an urban extension. The latter is a response to objectively assessed need, but also acts to preserve and enhance established neighbourhoods – it has a dual role to balance the pressure for more housing and retain valued established character elsewhere. If the applicant's approach were correct, then planning will be devoid of any method of preserving and enhancing existing urban distinctiveness and residential character.

Consequently the contention that the applicant can *take the initiative of improving the site* [page 7] presupposes that there is a problem in the first place. There is not. The applicant's approach to policy is a misreading of NPPF.

The application site is highly distinctive, in a prominent location (at a crossroads). On either flank of the host dwelling there are bungalows. Not dwellings with two storeys of accommodation. Not only was this not what the officer had apparently indicated the applicant might consider, but the applicant's assertions about distinctive character are unjustified. This is a particularly prominent site. Our client's home can hardly be seen from the road; the application site is as the applicant acknowledges, vastly landscaped – as is our client's. This gives a highly distinctive character which NPPF confirms at paragraph 60 it is proper the LPA promote or reinforce. The framework requires decisions to address the connections between people and places and the integration of new development into the built environment in terms which secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings, taking into account the character of urban areas PLUS planning must be a creative exercise to improve and enhance the places in which people live their lives. The very nature of the application site and the distinctive character of its setting is of a tall detached house (with fenestration on all four sides) set in a spacious plot, well landscaped and clearly giving immense character to the local street scene that has 2 bungalows either side also in spacious plots that reinforce that setting. The construction of 2 2-storey homes on either side of the host dwelling will destroy that established distinctive character. That is not in accordance with adopted development plan policy, or the framework.

The adopted plan and NPPF gives policy protection to the importance of spaces between building and dwellings that inform character and distinctiveness. Plainly by filling gaps in this street frontage will result in a dramatic change visual appearance that informs that distinctive character. And that change could not, on any basis, be regarded as enhancing distinctive residential character/street scene. The planning system is deliberately designed to ensure that development be plan led, to empower local people to shape their surroundings to enhance and improve the places in which they live their lives. This proposal will not set a good standard of amenity for all occupiers. The occupier of 1A Hallett Road has already submitted his explanation as to adverse impacts that will significantly and demonstrably outweigh the benefits when assessed against the policies in the development plan and framework as a whole. It is noticeable that the applicant only pays lip-service to the impacts to adjoining dwellings, its focus being upon the impact to the host dwelling from the 2x 2 storey new dwellings proposed. As core planning policy 17 bullet 2 states, the process is not simply about scrutiny, but the creative exercise to enhance and improve people's environment. It cannot be said that this proposal achieves that core policy aim. Our client's property is a modest single storey dwelling in a spacious plot. The applicant's current home is a large property in a spacious plot. The key theme is that distinctive spaciousness and relationship of existing built form. Placing two-storey detached houses in between the host and the adjoining two

bungalows destroys that spaciousness and distinctive character, both in terms of the street scene, and existing amenities of the application host dwelling, and its neighbours. This is directly contrary to development plan policy and framework.

The applicant asserts that the proposal would be *consistent with a prevailing pattern of development*. It is simply not true. It then contends that the scheme *responds to the scale of neighbouring units*; but it does not. It repeatedly asserts that the proposal *does not represent overdevelopment*. But it clearly does. To suggest that it will *not be overbearing* to erect a two-storey dwelling to the immediate west of a bungalow, very close to its boundary, does not have policy support. Good planning is not simply about ensuring fenestration in particular walls avoids overlooking.

There is no consideration as to the overlooking of our client's private amenity space from plot 2 viewed from rear windows, with plot 2's footprint being aligned with the host dwelling build line, not number 50.

The assertion that the proposed dwellings would be of *modest scale comparable to neighbouring dwellings*, is unjustified. As a matter of fact and degree they are simply not as claimed. The applicant seeks to claim that these are bungalows as recommended by reason of eave height. This is untenable. A single storey dwelling is clearly not the same as a two-storey dwelling.

The Council will obviously give careful consideration to what precedent it would wish to set in what the applicant identifies as a long established locality and the importance which it gives in terms of weight in the planning balance, to distinctiveness and residential character in this street scene on what by any objective measure, is a prominent site. It is not difficult to see that the character was informed by the original grid layout of bungalows in less wide frontages but spacious plots visually connected to 52's three-storey house in its proportionately spacious plot on this prominent corner. Such corners in a grid are obviously common place and key. If the Council approves this scheme, it would open the floodgates to garden grabbing over the whole of this urban area (which the urban extension was in part designed to prevent) and the adverse impacts will not therefore be just to this immediate locale, or immediate neighbours, but goes to the whole ethos of the development plan. It is considered, on balance, the scheme is unsustainable in planning terms, it is not in accordance with the development plan, and therefore in accordance with s38(6) PCPA 2004, the Council must refuse the application.

Yours faithfully



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