Proposed erection of 4 Bed Dwelling with Integral Garage, Shared Access, associated parking and manoeuvring areas

239 Winchester Road
Chandler's Ford
Eastleigh
SO53 2DX

Appeal Reference APP/W1715/A/12/2188242/NWF

Additional Statement – in response to the Council's questionnaire/submission

Following receipt of the Council's completed Appeals Questionnaire it became apparent that certain information contained within that submission, namely 4 x letters of objection, had not been posted on the Application web site or notified/made available to the Applicant/Agents during the course of the application. We were therefore unaware that these letters of objection had been lodged.

It is with regret that the 'Neighbour Letters', included within the Appeals Questionnaire documentation had not (and to the best of our knowledge to this day still not) been published on the Council's website entry for this Application. If the Applicant had been made aware of these letters he could/would have sought meetings with the objectors (as done with the previous/withdrawn application) to discuss and hopefully address/respond/resolve their concerns.

Denied this opportunity our responses to these letters of objection are recorded in this Additional Statement. For ease of reference, points made will be raised in the same order and under the same subject headings as given in the objectors' letters.

Letter from Mrs Laura Wilson, 237 Winchester Road, dated 4 March 2012

'Lack of Amenity Space'

We would assert that the proposed dwelling is proportionate in size to the size of the plot especially when assessed against recent and contemporary developments in the locality. We note in the Planning Officer's Report that the garden meets the size requirements set by the Council (see later point).

We suggest that the proposed dwelling is very much in keeping with the better aspects/character of the area and that the 'arced' plan is an appropriate and positive design response to the constraints of the site.

We wholly refute the allegation contained within Mrs Wilson's letter that 'several statistics' within the 'Design and Access Statement do not represent the open garden area adequately'. These 'statistics' are not identified and the allegation is unsubstantiated.

We note within the Officers Report to Committee (Assessment of Proposal 1st para – Residential Amenity) "the proposed rear garden will meet the minimum requirement of 60% of the total floor area as required by 'Quality Spaces' SPD" and do not accept the observation/comment made by the Officer in the preceding sentence that proximity and size of the dwelling "will make the garden rather unusable and parts of the house rather dark".

The very skill and success of this design proposal and its garden layout (orientation/dual aspect/shading diagrams etc) is that issues such as these have been fully addressed and worked innovatively and beneficially into the design proposal as a whole. We do not accept therefore the Officer's comment that these proposals "will make the garden rather unusable and parts of the house rather dark". Quite the contrary – see application drawings etc.

'Inadequate Plot Size'

The increase in plot size from 1.10ha to 1.11ha of the application over that of the previous/withdrawn application is simply an accurate reflection of three factors:

1) The Applicant's decision to increase the length of the north east boundary of the main body of the application site (from that of the previous/withdrawn application by 1m) associated with the 'easing' of the access drive into the site itself,

2) The Applicant's decision to widen the retained/landscaped buffer that exists between the proposed new drive and the drive to No. 237

3) In response to the request from the Council that the "red line" be extended to meet the kerb of the public highway (Winchester Road) and not terminated as in the previous/withdrawn application at the back of the highway verge/ pavement.

These factors account for the 0.01 (100m2) increase in the development Site Area. These decisions were taken in response to neighbour/Officer views and comments.

It is our firm belief that the Plot Size is indeed adequate for the development proposed, meets with the Council's requirements, and results in the effective, sustainable, economic, social and environmentally appropriate use of the site.

'Back Land Development'

The Officer Report confirms that whilst debate over whether the proposal constitutes inappropriate Back Land Development or not exists, 'the more relevant issues to consider in this instance are the proposal's design quality and its impact upon its immediate surrounding context'.

It is our assertion as demonstrated within our 'Existing Pattern of Development' (drg 306C), that this development does not in fact result in the 'normal' understanding/ context of backland development when viewed in conjunction with the pattern within the immediate vicinity (see also below).

'Deceptive Pattern of Development Layout'

The Existing Pattern of Development Drawing (Dwg. No. 11/1519/306C) shows the actual Pattern of Development within the immediate vicinity of the site (NOT the pattern of access to development). It is not and cannot be, be considered as being 'deceptive'.

The access arrangements to the properties shown are not relevant to the function of the drawing or 'the pattern of development'.

‘Unacceptable Increase in Density of Development’

The density of development in the area is what it is (not low but probably ‘medium’ when using these generalised terms).

The Existing Pattern of Development Drawing (Dwg.No.11/1519/306C) which includes the very recent approved/erected developments at 233 and 233A Winchester Road, and the neighbouring earlier developments of 241 and 243 (rear garden arrangement) confirms that the proposal is in keeping with existing pattern of development and therefore housing density levels.

‘Threat to the Trees’

The application to carry out work to the Oak (T7) as made within the Application will ensure the future health and well-being of the tree. The future of this tree will be safeguarded through the usual Local Authority implemented development controls.

The Oak tree is located to the north of the proposed dwelling and any shadow cast during prime garden usage hours will be away from the proposed dwelling and into and over the north east corner of the site. Its retention and long term management is desirable and enhances the development.

‘Removal of Healthy Trees for Access’

Tree T9 (Silver Birch) has been categorised R (any existing value lost within 10 years) and recommended for removal by the Arboricultural Consultant. On final consideration however, we/the Applicant decided that this tree should be retained as indicated on the application drawings.

The removal of six trees to allow for the proposed drive/access are in part consistent with the level of intervention associated with normal garden management (ie the removal of two Fastigiated Yews adjacent to the front of 238 which are “outgrowing their location”, the removal of the two topped Conifers to the road frontage which will be replaced by new tree planting following the closure of the existing access to 239, the removal of the topped Sweet Gum and finally the removal of the Silver Birch – T10, a category ‘R’ tree under the British Standards to allow the effective, economic, social, environmental use of the site.

‘The Plot is in Shade’

As before, the future of trees in the North West corner of the plot will be safeguarded through Local Authority control. It is accepted that the North Elevation of the proposed dwelling will receive limited direct sunlight and it is for this very reason that habitable rooms are either designed as dual aspect or have been placed on the South Elevation.

The Terrace has been placed adjacent to the West Elevation in an area outside that of existing tree canopies and a substantial distance (21m +) from No. 243 to avoid overlooking from that property. Shadow Projection Drawings have been prepared/submitted with the Appeal documentation.

‘Increase in Height’

The comment regarding subservience is based upon Officer opinion only. None the less it was borne in mind when designing this proposal.

The ridge height of the proposed dwelling as measured from *the ground* is identical to that of No’s 235 and 239. This point is illustrated/annotated on the Longitudinal Site Section (drg no 305) submitted with the Application.

Taking the topography of the site and surrounding area in to account it can be seen that the proposed dwelling is not in fact taller than its neighbours but entirely consistent and similar in height to them. It is only taller than No 243 which untypical of development in the vicinity is a chalet bungalow.

To address the fact that No 243 is a chalet bungalow, we have kept the two storey element of the proposed dwelling 7m from the boundary with 243 and some 13.5m from the face of the gable wall of No 243 itself.

‘Lack of Care for the Habitat’

Following the consented removal of a large Oak threatening the foundation of No 235 Winchester Road, normal clearing up and garden maintenance works to control excessive shrub and ground cover planting and debris was we understand carried out . This work was carried out prior to the first Planning Application.

Any works associated with this proposal will be carried out in accordance with the Extended Phase 1 Habitat Survey compiled by Clarke Webb Ecology Ltd.

‘Lack of a Detailed Planting Scheme’

We consider the site and area in general to be naturally well and indigenously landscaped and would not wish to “over landscape” the site. That said, the provision of a more detailed planting scheme than that given in the Design and Access Statement could be conditioned and required as part of any Planning Approval.

‘Inadequate Room for the Driveway’

The Applicant/Occupier of No. 239 will replace the French window on the South West Elevation with a high level window (fixed shut) which together with the proposed boundary wall/fence will satisfactorily deal with any sound/privacy/light issues arising from the proposed new driveway.

The proposed driveway meets the width and turning requirements for emergency vehicles and is typical of other driveways within the locality.

‘Three Driveway Precedent’

Contrary to Mrs. Wilson’s assertion a three drive precedent exists at the 255a/St.Mark’s Close/255b entry point onto Winchester Road. Further, there is no Highways objection to the proposed arrangement.

‘A Dangerous Concentration of Exits’

As above.

Verge Parking and Reversing'

As above.

'Boundary'

The topographical survey commissioned by the Applicant from Land Development Services (Dwg. No. LDS/11105-TP1) was used as the key drawing to establish the actual/correct position of the South West boundary line.

This indicates that the Silver Birch (Tree T3) straddles the boundary between No. 237 and No.239. This tree, part of a protected group, will be safeguarded from damage during any construction works.

The wall referred to in Mrs. Wilson's letter is within the ownership boundary of No.239. We confirm that there is no intention to alter the line of this boundary.

'Windows to Rear/North Elevation'

The Applicant confirms that there is no intention to provide obscure glass to the first floor bathroom and landing windows on the North Elevation as the view towards these windows from No. 237 are obscured by existing trees.

Letter from Mr. and Mrs. A. Large, 243 Winchester Road. (Undated)

'Overlooking and Loss of Privacy'

We believe that Mr. and Mrs. Large's concerns about potential overlooking from first floor windows are unfounded, a view shared by the Case Officer at Eastleigh Borough Council. The only window that could cause such a problem is the window to the En-Suite Bathroom to Bedroom 1 and is 21m distant from the gable wall of No 243.

The windows to the Landing and the En-Suite Bathroom to Bedroom 2 are at a more acute angle to No.243 and will not present/cause overlooking to or from them to be an issue.

The main Patio/Terrace to the proposed dwelling is also located to the West of the proposed dwelling i.e. in a position over 20 metres fro the boundary to No. 243. The paved area adjacent to the Utility Room is access/working space only and not used for 'sitting out'.

With regard to concerns regarding the overbearing effect of the proposal it should be noted that the North-East flank wall of the proposal is 7m from the boundary and 13.5m from the wall line of No 243. There are no 1st floor windows proposed to the gable end wall of the proposed dwelling.

The elevations are rendered (not brick as implied/stated) and will therefore not be oppressive but instead present a light reflective surface to neighbouring properties.

‘Visually Intrusive’

Being a chalet bungalow, No 243 is not typical of development in this area so the fact that the ridge of the proposed dwelling 1m above that of No 243 is to be expected.

However that point has been acknowledged/addressed by keeping the two storey element of the proposed dwelling some 7m from the boundary and 13.5m from the gable wall face of No 243 as stated above.

The proposed dwelling is unlikely to be visually intrusive (if at all visible) from the principle/rear garden of No. 243

‘Piling’

As stated within or Design and Access Statement we confirm that impact driven piling will not be used in the construction of the foundations of the proposed dwelling. Any piling (if required) will be augered.

‘Trees’

The existing Oak, Chestnut and Birch trees referred to by Mrs and Mrs Large are to be retained/protected. The future of trees will be safeguarded by usual Local Authority control. The works proposed to the Oak will ensure its future vitality.

‘Future Development’

The single storey green roof Utility/Garage is 1.3m from the boundary to No.243 and is as drawn, single storey.

As is fairly typical in applications of this nature the Applicant would have no objections to the removal (by condition) of Permitted Development Rights thereby controlling by condition any future additions to the property.

‘In Summary’

Whilst we understand Mr and Mrs Large’s concerns, we do not accept that this proposal will be either unacceptable or ‘visually intrusive’ or that it will cause a ‘loss of privacy’ to the occupiers of No. 243 or such that it precludes the sustainable use of this site.

<u>Letter from Mrs. Doreen Riggs, 227 Winchester Road dated 29 February 2012</u>

‘Proximity of Three Drive Exit to School’

There is no Highways objection to the proposed arrangement of drives.

<u>Letter from Doreen Kemish, dated 17 April 2012</u>

N.B.
In addition to not being aware of this (or any other letter of objection – none posted on Council web site), we note that this letter is dated some six weeks after the expiry of the Public Consultation Period.

Para. 2
The implication that we as the Architects/Agents are trying to fool the Council/local community or create an 'illusion' by submitting 'incorrect or misleading' photographs is unhelpful and unjustified. We assert that the photographs submitted with the Application represent a true record of the site at the time the photographs were taken and the application lodged.

Para. 3
We believe that the garden maintenance work referred to was carried out after the approved felling of a large Oak tree (T61) and in order to curtail the uncontrolled growth of shrub and low level planting as is normal in garden maintenance. We have no comment to make on the wider allegations but would advise caution when assessing their relevance to this Appeal.

Para. 4
As stated earlier the increase in plot size can be accounted for by adjustments made to increase the depth of the main part of the site by 1m and eased access into it, to allow for a more generous green buffer between the proposed driveway and existing driveway to No. 237 and to extend the 'red line' boundary to the kerb line of Winchester Road.

The original/previous application was withdrawn because the design of the proposed dwelling was considered to be unsatisfactory by the Planning Officer and as a direct result of concerns expressed during the neighbour consultation process initiated/carried out by the Applicant. The changes made following the neighbour consultation and withdrawal of the previous application included the changes noted above

The proposed arboricultural work to Oak tree (T7) is proposed to ensure its long-term health and viability.

Para. 5
Whilst of the firm belief that this proposal places the least practical demands on the environment, and accepting the reasoning behind the extant Planning Obligations we assert the over arching status/relevance of National Policy Planning Framework document which came into effect on 28 March 2012.

The NPPF affirms the Government's ambition/desire that the planning system should deliver sustainable development that meets/responds to economic, social and environmental aspects of development and the economy as a whole.

The Local Authority's role in this process is perhaps best summarised by reference to paras 186 and 187 of the NPPF (para 187 in particular) where the LA should seek to approve applications for:

- Sustainable development and
- Work proactively with Applicants to secure developments that improve the economic, social and environmental conditions of the area (advising the Applicant of the letters of objection or posting them on the application web site would have been particularly helpful in this case).

Para. 6
We have (in the time available) failed to locate the Policy to which Mrs Kemish refers (ie plant 3 x trees for any removed) but note the absence of reference to such a Policy in the Planning Officer's Report.

There is also a practical limit in the number of trees that can be located within an area. We would suggest that the addition of some two dozen new trees would itself be unsustainable and not in the best interest of the locality.

Para. 7
We believe that the duties placed upon Local Authorities in respect of Sections 197 and 198 of the Town and Country Planning Act (T&CPA) 1990 are not conflicted by the detail of this application.

The LA (rightly or wrongly in terms of the letter of the law) placed an additional "Blanket TPO" across certain areas of the site following the submission of the Planning Application. The previous/extant TPOs remained in force.

In making this application we had regard to the various TPOs and took the advice of a qualified Arboricultural Consultant who prepared a Method Statement in which the existing trees are categorised in accordance with the requirements of British Standards and in which mitigation for works in conjunction/relation to protected trees were made.

We believe that the NNPF document also imposes a duty upon LA's to strike a balance between the various aspects/roles of development to ensure that sustainable, economic, social and environmental issues are dealt with whilst amongst other factors "achieving a sustainable economy". To allow this Appeal would not in our opinion be inconsistent with striking that balance.

Para.8
We consider that any references to historic maps and sizes of former plots are irrelevant to this Appeal.

Para. 9
The Plans submitted with the Application are based on current Ordnance Survey mapping and/or site specific digital surveys.

Where houses are accessed from is not relevant when looking at the immediate pattern of development within an area such as this. The relative location of the existing and proposed development is entirely accurate as represented on drg nos, the LOC 1D (Location Plan) and 306C (Existing Pattern of Development)

Para. 10
With regard to Policy 72.H we confirm that the proposal is in compliance as stated.

Para. 11
The absence of the full delineation of the existing drives on the Location Plan (drg.No.11/1519/LOC1D) is as a result of incomplete Ordnance Survey data. A more complete representation of drive entry points onto the highway (as determined by our own additional 'on the ground' survey work) is shown on our updated Dwg. No. 11/1519/LOC1E.

The allegation of trying to create an 'illusion' is unhelpful and unwarranted and absolutely without foundation.

Para. 12
The proposed dwelling is factually and honestly described as being 4-bed. The 4th Bedroom has an area of 6.5m2 (a good size in today's context of development).

The allegation of trying to create an 'illusion' is unhelpful and unwarranted and absolutely without foundation.

Para.13
The incorrect and spurious allegations contained within the paragraph are dealt with elsewhere in the Additional Statement and by the documentation submitted with the Appeal.

Para. 14
The proximity of the proposed drive to the side elevation of No. 239 is dealt with elsewhere within this Additional Statement and by the documentation submitted with the Appeal.

We do not recognise Mrs Kemish's vision of the proposed access drive causing a "health hazard" to the occupiers of No 239 by "pouring pollution, noise, dust from every vehicle' exhausts etc etc". This is one additional dwelling in an area designated for residential use. We do not see the relevance of the photographs in this regard.

Para. 15
The misplaced 'drive' of Mrs Kemish's point in this paragraph is acknowledged in her subsequent letter dated 23 April 2013.

Para. 16
There is no 'illusion' shown on the Application drawings. The drawn information is based on a full digital survey of the site(s) and as such entirely correct. The proposed drive is better located as indicated on the Application drawings/details.

At no point do these proposals cross or infringe the boundaries with any adjoining properties.

Para. 17
As above ie at no point do these proposals cross or infringe to boundaries with any adjoining properties.

Para. 18
The photographs have no detrimental relevance to this Application. They simply confirm what we already know and have fully surveyed, appreciated and accommodated.

The proposed and continued residential use of this plot of land will not disturb the status quo (ie residential for residential) but will bring about its effective and sustainable use.

Photographs
No comment.

Letter from Doreen Kemish, dated 17 April 2012

N.B.
In addition to not being aware of this (or any other letter of objection – none posted on Council web site), we note that this letter is dated some seven weeks after the expiry of the Public Consultation Period.

Para. 1 & 2
Apology understood/accepted.

Para. 3
The first part of this paragraph is adequately dealt with above.

As for the second part we would advise that it was the Applicant (with Mrs Wilson's permission for access) who carried out the digital survey of the drive to No 237. It may be the case that Mrs Wilson had an additional digital survey of her drive carried out but if so we were not made aware or in need of such a survey.

Contrary to Mrs Kemish's statement, every consideration was given to the digital survey of the drive to No 237 (at least the only one known to have been in existence).

Paras. 4 and 5
Absolutely no detraction from Mrs Kemish's points was/is taken following the error/misunderstanding in respect of the status of tree T2.

That said most (if not all) of the other points made are not accepted and fully contested above.

In Conclusion
We apologise for the length of this Additional Statement but felt it important that we address points raised in the 4 x letters of objection given our inability to do so previously (not advised of their existence and to the best of our knowledge not posted on LA's web site for this application).

Yours

Jonathan Ross MCIAT
Affiliate Member RIBA
The Relph Ross Partnership Ltd