Clare Martin
Development Management
Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN

Our Ref: E-436
Your Ref: F/17/80204
Email: [redacted]
Date: 24 July 2017
Status: Letter of objection

By Email – planning@eastleigh.gov.uk

Dear Ms Martin,

Tilbury, Pylands Lane, Bursledon, Southampton, SO31 1BH

Planning application ref: F/17/80204 – Erection of 1 no. 5 bed dwelling with detached garage and 1 no. 4 bed dwelling with detached garage, alterations to vehicular access and provision of bin storage, following demolition of existing dwelling and detached garage

I write on behalf of Mr R Morris of Fairlawns, Pylands Lane, Bursledon, Southampton, SO31 1BH, who strongly objects to the above application.

His property is situated immediately to the east of the application site.

Red line site error

I have already brought to your attention that part of the red line application site includes land which is owned by Mr Morris – shown hatched red on the site plan extract shown overleaf.

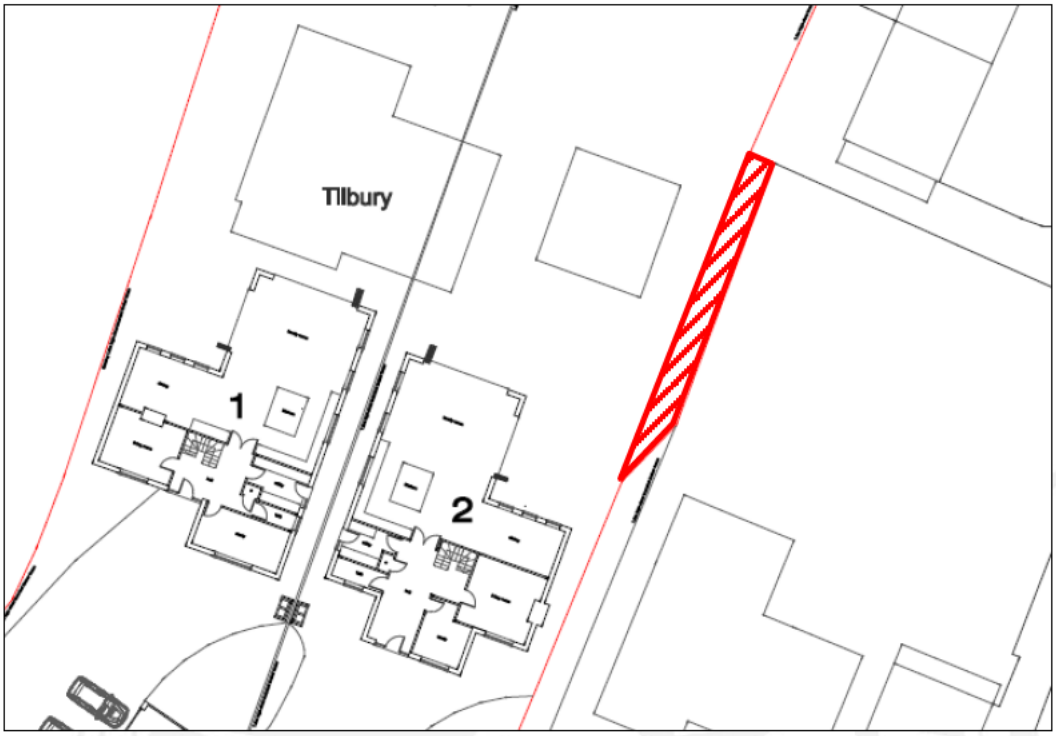
The red hatched land is included within the freehold title of Fairlawns (HP783276) – as confirmed in the Land Registry title plan attached at the end of this letter, of which Mr Morris is the sole proprietor.

Mr Morris was not served the requisite notice by the applicant 21 days before the application was submitted as required under Section 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Local planning authorities are not permitted to entertain an application which fails to comply with the requirements prescribed in the Town and Country Planning Act 1990 (as amended) – see sections 65 and 327A.

As such, the application is unlawful and should therefore be withdrawn.

There is legal precedent in the case of *R. (on the application of Pridmore) v Salisbury DC [2004] EWHC 2511 (Admin)* where a planning permission was quashed after an applicant had failed to notify the owner of part of the site and had falsified the certificate of ownership form.



Errors in plans

There are also significant errors with the plans themselves.

The elevations and floor plans for House 2 are wrong and do not correspond with each other.

Specifically, the rear projecting element on the North-East (rear) elevation is shown on the left hand side on the elevation drawing, but on the floor plan it is shown on the right hand side. The corresponding North-West (side) elevation drawing is also incorrect.

This is major error as they relate to the side and rear elevations of House 2 which is the dwelling that would be situated nearest to Fairlawns.

The location and positioning of windows will therefore also be affected.

Mr Morris's grounds of objection include the unneighbourly impact of House 2. However, with grossly inaccurate elevations and floor plans, neither we nor the local planning authority can properly assess the full impact of the proposal on my client's property.

As it stands, therefore, our ability to comment on the proposed development is severely disadvantaged / compromised, which is a further reason why the current application should be withdrawn.

Principle

Planning applications are required as a matter of law to be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

For the purpose of this application, the relevant development plan is the Eastleigh Borough Local Plan Review (2001-2011). This confirms that the application site is located within the countryside and also within a Local Gap.

Policy 1.CO of the adopted local plan states that planning permission will not be granted for development outside the urban edges unless: (i) it is necessary for agricultural, forestry or horticultural purposes; (ii) it is for an outdoor recreational use, (iii) it is essential for the provision of a public utility service or the appropriate extension of an existing education or health facility.

The proposal involves the (net) provision of new residential dwellings in the countryside, for which there is no agricultural, forestry or horticultural need. Accordingly, it is contrary to development plan Policy 1.CO.

Furthermore, Policy 3.CO states that planning permission will only be permitted for *appropriate development* in a local gap, if: (i) it cannot be acceptably located elsewhere; and (ii) it would not diminish the gap, physically or visually.

The proposal does not constitute *appropriate development* in a local gap and would also physically and visually diminish the gap, and so is also contrary to development plan Policy 3.CO.

There are no material considerations that would otherwise outweigh these well-established policy objections.

The applicant's Design and Access Statement makes reference to other permissions for residential development that have been granted along Pylands Lane. However, these applications were considered against policies contained in the emerging Eastleigh Local Plan (2011 – 2026), which proposed extending the urban edge to include the properties along Pylands Lane. Work on that Local Plan was halted in 2014 after an Examination, when the plan was found not to be sound by the Local Plan Inspector. Work on a new local plan has started, although is still at very early stage.

Following the publication of an Issues and Options document in Dec 2015, the Council is still currently considering the range of options for the provision of new housing in the Borough. However, there are currently no plans to extend the urban edge along Pylands Land, which, therefore remains in the countryside for the purpose of planning policy.

The replacement of dwellings in the countryside is permitted under Policy 8.CO, although this is strictly on a 'one for one' basis. The creation of additional units is specifically excluded under the terms of the policy. Any proposed replacement dwellings must not be disproportionate in size to neighbouring properties or disproportionate in relation to its plot, or have a greater impact physically or visually on the character and appearance of its immediate surroundings, or in the countryside in general, than the existing dwelling.

Impact on character and appearance of the area

The proposal involves the demolition of the existing large detached property 'Tilbury', which is set well back within the plot, and the erection of two new large, detached, two storey executive style dwellings, situated further forward in the plot. Each of the proposed new dwellings would have a detached double garage, which are set even further forward within the plot, close to the lane.

The proposed dwellings are very large in terms of their height, size and massing. It is clear from the proposed site layout plan that the two dwellings will be squeezed tightly on the plot, which will result in them appearing cramped and over-developed. The need to site the garages in front of the dwellings (as this is the only available space for them) is symptomatic of the cramped nature of the development within the plot

Residential development along this part of Pylands Lane remains relatively low density and the sloping land and surrounding trees and vegetation gives the area a pleasant semi-rural character.

Siting the dwellings (and also the garages) further forward within the plot, combined with their overall size and massing, will physically and visibly increase the amount of built development along the lane, reducing the feeling of spaciousness and therefore result in the suburbanisation of the semi-rural character of the area.

The proposal is therefore contrary to Policy 59.BE, which requires development proposals to take full and proper account of the context of the site including the character and appearance of the locality or neighbourhood and are appropriate in mass, scale, materials, layout, density, design and siting, both in themselves and in relation to adjoining buildings, spaces and views, natural features and trees worthy of retention.

There were previously two large specimen trees in the front garden of Tilbury, which can be seen on Google Streetview (dated June 2012 – see photo below). These trees have recently been removed

– no doubt to maximise the development potential of the plot, as otherwise the proposed development could not have taken place.

The tree stumps can still be seen on the site.



Planning permission has previously been refused for residential development along Pylands Lane (and also dismissed at appeal), where dwellings proposed further forward within their respective plots were considered to be out of keeping with, and therefore harmful to, the prevailing pattern of development along this part of Pylands Lane, which has been described as 'verdant' and with an open spacious character – see F/14/73880 (Land adjacent to Pylands) and F/14/74507 (Fair View).

The reasons for refusal of these previous schemes are highly relevant to the current proposal and therefore need to be taken in account.

Impact on residential amenities – overshadowing, overbearing and overlooking

Mr Morris's property, Fairlawns, is a two storey dwelling with low eaves built approximately 2 years ago. It is positioned midway into the plot and towards the western boundary (with Tilbury). It has a detached garage to its side (to the east).

The rear garden of Fairlawns has been landscaped, with patio / sitting out areas. Due to the rising ground level, the rear part of the rear garden has been terraced.

Bi-fold doors open out from a kitchen / diner to the area immediately to the rear of the property where the occupants often dine 'al-fresco'.

There is a significant difference in ground levels between Fairlawns and Tilbury, with Tilbury being situated on much higher ground – as its highest point the difference is around 2 metres. As a result,

the heights of Tilbury and its detached garage are therefore accentuated. However, due to the positioning of the dwelling towards the rear of the plot and also more towards the western boundary, the impact on Fairlawns is currently limited. There is no direct overlooking across or into the rear garden of Fairlawns – as is shown in photos below.





However, this situation would change significantly if the two new proposed dwellings are built.

House 2 would be built directly adjacent to Fairlawns and at a higher level. It will be overbearing and will also result in overshadowing of the paved sitting out area along the western side of Fairlawns (see photo below), which benefits from afternoon and evening sun.



The proposed siting of House 2 adjacent to Fairlawns will also result in overlooking from first floor windows – and due to the difference in ground levels from ground floor windows as well.

As the new dwellings will be built on higher ground, the overlooking would be one way i.e. the rear facing windows from House 2 would look across and into the rear garden of Fairlawns. However, the rear facing windows of Fairlawns would not be able to overlook the rear garden of the House 2.

It would not therefore be 'mutual' overlooking.

Proposed new entrance

It should be noted that no other plot along the lane has more than one access – all of the new residential development that has been built has utilised the existing accesses.

The proposal involves the creation of an additional access onto Pylands Lane.

The existing entrance, which is situated within the south western corner of the plot, will be retained for House 1, with a new access serving House 2.

Pylands Lane is a narrow single carriageway, with limited passing places. Existing accesses are either splayed or set back, in order to provide sufficient room for vehicles to enter and existing properties without needing to overrun the metalled highway.

The location of the proposed access is immediately opposite one of the few informal passing places along the lane – shown in the photo below.



In order to be able to enter and exit the plot, the occupants of House 2 would overrun into the informal passing place, leading to potential conflict with other road users and would also accentuate erosion of the surface of the informal passing place. Vehicles sometimes park within the passing place, which would cause obstruction to vehicles trying to enter and exit House 2.

The proposed additional access would therefore be in clear contravention of Policy 102.T, which only permits development requiring new or improved access where it does not: (i) interfere with the safety, function and standard of service of the road network; or (ii) have adverse environmental implications and is to the adopted standard of the highway authority.

At the end of Pylands Lane is a children's nursery (Piglets Day Nursery), which has capacity for up to 50 children and generates a significant amount of traffic, especially in the mornings and late afternoons / early evenings, i.e. at peak times. Planning permission has recently been refused to increase capacity from 50 to 80 children, due to concerns over traffic increase along the lane and the failure to provide adequate highway infrastructure to accommodate the additional vehicle trips that would be generated by the development, resulting in conflict between vehicles along the narrow carriageway interrupting the free flow of traffic and cause a hazard to road users. That application highlights the high volume of traffic using Pylands Lane, especially during peak periods, the narrowness of the lane and the difficulties facing those already using the lane on a daily basis.

The creation of an additional access, with insufficient room to manoeuvre in and out of the plot would therefore increase the potential to cause conflict with road users and should not therefore be acceptable in highway terms.

Conclusion

For the reasons stated, the current application should therefore be withdrawn.

The proposed development would, in any case, be contrary to the development plan. The size and massing of the two new dwellings and their siting further forward within the plot would be harmful to the semi-rural character of the area, and would also be harmful to the residential amenities of Fairlawns, in terms of being overbearing and resulting in overshadowing and overlooking. The proposed additional access would also cause potential conflict with road users along the narrow lane.

For these reasons, the application should be refused.

Yours sincerely,

[redacted]

Neil March Bsc (Hons) Dip TP MRTPI
Associate Planner

SOUTHERN PLANNING PRACTICE

HM Land Registry
Current title plan

Title number **HP783276**
Ordnance Survey map reference **SU4911SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Hampshire : Eastleigh**

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