

31 August 2023

For the Attention of Gary Osmond  
Eastleigh Borough Council  
Eastleigh House  
Upper Market Street  
Eastleigh  
SO50 9YN

**By post and email**

**Womble Bond Dickinson (UK) LLP**

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Our ref:  
FE1/FE1  
Your ref:

Dear Mr Osmond

**Application Reference: F/23/95549**  
**Site: Brighstone, Botley Road, Horton Heath, Eastleigh SO50 7DT**  
**Applicant: Alderbury Homes Limited**  
**Objection to the Application**

We act on behalf of Mr Andrew Kimble and Mrs Julia Kimble who are the owners and occupiers of Southview, 11a Cherry Drove, Horton Heath, which sits immediately adjacent to, and to the north of, the Site.

We have heard from our clients that you confirmed, via email on 21 August 2023, that an extension of time for submitting this representation has been granted until 31 August 2023.

This letter constitutes our client's objection to the Application on the following bases:

### **Effect on amenity and privacy**

As mentioned above, our clients are an immediately adjoining neighbour to the Site and will be directly affected by the proposed development. Specifically our client's amenity, privacy and quiet enjoyment of their property is likely to be adversely affected by the development.

The proposals for the development show that Plot 5 is to be constructed immediately to the south of our client's property, with the potential to be overlooking our clients' property. This is particularly so in relation to the garden and the bedroom to be provided above the garage facing out over the rear of Plot 5. In addition, the rear of our client's property is approximately 3-4 metres from the hedge that denotes the boundary to the Site, with the edge of the garage of Plot 5, a similar distance beyond that. See below taken from Appendix 1 of the Aboricultural Report (see Figure 1 in Schedule 1). Our clients are concerned with the proximity of Plot 5, particularly given that there is currently no overlooking from this area of the Site, and the impacts this will have on their family's ability to maintain the same levels of privacy as currently enjoyed. Furthermore there is the potential for any occupier of Plot 5 to be similarly affected by overlooking from our clients' property given that the garden backs directly onto our clients' property.

The proximity of Plot 5 is also likely to cause overshadowing on our client's property, particularly given that Plot 5 will sit to the south and so will cast a larger shadow over our client's property, for a longer

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period of the day. This is a material planning consideration and we have seen no evidence that this has been considered by the Applicant as part of their Application.

We note that the access road to the Plots proposed to the rear of Site is to run adjacent to the northern boundary of the Site, with our client's property. This is likely to cause noise and air quality impacts on our clients' property, and their quiet enjoyment of the area. This is especially so given the proximity of our clients' property to the Site and the new access road as explained above.

In addition to the above, the proposed development will impact on our client's views of the countryside adjacent to the Site. You can see from Figure 2 that Plots 4 and 5 will block the views from our client's ground and first floor windows, together with the annex over the detached garage, over the (currently) open fields. The loss of the views over the open fields will have a significant adverse impact on our client's residential amenity and ability to fully utilise their Juliette balconies in the two south facing bedrooms and the outdoor space. In turn, the impacts to our client's amenity and use of their property, together with the loss of views, are likely to have a negative impact on their property's value.

Photos taken by our clients from the bedrooms on the first floor of their property, annex over the garage and garden of our clients' property showing the potential loss of views and impacts on amenity and privacy can be seen at Figure 3.

### **Loss to open countryside**

Our client also objects to the Application on the basis of the loss of the Site as an area of garden and open aspect due to the negative impacts this will have on the character of the village of Horton Heath. In particular the sprawl of dwellings extending into the neighbouring countryside and open areas.

Whilst the NPPF encourages development on "previously developed land", this definition, in Annex 2 of the NPPF, specifically excludes "*land in built-up areas such as residential gardens*". This, taken with the two allocated (see the adopted Local Plan (2016-2036) policies HH1, FO1 and FO3) within or adjacent to Horton Heath having been allocated for over 1500 dwellings in total. This is in addition to the site immediately south of the Site which form part of S2 (urban edge) of the Local Plan. Whilst this site has no specific housing allocation, it is more likely that this would be brought forward for development in the event the Application is granted. This Application, when viewed together with the other allocated sites in Horton Heath, will have a negative impact on the character of Horton Heath itself due to the loss of countryside and village sprawl. We are unable to find any evidence that the Applicant has considered the cumulative impacts of the development, alongside those proposed under Local Plan policies S2, HH1, FO1 and FO3, as part of the Application.

### **Trees on the planning application site**

We note that there are a number of existing trees and hedges currently located on the Site, and an arboricultural assessment has been submitted.

The arboricultural assessment highlights that of the twenty trees/groups and hedges, ten trees/groups (twenty trees in total) are to be removed from the Site.

Our clients are concerned that a number of the trees that are to be removed, are directly adjacent to the boundary of the Site and our clients' property. These trees are mature in nature and provide a wide spread of foliage and vegetation between the two properties, acting as a sound barrier to noise and guard for privacy. The removal of these trees is likely to have an impact on the amenity of our client's property, together with removing a barrier that affords our client privacy from the neighbouring properties.

Whilst the Application proposes the planting of twenty trees to replace those to be lost, our client is concerned that those replanted trees will not be of the same standard and it will take a significant period of time for those trees to reach the age of those already existing on the Site. This is particularly so given that our client understands that a number of the trees, particularly along the northern boundary of the Site, have been in situ for at least 7 years. Our view is that the proposed replanting to mitigate the effects of the development is not satisfactory, and further work should be carried out by the Applicant to look to retain as many trees as possible.

**Conclusion**

Our clients hope that the Council will have regard to the material planning considerations set out in this letter of objection, and the Application will be decided accordingly.

Should you have any queries or require any clarifications in relation to this, please do not hesitate to contact the sender at the above details.

Yours faithfully

A handwritten signature in dark ink that reads "Womble Bond Dickinson". The signature is written in a cursive, slightly stylized font.

**Womble Bond Dickinson (UK) LLP**

### Figures referred to

### Figure 1



### Figure 2



**Figure 3**

**Photos from bedroom 1 on first floor**





Photos from bedroom 2 on first floor









**Photos from annex above the garage**



**Photos of Juliette balconies on the south side of the property**







**Views from the property overlooking the Site**



