

8 November 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

1 Whitehall Riverside
Leeds
LS1 4BN

Tel: 0345 415 0000
Fax: 0345 415 5258
DX: 742140 Leeds 82

frances.everett@wbd-uk.com
Direct: +44 113 290 4337

Our ref: FE1/455441.00003
Your ref: F/23/95549

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 previously wrote to the Council on 31 August 2023 to notify the Council of our clients' objection to the Application. A copy of that letter is enclosed as Appendix 1. We note that since then the Applicant has submitted amended details to its proposals for the Application.

Following notification of an update to the Application dated 25 October 2023, and review of the proposals, this letter constitutes a further objection by our clients to the Application.

Changes to the Application affecting our clients' property

We note that the Applicant has made a number of changes to the Application. Specially in relation to the siting of Plot 5, we note that the Applicant has changed the location of the proposed garage for that Plot. The updated proposals see that the garage has been moved further back from the front line of the property so that the garage now sits farther west and further into the rear garden for Plot 5.

The result of the above changes is that the physical location of the property on Plot 5 is now closer to our clients' property. Given that we stated in the previous objection that one of the main issues for our clients was the effect on their amenity and privacy, our clients are surprised to see that these changes have been made.

Our clients would like to strongly re-iterate their previous objections to the Application on the grounds of the effects to amenity and privacy of their property. This is especially so as the change to the siting of Plot 5, brings the property ever closer to our clients' garden and patio area, as well as access to their lounge from bi-fold doors immediately adjacent.

In addition to the effects on the amenity and privacy of our clients' property, the proposed changes would still be likely to cause overshadowing on our clients' property, particularly given that Plot 5 will sit to the

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south and west, and so will cast a larger shadow over our clients' property, for a longer 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.

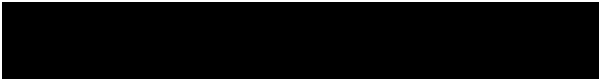
We have not seen anything in the updates to the Application to suggest that the Applicant has taken on-board our clients' previous comments, and as such those objections set out in the letter of 31 August 2023 remain.

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

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Womble Bond Dickinson (UK) LLP

Appendix 1 – Objection Letter dated 31 August 2023

For the Attention of Gary Osmond
Eastleigh Borough Council
Eastleigh House
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By post and email

1 Whitehall Riverside
Leeds
LS1 4BN

Tel: 0345 415 0000
Fax: 0345 415 5258
DX: 742140 Leeds 82

frances.everett@wbd-uk.com
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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 large black rectangular redaction box covering the signature area.

Womble Bond Dickinson (UK) LLP

SCHEDULE 1

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



