Formal Planning Objection – Application 2026/91657

Objection ground: Failure of the original height and separation assumptions; unassessed overlooking, dominance and cumulative loss of residential amenity contrary to Policy LP24

I object to application 2026/91657 because it cannot properly be assessed as an isolated alteration to Plot 23. The Council must assess the complete dwelling as built and proposed—including its altered levels, siting, massing, double garage, veranda and additional window—against the residential amenity of No. 92.

The cumulative relationship is materially different from that assessed under application 2020/93954.

1. The original 21-metre conclusion depended upon the dwellings being at comparable heights

Paragraph 10.52 of the 2020/93954 officer report states that the normal separation standards are:

- 21 metres between facing habitable-room windows; and
- 12 metres between a habitable-room window and a blank or non-habitable elevation.

Crucially, the same paragraph acknowledges that longer distances may be necessary where:

"steep topography on the site… presents challenges relating to overlooking".

Paragraph 10.53 then concludes that 21 metres was acceptable along Lingards Road because the proposed dwellings would be:

"of equivariant height, or marginally lower, than the units to the south of Lingards Road".

That was an express factual premise of the original residential-amenity assessment.

The evidence now indicates that Plot 23 has been constructed at levels averaging approximately 0.82 metres above those shown on the approved drawings, with the increase potentially being around one metre. This should not be confused with the resulting overall height difference between Plot 23 and No. 92. The material point is that the as-built increase reverses the relationship upon which the original officer relied: Plot 23 is not equivalent in height to, or marginally lower than, the bungalow opposite.

This raises the dwelling, its windows, its veranda and its overall mass above the assessed position. The Council cannot continue relying upon the original 21-metre conclusion when the essential height assumption supporting that conclusion has failed.

2. The Manchester Road assessment demonstrates that 21 metres is insufficient in this situation

The same officer report applied a materially different approach to residents on Manchester Road.

Paragraph 10.56 records that those homes were on lower ground than the proposed three-storey dwellings and concludes:

"Given the circumstances, it is clear that 21m would be an insufficient separation distance".

Paragraphs 10.57–10.59 then rely upon separation distances of between 32 and 50 metres, together with several additional forms of mitigation:

- the proposed dwellings were primarily positioned at oblique angles;

- their upper floors were principally incorporated within their roofs, reducing their apparent height;
- there were reasonable gaps between buildings; and
- semi-mature tree planting was proposed to soften their visual impact.

The officer concluded that overlooking and overbearing impact would not be materially harmful only after considering those factors together.

No. 92 has a less favourable relationship with Plot 23:

- the two front elevations face one another directly, rather than obliquely;
- No. 92 is a bungalow, with its principal accommodation and windows concentrated at ground-floor level;
- Plot 23 is both taller and elevated above the position originally assessed;
- its entrance canopy/veranda provides an elevated external occupation point;
- the intervening tree is expected to be removed; and
- the current application would add further built mass through the double-garage arrangement.

I do not suggest that 32 metres is a freestanding statutory minimum. It is, however, the Council's own shortest accepted comparator where taller proposed dwellings occupied higher ground—and even that distance was accompanied by substantial mitigation that is absent here.

The Council must therefore explain, using verified levels and sightlines, why the substantially shorter, directly facing Plot 23–No. 92 relationship would provide equivalent protection. It would be inconsistent to declare 21 metres "clearly" insufficient for the Manchester Road residents while treating it as automatically sufficient for a directly facing bungalow affected by the same height and topographical considerations.

3. The fact that these are front elevations does not remove the need for protection

The Council may contend that front rooms facing a public road have a lower expectation of complete privacy. However, the 2020 officer report itself expressly applied the 21-metre standard to the front-to-front relationships along Lingards Road. It stated that all new units would have at least 21 metres to their "opposites" on the south side of the road.

Paragraph 10.54 also distinguished between the 20.9-metre building separation at Plot 42 and the greater window-to-window distance. This demonstrates that the relationship between facing front windows was a material part of the original assessment.

Bedrooms 2 and 3 at No. 92 are habitable rooms. They are therefore directly relevant to the window-separation and privacy assessment. Because No. 92 is a bungalow, its principal outlook and living accommodation are concentrated at the level most exposed to the elevated windows and external occupation of Plot 23.

Bungalow status does not reduce the protection owed to No. 92. It intensifies the need to consider:

- downward overlooking;

- the apparent height and mass of Plot 23;
- loss of outlook from principal windows;
- dominance and enclosure; and
- the feeling of being hemmed-in by a substantially taller opposing elevation.

Furthermore, Policy LP24 is not confined to habitable-room separation. The 21-metre guideline is window-specific, but the residential-amenity assessment is property-wide. It must also address privacy, outlook, dominance, light, overshadowing and the enjoyment of the house and its private outdoor areas.

4. The original siting and dimensional baseline is unreliable

The drawings used to assess Plot 23 contain unreconciled dimensional inconsistencies between the master site layout and the grouped plans and elevations. The Council has not explained which dimensions governed its assessment or demonstrated that the constructed footprint corresponds with them.

My measurements also indicate that the footprint has been positioned east of the approved location. That displacement moves more of Plot 23 into the direct outlook from the principal windows of No. 92 and materially changes the angular relationship originally assessed.

Until the Council obtains an independent survey, it cannot safely assume:

- the actual width and position of Plot 23;
- the separation between the relevant elevations and windows;
- the relationship between the constructed footprint and the approved plans; or
- that the original residential-amenity conclusions remain applicable.

An unverified drawing cannot be used to establish an acceptable separation from an unverified building position.

5. The elevated veranda creates a separate overlooking relationship

The roof canopy/veranda projects approximately 1.5 metres from the front elevation, bringing an external occupation area closer to No. 92. The supporting material expressly presents it as a place where residents may sit in the morning.

Although the veranda is not a habitable-room window and therefore does not itself engage the 21-metre window-to-window rule, it creates a separate and potentially more intrusive form of overlooking. People using it would be able to stand, sit and remain outside for extended periods from a position elevated above No. 92.

The assessment must therefore consider:

- the distance from the usable outer edge of the veranda to the windows of No. 92;
- standing and seated eye levels;
- downward sightlines into the bungalow and its outside areas;
- the frequency and duration of its likely use; and

- associated activity and noise.

The 2020 officer report contains no identifiable assessment of an elevated veranda or active seating area facing the Lingards Road homes. Its general references to terraces and balconies do not demonstrate that the specific effect upon No. 92 was considered.

6. The additional side window must also be assessed

A window has been inserted into the side elevation of Plot 23 which I have not identified on any approved drawing or current application plan.

Because of the increased levels and altered siting of Plot 23, this window appears capable of providing a direct line of sight towards the principal lounge window of No. 92. The Council must establish:

- the planning status of the window;
- the room it serves;
- its cill and eye level;
- whether it is clear or obscure glazed; and
- the actual sightline towards No. 92.

It cannot simply be omitted from the present amenity assessment because it is absent from the submitted drawings.

7. A cumulative assessment is required

The Council must not compare each new alteration only with the immediately preceding plan. That would allow the development to be altered and regularised incrementally while avoiding assessment of the substantially different cumulative outcome.

Application 2026/91657 must be assessed together with:

- the approximately 0.82–1 metre level increase;
- the altered siting of the footprint;
- the contradictory building dimensions;
- the enlarged double-garage form;
- the elevated veranda and its intended use;
- the additional side window;
- the loss of the intervening tree; and
- the complete height, massing and visibility of Plot 23 from No. 92.

The correct comparison is between the cumulative development now built and proposed and the scheme whose effects were originally assessed—not merely between this application and the last approved drawing.

Evidence required before determination

Before determining this application, the Council should obtain and publish:

1. an independently verified topographical survey showing the approved and as-built floor, eaves and ridge levels of Plot 23 and the corresponding levels of No. 92;
2. an accurate survey of the constructed footprint and its position relative to the approved site plan;
3. the actual window-to-window and building-to-building separation distances;
4. scaled sections and sightlines between the principal windows of No. 92 and the windows and veranda of Plot 23;
5. an assessment of standing and seated views from the veranda;
6. a determination of the planning status and overlooking effect of the side window; and
7. a reasoned comparison with the Manchester Road assessment, explaining why any separation below the Council's own 32-metre comparator provides equivalent protection despite the absence of its mitigating features.

Until that work is undertaken, there is no reliable evidential basis for concluding that the relationship complies with Policy LP24.

The original amenity conclusion rested upon Plot 23 being equivalent in height to, or marginally lower than, No. 92. That premise has failed. The Council must not allow an unverified as-built development to become the assumed baseline for still further changes.

For these reasons, application 2026/91657 should be refused unless it is fundamentally revised to remove the harmful overlooking, dominance and loss of residential amenity caused to No. 92.