

“Stealing Our Light to Buy Theirs”

The phrase is deliberately figurative, but it captures an important imbalance in the amenity consequences of the excessive elevation at Plot 23.

To the rear, Plot 23 enjoys an exceptionally open aspect. There is no neighbouring development immediately behind Plots 23, 34 and 35; the outlook extends across open land towards the opposite side of the valley, approximately 500 metres away. The dwellings therefore already benefit from extensive exposure to open sky and landscape.

Against that physical context, it is difficult to identify any material residential-amenity justification for retaining additional elevation above that which is necessary to provide an acceptable dwelling. Lowering the building would not suddenly place another dwelling, wall or other significant obstruction behind it. Its principal rear-facing accommodation would continue to enjoy an exceptionally open aspect across the valley.

The consequences of additional elevation are very different on the Lingards Road side.

The Council has established that Plot 23 has been constructed approximately 600mm above its approved level. Raising the dwelling raises its floors, windows, walls and roofline in relation to the established properties opposite. The benefit and harm are therefore markedly asymmetrical: the new dwelling gains a somewhat more elevated position and outlook, while existing residents experience greater built mass, increased dominance and enclosure, reduced open outlook and an altered relationship with windows and habitable rooms.

Put another way, there appears to be very little residential amenity for Plot 23 to lose through a reduction in its excessive elevation, whereas there is meaningful existing residential amenity capable of being regained by lowering it.

That is why *“stealing our light to buy theirs”* captures the imbalance. The concern is not that daylight is literally transferred from one property to another. It is that additional elevation enhances the position of a new dwelling which already enjoys an exceptionally open rear aspect, while the adverse consequences of that same additional elevation are imposed principally upon the established homes opposite.

This distinction is important. The question should not simply be whether the occupants of Plot 23 benefit from being higher. Almost any dwelling might obtain some advantage from additional elevation. The relevant planning question is whether that additional advantage justifies the corresponding and permanent effect upon neighbouring residential amenity.

Here, the physical circumstances appear particularly one-sided. The rear aspect remains open whether the dwelling is higher or lower; the relationship with the established dwellings opposite does not.

The same consideration is relevant to the Council's ongoing investigations into Plots 34 and 35. If those dwellings are also confirmed to have been constructed excessively high, their open rear aspect should be considered alongside the additional harm that their elevation causes towards the established residential frontage.

This does not seek to prejudge what the appropriate final elevations of Plots 23, 34 and 35 should be. There are separate concerns about how those levels were originally established and assessed. It does, however, demonstrate why the current excessive as-built elevations should not be retained

simply because lowering the dwellings might marginally reduce the outlook enjoyed by their future occupants.

The new dwellings have extensive open countryside behind them. Existing residents have those dwellings immediately in front of them.

In those circumstances, allowing additional elevation to be retained gives the new development an amenity advantage where relatively little is needed, while imposing the resulting harm where its effects are much more significant. That is the asymmetry the Council should address.