

Notice of Meeting

Southern Area Planning Committee

Date: Monday 16 May 2022

Time: 5.30 pm

Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey, Hampshire,
SO51 8GL

For further information or enquiries please contact:

Caroline Lovelock - 01264 368014
clovelock@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

PUBLIC PARTICIPATION SCHEME

*If members of the public wish to address the meeting they should notify the
Legal and Democratic Service at the Council's Beech Hurst office by noon
on the working day before the meeting.*

Membership of Southern Area Planning Committee

MEMBER

WARD

Councillor M Cooper (Chairman)	Romsey Tadburn
Councillor M Hatley (Vice-Chairman)	Ampfield & Braishfield
Councillor G Bailey	Blackwater
Councillor P Bundy	Chilworth, Nursling & Rownhams
Councillor J Burnage	Romsey Cupernham
Councillor A Dowden	Valley Park
Councillor C Dowden	North Baddesley
Councillor S Gidley	Romsey Abbey
Councillor I Jeffrey	Mid Test
Councillor M Maltby	Chilworth, Nursling & Rownhams
Councillor J Parker	Romsey Tadburn
Councillor A Ward	Mid Test
Councillor A Warnes	North Baddesley

Southern Area Planning Committee

Monday 16 May 2022

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
 - 2 Public Participation**
 - 3 Declarations of Interest**
 - 4 Urgent Items**
 - 5 Minutes of the meeting held on 26 April 2022**
 - 6 Information Notes 4 - 9**
 - 7 22/00379/FULLS - 14.02.2022 10 - 22**
- (OFFICER RECOMMENDATION: PERMISSION)**
SITE: 44 Testlands Avenue, Nursling, Southampton, SO16
0XG, **NURSLING AND ROWNHAMS**
CASE OFFICER: Miss Ash James
- 8 22/00451/FULLS - 21.02.2022 23 - 32**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: High Pines, Heatherlands Road, Chilworth, SO16
7JB, **CHILWORTH**
CASE OFFICER: Mr Nathan Glasgow

ITEM 6

TEST VALLEY BOROUGH COUNCIL SOUTHERN AREA PLANNING COMMITTEE INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Consideration

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights;

Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from Democratic Services at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Democratic Services within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application on the Council's website. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 19th February 2019 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan,

but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 7

APPLICATION NO.	22/00379/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	14.02.2022
APPLICANT	Mr Nathan Challis
SITE	44 Testlands Avenue, Nursling, Southampton, SO16 0XG, NURSLING AND ROWNHAMS
PROPOSAL	Single storey rear extension, raise roof with loft conversion and dormers, gable end to sides
AMENDMENTS	
CASE OFFICER	Miss Ash James

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of a Member, for the reason “it raises issues of more than local public interest”

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is a detached property, located within Testlands Avenue, in the Parish of Nursling and Rownhams.

3.0 PROPOSAL

- 3.1 Single storey rear extension, raise roof from 4.7m to 6m, with loft conversion and dormers to the front and rear elevations and changes to the side roof form from a hipped roof to a gable end roof.

4.0 HISTORY

- 4.1 21/03309/FULLS - Single storey rear extension, raise roof with loft conversion and dormers – Refused 22.12.2021
- The proposed dormer windows on the side roof slopes are considered to be of a poor design and dominant within the existing street scene and would fail to integrate, respect and complement the character and appearance of the area by virtue of its size, scale, and location, as such would not comply with policy E1 of the Test Valley Borough Revised Local Plan (2016).
 - The proposed dormer windows would result in a significant increase in overlooking of properties to the side, to the detriment of the amenity of the occupiers. The proposal therefore would not provide for the privacy of the occupants of neighbouring properties contrary to the Policy LHW4 of the Test Valley Borough Revised Local Plan 2016.

- Inadequate survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the proposed development would not have an adverse impact on protected species. The proposed development is therefore considered contrary to Policy E5 and Policy COM2 of the Test Valley Borough Revised Local Plan (2016)

4.2 17/02225/FULLS - Raise the roof at the front of the property by 500mm, erection of dormer to the rear and roof light to side elevation – Withdrawn 09.10.2017

4.3 17/02224/CLPS - Certificate for proposed lawful development for the erection of single storey rear extension – Issue Certificate 25.09.2017

5.0 **CONSULTATIONS**

5.1 **Ecology:** No Objection

6.0 **REPRESENTATIONS** Expired 07.03.2022

6.1 **Nursling Parish Council:** Objection

6.2 **Longdown Management Limited:** Objection

- Privacy concerns for 1 Horns Hill Close
- Out of character
- 44 Testlands Avenue is subject to restrictive covenants, and requires certificate of approval from Barker-Mill Estate prior to any alterations

6.3 **1 Hornshill Close:** Objection

- Proposed windows would overlook 1 Horns Hill Close

6.4 **42 Testlands Avenue:** Objection

- Extension will extend beyond end of property impeding daylight to no. 42
- Proposed dormer windows would overlook no. 42
- Overdevelopment, turning bungalow to house

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)

Policy SD1 – Presumption in Favour of Sustainable Development

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy E5 - Biodiversity

Policy LHW4 – Amenity

Policy T2 – Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring properties
- Impact on ecology
- Impact on parking provision

8.2 **Principle of development**

The sites lies within the settlement boundary as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP development is permitted provided the proposal is appropriate to other policies of the Revised Local Plan. The proposal is assessed against the relevant policies below.

8.3 **Impact on the character and appearance of the area**

Raise roof and convert loft

The character and appearance of the area is defined by detached bungalows, largely of a similar design, appearance and material palette, though there is a slight variation in the design with some properties having converted their lofts using both roof lights and dormer windows. One such example is the immediate neighbouring property, 46 Testlands Avenue, which has a maximum ridge height of 6.5m, and recently raised other parts of the ridge to 5.3m.

8.4 The proposal includes altering the existing roof to provide additional accommodation within the loft space. The height of the roof will increase from a ridge height of 4.7m (5.13m when measured from the rear) to 6m, an increase of 1.3m (0.87m when measured from the rear). The proposal would also result in a change from a hipped roof to gable end roof. The front elevation will see the addition of a flat roof dormer, and the rear roof slope will incorporate a larger flat roof dormer, with Juliet balcony. The provision of flat dormers on front elevations is a common feature within the street scene, other examples within the street scene include 52, 48, 34 and 23 Testlands Avenue.

8.5 The alterations to the roof and construction of dormer windows will undoubtedly result in a change to the visual appearance of the existing property, however, as front dormers are an existing feature within the street, it is considered that this additional will not result in harm to the character and appearance of the area as it will reflect features that are already visible within the public domain. The proposed development is considered to be high quality and would result in a neutral impact on the character and appearance of the area, the proposal is therefore in compliance with Policy E1 of TVBRLP.

8.6 Single storey rear extension

The development is located in a position such that limited public views would be possible. Any glimpsed views of the rear extension would be seen in the context of the existing dwelling and in this respect the proposal would not adversely affect the character and appearance of the area, in compliance with Policies COM2 and E1 of the TVBRLP.

8.7 Impact on amenity of neighbouring property

Raise roof and convert loft

As set out in paragraph 8.4, the total height of the roof will increase as will the form of its roof. Due to the application site's orientation and design it is considered that the increase in the ridge height of the property would not result in a significant loss of light to the neighbouring properties. Four roof lights are proposed within the new roof space either side of the ridge to the front of the property, these are to serve a bathroom and dressing room and would overlook the front gardens and driveways of adjoining properties. Taking this into consideration it is considered that these roof lights would offer restricted overlooking opportunities to neighbouring properties, however, to ensure that no adverse harm occurs to adjoining dwellings it is proposed that these are fitted with obscure glazing and this will be controlled by condition. It is considered unlikely that the proposed changes to the roof, including the loft conversion, would give rise to an adverse impact on the living conditions of neighbouring properties in relation to privacy. The proposal is considered to be in accordance with Policy LHW4 of the TVBRLP.

8.8 Front

Whilst the majority of the bungalows within Testlands Avenue do not have accommodation in their roofs, there are several examples of alterations and conversions of the loft space within the street scene. The proposed additional windows to the front elevation at first floor level will look onto the road, as such it is considered unlikely that these windows would give rise to an adverse impact on the living conditions of neighbouring properties in relation to privacy and is therefore in accordance with Policy LHW4 of the TVBRLP.

8.9 Rear

The proposed dormer window to the rear would also include the provision of a Juliet balcony, whilst concerns in relation to these are noted, they are not considered to result in harm to the amenities of the neighbour properties. The neighbouring dwelling to the rear (1 Hornshill Close) is approximately 20.4m away, though the additional windows to the rear are capable of providing additional overlooking opportunities, due to the orientation of the dwellings and the significant separation distance, this relationship is unlikely to result in excessive levels of overlooking over and above mutual overlooking which is common in an urban environment such as this.

8.10 With regards to the neighbouring properties to each side, it is considered that a Juliet balcony provides no more overlooking opportunities than if a standard window were to be inserted in the same location. The Juliet balconies are inward opening and do not give rise to an opportunity to step out onto any platform. Taking into consideration the location of the rear fenestration it is considered that the proposal would not give rise to any adverse impact on the living conditions of neighbouring properties in relation to privacy. In accordance with Policy LHW4 of the TVBRLP.

8.11 Single storey rear extension

By virtue of the size (bulk and mass) and design of the proposal, its juxtaposition relative to neighbouring properties, and the nature of the intervening boundary treatment the rear extension would not give rise to an adverse impact on the living conditions of neighbouring properties by virtue of loss of daylight, sun light, or privacy. The proposal is in accordance with Policy LHW4 of the TVBRLP.

8.12 **Impact on ecology**

The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, a condition has been included to ensure development proceeds in accordance with the measures set out in Section 5 'Interpretation and Evaluation' of the 44 Testlands Avenue, Nursling, Preliminary Roost Assessment (Arbtech, March 2022). Subject to the imposition of this condition the proposal would be in accordance with Policy E5 of the TVBRLP.

8.13 **Impact on parking provision**

There is sufficient parking on site to serve a dwelling of this size, in accordance with the parking standards as set out in Annex G and Policy T2 of the TVBRLP.

8.14 **Other Matters**

Third party comments were received relating to existing restrictive covenants, and the need to obtain a certificate of approval from the Barker-Mill Estate. This is a civil matter and not a material consideration in the determination of this planning application.

8.15 A previous application sought planning permission for dormer windows on either side of the existing roof slope and was subsequently refused by the Council. The reasons are set out in paragraph 4.1 above. The proposal currently under consideration has addressed these concerns, by reconfiguring the dormers to the front and rear elevations, thereby removing the overlooking towards the neighbouring properties either side of the application site. The revisions to the design are now considered to complement the character and appearance of the area and overcome the previous reasons for refusal.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP.

10.0 **RECOMMENDATION**

PERMISSION subject to:

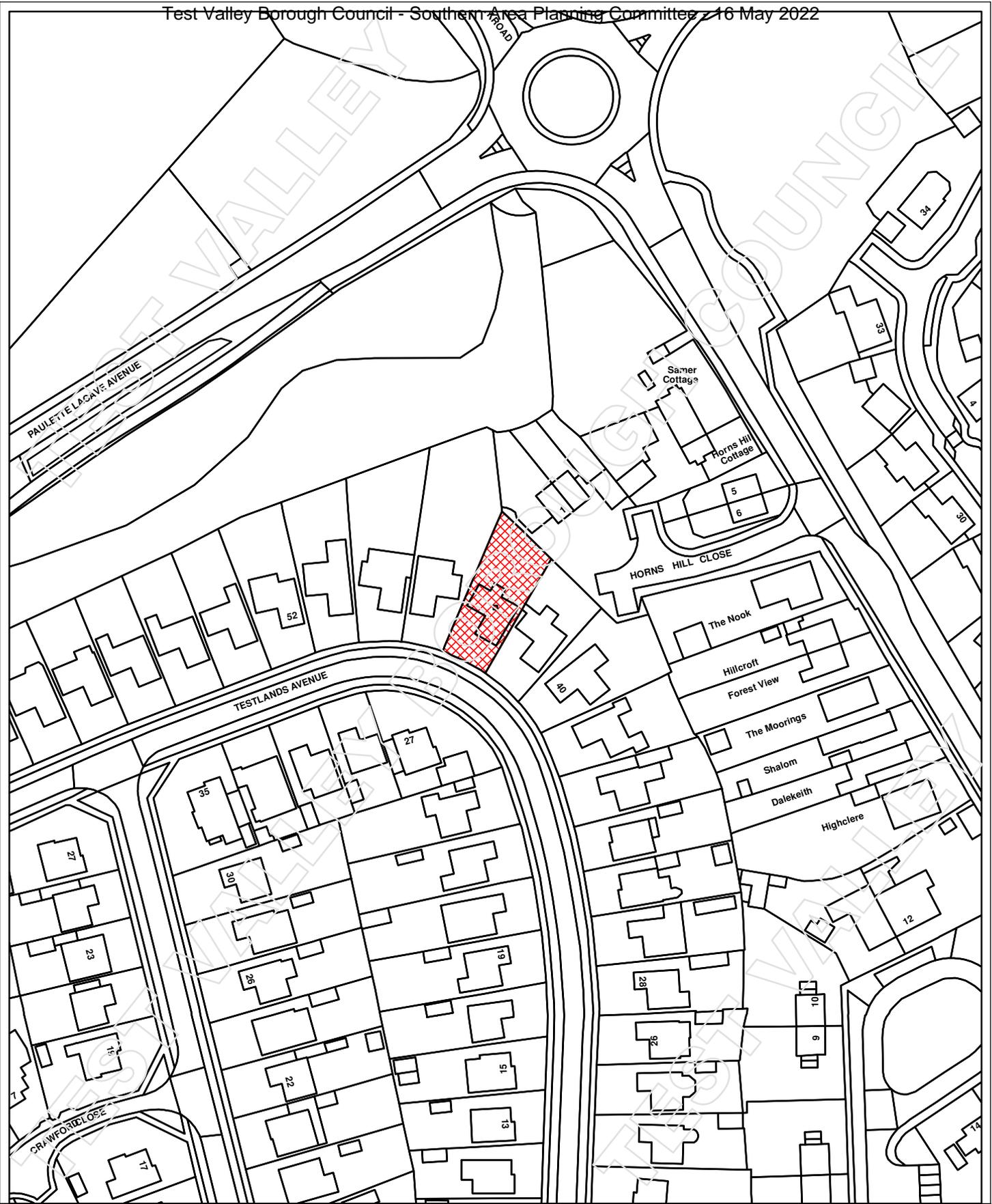
1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 005C, 006C, Block Plan 14.02.2022 and Site Location Plan 14.02.2022**
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3. The external materials to be used in the construction of all external surfaces of the development hereby permitted shall be as specified on the application form and the approved plans.**
Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
- 4. Development shall proceed in accordance with the measures set out in Section 5 'Interpretation and Evaluation' of the 44 Testlands Avenue, Nursling, Preliminary Roost Assessment (Arbtech, March 2022). Thereafter enhancement features shall be permanently maintained and retained in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.**
Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Revised Local Plan DPD.
- 5. Prior to the first use of the extension, the roof lights in the East and West elevation of the development hereby permitted shall be fitted with obscured glazing and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
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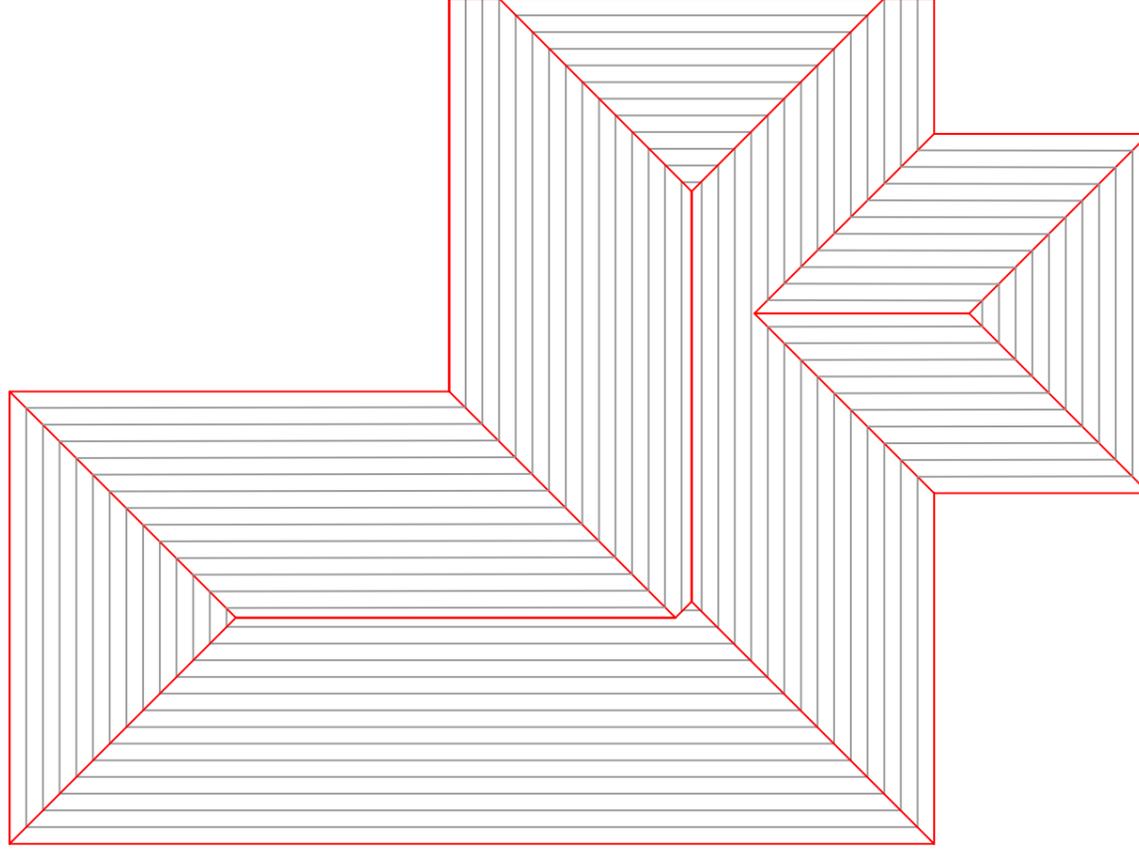
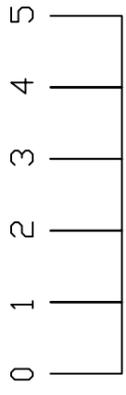


Siteplan

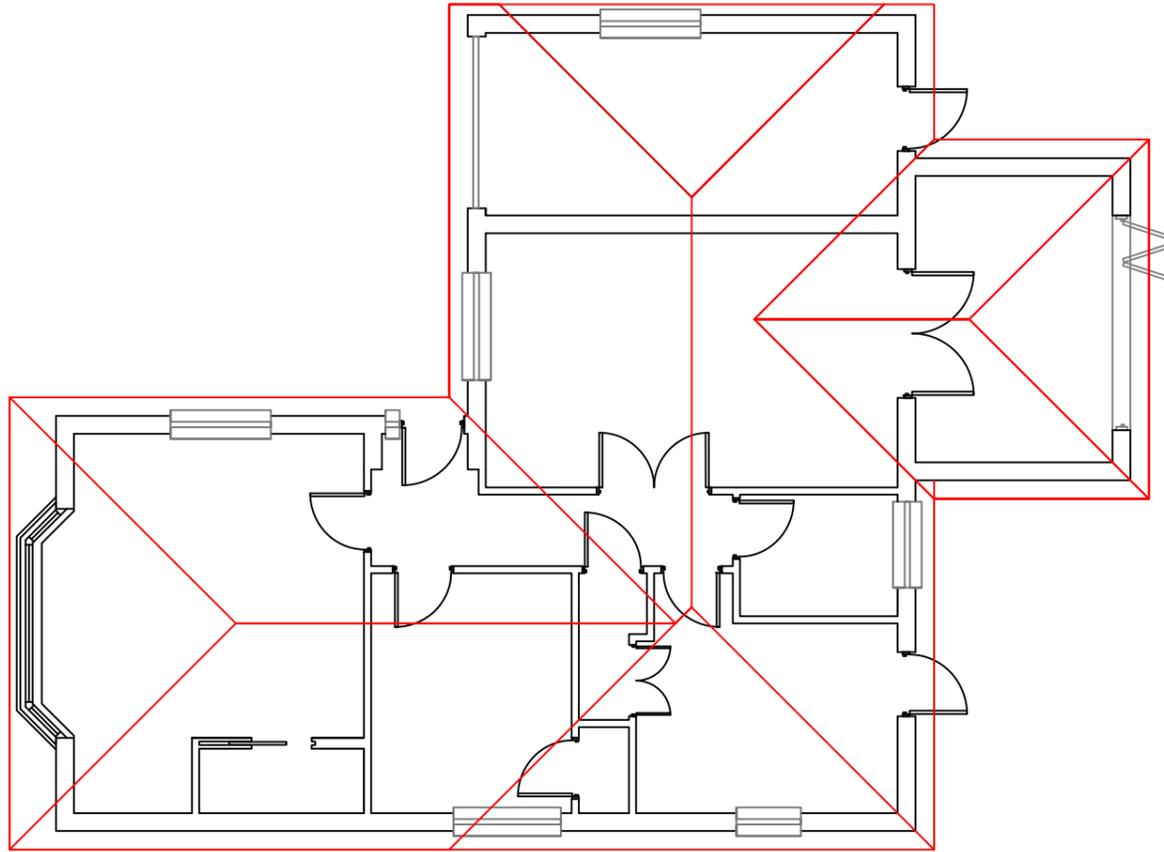


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22/00379/FULLS



EXISTING ROOF



EXISTING GROUND FLOOR

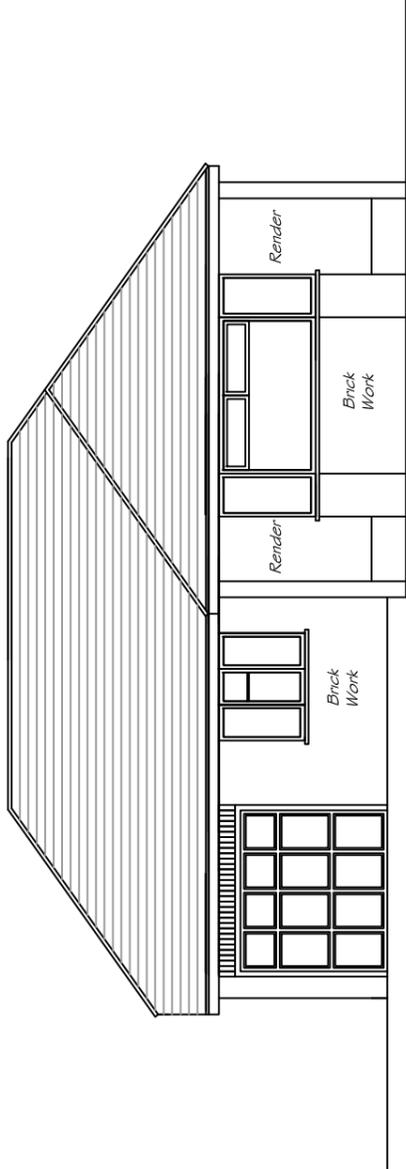
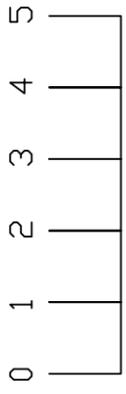
All elevations & detail shown on this drawing to be checked on site by the contractor before fabrication & erection. If any dimensions with proper materials which are appropriate for the circumstances in which they are used are not shown, the contractor shall refer to the applicable and manufacturer's recommendations.

These drawings to be used in conjunction with the approved Building Notice for this project separate A4 sheets & product information.

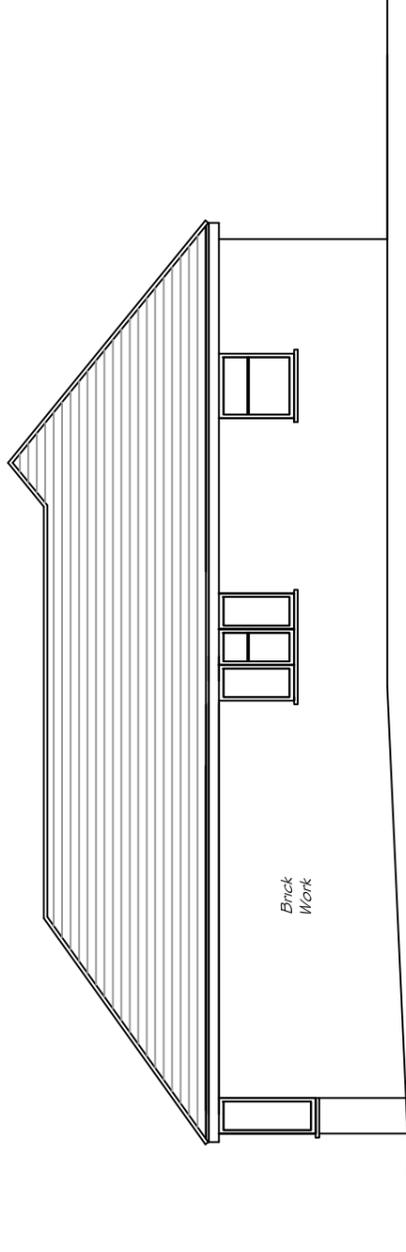
Project Name/Address 44 TESTLANDS AVENUE, NURSILING SO16 0XG

Clients name NATHAN
Drawing Title EXISTING LAYOUTS

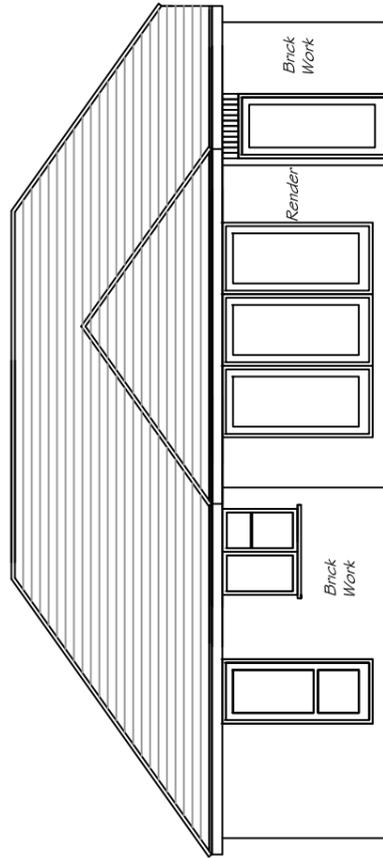
Drawing Scale	Drawing No	Date
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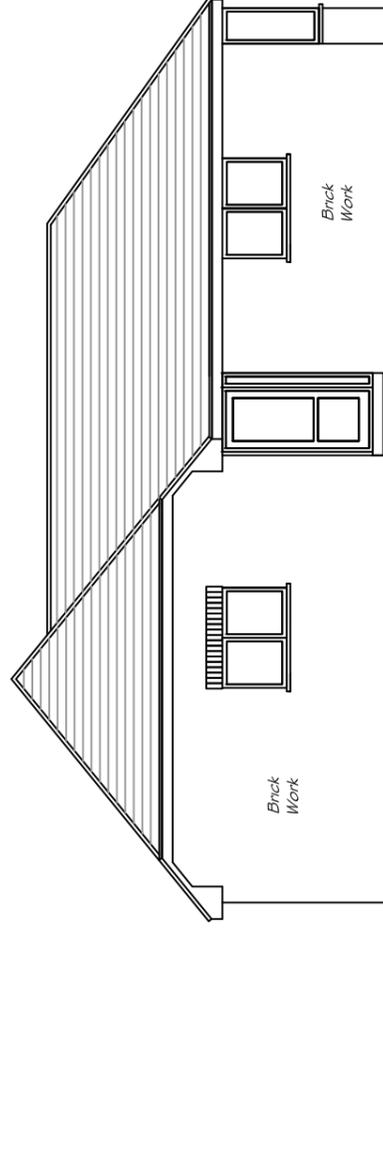
EXISTING FRONT ELEVATION.



EXISTING SIDE ELEVATIONS.



EXISTING REAR ELEVATION.



EXISTING SIDE ELEVATIONS.

All dimensions & details shown on this drawing to be checked on site to appropriate scaled elevations. All building work to be carried out in accordance with the Building Regulations, Approved Documents, Part N & Part O, which they are used in a non-prescriptive manner in accordance with the Approved Document Part N & Part O. Standards of workmanship to be in accordance with the Building Regulations & Approved Documents.

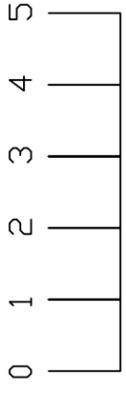
These drawings to be read in conjunction with the approved Building Notes for this project (separate A4 sheets & product information).

Project Name/Address: 44 TESTLANDS AVENUE, NURSING SD16 0XG

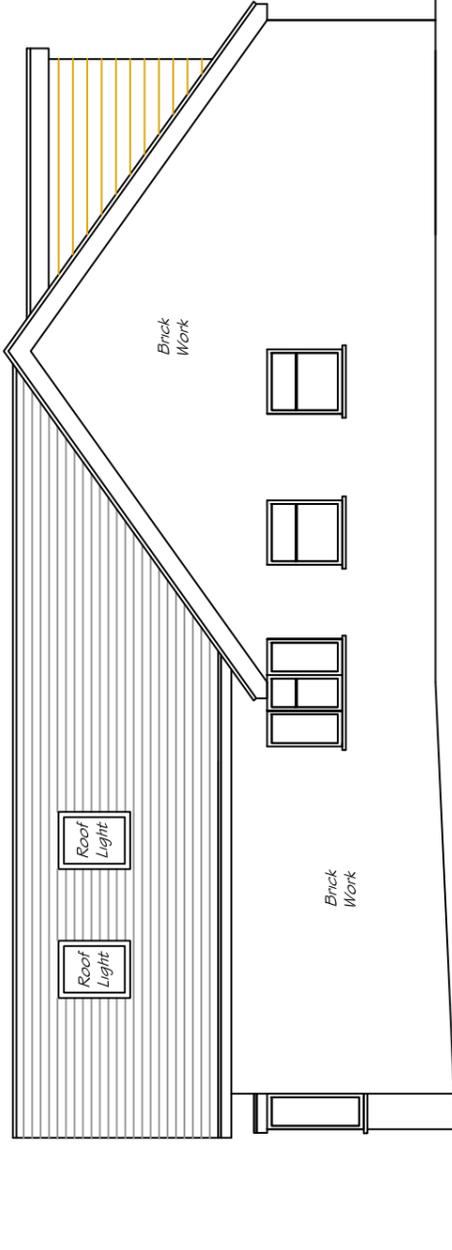
Clients name: NATHAN

Drawing Title: EXISTING ELEVATIONS

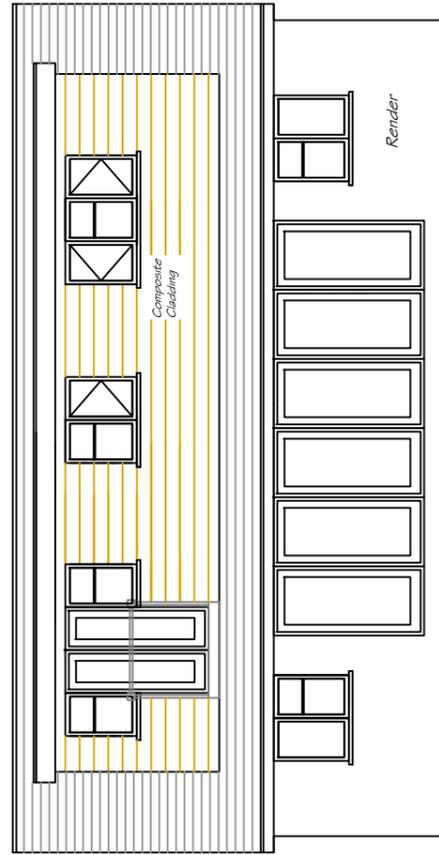
Drawing Scale	Drawing No	Date
1:100	002	1/11/2021



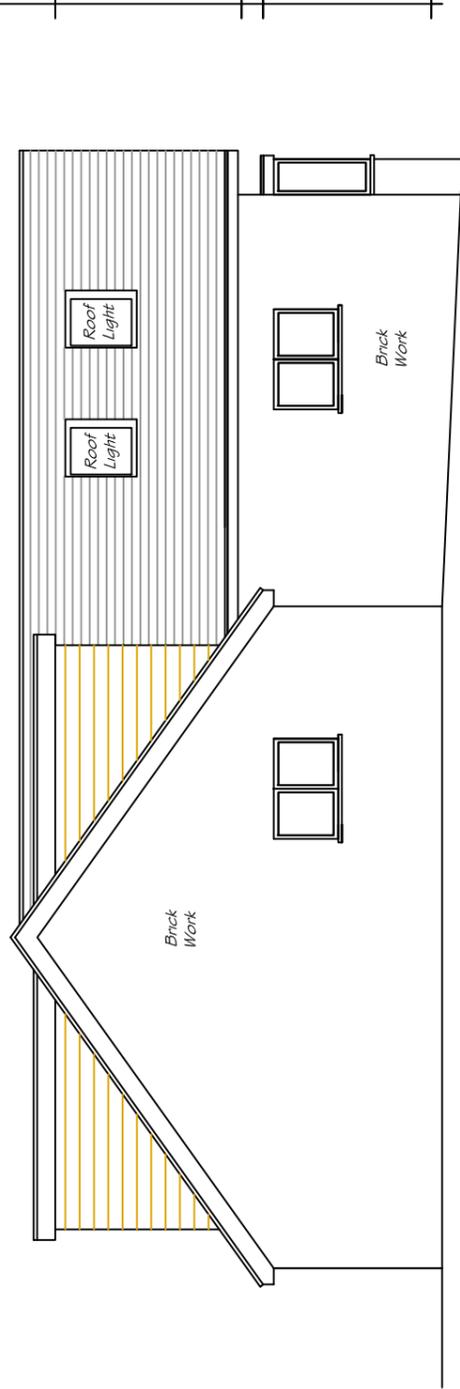
PROPOSED FRONT ELEVATION A.



PROPOSED SIDE ELEVATION A.



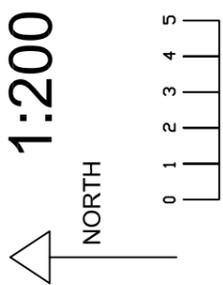
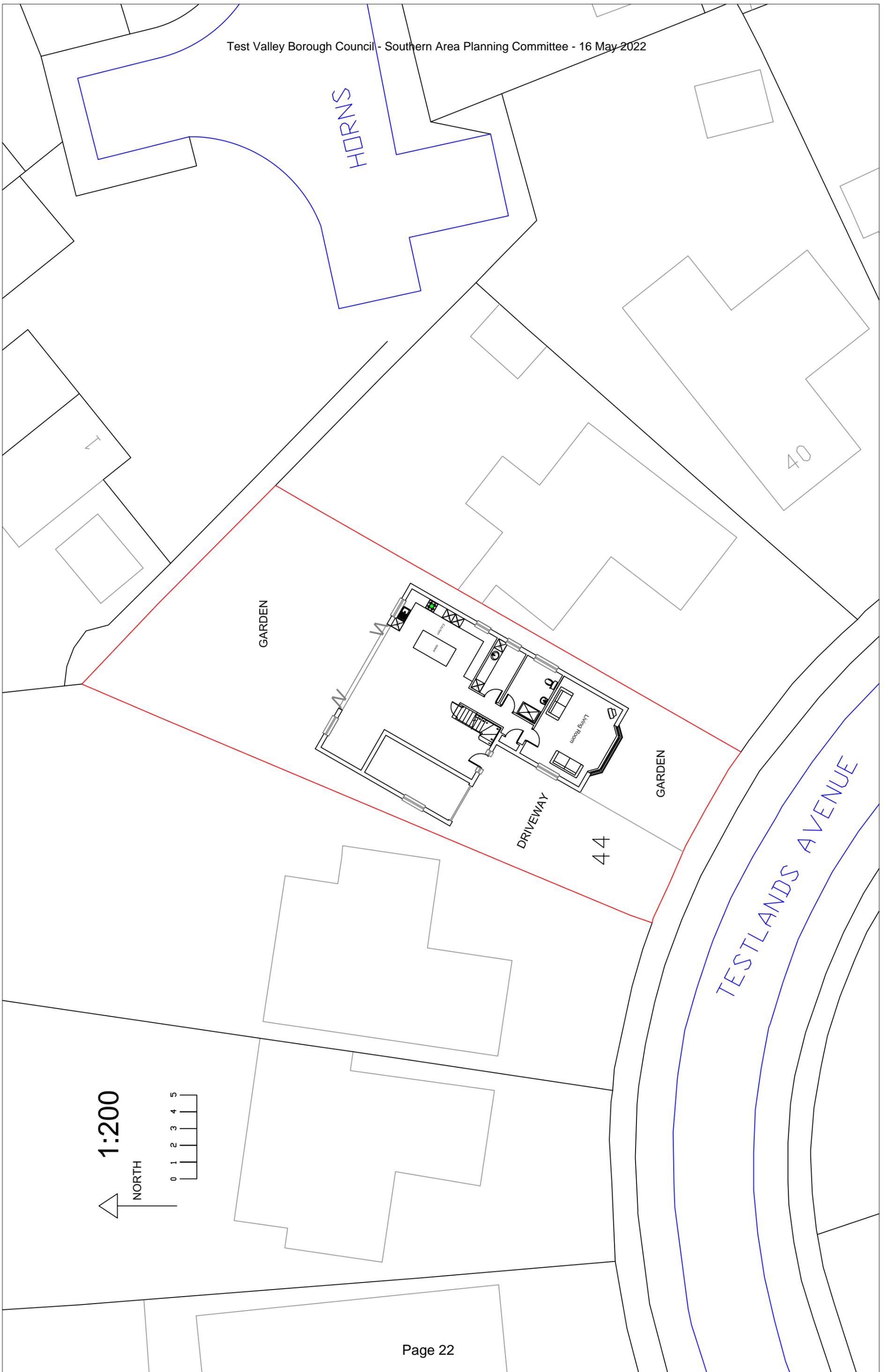
PROPOSED REAR ELEVATION A.



PROPOSED SIDE ELEVATION A.

All elevations & details shown on this drawing to be checked on site to ensure they are in accordance with the approved Building Notice for the project (separate sheets & product information). These drawings to be read in conjunction with the approved Building Notice for the project (separate sheets & product information).

Project Name/Address 44 TESTLANDS AVENUE, NURSILING SO16 0NG		Client's name NATHAN	Drawing Title PROPOSED ELEVATIONS A
Drawing Scale 1:100	Drawing No 006C	Date 1/11/2021	



ITEM 8

APPLICATION NO.	22/00451/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	21.02.2022
APPLICANT	Mr Mitesh Patel
SITE	High Pines , Heatherlands Road, Chilworth, SO16 7JB, CHILWORTH
PROPOSAL	Resurfacing driveway, create path, replacement gates and timber fence to the rear boundary
AMENDMENTS	None
CASE OFFICER	Mr Nathan Glasgow

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to the Southern Area Planning Committee at the request of the three Ward Members.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 High Pines is a large detached dwelling in Chilworth, set within an extensive plot on the eastern side of Heathlands Road, with its rear boundary facing out on to Roman Road. The property is located within the Chilworth Residential Area of Special Character.

3.0 PROPOSAL

- 3.1 Resurfacing driveway, create path, replacement gates and timber fence to the rear boundary.
- 3.2 The gates would both be 1m in height, with the majority of the fence line at 1.80m in height. The fence panels directly adjoining the two gates will have a diagonal drop in height to match the two gates.

4.0 HISTORY

- 4.1 **21/02563/FULLS** – Resurface driveway and create a new path from drive to property (Part Retrospective) – Withdrawn
- 4.2 **21/01293/VARS** – Variation of condition 2 of 20/02376/FULLS (One and two storey side extensions, two storey front extension, dormers to the rear to provide for rooms in roof and erection of detached garage with room above) to substitute drawing 3986-P-03A for 3986-P-03B – Permission subject to conditions
- 4.3 **20/02376/FULLS** – One and two storey side extensions, two storey front extension, dormers to the rear to provide for rooms in roof and erection of detached garage with room above – Permission subject to conditions

5.0 CONSULTATIONS

5.1 **Trees** – No objection subject to conditions

5.2 **HCC Highways** – No objection

6.0 REPRESENTATIONS Expired 25.03.2022

6.1 **Chilworth Parish Council** – Objection

1. “Resurfacing driveway” – it is not clear to which part of the property this refers. If it is the area coloured brown, no such driveway existed before the applicant created the same. It appears to be, from visual inspection, wide enough for motor vehicles. This view is reinforced by the creation of the two new gates and the build-up of two access points across the ditch (under which are new pipes) recently dug deeper by the applicant
2. “Create path” – it is not clear where this path is on the plan and it is assumed that it is the one running from the house. The PC is puzzled by this. Does it now mean that any Chilworth resident, who wishes to create a garden path, has to apply for planning permission? Clarification is needed.
3. “Replacement gates” – the two statements attached to the Planning Statement are noted. However, the PC is aware of serious conflicting evidence, The next door neighbour, who has lived there for 44 years has no recollection of there having been a gate at the bottom of High Pines. The owner of Brierway, Heatherlands Road confirms that there was a fence along the boundary and there was no formal exit from the property which was separated by the deep ditch, trees and shrubbery. The occupiers of Greystoke Heatherlands Road state that, before 2021, the situation was that there was a post and wire fence marking the boundary, the same as is still visible on the adjacent property (The Brick House). Self-seeded shrubs grew up through the wire and largely hid it from view so they cannot be certain if there were gateposts in situ. There was certainly no gate in place. Statements will be provided other than electronically.
4. “Timber fence to the rear boundary” – please see comments above.
5. Roman Road is a Restricted Byway and the signs at each end specifically ban motor vehicles with another sign indicating “No Vehicles – Except for Authorised Access”. We ask TVBC to liaise with Hampshire County Council as it seems clear that the applicant will want, if permission is granted, to use the proposed gates for vehicles. Also, it must be noted that the road is owned by the Willis Fleming Estate, with whom the PC is making contact.
6. The works already carried out by the Applicant have caused flooding and the PC request that TVBC seek advice from the Highways Agency – please see letter from Professor Shearer.
7. In order to assist TVBC, the PC also submits a photograph taken in 2010 showing the substantial overgrowth at the property, all of which it seems the applicant has removed.

6.2 Further comments from residents were sent to the LPA by the Parish Council. These comments were made in support of the Parish Council’s formal response as summarised in para. 6.1. The comments from local residents have been taken into consideration in the determination of the application and are assessed below.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2: Settlement Hierarchy
E1: High Quality Development in the Borough
E2: Protect, Conserve and Enhance the Landscape Character of the Borough
E4: Residential Areas of Special Character
E5: Biodiversity
LHW4: Amenity
T1: Managing Movement
T2: Parking Standards

7.3 Supplementary Planning Documents (SPD)

Chilworth Village Design Statement (VDS)
Chilworth Residential Area of Special Character (RASC)

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area
- Impact on protected trees
- Impact on ecology
- Impact on neighbouring amenity
- Impact on highway safety and parking provision

8.2 Principle of development

The application site is located within the settlement boundary of Chilworth, as defined by the Inset Maps of the Revised Local Plan. Development within the settlement boundary is considered to be acceptable in principle, under Policy COM2, subject to compliance with other relevant planning policy.

8.3 Impact on the character and appearance of the area

High Pines' principal access is taken directly from Heatherlands Road on its eastern boundary. The development, which is the subject to this planning application, is located to the rear of the site along Roman Road, which is a single lane restricted byway/road. This restricted byway/road is a largely compacted gravel/hard-core surface and is characterised by its rural nature and dominated by tree coverage, and is not seen in the context of the neighbouring Heatherlands Road or Hadrian Way, which are more formalised and residential in nature and appearance. Below is a consideration of the individual aspects of the proposal and an assessment against Policy E1 of the Revised Local Plan.

8.4 Fence

The proposed boundary fencing along Roman Road is 1.8m in height, and runs along the entire western (rear) boundary of the property. The fence panels to either side of the proposed gates would drop diagonally in height from 1.8m to 1m, to match the gates. From the case officer's site visit, it is apparent that neighbouring properties with boundaries fronting Roman Road have similar boundary treatment in the form of circa 1.8m high close-board fencing, and due to this, it is considered that the proposed fencing complements and respects the character of the area. The fencing is considered to result in a neutral impact upon the street scene and character of the area, and not contrary to Policy E1 of the Revised Local Plan.

8.5 Gates

The gates that have been installed and which are currently on site do not benefit from planning permission and are not the subject of this planning application. To overcome the concerns of the Council and local residents a revised design has been provided. The proposed gates would measure 1m in height, reducing their visual appearance and being of a size that is complementary to other access gates found on Roman Road. The lower gates with graduated fence panels is considered to be an acceptable solution, which will assist in integrating the development into the local area. The gates are considered to result in a neutral impact upon the character and appearance of the street scene, and this aspect is considered to accord with Policy E1 of the Revised Local Plan.

8.6 Driveway and pathway

The driveway is of a "C" shape connecting the two access points, which are approximately 46m apart. The driveway is not visible from public vantage points on Roman Road, apart from very limited views underneath the gate. The proposed pathway will be visible due to the existing topography of the site, which rises from Roman Road up towards the existing dwelling. However, the path would be seen in the context of the existing domestic property and its residential garden. Both the driveway and pathway would have a neutral impact upon the character and appearance of the area and is therefore not considered to be contrary to Policy E1 of the Revised Local Plan.

8.7 Chilworth Village Design Statement (VDS)

The Chilworth VDS states that boundary treatments are significant features because "they greatly affect the street scene". It goes further to make reference to fencing not being in-keeping with the area as it looks out of place. As highlighted above in para. 8.3, Roman Road is not seen in the same context of the formal roads throughout Chilworth, where principal access is taken from principal streets/roads. However, the VDS is silent on design recommendations specifically related to boundary treatments to the side and rear of the gardens. Due to the setting of Roman Road and its context within the wider street scene, the proposal is not considered to be contrary to the Chilworth VDS.

8.8 Chilworth Residential Area of Special Character (RASC)

Policy E4 will permit development within a RASC provided that a) the resulting sizes of both the proposed and remainder of the original plot, when sub-divided, are not significantly smaller than those in the immediate vicinity, and b) the size, scale, layout, type, siting and detailed design are compatible with the character of that RASC. The site is situated within Character Area 2A.

8.9 The proposal seeks permission for boundary treatment in the form of a fence and gates and also a new driveway and pathway within the plot of High Pines. The proposal does not seek an additional dwelling or to sub-divide the plot and as such, criterion a) is not relevant in this instance.

8.10 Character Area 2A is defined as, *“the plots consist of deep setbacks with the buildings skewed in relation to the frontage with little subdivision of plots. The entrances off of the side street are individual and gated. There are some inconsistent boundary treatments (walls/hedge) and varied building style”*. The character area description emphasises the inconsistent boundary treatments and gated accesses, although the context of the character area is based around the frontages, and not the rear/side boundaries, such as this proposal. The proposal is not considered to be contrary to either criterion b) of Policy E4 and the Chilworth Residential Area of Special Character.

8.11 Impact on protected trees

TPO.TVBC.510 protects many trees on and surrounding the site. The submitted Arboricultural information surveyed the land levels and proximity of the proposed development to trees and included an advisory note that ‘free draining material’ is used for the pathway linking the house to this driveway. The applicant has confirmed that small wooden support boards would be used for path edging and that free draining materials, such as gravel, would also be used. A condition has been recommended in order to obtain a tree protection plan prior to development commencing. Subject to the imposition of the condition the proposal would accord with Policy E2 of the Revised Local Plan.

8.12 Impact on ecology

The development is not likely to affect bats as the proposal will not result in the removal of any trees on site and no works are proposed to any existing buildings on site. The proposal is considered to accord with Policy E5 of the Revised Local Plan.

8.13 Impact on neighbouring amenity

The development would not result in a loss of amenity to neighbouring properties in terms of a loss of light and/or a loss of amenity and privacy, and the proposal accords with Policy LHW4 of the Revised Local Plan.

8.14 Impact on highway safety and parking provision

The proposed gates are set back from Roman Way by approximately 4.5m, which is sufficient for visibility purposes in both directions. The use of the site would not be changed (residential) and as such, there is not considered to be a change in the intensity of the use of the highway or access points. The Highways Officer at HCC has no objection to the scheme and the proposal accords with Policy T1 of the Revised Local Plan. Furthermore, the proposal does not trigger the requirement to provide additional parking spaces, and therefore also accords with Policy T2 of the Revised Local Plan.

8.15 Other matters

The Parish Council has objected to the scheme (as shown in para. 6.1 above) and has sought the views of local residents in support of their comments. The Parish Council comments are assessed below in the same order as those in para. 6.1, along with the relevant comments from local residents that were submitted by the Parish Council.

8.16 Resurfacing driveway

The driveway that is subject to this application is the 'C' shaped section on the site plan (3923-P-02), joining the two access points. The application is for the 'resurfacing' of the driveway and without evidence to the contrary that the driveway was in existence prior to the application being made, the application is therefore assessed on it being 'resurfaced'. Irrespective of this, as set out in Para 8.6, the proposal is not considered to result in harm to the character and appearance of the area and therefore not contrary to Policy E1 of the Revised Local Plan.

8.17 Creation of path

The submitted site plan (3923-P-02) also shows the location of the proposed path, which will extend from the resurfaced driveway, eastwards to the house. The Parish Council have requested clarification that any resident has to apply for a garden path. Whether works constitute development or not is a matter of planning judgement and based on the works being proposed. In this case the applicant has sought planning permission for the works and the Council has a duty to consider the application on its planning merits and has done so.

8.18 Replacement gates & timber fence to rear boundary

The Parish Council have accepted that there is conflicting evidence being provided, in the form of confirmations from existing and previous residents regarding the status of gates being in position along this boundary. The conflicting observations are noted, however, the application has been assessed on its merits and against local and national planning policies. As set out above, the proposal does not result in harm to the character and appearance of the area, results in no harm to highway safety and results in no harm to the amenities of local residents. As such it is considered that the proposal conforms to both Local and national planning policies.

8.19 Roman Road/restricted byway

Roman Road is a restricted byway, titled as Chilworth 4a (with Chilworth 4b forming the southern part of the byway, south of Hadrian Way). Hampshire County Council define a restricted byway for use “for walking, cycling, horse riding and horse drawn carriages (or other non-motorised vehicles). However, as the Parish Council have confirmed, this byway is also available for vehicular access as per the road sign at its entrance. This access, and the byway, is available for the residents of the houses that use Roman Road as an access point, which includes Searle House and Pauncefoot House, and also Forest House, north of the M27 motorway.

8.20 The application seeks to install gates and resurface a driveway, primarily for the additional parking of vehicles that serve a residential property. It is considered that this restricted byway, by virtue of the existing residential properties and authorised access, enables this to occur. Furthermore, it must be highlighted that Hampshire Highways were consulted on the application and have no objections to the scheme.

8.21 It has also been highlighted that the road is owned by the Willis Fleming Estate. The ownership of the road is not a material planning consideration, and the works subject to this application are all within the red edge/ownership of the applicant.

8.22 Flooding

The application site is not within flood zones 2 or 3. It is assumed that this concern relates to the drainage tunnel that has been referred to within the neighbours comments, but this is outside of the red edge and therefore not relevant to this planning application.

8.23 Photograph

The photograph from 2010 provided by the Parish Council is quite blurry and not entirely clear as to what is being shown. The commentary suggests it shows the substantial overgrowth at the property, which has all since been removed. There is no suggestion that this overgrowth was protected under a TPO. The LPA's Tree Officers have been to site and not made any comment regarding loss of a TPO or raised any concerns about the removal of any vegetation within the site. The removal of vegetation is not controlled by the LPA and can be carried out at any time by any person, provided it is not protected by a TPO.

8.24 Summary of comments sent to Parish Council from residents

The Parish Council sought comments from local residents regarding the historic situation of the rear boundary of High Pines. These comments were not sent directly to the LPA during the public consultation phase of the application. However, the matters raised in these letters are assessed below.

8.25 Unknown address

A neighbour confirms they have “no recollection of there ever being a gate at the bottom of High Pines”. The acceptability of the gates has been addressed in para 8.4-8.13 above.

8.26 Brierway, Heatherlands Road (summary)

- The owners have embarked on a progressive programme of development
- First stage was phased clearance of all mature and seemingly healthy trees and shrubbery. Was there permission for this?
- This has resulted in opening up sight and noise from M27 and loss of habitat
- Created gateways and hard-standing at the bottom of the garden
- A fence was previously in-situ, but no formal exit from the property.
- Intent appears to be creation of a development plot
- No objection to development but subject to rules being followed and to a high standard
- The ditch infill was amateurish and damaging for water drainage

8.27 The planning application seeks to retrospectively gain planning permission for the development that has been undertaken and the installation of alternative gates. As above, the Tree Officers have not raised any concern regarding the loss of TPO trees. There is no control regarding noise and sight issues arising from the motorway due to the clearance of vegetation. Regarding potential development, this is not a material planning consideration as they do not form part of the submitted application. As above, the ditch is outside of the red edge and again, not relevant in the determination of the planning application.

8.28 Greystoke, Heatherlands Road (summary)

- Before 2021, there was a post and wire fence. Self-seeded shrubs grew through the wire and hid it from view. We cannot be certain if there were gateposts.
- Installation of large drainage pipes along drainage ditch between Roman Road and property boundary.

8.29 The comments are noted. As set out above, the application has been considered on its merits.

9.0 **CONCLUSION**

9.1 The application is considered to provide a boundary feature that is complementary to the character of the area and integrates with the surrounding neighbouring properties, while providing safe vehicular access onto Roman Road. The scheme is considered to accord with the relevant policies of the Test Valley Borough Revised Local Plan (2016) and the Chilworth VDS and RASC. The proposal is therefore considered to be acceptable.

10.0 **RECOMMENDATION**

PERMISSION subject to:

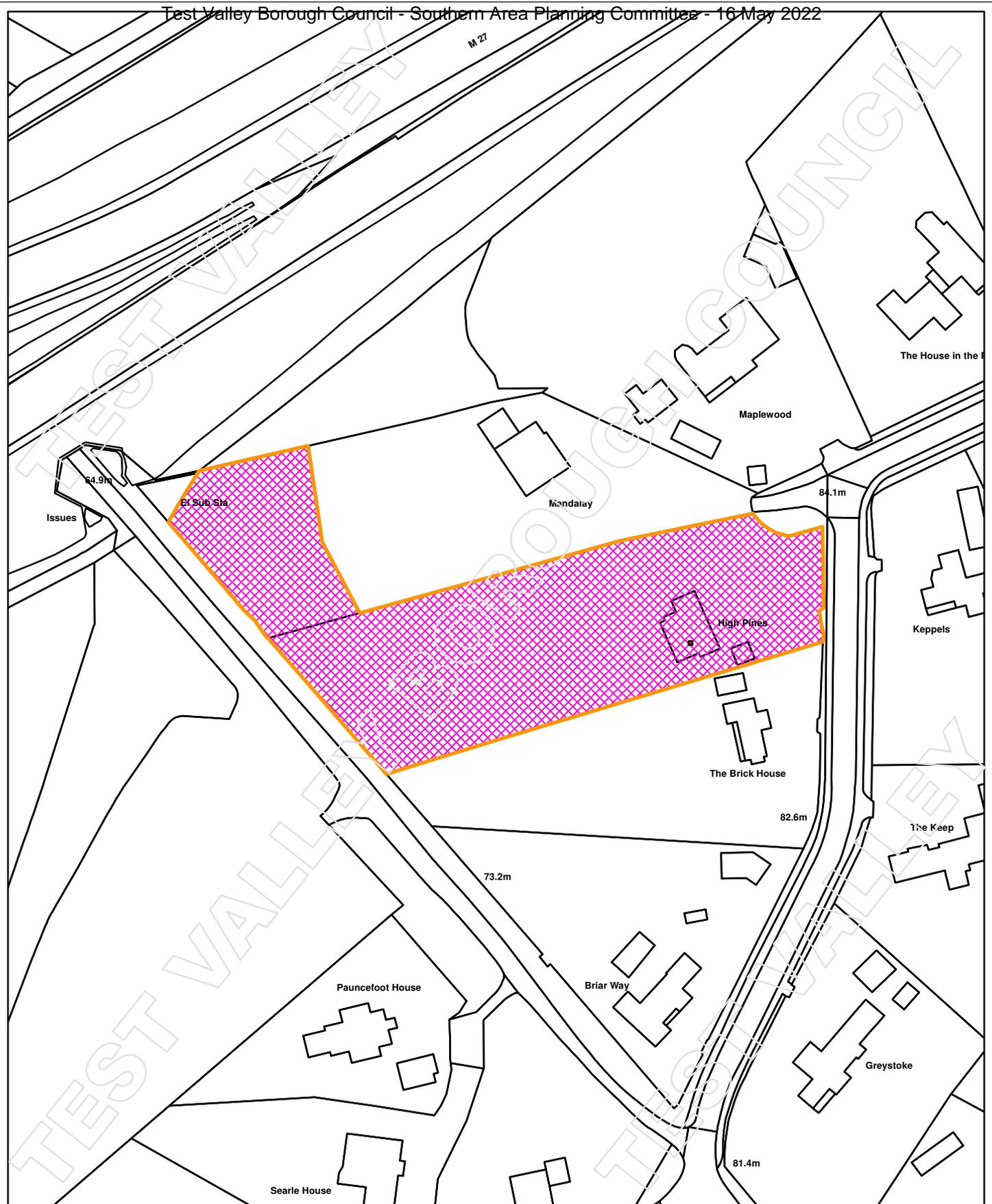
1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans/numbers:
Proposed Plans - 3923-P-02 C
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. The proposed internal footpath shall be made of a free draining material, with materials built up and not dug into the existing ground, unless otherwise approved in writing by the Local Planning Authority.
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) policy E2.**
- 4. No development shall commence (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days notice shall be given to the Local Planning Authority that it has been erected. Once installed the fencing shall remain in place and maintained whilst works are being undertaken on site.
Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan (2016) policy E2.**

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
-



Siteplan



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