
APPLICATION NO.	21/01118/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	29.04.2021
APPLICANT	Mr T Patel and Dr J Patel
SITE	Southerly, The Ring, Chilworth, SO16 7HW, CHILWORTH
PROPOSAL	Replacement and raising of existing roof to form additional living accommodation; render and glass gable to main entrance; two storey side extension with swimming pool and plant room and master suite over; single storey rear extension with flat roof to form roof terrace to first floor.
AMENDMENTS	0226-02-005 A 0226-02-006 A 0226-02-007 C 0226-02-010 A (Received 23.06.2021)
CASE OFFICER	Mr Gregory Anderson

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of a member.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Southerly is a detached dwelling situated on a large plot within the settlement boundary of Chilworth as defined on the inset maps of the TVBRLP. The site is accessed via a long driveway off of The Ring. The dwelling is set well back from the highway and is heavily screened by mature vegetation present to the front garden of the property.

3.0 PROPOSAL

- 3.1 Replacement and raising of existing roof to form additional living accommodation; render and glass gable to main entrance; two storey side extension with swimming pool and plant room and master suite over; single storey rear extension with flat roof to form roof terrace to first floor.

4.0 HISTORY

- 4.1 **06/03631/FULLS** - Raise ridge height to existing dwelling and erection of single and two storey extensions to front, side and rear of property to provide entrance lobby and additional living and bedroom accommodation with integral garage. Permission subject to conditions - 29.03.2007

- 4.2 **TVS.02355/2** - Erection of conservatory above existing kitchen.
Permission subject to conditions 12.06.2000
- 4.3 **TVS.02355/1** - Erection of double car port with garden store and games room.
Permission subject to conditions 15.10.1981
- 4.4 **TVS.02355** - Extension.
Permission subject to conditions 27.10.1978

5.0 **CONSULTATIONS**

TVBC Ecology – No objection (subject to conditions)

TVBC Trees – Objection

- Having reviewed this information, it appears that the existing outbuildings will now be retained which will help to minimise construction activities in these areas. However, there have been no significant alterations to the proposed front elevation which encroaches into the canopy of T19 or the edge of eastern elevation which is only about 1m from the oak canopy of T13. Therefore, I still object to this proposal on the basis that these trees are likely to be under undue pressure in the future. It may be possible to overcome this objection if the building is set back or reduced in sized to provide adequate future space for the surrounding trees.
- I also have some concerns regarding overall protection around the site because the drawing 0226-02-006 A is not that clear in this regard (i.e. the protective fence line is located across the existing annex which is impracticable if this structure is to be retained). If this structure is to be removed, we need to know how that will be done in the root protection area (RPA) of T11 (Just one of the many practical issues that need to be resolved with this proposal). It is also unclear how much excavation or level change is required to increase the driveway close to trees T1 and T19. This is very close to their trunks where there may be a significant impact if the levels need to be reduced in these areas. We would need to see scaled cross-sections demonstrating that what is proposed can be implemented without excavating into existing soil levels of RPAs. Further input from the applicant's tree consultant is advised to see if these objections can be reasonably overcome.

6.0 **REPRESENTATIONS** Expired 14.09.2021

6.1 **Chilworth Parish Council** – Support

Generally, the Parish Council are supportive of this application. However, there are three aspects of concern which the Parish Council would like reflected in conditions imposed, as follows:

1. It is clear that the height of the roof exceeds the existing height, resulting in the possibility of this property overlooking the rear of the houses to the side of this property. To avoid any creeping further development, the Parish Council asks that there is a condition restricting the number of rooms and windows to those shown in the application plans.

2. In the Parish Council's view, it is vital that a condition be imposed restricting the building adjacent to the side boundary to one storey.

Otherwise, in the future, there is a risk of an application to create a two storey house there which would result in a complete loss of privacy and overlooking for houses beyond that boundary.

3. If possible, the Parish Council would like a condition whereby planting of suitable trees and/or shrubs along the side boundary is imposed to protect those houses adjoining that side

6.2 **1x Address Unknown** – Objection

I have 2 comments:

1. That all trees and wildlife on this site which are protected are not demolished/destroyed by this application and consequent construction
2. That the footprint/height of this application does not increase in height, width or depth during construction, resulting in a structure out of keeping with surrounding buildings. The new building will be by far the largest building in The Ring.

6.3 **The Cottage** – Objection

Raising the Roof

The plot was advertised as being around $\frac{3}{4}$ of an acre, so there is no shortage of space on which to build. A number of smaller outbuildings are being replaced on different footprints by larger modern structures and the footprint of the main building is being extended both horizontally and (critically to us,) vertically.

The raised and enlarged roof along with the new windows could dominate our sightline; the effectiveness of the screening reduces with height. This challenge to our privacy is aggravated with the explicit detailing of the revised garden layout (CGI detailed as 'view 4.6') that removes all vestiges of screening between our properties. Short of our building a 20-foot-high fence on our border (of course not happening), we will lose the privacy we have enjoyed over the past 17 years of ownership of our home, we find that prospect appalling.

Chilworth Environment

Much has been discussed about property density and plot exploitation within Chilworth and the area's ambiance, not least by the previous owner of this home who will have been well known to you.

As previously mentioned, this plot is large (more than twice the size of our own), the 'replacement annexe' is not just supplanting a converted garage that was used as an office, there is explicitly a complete second home being built on the plot. This 'replacement annexe' could readily be further extended and subsequently split into a separate discrete dwelling.

As this work progresses (probably without the owners in residence given the scale of the work), it is to be hoped that the contractors will take into account the considerable noise and other pollution from their construction. Perhaps you could advise on appropriate guidelines to be observed during the 12+ months this work will undoubtedly take as we will be well aware of the work-in-progress.

Southerly will certainly be redeveloped; it was advertised for sale as a project and priced accordingly. 21/01118/FULLS is a substantial plan that provides 7 full-size bedrooms across two homes and substantial living and leisure accommodation with scope for further expansion. Our best outcome and the purpose of this letter is that we are:

- (a) no more aware of the presence of the enlarged *Southerly* complex than we are of it now and;
- (b) suffer little from the contractor's presence during its extended period of construction.

6.4 **Holly Hatch** – Objection

Whilst recognising that *Southerly* is in need of substantial modernisation and improvement we feel that the proposals need to take more consideration of the Test Valley Revised Local Plan (2016) as well as the Residential Areas of Special Character (RASC) Appraisals "Chilworth (2019).

The Local Plan states that: "Policy E1: High Quality Development in the Borough Development will be permitted if it is of a high quality in terms of design and local distinctiveness. To achieve this development:

- a) should integrate, respect and complement the character of the area in which the development is located in terms of layout, appearance, scale, materials and building styles;"

and:

"7.12 Extensions or alterations can have a cumulative impact on the character of the area and can overwhelm an existing building to the extent that its original character and symmetry is significantly eroded. To minimise this the proposal would need to be subsidiary to the original building and not dominate in scale."

The plans submitted would render the existing building completely unrecognisable, they are not subsidiary to it and most definitely dominate it in scale.

By raising the roof height around 1.6 m and by increasing the footprint of the main house by approaching 2.3 times this house will not integrate, respect or complement the other dwellings in Chilworth Ring or Julian Way, it would be completely out of scale and alter the character of the area.

With the extra (2nd) floor of the house featuring large glass patio doors, and the 1st floor a roof terrace (as well as large patio doors) there is scope for overlooking the neighbouring gardens - obviously more so when the trees are not in leaf.

The RASC document states within Policy E4 that development (including extensions, alterations, sub-divisions and redevelopment) will be permitted provided that:

- "b) The developments size, scale, layout, siting and detailed design are compatible with the character of within the Residential Area of Special Character."

Once again we'd question whether the size and scale (including building height, storey height in the vicinity is noted as 1.5 - 2 floors) are compatible with the existing development located within the area 3F (Chilworth Ring and Julian Close).

In terms of boundaries there are infrequent posts in the ground between Holly Hatch and Southerly but the delineation is not 100% clear - apart from possibly the driveway enlargement we don't believe that buildings works are planned within 3m of our boundary but if applicable we would kindly request that a party wall survey is carried out.

We would also be interested to know what type and height of fencing/ gates are planned for the boundaries - there were some substantial, bright red gates on a property in Hadrian Way that we believe fell foul of planning so were removed, all of the properties in Chilworth Ring have an "open-plan" style to their entrance. The RASC refers to plot boundaries of "Evergreen hedges and low walls with some open plan grassed frontages, tree lined frontage in places" and the guidance is to "Soften frontages and reinforce enclosure with appropriate hedge planting".

Regarding wildlife, we note that a survey has been carried out discounting badgers from the plot. There are are families of foxes residing in the trees just behind the house, as well as, we understand, six or seven badgers setts. We would ask that wildlife is taken into consideration in any garden work carried out.

6.5 **Greenridge – Objection**

1. The size of the building is not in keeping with the character of The Ring, and substantially larger than any of the other character homes in the location. Indeed, it resembles a multifamily multiple home rather than being akin to the other properties in The Ring. This will negatively impact on valuations of neighbouring properties.
2. No mention is made of the substantial tree clearance which appears to be required in order to accommodate the works, and many of the neighbouring trees in this area of woodland beauty are under TPO protection.
3. The substantial building works will disrupt neighbouring properties for at least a two year period, and will avail themselves of the limited on-street parking currently available to the other residents of the street.
4. The boundary of the property adjacent to Greenridge requires considerable attention. The new owners need to have a party wall survey carried out and any repairs should be made good as part of these works.
5. There have been considerable problems with a high water-table and poor drainage at the southern aspect of Chilworth Ring, requiring us to install several soakaways to the front and rear gardens of our property. The proposed works will lead to even more surface water drainage from Southerly onto our adjacent plot, with exacerbation of the already considerable problems we face: we have been water-logged continuously over winter months in four of the last five years.

6. The height and proximity of the proposed building will be intrusive to us in the neighbouring property; it will overlook our garden, especially if boundary hedges and trees are inappropriately removed, and will considerably compromise our privacy.

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)

Policy SD1 – Presumption in Favour of Sustainable Development

Policy E1 – High Quality Development in the Borough

Policy E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E4 – Residential Areas of Special Character

Policy E5 – Biodiversity

Policy LHW4 – Amenity

Policy T2 – Parking Standards

7.3 Supplementary Planning Documents (SPD)

Chilworth Village Design Statement

Residential Areas of Special Character (RASC) Appraisals – Chilworth (June 2017)

Residential Areas of Special Character SPD (January 2019)

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 the amenity of neighbouring properties
- Impact on Trees
- Impact on Ecology
- Impact on Parking

8.2 **Principle of development**

The sites lies within the settlement boundary of Chilworth 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 relevant policies below.

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

The development comprises the replacement and raising of the existing roof, construction of a render and glass gable to the main entrance, a two storey side extension with swimming pool and plant room and master suite over and a single storey rear extension with flat roof to form a roof terrace to the first floor. The plans did also initially include a replacement annexe and new garage however, amended plans have since been received removing these elements from the proposal.

- 8.4 Neighbour representations have been received raising objection to the proposed development, particularly in relation to the size and scale of the proposal. These comments have been taken into consideration during the determination of this application however the application property is currently one of the smallest dwellings within The Ring. While the proposal will result in significant alterations to the property, it is not considered the extensions and resultant dwelling would be out of scale in relation to the surrounding area which is characterised by large detached dwellings surrounded by mature vegetation and trees.
- 8.5 The taller hipped roof will increase the ridge line of the dwelling by approximately 1.2 metres, considering the dwelling is located approximately 50 metres from the highway and is well screened by mature vegetation to the front, the development is located in a position such that limited public views would be possible. Any glimpsed views of the proposal 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.
- 8.6 The two storey side extension is set back from the front elevation of the dwelling. Due to the setback nature of the extension from the main house and the hipped roof design of the two storey side extension it is considered this extension would be subservient to the main part of the dwelling and as such would be in accordance with Policy E1 of the TVBRLP.
- 8.7 The single storey rear extension will contain a new kitchen, dining area and family room. Due to the single storey nature of the development it is considered this extension is of an appropriate size, scale and design to the existing property.
- 8.8 In accordance with Policy E4 the plot is located within a Residential Area of Special Character (Character Area 3F). The RASC SPD outlines general principles that should be respected for all new development throughout defined areas. Area 3F is characterised in the RASC SPD by the following: *“The plots consist of deep setbacks with the buildings facing onto the frontage. Entrances from the cul-de-sac are individual. These are generally consistent plot sizes and some mature trees in the public realm. The areas each have distinctive geometric turning areas. There are some inconsistent boundary treatments on the frontages.”*
- 8.9 It is considered that the proposal respects the principles set out in the RASC. The plot size will not be affected nor will it be subdivided. The building line and setback will be altered slightly with the proposed glass gable/entrance and side extension at ground floor level set forward of the existing building line by approximately 1.2 metres and 1.8 metres respectively, however when considering the long entrance driveway and the fact that Southerly is one of the furthest set back dwellings in The Ring, the slight extension to the front of the dwelling will still respect the building line and set back nature of the area.

The existing landscaping, trees and boundary treatments are to be retained (this principle is addressed further in the Trees section of this report). While the ridge height is being increased, with further extensions to the side and rear of the dwelling, the design of the proposal ensures the visual separation and spacing between buildings will be maintained. In terms of building design, dwellings in The Ring have a variety of design styles and it is not considered the resultant dwelling would be out of character for the area. As noted in the SPD "*Particularly in Chilworth RASC, it is important that buildings retain the appearance of significant detached dwellings.*" The development will retain this appearance.

- 8.10 As it stands, the existing property is in need of modernisation and is of little design value or merit. For the reasons set out above it is considered the proposed alterations and extensions are of an appropriate size, scale and design and would not have an adverse impact on the character and appearance of the area in accordance with Policies COM2, E1 and E4 of the TVBRLP and the Chilworth Village Design Statement.
- 8.11 **Impact on the amenity of neighbouring properties**
Neighbour representations have been received raising concern regarding overlooking as a result of the proposal. Concerns have been raised in relation to the proposed terrace at first floor level however, at this level there is currently already a conservatory style extension so it is not considered a terrace in this area would further exacerbate any issues from overlooking. Further to this, the two storey extension should provide adequate screening from the terrace for neighbouring properties when looking to the west, with heavy screening from mature vegetation present along the other remaining boundaries.
- 8.12 There are also concerns raised regarding the removal of boundary treatments however no boundary treatment is proposed to be removed as part of this application. The CGI views contained within the planning statement are merely indicative and permission would be required for the removal of any of the boundary treatments to the south as they are located within a TPO area.
- 8.13 While the proposed dormer windows in the newly formed roof will offer views from a higher vantage point than previously, due to the heavy screening afforded to the plot from the mature vegetation present on all boundaries and the separation distance between properties it is not considered the development will result in a loss of privacy for neighbouring properties. Furthermore the gable roof form of the rear extensions will shield any views into neighbouring gardens to the east or west.
- 8.14 For the reasons set out above the development will not result in a loss of privacy for neighbouring properties. Due to the separation distance between the properties and the scale of the development proposed it is not considered the development will result in a loss of sunlight or daylight received by neighbouring properties or create a sense of overbearing in accordance with Policy LHW4.

8.15 Trees

The application is supported by an arboricultural impact statement (Plane Arboriculture, 03 August 2021). Following initial concerns from the Tree Officer regarding the proposed new outbuildings, these elements have been removed from the proposal which will help minimise construction activities around the trees in these areas.

8.16 The Tree Officer has raised objection to the proposal due to the proximity of the proposed front elevation to T19 and the extension to the east elevation which is close to the canopy of T13 on the basis that they are likely to be under undue pressure to fell in the future. These comments have been noted however it is considered the large glass frontage would be sufficient to allow maximum daylight into the property and as such there should be no undue pressure to T19. In relation to T13, this part of the extension contains only non-habitable rooms (a gym, sauna and swimming pool at ground floor and en-suite at first floor level) these rooms have no need for natural light and as such any future felling would be resisted.

8.17 The Tree Officer has also raised concerns regarding the overall tree protection proposed on site, as such a pre-commencement condition is included on this permission requiring an arboricultural method statement detailing the tree protection measures used during the construction process to be submitted to and approved in writing by the Local Planning Authority.

8.18 For the reasons set out above and subject to a condition requiring an arboricultural method statement, the development is considered to be in accordance with Policy E2.

8.19 Ecology

The application is supported by a Preliminary ecological assessment and phase 2 bat surveys (David Leach Ecology Ltd., June 2021). The building on site was assessed as having moderate bat roost potential, and was therefore subject to further emergence and re-entry surveys in accordance with best practice guidelines (Bat Conservation Trust, Collins, 2016). No bats were observed emerging from or re-entering the buildings during these surveys, and roosting bats were therefore considered unlikely to be impacted by the proposals. In view of the survey findings the development is unlikely to result in a breach of the law protecting bats. The ecologist was consulted and raised no objection to the proposal subject to conditions. As such the proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, in accordance with Policy E5 of the TVBRLP.

8.20 Parking

The development will result in the formation of two extra bedrooms at the dwelling, taking it from 4 to 6 bedrooms. In accordance with the minimum parking standards as set out in Annex G of Policy T2 of the TVBRLP, 4+ bedroom units should provide a minimum of 3 off road parking spaces. The dwelling benefits from ample hardstanding to the front elevation of the property and as such it is considered the proposal is in accordance with the parking standards as set out in Policy T2 of the TVBRLP.

8.21 **Other Matters**

Representations received also raise objections to the proposal regarding potential noise from the works, the impact of the development on property value and party wall agreements. While these comments are noted, they are private matters and as such are not material planning considerations. The comments of the Parish Council are also noted however as the annex building is no longer part of this proposal it is not considered necessary to impose conditions restricting the height of the building or for planting on this boundary. In relation to the request for a condition restricting the number of rooms and windows to those shown in the application plans, the condition requiring the development to be built in accordance with the approved plans should deal with this. Any works to be undertaken in the future would require planning permission and the concerns considered on their merits or would be permitted development. There are conditions and restrictions in the GPDO to ensure that development does not result in harm to the amenities of adjoining properties. In the circumstances of this application it would not be reasonable to remove permitted development rights for further extensions at this property.

9.0 **CONCLUSION**

9.1 For the reasons set out above, the development 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:**
0226-02-001
0226-02-005 A
0226-02-006 A
0226-02-007 C
0226-02-008
0226-02-010 A
0226-02-011
0226-02-012
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 in accordance with the details specified on the application form and 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. Notwithstanding the details on plan number 0226-02-011 (Proposed side elevations) this permission relates solely to the works stipulated in the description of development and does not include the proposed garage.**

Reason: For the avoidance of doubt and in the interests of proper planning.
- 5. External lighting will follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK). Prior to commencement, a detailed lighting strategy for the construction and operation phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details, with the approved lighting strategy maintained in perpetuity.**

Reason: To prevent disturbance to protected species in accordance with the National Planning Policy Framework and the Revised Test Valley Local Plan DPD.
- 6. Development shall proceed in accordance with the measures set out in Section 5.0 'Conclusion' of the Southerly, Chilworth, Preliminary ecological assessment and phase 2 bat surveys (David Leach Ecology Ltd., June 2021). Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details. Thereafter, mitigation and 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.
- 7. No development shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. Specifically the method statement shall:**

 - 1. Provide a specification for tree protective barriers and or ground protection, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
 - 2. Confirm timing of erection and dismantling of such tree protective barriers and or ground protection, which must in any case be installed prior to commencement of any demolition or ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**

3. Provide a plan at 1:200 or better, detailing the location of such tree protective barriers and or ground protection, including annotation that such tree protection shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.
4. Require a sign to be hung on such tree protective barriers, repeated as necessary, which clearly states 'Tree Root Protection Zone, do not enter, do not move this fence, or such other similar wording as may be agreed in writing with the Local Planning Authority.
5. Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can be installed wholly outside the areas protected by barriers or ground protection (the tree protection zone) as set out in compliance with the above paragraphs.
6. Demonstrate by plan and section drawings that all proposed structures can be built without the construction process impacting upon the retained trees or required tree protection zones.
7. Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.

All work shall be undertaken in accordance with the requirements, specifications and timing detailed within the approved details.

Reason: To prevent the loss during development of trees and natural features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Policy E2 of the Test Valley Borough Revised Local Plan 2016.

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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