
APPLICATION NO.	22/01526/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED APPLICANT SITE	13.06.2022 Harry Vado 24 Hedgerow Close, Rownhams, Hampshire, SO16 8JU, NURSLING AND ROWNHAMS
PROPOSAL AMENDMENTS	Loft conversion with dormer Amended plans received on the 13 July 2022
CASE OFFICER	Sacha Coen

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 “because it raises issues of more than local public interest.

2.0 HISTORY

- 2.1 22/00051/FULLS - Loft conversion with rear dormer and 3 roof lights to front – WITHDRAWN 23.03.2022

3.0 CONSULTATIONS

- 3.1 None.

4.0 REPRESENTATIONS Expired 06.07.2022

- 4.1 **Nursling and Rownhams Parish Council:** No objection

- 4.2 **3 x letters** objecting to the proposals summarised as follows:

Design

- Insensitive, unattractive design which does not respect the local context in terms of materials, layout and views – would not respect or enhance the surroundings.
- Form, density, height, size and character of the building work has not been considered in the context of the character of the surrounding area.
- Extension would result in the property being more visually intrusive – would overwhelm the existing building and be dominant over neighbouring properties.
- Would be like looking at a vertical block of flats – un-neighbourly form of development
- Scale and design would be inappropriate to the existing character of the surrounding area.

4.3 Neighbour amenities

- Proposals would represent an overbearing and intrusive element to the detriment of neighbour's amenities – would not make a positive contribution to their quality of life.
- Proposed dormer window would adversely impact on the view from adjacent gardens and would result in additional overshadowing and loss of light.
- Proposal would block a large area of sky at eye level in line with the sun – negatively affect light levels
- Using shadow predictor – neighbours would receive substantially less natural light through their windows – will force neighbours to pay more for artificial lights.
- Loss of light will also result in the loss of heat – will force neighbours to pay more to heat their homes.
- Gardens would be overshadowed – result in the loss of much needed access to sunlight.
- Three additional windows would result in an invasion of privacy – urged to consider Human Rights Act – proposals would have a dominating impact on residents and their right to the enjoyment of their property.
- Have the proposals taken account of the living standards of future occupants of the property
- Proposal would impact on the mental health of surrounding residents

4.4 Highway safety

- Proposed development does not provide adequate parking for a 5 bedroom dwelling in terms of the amount of spaces provided, their size and their layout. Inconvenience of parking provided would result in additional cars being parked on the road.
- Consideration should be given to the provision of electric car charging points.

4.5 Impact on trees

- Do the proposals take into account any impact upon the crown of the trees and their future growth?

4.6 Other concerns

- Loss of value to neighbouring properties which would become less desirable.
- If approved, this would set a precedent for similar developments in the area.

Case officer note: The above concerns are not material planning considerations and as such do not form part of the discussion at Section 8 of this report.

4.7 General comments

- Granting permission would significantly and demonstrably outweigh the benefits.

- If approved, would like the Council to consider enforcing controlled hours of operation and other restrictions to make construction work more bearable.
- Also consider parking and access implications during construction.

5.0 **POLICY**

5.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

Policy E5 - Biodiversity

Policy LHW4 – Amenity

Policy T2 – Parking Standards

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring property
- Impact on ecology
- Impact on parking provision
- Other matters
- The planning balance

6.2 **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 relevant policies below.

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

The proposed loft conversion includes the provision of a flat roof 'box' dormer window that would take up the majority of the rear roof slope. Such a large dormer window is not encouraged in design terms as they tend to overwhelm the roof of the existing dwelling making it appear 'top-heavy' resulting in a dwelling being out of proportion. Such dormers are generally considered to be an unattractive addition to a dwelling due to their scale and design and would not be acceptable on a roof slope that is clearly visible from the public domain or in a sensitive location such as a conservation area.

6.4 In this instance, the proposed dormer window would not be an attractive addition to the dwelling and would harm its overall appearance. This harm however has to be balanced against other material planning considerations which are discussed below.

6.5 *Fall-back position*

The existing dwelling benefits from permitted development rights relating to roof extensions (Class B, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO)). As proposed, the dormer window would not meet the requirements set out in the GPDO purely due to the proposed external materials not matching those used in the existing dwelling. Whilst it is considered that the dark grey slate cladding proposed would be appropriate to the grey coloured concrete tiled roof of the dwelling, it would not match the existing materials and would thus not comply with the conditions set out at B.2, Part 1, Schedule 2 of the GPDO.

6.6 As a result of the above, if permission is not granted for the proposal as submitted, the applicant could still construct a dormer window of the same size, in the same position, but with matching materials under their permitted development rights, the Local Planning Authority would not have any control over this. The applicant's fall-back position should be afforded significant weight in the determination of the application.

6.7 *Public views of the proposed dormer window*

The proposed dormer window would not be visible from any surrounding public vantage points. The existing dwelling is set back from those immediately adjacent to it, and is screened in views from Hedgerow Close by surrounding built form. There is a track to the rear of the site which is understood to be privately owned. This track is screened from Hedgerow Close by a substantial stretch of woodland located between the housing development and the M27 motorway and thus is not visible from it. There are also no public rights of way in the vicinity of the site where the proposed dormer window would be visible from.

6.8 As a result of the above, whilst it is accepted that the proposed dormer would not be a pleasing addition to the existing dwelling, as it would not be publically visible, no harm can be demonstrated. This weighs in favour of granting permission.

6.9 It is noted that the dormer window would be visible from adjacent, neighbouring properties, including gardens, however private views in this context, should be afforded limited weight in the determination of this application.

6.10 **Impact on amenity of neighbouring property**

Concerns have been raised by occupiers of neighbouring dwellings who consider that the proposals would have an adverse effect on their amenities contrary to policy LHW4 of the TVBRLP.

6.11 Overlooking

The proposed dormer window would include three windows at second floor level on the rear elevation of the dwelling. These windows would serve 2 bedrooms and a shower room and would be in addition to the existing three windows at first floor level serving a bedroom, bathroom and en-suite. The additional windows would have direct views over the rear garden belonging to the dwelling and would have some oblique views into the neighbouring gardens either side.

- 6.12 By virtue of its juxtaposition relative to neighbouring properties i.e. as the dwelling is set back from the neighbouring properties either side, the additional windows at second floor level would have only oblique views of the rear parts of neighbour's gardens. More sensitive areas of the neighbouring gardens such as the conservatory and/or patio areas would not be visible from the dormer window due to the angle between it and the neighbouring properties. The overlooking created by the proposed development is thus not considered to result in any significant overlooking to sensitive areas of the neighbouring dwellings such that the privacy of the occupiers of these properties would be adversely compromised. The proposals are considered to comply with policy LHW4 of the TVBRLP.

6.13 Overbearing, overshadowing and loss of light

It is considered that the amount of bulk created by the dormer window would not be such that it would result in significant, additional, overbearing, overshadowing or loss of light. It should be noted that the existing dwelling already casts a shadow over neighbouring properties and, due to its juxtaposition relative to the neighbouring dwellings, can be seen from adjacent gardens. The addition of the dormer window would not, it is considered, increase overbearing or overshadowing to a degree that results in harm to neighbouring occupiers amenities.

- 6.14 As a result of the above, it is considered that the proposals would not result in any adverse impacts on neighbour amenities. The proposals are considered to accord with policy LHW4 of the TVBRLP.
- 6.15 The occupier of the neighbouring dwelling to the north east (25 Hedgerow Close) has included annotated photographs and shadow diagrams with their representation which they consider demonstrate that harm will be caused by the proposed development. It is not however considered that these accurately reflect the proposals. The shadow diagrams submitted do not include a scale and as such, it cannot be determined that the diagrams accurately reflect the size and position of the dormer window proposed. It is also not clear what height has been used to calculate potential shadow and whether this accurately reflects the proposal. In addition, the shadow diagrams submitted do not show the shadow cast by the existing dwelling and thus, from these, it cannot be determined whether in reality the proposed dormer window would result in the additional shadow shown. In relation to the photographs, again,

there is no scale and thus it cannot be determined that these accurately portray the proposed development. In addition, the photographs have been taken at an angle but this has not been reflected in the block drawn to represent the dormer window. It is not considered that these can be relied upon to demonstrate the impact the dormer window would have on neighbouring properties. As such, the considerations in the preceding paragraphs have relied on the scaled drawings submitted with the planning application.

6.16 Impact on ecology

As the proposal affects the roof of the existing dwelling, the application is supported by a Preliminary Roost Assessment (PRA) (Darwin Ecology, February 2022). The PRA has been undertaken by a suitably qualified ecologist in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct.

6.17 The PRA confirms that no bats, or evidence of bat presence was found at the site. In addition, no suitable features/crevices were recorded. The roof of the property has tightly fitting interlocking concrete tiles that are in good condition. The PRA confirms that the building has negligible suitability for roosting bats.

6.18 As a result of the above, having visited the site and confirmed that the building is as surveyed with the PRA, it is not considered likely that the proposed development would result in harm to bats in accordance with Policy E5 of the TVBRLP.

6.19 Impact on parking provision

The proposed development would result in a dwelling which would have 5 bedrooms. In accordance with the parking standards set out at Annex G to the TVBRLP, 3 off-street parking spaces should be provided. The supporting text to policy T2 of the TVBRLP provides information on the dimensions required for each space depending on whether they are located within a garage or on a driveway.

6.20 Concerns have been raised in relation to the proposed parking provision in terms of the amount of spaces provided along with their convenience, size and layout. The application is supported by a proposed parking layout. This shows the provision of 4 off-street parking spaces to the front of the property. This provision is in excess of the parking standards set out in the TVBRLP and is thus in accordance with policy T2.

6.21 When considering their size and layout, each of the spaces provided would measure 2.4 metres x 4.8 metres in accordance with the advice contained in the background text to policy T2 of the TVBRLP and are thus considered to be sufficient in terms of their size. In relation to their layout, the spaces are proposed to be laid out in a tandem form and would require vehicles to reverse into and/or out of the driveway. This is not an unusual arrangement in

residential areas where access is from an unclassified, no through road/cul-de-sac and is indeed the existing layout of parking at the site. It is not considered that the layout would result in vehicles making numerous movements to access or egress the property. It is not considered that the layout would result in a severe impact on highway safety.

6.22 Concerns have also been raised in relation to the convenience of the spaces. The proposed parking would be on the front driveway of the property and occupiers would have direct access from their parked cars to/from the front door and side gate of the dwelling. The parking is entirely convenient and would be unlikely to result in occupiers preferring to park their vehicles on the public highway.

6.23 The proposed parking is in accordance with the provisions set out in the TVBRLP in terms of the amount of spaces provided, their size, layout and convenience. The proposals are therefore acceptable in this regard in accordance with the parking standards set out at Annex G of the TVBRLP along with Policy T2.

6.24 **Other matters**

Other matters raised by third party representations are discussed in the following paragraphs.

6.25 Trees

The proposals would not result in any groundworks which would impact on the root protection areas of surrounding trees. There is also considered to be sufficient distance between the proposed dormer window and trees to the rear (approximately 10 metres) to prevent any impact on the crowns of the adjacent trees. The proposals accord with policy E2 of the TVBRLP in this regard.

6.26 Human Rights

The adjacent neighbour has raised concerns that the proposals would not accord with Articles 1 and 8 of the Human Rights Act 1998. Article 1 relates to the 'peaceful enjoyment of possessions' whilst Article 8 relates to the 'respect for private and family life, home and correspondence'. Thus the Articles referred to by the neighbour relate to the retention of their privacy

6.27 Impacts the development has on the amenities of neighbouring dwellings in terms of privacy have been discussed at paragraph 6.10 and 6.11 of this report. These are balanced against other material planning considerations in accordance with Planning Law. The planning balance is discussed below, but the granting of planning permission will in no way breach the Human Rights of neighbouring properties.

6.28 Electric vehicle charging points

There is no requirement either within the TVBRLP or in the NPPF that requires the provision of electric vehicle charging points in this instance. The fact that such facilities are not proposed as part of the development is not a reason to refuse the application.

6.29 Hours of construction

Third parties have requested conditions relating to hours of construction and the parking of construction vehicles. In this instance the proposed development is small in scale and whilst some inconvenience may be experienced by neighbouring properties during construction it is not considered that this would be such that the imposition of a condition controlling construction works in addition to the controls provided in separate environmental health legislation is necessary or appropriate. It is considered that such conditions would not meet the six tests set out at paragraph 55 of the NPPF.

6.30 **The planning balance**

It is accepted that if the materials were changed, the dormer window would be permitted development and as such, the applicant could proceed with the work without needing to gain planning permission (para. 6.4). In addition, and as discussed at para.6.6, the proposed dormer window would not be publically visible. These material considerations weigh significantly in favour of permission. The proposals are also not considered to result in any adverse impacts on the amenities of neighbouring dwellings (para. 6.9), ecology (para. 6.15), parking (para. 6.18) and trees (para. 6.24), this also weighs in favour of permission. It is accepted that the design and scale of the proposed dormer window would not be an attractive addition to the property (para.6.3) however such harm does not outweigh the other material planning considerations and as a result, permission is, on balance, recommended.

7.0 **CONCLUSION**

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

8.0 **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:-
Drawing Number PG7055 22 4 - Proposed Location/Block Plan
Drawing Number PG.7055 22 2 D - Proposed Plans/Elevations**

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. The external materials to be used in the construction of external surfaces of the development hereby permitted shall be in complete accordance with the details specified on the submitted 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.

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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