
APPLICATION NO.	22/01499/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	16.06.2022
APPLICANT	Mr and Mrs Patel
SITE	High Pines, Heatherlands Road, Chilworth, SO16 7JB, CHILWORTH
PROPOSAL	Replacement dwelling
AMENDMENTS	Re-orientation of garage – P03 A and P04 A
CASE OFFICER	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 two Ward members.

2.0 SITE LOCATION AND DESCRIPTION

2.1 High Pines is a large detached dwelling in Chilworth, set within an extensive, spacious plot on the eastern side of Heatherlands Road. It is located within the Chilworth Residential Area of Special Character.

3.0 PROPOSAL

3.1 Replacement dwelling.

3.2 The scheme is for a replacement dwelling, with the proposed dwelling mimicking the design proposed, and approved, as shown below in the householder applications..

4.0 HISTORY

4.1 **22/00451/FULLS** – Resurfacing driveway, create path, replacement gates and timber fence to the rear boundary – Pending consideration

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 **Ecology** – No objection subject to condition

5.2 **Trees** – No objection

6.0 **REPRESENTATIONS** Expired 04.11.2022

6.1 **Chilworth Parish Council** – Objection

First comments:

“The Parish Council requests that no decision is made until the Planning Department send it a copy of the comprehensive scheme referred to in condition 03 of the consent dated 20 October 2015 under reference 15/02007/[T]POS, the receipt of which will enable the Parish Council to reach a conclusion. Notwithstanding the above, the Parish Council will seek conditions that the proposed development will not require any tree felling and there must be a condition (NOT a NOTE) that building works are carried out only during normal working hours”.

Second comments:

“In its first Consultation Response, Chilworth Parish Council expressed concern with regard to the trees on this site and the previous history. That concern was justified as the Borough Council have confirmed that no comprehensive scheme was ever produced by the Applicant under the condition contained in the permission reference number 15/02007/TPOS. An assumption can be made that the replacement conditions under 10/01446/TPOS and 11/02007/TPOS were also not satisfied.

Further, the Applicant’s Design and Access Statement, paragraph 1.5, refers to the permissions but makes no reference to the conditions. Also, the Applicant’s own Arboricultural report makes no reference to such conditions in paragraph 2.6 of his report.

In this context, the Parish Council is pleased to note the terms of the Consultation from the Southern Team for Trees and fully supports the objection and conclusions contained therein. The Parish Council, accordingly, objects to this application as it currently stands.

The Parish Council request that, in the light of the above and the history of this site, this application is not considered until all these issues are resolved with the Applicant”.

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
Chilworth Residential Area of Special Character

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area
- Impact on biodiversity
- 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 character and appearance of the area

High Pines a large detached dwelling on the eastern side of Heatherlands Road with a private access drive, and set behind an extensive boundary treatment (a mixture of fencing, hedgerow and tree line). The dwelling itself is sited at a much lower level than Heatherlands Road. Due to the site levels and the extensive boundary treatment, the property has only interspersed visibility from different points along Heathlands Road. However, despite the lack of public views, the property is of an age and design that is not of a high quality when compared to many of the surrounding properties.

8.4 The proposed development would mimic that which has been approved as householder extensions under both 20/02376/FULLS and 21/01293/VARS, in terms of size, scale, siting, design and materials. The only difference between those approvals is that the applicant is seeking to demolish and rebuild, rather than provide extensions to the existing dwelling. Under those previous schemes, and as is considered appropriate with the same considerations to this current application, is that the scheme would “*modernise the property...and complement the wider area of Chilworth*”. Public views are limited due to the extensive boundary treatment afforded to the front and south side of the property and the proposal is considered to complement and respect the character of the area, in accordance with Policy E1 of the Revised Local Plan.

8.5 Chilworth Residential Area of Special Character

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 subdivided, 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 Residential Area of Special Character. High Pines is also located within a Residential Area of Special Character, and specifically within Character Area 2A. Despite the provision of a new garage with storage above, and a condition which requires this remains as incidental to the main

dwelling, the proposal does not seek to sub-divide the existing plot and so criterion a) is not relevant in this instance.

8.6 The Chilworth RASC defines Area 2A 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/hedges) and varied building style”*. There is no design theme in Area 2A, although the vehicular access and boundary treatment are to remain as exists and the extensions would not alter the deep setback of the dwelling. As addressed in paragraph 8.4 above, the proposal is considered to be of a high quality, and is therefore in accordance with the Chilworth Residential Area of Special Character.

8.7 Chilworth Village Design Statement (VDS)

The recommendations for design within the Chilworth VDS focuses upon materials used and proportionality of new development. The scheme seeks to implement materials that are common within Chilworth and that would provide an improved aesthetic to the property, while the dwelling would be of the same size and scale as the extensions previously approved on site, which are considered to be commensurate with the dwellings in the local area. The scheme therefore accords with the provision of the Chilworth Village Design Statement.

8.8 Impact on trees

The scheme as submitted sought to re-orientate the detached garage from what was previously approved. The Tree Officer felt that this would result in harm to a small root protection area in the northern corner of the site (as referred to within the Parish Council comments). Following this, amended plans have been received which have set the garage back to the same orientation as previously approved, where there is not considered to be any harm to root protection areas. A condition is recommended for the development to proceed in accordance with the submitted tree survey inclusive of tree protection details, and is therefore in accordance with Policy E2 of the Revised Local Plan.

8.9 Impact on biodiversity

Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects European Protected Species (EPS), permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from law. Licences will not normally be granted in the absence of planning permission.

8.10 - Is the development likely to result in a breach of the EU Directive?

The application is supported by an account of the thorough and professional bat survey work that has been carried out at the site to appropriate methodologies and standards in the form of an EPSM licence application method statement (Hampshire Ecological Services, July 2022). This includes results and conclusions of the full survey work, an assessment of the impacts

to bats and the measures to ensure that any impacts to bats are avoided or compensated for.

- 8.11 The survey work identified that the existing building provides numerous points that can be used by bats for roosting and/or access to roosts. Subsequent emergence and re-entry surveys identified common pipistrelle bat day roosts. The development will result in the loss of roosts used by individual non-breeding bats. If avoidance measures are not taken then the work has the potential to injure/kill individual bats, and the development will therefore result in a breach of the EU Directive.

- 8.12 - Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests, as assessed below.

- 8.13 1. The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))

The existing building is a private dwelling in reasonable condition. Proposals involving development, such as a replacement dwelling, extensions and outbuildings are considered to contribute to the wider public interest by providing continued modern standard housing and employment. The local conservation status of the roosts in the property would require the considerations of the tests to be proportionate. In this regard, it is considered that the first derogation test is met by the proposal as the public interest is sufficient to balance the low impact on the protected species.

- 8.14 2. There must be 'no satisfactory alternative'; (Regulation 53(9)(a))

There are a number of alternatives available to the applicant, including a do-nothing option. However, it is reasonable to expect the applicant to undertake improvements and alterations to their home as their needs change. Without allowing for this, it is likely that an alternative property would be required and even then, subsequent owners may also wish to make improvements or alterations to the dwelling. Any alterations to the dwelling, whether or not they require planning permission, would potentially impact the bat roost. As a result, it is considered that there are no satisfactory alternatives to the proposed development, and the second test is met.

- 8.15 3. The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'; (Regulation 53(9)(b))

A detailed method statement is provided that includes methods to be followed during the development to ensure bats are not disturbed, injured or killed, together with new roosting opportunities to be provided within the development. Following further correspondence and assessment of the mitigation strategy, the applicant's ecologist has confirmed that they have considered the altered proposals associated with the application and are satisfied that the mitigation strategy set out within the licence application documents is appropriate to the scale of impact. These measures are supported by the Council's Ecologist and the development is not unlikely to be licenced. Subject to development proceeding in accordance with the

submitted ecology survey, the scheme would accord with Policy E5 of the Revised Local Plan.

8.16 Impact on amenity

As highlighted above, the scheme mimics that which has previously been approved, where amenity and privacy were assessed and it was considered that there would not be any harm to the amenities of neighbouring properties. The Variation application (21/01293/VARS) previously approved sought larger side windows at second floor level; these have been removed from this current scheme and replaced with standard windows at the second floor. This results in a reduction to the potential of overlooking than what has previously been approved. Notwithstanding this, and in the essence of proper planning, it is prudent to provide a formal assessment of the amenity levels.

8.17 High Pines is located between Mandalay (to the north) and The Brick House (to the south); Keppels is located opposite across Heatherlands Road. To the north-east is Maplewood, which is separated from the application site by Mandalay. Both Maplewood and Keppels are at a distance where a loss of amenity is not considered to be a concern.

8.18 The existing property is located to the southern boundary of the plot and in proximity to The Brick House. This side elevation will incorporate a number of windows, at ground, first and second floor levels; this is similar to the fenestration that currently exists on this side elevation and would not result in further overlooking or a loss of privacy to the occupants of The Brick House. As assessed above, the overlooking capabilities towards The Brick House have been reduced from previous approvals due to the removal of the larger side second floor windows.

8.19 The neighbour to the north, Mandalay, is approximately 41m away and at a distance where a loss of privacy, amenity or a loss of light is not likely to reach detrimental levels. The proposed extension to the side (north) elevation will reduce this distance but this remaining distance in addition to the intervening boundary treatment, there is not considered to be a loss of privacy, amenity or a loss of light to occupants of Mandalay. The occupants of Mandalay has expressed their concerns regarding this, but have mentioned that the proposal includes south facing windows that will provide overlooking, despite Mandalay being to the north. However, as addressed above, the separation distance is sufficient where overlooking is not considered to reach detrimental levels. The proposal is considered to accord with Policy LHW4 of the Revised Local Plan.

8.20 Impact on parking provision

The scheme would see the number of bedrooms increase from four to five, where, under Annex G, the minimum requirement is to provide three off road parking spaces. The proposal includes the provision of a double garage providing two spaces, while the existing garage on site has the capacity to accommodate a single car. There is also sufficient hardstanding to the front of the property for additional parking, while retaining safe access to the property. The proposal is considered to be in accordance with policies T1 and T2 of the Revised Local Plan.

8.21 Other matters

The Parish Council have sent in two letters of objection, but these refer to the provision of replacement trees subject to a historical TPO application. This is not a material consideration to the scheme that has been submitted and is under consideration.

8.22 The concern of the Parish Council appears to relate to the fact that as part of previous TPO applications, replacement trees have not been planted. In the first instance, the Council's Tree Officer has advised that control over this condition has now expired due to the length in time that has passed since the TPO application was made.

8.23 Secondly, as noted above in para 8.21, the issue surrounding tree replacement is not a matter to be determined by this planning application. This planning application seeks the development of a replacement dwelling, by which the Council's Tree Officer has considered there to be no harm to the trees within proximity to the dwelling/works. The concern regarding historical TPO applications is therefore not a material consideration.

9.0 **CONCLUSION**

9.1 The scheme is considered to accord with the Test Valley Borough Revised Local Plan (2016), the Chilworth Residential Area of Special Character and the Chilworth Village Design Statement, and is therefore 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:**
Location Plan - 3986-P-01
Proposed Plans/Elevations - 3986-P-03 A
Proposed Garage - 3986-P-04 A
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 those as listed on the approved plan 3986-P-03 A, unless otherwise approved in writing by the Local Planning Authority.**
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. **The development hereby approved shall be undertaken in full accordance with the provisions set out within the EcoUrban**

Arboricultural Implications Assessment and Method Statement reference 201289 - AIA 2 dated August 9, 2022.

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 policy E2.

- 5. Development shall proceed in accordance with the measures set out in the 'Bats - Method Statement template to support a licence application' (Pro-vision, undated) unless varied by a European Protected Species (EPS) license modification issued by Natural England. Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.**

Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

- 6. The second floor window in the south elevation of the development hereby permitted shall be fitted with Level 3 obscured glazing and shall be non-opening, 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 LWH4.

- 7. On the day on which the dwelling hereby permitted is first occupied for residential purposes, the existing dwelling on the application site shall cease to be used for any purpose, and within three months of that day, the existing dwelling shall be demolished and the resultant materials cleared from the site in accordance with details to be submitted and approved in writing with the Local Planning Authority.**

Reason: For the avoidance of doubt and in the interests of proper planning, the application has considered the proposal of a replacement dwelling, and the provision of two dwellings would not accord with Policies E1, E2 or E4 of the Test Valley Borough Revised Local Plan (2016).

- 8. The garages as shown on the approved plans shall be used only for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any business, commercial or industrial purposes whatsoever.**

Reason: In the interests of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM2.

- 9. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 120 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

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.**
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