
APPLICATION NO.	18/03109/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	28.11.2018
APPLICANT	Mr and Mrs Chandhoke
SITE	Birchdene, Ling Dale, Chilworth, SO16 7LR, CHILWORTH
PROPOSAL	Two storey side and rear extension to provide additional living space and accommodation, single storey rear extension to provide sauna and hot tub, and demolition of existing detached garage
AMENDMENTS	None.
CASE OFFICER	Mr Jacob Cooke

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located within the residential area of Chilworth. The site includes a single detached dwelling which forms part of a linear form of development facing Ling Dale. There are 4 silver birch, 1 sycamore and trees subject to the Tree Preservation Order; two to the front and two at the north east corner of the plot. The site level changes, sloping down to the south east toward the neighbouring property of Brookdene House/45 Ling Dale creating a significant level change between the rear gardens of Birchene and Brookdene House/45 Ling Dale.

3.0 PROPOSAL

- 3.1 Two storey side and rear extension to provide additional living space and accommodation, single storey rear extension to provide sauna and hot tub, and demolition of existing detached garage.

4.0 HISTORY

- 4.1 **18/02495/FULLS** Boundary treatment along south east boundary (part retrospective) **PERMISSION subject to conditions and notes** 05.11.2018.
- 4.2 **17/02283/FULLS** Construction of a retaining wall to S.E. boundary to level the existing ground **PERMISSION subject to conditions and notes** 26.01.2018.
- 4.3 **17/00041/FULLS** Two storey side and front extension with elevational changes and single storey rear extension following demolition of existing detached garage **PERMISSION subject to conditions and notes** 19.04.2017.

4.4 **06/01815/FULLS** Erection of conservatory to rear of property. **PERMISSION subject to conditions and notes** 04.08.2006.

4.5 **TVS.05830/3** Erection of single storey side extension to provide dining room and study **PERMISSION subject to conditions and notes** 24.08.2000.

5.0 **CONSULTATIONS**

5.1 **Ecology:** No concerns – subject to note.

5.2 **Trees:** No objection – subject to condition.

6.0 **REPRESENTATIONS** Expired 21.12.2018

6.1 **Parish Council:** Objection – the proposed development will contravene Local Plan Policy E4 (b), the developments size, scale and layout type is incompatible with the character of the area.

6.2 **5 x Letters of Representation from Brookdene House, Happylandings, Malabu, Fleetwood House, and Dene House:** Objection (comments summarised) –

- Overlooking.
- Adverse impact to the character of the area.
- Poor design.
- Impacts the street scene.
- Overbearing to Malabu.
- Loss of light.
- Roof line out of compatibility with other properties in the area.
- Contravene Policy E4 (b).
- Property is too far left and will look like it is joined to the neighbours property.
- Too high.
- Concern with the amount of vehicles/vans parking opposite our driveway. This restricted access into and out of our driveway. This will only get worse if the planning application is approved.
- Consultation should have been taken on the effect of us being their neighbour.
- Overdevelopment.
- Reduces the separation distance between Malabu and application site.
- Noise disturbance.

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 COM2 – Settlement Hierarchy

Policy E1 – High Quality Development in the Borough

Policy E4 – Residential Area of Special Character
Policy E5 - Biodiversity
Policy LHW4 – Amenity
Policy T2 – Parking Standards

7.3 Supplementary Planning Documents (SPD)
Chilworth Village Design Statement (VDS)

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 trees
- Impact on amenity
- Impact on parking standards
- Impact on biodiversity

8.2 **Principle of Development**

The site is located within the settlement boundary of Chilworth as designated by the Inset Maps within the Test Valley Borough Revised Local Plan 2016. Therefore, the principle of development is considered acceptable subject to the proposals accordance with other policies contained within the TVBRLP 2016.

8.3 **Impact on the Character and Appearance of the Area**

Views of the front elevation of the proposal would be in the public view from the adjacent highway of Ling Dale. The proposed alterations to the front elevation consist of increasing the ridge height by 0.9m, first floor extension to the west side, continuation of the ground floor front extension, and first floor extension to right side of front elevation.

8.4 A streetscene drawing has been submitted which demonstrates the streetscene relationship with the neighbouring properties of Malabu and Brookdene House. This drawing shows that the separation distance between Malabu and the proposed dwelling would be 3.85m. The separation distance between the proposed dwelling and Brookdene House would be 9.6m. These separation distances are considered to not have an adverse impact on the character and appearance of the area; the prominent character feature of large detached properties is retained.

8.5 The existing single storey extension to the west of the site is located 0.5m from the boundary with Malabu. The proposed first floor extension on the west of the site would be located 1.7m from the boundary with Malabu. Therefore, the proposal increases the separation distance of the application site from the boundary with Malabu. Due to the separation distances between the side elevations of the application site and neighbouring properties, the third party comments relating to the proposal would result in an appearance of a semi-detached property cannot be supported.

- 8.6 The increase in ridge height of 0.9m would maintain the tiered relationship of the properties along Ling Dale. The property of Malabu would still remain higher than the application site by 1.1m with the proposed ridge height in situ. The tiered relationship with the neighbouring property of Brookdene House adjacent the application site, would not be adversely impacted as a separation distance of 9.3m is maintained and the ridge height increase would not be overbearing to this property due to the current site levels of the existing property.
- 8.7 The proposed scheme is considered to integrate and compliment the streetscene. When compared to a previously permitted scheme under 17/00041/FULLS, the current scheme would retain greater separation between dwellings. Therefore, the siting of the proposal is considered to compliment the area of special character.
- 8.8 The design of the dwelling is a contemporary rendition of the traditional house design. This is evident through the use of materials, fenestration details and roof forms. The use of timber cladding compliments the appearance of Chilworth through the use of good quality natural materials, as per the Chilworth Village Design Statement. The overall design is considered as high quality due to the integration with the streetscene, the appropriate use of materials, the scale and siting of the proposal, and the layout which respects the existing tiered relationship with neighbouring properties, also the retention of views between properties of the wooded areas beyond.
- 8.9 Concerns have been raised regarding the two storey rear extension. The design and scale is considered to be complimentary to the scale of the existing dwelling and neighbouring properties, thus integrating with the character of properties in the immediate area.. Furthermore, the two storey rear extension would not be in the public view from the adjacent highway of Ling Dale. The single storey extension to the rear would not adversely impact the character and appearance of the area as this would not be in the public view from the adjacent highway of Ling Dale. The proposal is considered to be in accordance with Policy E1 and E4 of the TVBRLP.
- 8.10 Overdevelopment
The plot size is 1174.6m²; the existing dwelling has a footprint of 179m² which equates to 15.2% of the site. The proposed dwelling has a footprint of 298.7m², which equates to 25.4% of the site. Therefore, with the proposal in situ this would retain 875.9m², or 74.6% of the plot. In light of this, and the retention of the open space on site, the proposal is considered to not overdevelop the site due to the amount of space retained within the plot. The proposal is considered to be in accordance with Policy E1 and E4 of the TVBRLP.
- 8.11 **Impact on Trees**
An area Tree Preservation Order (TPO.TVBC.473) is situated to the rear garden in the north west corner of the site. The single storey extension would impact this area. An assessment of the quality and value of the trees subject of

this TPO has been carried out by the Tree Officer. The trees in this area are of poor quality, health and value. However, to ensure that trees are not eroded from the immediate area, a mitigation strategy has been submitted and considered appropriate to carry out replacement tree planting to the south eastern boundary. Therefore, subject to condition the proposal is in accordance with Policy E2 of the TVBRLP.

8.12 **Impact on Amenity**

Overshadowing

A shadow diagram of the existing dwelling and the proposed dwelling has been carried out using the BRE Report, *Site layout planning for daylight and sunlight: a guide to good practice*. This diagram indicated that due to the ridge height increase, this would increase the length of shadow cast toward the neighbouring property of Malabu. The overshadowing is considered to not adversely impact the neighbouring property of Malabu as the shadow cast by the proposal is not significantly different from the shadow cast by the existing property. Furthermore, the shadow falling toward the property of Malabu would be within the hours of 9am until 12pm. Therefore, due to the shadow created is not significantly more than the existing dwellinghouse, the proposal would not have an adverse impact on the amenity of neighbouring property. The proposal is in accordance with Policy LHW4 of the TVBRLP.

8.13 Loss of Sunlight

The proposed development and existing neighbouring properties would receive adequate natural light once the scheme is implemented. As demonstrated by the shadow diagram assessment and the separation distances between properties, the private garden spaces would not be overshadowed to the extent where daylight and sunlight is reduced to an unacceptable level. The proposal is in accordance with Policy LHW4 of the TVBRLP.

8.14 Overbearing

It is considered that the two storey side and rear extension would not be overbearing to the neighbouring property of Malabu due to the separation distance with the application site. Furthermore, when the context of the existing dwelling is taken into account which has a flank elevation featuring brick and windows at first floor, the current proposal would not change the principle appearance of this. As such, due to the similarity between the existing and proposed development, and the site level, whereby Malabu is situated at a higher level than the application site, it is considered that it could not be concluded that the proposal is overbearing.

8.15 Overlooking

In relation to the third party representations, these have set out that the proposal would have an adverse impact regarding overlooking. The existing dwelling currently has windows at ground floor level on the side elevation which overlook the neighbouring property of Brookdene House. However, it can also be argued that the first floor windows of Brookdene House overlook the application site at ground floor level. Therefore, it is considered that it can be concluded that the two properties mutually overlook each other.

Regarding the first floor windows and rooflights proposed; the first floor window proposed to the east side elevation would not have an adverse impact as one already exists in a similar position. The proposed rooflights and slit window are high level, therefore potential occupiers would not be able to view out of these windows. The proposed scheme does not adversely impact the existing relationship of mutual overlooking through the introduction of further fenestration to the side elevation of the application site.

- 8.16 It is noted that Brookdene House has submitted comments relating to a previous application 18/02495/FULLS for the erection of boundary treatment between the application site and Brookdene House of 2.7m high. Due to the significant site level change, this height of fence would not screen the ground floor side elevation of the application site from Brookdene House; boundary treatment of approximately 5m would most likely achieve the screening however. Due to the proposed dwelling maintains the tiered relationship with the neighbouring property of Brookdene House, and the placement of the existing and proposed fenestration to the east side elevation, it is considered that it could not be concluded that the proposal would result in an adverse impact on the privacy or amenity of Brookdene House.
- 8.17 Single Storey Rear Extension
The single rear extension is 2.1m to the eaves height; due to the site level change, the boundary treatment with Malabu is 1.9m in height. The site level difference between the two sites results in the 1.9m boundary being higher than the eaves height of the single storey structure closest to the boundary. The roof of the single storey provides relief by going away from the boundary with Malabu to an eaves height of 3.5m. As such, due to the boundary treatment of closed boarded timber fencing, the site level change and that this is a single storey rear extension, this would not result in an adverse impact to overshadowing, overbearing, or loss of daylight or sunlight to neighbouring properties. The proposal is in accordance with Policy LHW4 of the TVBRLP.
- 8.18 Noise
With regard to the third party comments regarding potential noise impact during the course of construction. This aspect is covered by separate legislation under the Environmental Protection Act 1990. Therefore, should any noise nuisances occur, this can be reported to the Test Valley Borough Council Environmental Protection team for their investigation.
- 8.19 **Impact on Parking Standards**
The total number of bedrooms proposed is 5; as set out in Annex G of the TVBRLP, a dwelling with this number of bedrooms requires three car parking spaces and 2 cycle storage provision. The existing hardstanding to the front elevation facilitates the car parking for at least 3 vehicles. The outbuilding to the rear of the property is considered to facilitate the cycle storage provision for 2 bicycles. With regard to the third party comments of vehicles parking on the highway blocking their driveway; Ling Dale is a public highway with no parking restriction in place. As such, guidance should be taken from section 238 to 252 of The Highway Code as issued by the Department for Transport.

The proposal is able to fulfil the car parking requirement as set out within Annex G and Policy T2 of the TVBRLP. Therefore, the proposal is in accordance with these policies.

8.20 Impact on Biodiversity

The proposal would affect the roof, however due to this is to a modern extension there is limited potential for this to support a bat roost. Therefore, an informative note is added to this recommendation which provides guidance for the applicant should bats, or evidence of bats, be discovered during the course of construction. The proposal is considered to be in accordance with Policy E5 of the TVBRLP.

9.0 CONCLUSION

9.1 The proposal is considered to not have an adverse impact on the character and appearance of the area and does not overdevelopment the site. The streetscene tiered relationship with the neighbouring properties is retained. The proposal would not result in an adverse impact with regard to amenity, highway safety or the character and appearance of the area. The proposal is in accordance with the relevant policies of COM2, E1, E2, E4, E5, LHW4, and T2 contained within the Test Valley Borough Revised Local Plan (2016).

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:**
Tree Protection Plan (Drawing ref: 3297-065-TPP Rev A)
Composite Plan - Proposed (Drawing ref: 22)
Composite Plan - Existing (Drawing ref: 01 C)
Proposed Streetscene Plan (Drawing ref: 24)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **Prior to first use of the development hereby approved, replacement tree planting shall be carried out in accordance with paragraph 7.2 of the Arboricultural Implications Assessment by Arborsphere Arboricultural Experts (31 January 2019). The 2no. silver birch trees shall be planted on the south eastern boundary to the roadside of the existing Sycamore tree. Once planted, the trees shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.**
Reason: To ensure the enhancement of the development through the implementation of trees in accordance with Test Valley Borough Revised Local Plan policy E2 (2016).

4. **No development shall take place above DPC level of the development hereby permitted until full planting details and a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

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). 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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