

Planning Statement on behalf of Nathan Challis in respect of a planning application in respect of alterations to 44 Testlands Avenue, Nursling, SO16 0XG.

The following statement seeks to set out the rationale for the submission of a planning application seeking various alterations 44 Testlands Avenue, Nursling.

Consent has been previously granted for application no. 22/00379/FULLS to include an increase in height of the building, the provision of a gable end extension and the provision of a flat roof extension.

Works were subsequently carried out with some deviations from the approved plans to include the following:

- The provision of a slate roof – instead of a red tile roof
- The provision of white render on the site elevations of the dwelling – instead of a facing brick
- An increase in the ridge height of the building by 537mm
- An increase the ridge height of a gable wall by 600mm
- The replacement of a garage door on the front elevation with a brick façade and windows
- The provision of grey cladding on the front and side gables.

An enforcement notice has recently been served on the site owner seeking to remedy these works (i.e. providing the option of compliance with consent no. 22/00379/FULLS), and which has been subject to a recent appeal.

The current application seeks retrospective consent for these works with the exception of the roof tiles. The applicant will therefore replace the slate tiles on site with that of a roof tile to be agreed with the Local Planning Authority (LPA). This can then facilitate the withdrawal of the enforcement notice appeal.

#### Site and surrounding area

The application site refers to a detached dwelling located to the north-east of Testlands Avenue – which typically consists of detached single storey dwellings constructed in the post war period.

The primary characteristic of properties on Testlands Avenue is that they are bungalows/chalet bungalows and they are of a similar style. However, there are significant variations in form and design. It would appear that the dwellings were originally built in groups by individual builders which introduced individual design features and many have been subsequently altered over the years.

Variations in form and design include the following:

Dormer windows – a number of local dwellings have first floor dormer windows on the front roof plane. These are illustrated in the following photographs:



Appeal premises



42 Testlands Avenue



24 Testlands Avenue



24 Testlands Avenue



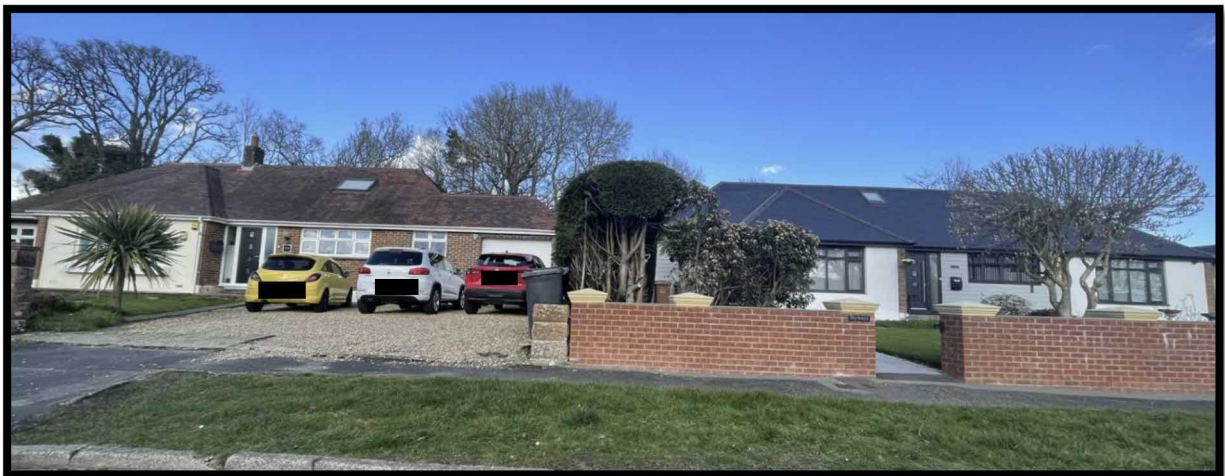
23 Testlands Avenue

Use of render – Nos. 38-66 (evens) (with the exception of no. 60) Testlands Avenue all have white render on their front elevations.



Appeal property

No 42 Testlands Avenue.



Use of gable – No. 66 has a gable elevation similar to that at the appeal site:



Appeal property



No 66 Testlands Avenue

It is clear from the above picture of no 66 that the bulk of the gable element facing the highway is more substantial than that at the appeal site. In fact, its width is 6m and height is 7m (as compared with 5.5m wide and 6.7m high at the appeal site).

The consent no. for no 66 is 12/00472 and the approved elevation is as follows:



### Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The revised National Planning Policy Framework was published in December 2023.

Paragraph 47 reinforce S38(6) of the Planning and Compulsory Purchase Act 2004, as follows:

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paras 7 and 8 refer to the principles of sustainable development, as follows:

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations –including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

Paras 38 and 39 seek to encourage LPA's to take a positive approach to decision making and encourages early engagement with the LPA on development proposals.

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

The relevant development plan is the Borough Local Plan (2016) – the BLP identifies the appeal site as being within the defined settlement boundary, as per the following extract:



Policy E1 seeks to ensure that new development is of high quality.

#### 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;
- b) should not detract from the dominance of, or interrupt important views of, key landmark buildings or features;
- c) should be laid out to provide connectivity between spaces and a positive relationship between public and private spaces; and

d) makes efficient use of the land whilst respecting the character of the surrounding area and neighbouring uses.

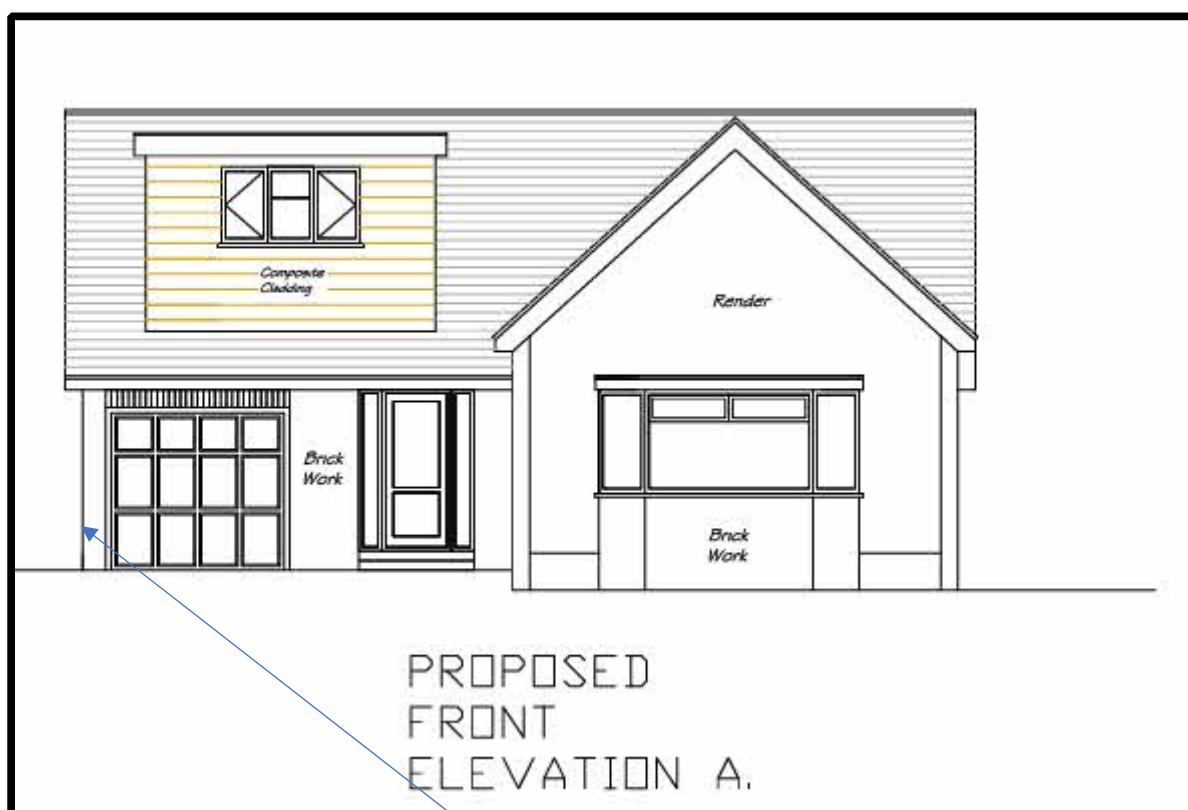
Development will not be permitted if it is of poor design and fails to improve the character, function and quality of the area

## Planning history

There are five recent planning applications on-site, the most relevant is consent no. 22/00379/FULLS, which has been implemented and is as follows:

1. Single storey rear extension, raise roof with loft conversion and dormers, gable end to sides - application no. 22/00379/FULLS, conditionally approved 17<sup>th</sup> May 2022.

This consent has been implemented and the front elevation is as follows:



The primary elements of the consent include the following:

An increase in height of the dwelling so that it has an overall height of 6m above ground level (as measured on the northern elevation). The plan shows a level change across the site and it is clear that the approved ridge height as measured on the eastern elevation is actually 6.2m.

The provision of a gable end wall on the front elevation.

The provision of a flat roof dormer window on the front roof plane.

The application was determined by Members at committee and supported by an officer report that made the following comments:

The site is located within the defined settlement boundary and as such the principle of development is considered acceptable.

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

The provision of flat dormers on front elevations is a common feature within the street scene, other examples within the street scene include 52, 48, 34 and 23 Testlands Avenue.

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

Whilst the majority of the bungalows within Testlands Avenue do not have accommodation in their roofs, there are several examples of alterations and conversions of the loft space within the street scene.

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



The four remaining planning applications are as follows:

2. Certificate for proposed lawful development for the erection of single storey rear extension – application no. 17/02224/CLPS, conditionally approved 24<sup>th</sup> August 2017

It is clear that this extension has not been built out.

3. Raise the roof at the front of the property by 500mm, erection of dormer to the rear and rooflight to side elevation – application no. 17/02225/FULLS, withdrawn 9<sup>th</sup> October 2017.
4. Single storey rear extension, raise roof with loft conversion and dormers – application no. 21/03309/FULLS, refused 22<sup>nd</sup> December 2021

Whilst this application was refused in the form of development and in particular the massing of the roof – with dormer windows on the side roof planes was very different to the approved scheme.

5. Single storey rear extension, raise roof with loft conversion and dormers, gable end to sides (Amended scheme) – application no. 22/02903/FULLS, refused 8<sup>th</sup> November 2022.

The reasons for refusal imply the primary concerns of the scheme referred to the use of slate tiles and white render, as follows:

The external materials used, specifically the slate roof tiles and overuse of white render, in combination with the other alterations to the property, have significant detrimental effect on the character and appearance of street scene and wider local area. The proposal is considered to be contrary to Policy E1 of the Test Valley Borough Revised Local Plan (2016) and paragraph 134 of the National Planning Policy Framework 2021.

The delegated officers report include the following:

The proposed rear extension extends the full width of the existing property. Due to its location and the existing boundary treatment only limited glimpsed public views would be possible. It is considered that any glimpsed view would be seen in the context of the existing dwelling and so would not adversely affect the character and appearance of the area.

The installation of dormer windows on the rear and front elevations, while altering the appearance of the building, are common features within the local street scene. The hip to gable conversion is a less common feature within the street scene. On balance these elements of the proposal would not result in any negative impact on the character and appearance of the area.

The use of grey slate as a roofing material, in stark contrast to the neighbouring properties and the properties within the wider area, result in the building not integrating, respecting or complementing the character of the area.

The prominent position of the building adds to the extent of the impact on the character and appearance of the local area. From some distance away your eye is immediately drawn to building.

The overuse of white render (in discordance with the submitted plans) add to the building being overly prominent within the street scene.

The officer report confirms that no objection was raised to the single story extension, no concerns were raised to the dormer windows (not least due to the fact that many other properties incorporate such features) and on balance no concerns were raised with regard to the dormer window.

No concerns were raised in the officer's report with regard to the increase in height of the building or the use of grey panelling.

## Enforcement Notice

The LPA served an enforcement notice on the appellant on the 19<sup>th</sup> February 2024 in respect of the following:

Alleged without planning permission alterations and extensions to the dwelling comprising;

A single storey rear extension

Alterations and extensions to the roof comprising of;

- Raising the ridge height
- A change from the hipped roof to a gable end roof
- Replacing red concrete roof tiles with grey slate roof tiles
- Installation of flat roof dormers to the rear and front roof slopes

Replacing garage door with a triple casement window

Application of white render on all elevations of the building  
The installation of grey composite cladding on the front and side elevations of the building.

The reasons for issuing the EN include the following:

From the various public vantage points, the building appears discordant amongst the other dwellings within the streetscene and wider area. The development, because of its size, design and material finish fails to integrate, respect or compliment the character and appearance of the area.

The EN provides two options for remediation, namely to either carry out works to revert to the former dwelling or to build the development in full accordance with the plans and details that were approved as part of planning permission ref: 22/00379/FUL.

The reference to the option to carry out development in accordance with consent no. 22/00379/FUL requires a comparison between the approved scheme and that as built.

Comparisons between consent no. 22/00379/FUL and the as-built scheme

In essence, consent no. 22/00379/FUL allows for significant alterations to dwelling that are very similar to that as built.

Given the fallback scenario of the consented scheme it is necessary to provide a comparison between the consented scheme so as to enable an assessment of additional impact of the as built scheme on the character of the immediate area.

In order to provide clarity on the scale and massing of the as-built dwelling the appellant has commissioned a topographical survey of it, to include its ridge height. This survey is attached as an appendix. Also attached is a streetscene elevation, based on the topographical survey, which shows the as-built elevation within the context of neighbouring properties. It also shows the approved ridge height so that comparisons can be made between that as approved and as built:



With reference to the various alleged breaches of planning control:

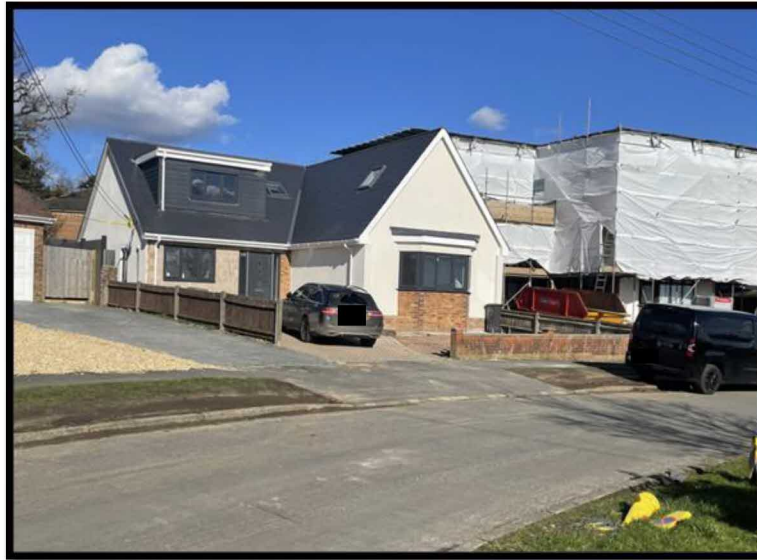
Single storey rear extension – the consented scheme includes a single storey extension and this is provided in the rear amenity area. The scale and massing of this extension is consistent with the approved plans.

Raising the ridge height – approved plans allow for the raising of the ridge height of the dwelling.

The as-built elevation is as per the following extract and is based on the RMJ Survey of the site dated February 2024:



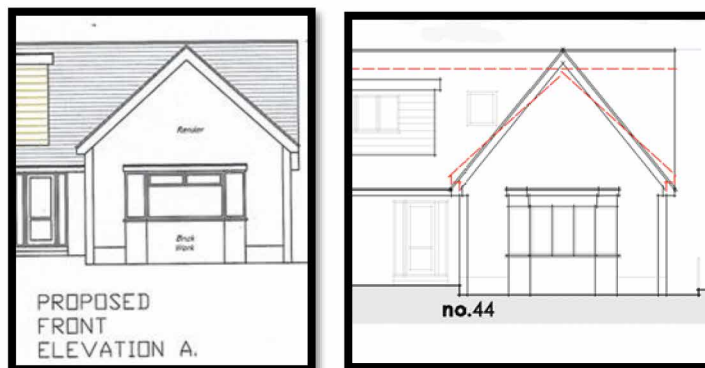
There are local level changes on site and the land falls gently in a south-westerly direction as evidenced in the following photograph:



The survey confirms that the increase in ridge height is 537mm relative to the approved plans. Comparisons can also be made with the neighbouring properties (the appeal site is 590mm higher than that of no 42 and 450mm lower than that of no. 46.

### **Change from the hipped roof to a gable end roof**

The approved and as built plans show the provision of a gable roof on the front elevation:



The plans show a slight change in the roof pitch to the gable and an increase in ridge height of 600mm.

### **Replacing red concrete roof tiles with grey slate roof tiles**

The as-built dwelling incorporates grey slate tiles to the roof. The original dwelling comprised a brown/red tile very similar to that of the neighbouring dwellings.

Installation of flat roof dormers to the rear and front roof slopes

Both the approved and as-built plans show the provision of flat roof dormers on both the front and rear roof slopes as per the following extracts:



The as built dormer windows is as per the approved plans.

Photographs of the as-build dormers are as follows;



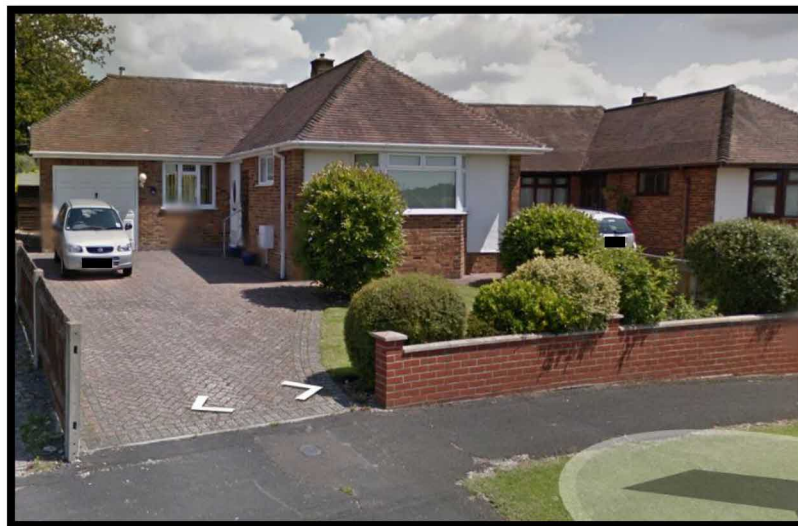
## Replacing garage door with a triple casement window

These works are noted and are as per the following:



## Application of white render on all elevations of the building

The original dwelling had white render on its front elevation as per the following photograph (courtesy of Google Streetview):



It is also noted that white render is a common feature of immediate neighbours.

The approved plans show the use of a white render on the gable elevation and the whole of the rear elevation.



The house as built also has render on the side elevations, but not on the front bay window or the elevation facing the front door, as evidenced by the following photographs;



Installation of grey composite cladding on the front and side elevations of the building

The approved plans show grey composite cladding to all elevations to the front and rear dormer windows.

The as-built scheme additionally provides cladding to the front and side gables, as per the following photographs;





It should be noted that recent works at no 42 Testlands Avenue have incorporated cladding to their front and rear dormers.

### **Proposed development**

The application seeks retrospective consent for the following:

1. Single storey rear extension
2. An increase in the ridge height of the building by 537mm
3. An increase the ridge height of a gable wall by 600mm
4. Provision of dormer windows on the front and rear elevations
5. The replacement of a garage door on the front elevation with a brick façade and windows
6. The provision of white render on the site elevations of the dwelling
7. The provision of grey cladding on the front and side gables.

Consent is also required for the replacement of the slate tiles with that of red tiles – colour and specification to be agreed with the LPA.

With reference to the various elements of the application:

1. **A single storey rear extension** – the extension is in compliance with the approved plans (consent no. 22/00379/FULLS) and the LPA had no objection to it during the consideration of this application, as set out in para 8.6 of the committee report which states the following:

*The [single storey extension] is located in a position such that limited public views would be possible. Any glimpsed views of the rear extension would be seen in the context of the existing dwelling and in this respect the proposal would not adversely*

affect the character and appearance of the area, in compliance with Policies COM2 and E1 of the TVBRLP.

This LPA view is reinforced in consideration of application no 22/02903/FULLS, where, with reference to the impact of the single storey extension the report stated that;

It is considered that any glimpsed view would be seen in the context of the existing dwelling and so would not adversely affect the character and appearance of the area.

Given that the single storey extension has been built in accordance with the approved plans and that there is limited impact on the public domain it is argued that consent should be granted for this aspect of the scheme.

2. Raising the ridge height – the overall increase in height of the ridge of the as built scheme is in the order of 537mm.

It is argued that, given the context of the site that the impact of the increase in roof height is acceptable.

The dwelling is set back some 7m from the back edge of the highway and viewed within the context of the neighbouring dwellings of varying heights. It is simply one house amongst many and all of the local dwellings – either through initial design or subsequent alteration appear different.

The LPA raised no concerns with regard to the height of the dwelling in consideration of application no. 22/02903/FULLS and this in itself is a clear indication as to view the LPA with regard to the impact of the increased ridge height on the local area. In fact the only reference that has been made in this regard refers to the potential for impact on local residential amenities (there is none).

3. A change from the hipped roof to a gable end roof – the approved plans allow for the provision of a gable end roof and so, in principle, it is acceptable.

The issue here therefore relates to any additional harm that might be created to the streetscene by reason of the additional bulk. It is argued that such increase is marginal and will create no harm in this regard.

No reference is made with regard to harm to the local streetscene in application no. 22/02903/FULLS as a result of the presence of the gable wall – the officers report confirms the following;

*The hip to gable conversion is a less common feature within the street scene. On balance [this] element of the proposal would not result in any negative impact on the character and appearance of the area.*

The LPA has previously has raised no objection to the gable wall and that the impact on the streetscene is acceptable. This is reinforced by the fact that the LPA has also granted consent for a larger gable wall at no. 66 Testlands Avenue as set out in consent no. 12/00472. The LPA therefore takes a relaxed attitude to such gable walls.

- 4. Installation of flat roof dormers to the rear and front roof slopes** – flat roof dormer windows are a common feature and the consented scheme (22/00379/FULLS) allows for both front and rear flat roof dormers.

*The officer report, in paras 8.4 and 8.5, note that front dormers on front elevations is a common feature within the streetscene, other examples within the streetscene include 52, 48, 34 and 23 Testlands Avenue...as front dormers are an existing feature within the street, it is considered that this addition will not result in harm to the character and appearance of the area as it will not result in harm to the character and appearance of the area as it will reflect features that are already visible from the public domain. The proposed development is considered to be high quality and would result in a neutral impact on the character and appearance of the area, the proposal is therefore in compliance with Policy E1.*

It should be noted that since consideration of application no. 22/00379/FULLS consent has been granted for *loft conversion with dormers to front and rear elevations and re-pitch roof with raised ridge line* at the adjacent property no 42 Testlands Avenue (application no. 22/02070/FULLS). This scheme has been implemented and includes a dormer window on the front elevation as per the following photograph:



5. Replacing garage door with a triple casement window – the garage door has been replaced by a window as noted in the following photograph:



It is argued that the design and materials used in providing these windows is entirely appropriate and that there is no harm in terms of impact on the streetscene and character of the area.

6. Application of white render on all elevations of the building – consent no. 22/00379/FULLS allows for the provision of a white render on the front elevation of the dwelling.  
The specific LPA concern is the use of a white render on the side elevations.

In response it is noted that the use of white render is a very common feature of the locality – its use does not introduce an alien material to the area. The white render is of high quality and does not harm the local streetscene.

7. The installation of grey composite cladding on the front and side elevations of the building – consent no. 22/00379/FULLS allowed for the provision of cladding (by virtue of the approved plans) on the front and rear dormer windows. The LPA has therefore allowed the provision of grey cladding on site.

### Planning balance

It is clear that the applicant, in constructing the house has deviated from the approved plans. Similarly it is clear that the Enforcement Notice as issued by the LPA has raised issues with regard to a number of works that are actually in compliance with approved plans 22/00379/FULLS.

The current application provides the opportunity of clarifying what issues are outstanding with regard to the works that have been undertaken so as to address them.

It is clear that the LPA has concerns with regard to the use of slate as a roofing material and the retention of slate is not included in the current application.

Should, therefore, the application be approved the applicant is happy to agree a suitable replacement tile, either as part of the application or by condition, in agreement with the LPA.

Also, in agreement with the LPA the applicant will agree a suitable timescale for replacement of the roof materials.

Should the application be approved the applicant will withdraw the current enforcement appeal on the basis that consent is implemented and no further enforcement action will be undertaken (other than in respect of monitoring the changes to the roofing materials).