

GROUNDS OF APPEAL – 27 NICHOL ROAD SO53 5AY

This appeal relates to the decision by Eastleigh Borough Council LPA to refuse planning permission for front and rear extensions at 27 Nichol Road, Chandlers Ford, SO53 5AY (H/22/93684).

The application was refused on two points in the Decision Notice dated 13th October 2022:-

- 1 The proposed two storey and first floor front extensions, by reason of their form and design, would be incompatible with the host property and its surroundings, and would not fit in well with the street scene**

Nichol Road is an established residential road built circa 1960, comprising 58 detached properties, originally with a mix of bungalows, chalet style houses, and detached two storey houses. Of those 58 properties, 35 were originally built as bungalows.

Over the years, successive occupiers have extended many of the properties, either with ground floor, first floor (dormer style), or full two storey extensions, all with a wide variety of styles and finishes eg brick, brick/tile, part/fully rendered, New England boarding, half/full height glazing etc. In addition to those already completed, four bungalows in Nichol Road currently have approved first floor extensions under construction, with a further two in receipt of planning permission to change from bungalows to houses. When they are completed it will leave 12 bungalows in Nichol Road from the original 35.

Most of the properties in Nichol Road have generous plots, so the road is perfectly capable of having larger extended houses. In our opinion the appeal proposal at no.27 would sit well in the ever changing street scene.

The total floor space of 27 Nichol Road, after the proposed extension, will be approx 255 square metres, with no increase in roof height. At least two of the recently approved developments in Nichol Road, no.14 (F/21/91322) & no.9 (F/20/88620), are in excess of 300 square metres. Both are unlike any immediately surrounding property, and both have a significant increase in roof height. Note no.9 is not at full apex height yet, but is already well above the apex height of no.7 which is itself an extended triple gable dormer house.....



No.14 Before (LH bungalow)



No.14 Under Construction



No.9 Before



No.9 Approved Plans



No.9 Under Construction
(not at full apex height yet)

Below are a few photos of other extended properties in Nichol Road showing the eclectic street scene.....



No.20 (left) & 18 (right) Before



No.20 After



No.18 After



No.7 Before



No.7 After



No.10 Before



No.10 Under Construction

The following five properties were all originally bungalows and further demonstrate the variety of styles and finishes to front elevations in Nichol Road, all approved by the LPA.....



No.3



No.5



No.31



No.52



No.59

Lastly, photos of no.56 showing the existing bungalow, it's very small front garden, and the house that will be built (identical plans to the house built at no.18). No.56 received planning consent (F/21/92172) for a five bedroom detached house, despite multiple objections, and despite it having the smallest front garden in the whole of Nichol Road and probably a greater street scene impact than any other planning application in Nichol Road.....



No.56 Before

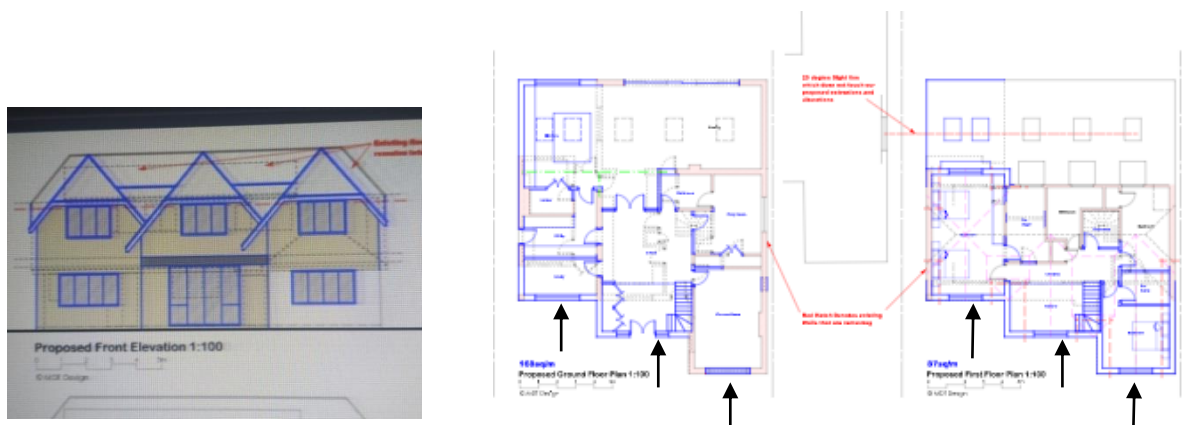


No.56 Small frontage



No.56 Approved plan will build this

Regarding host property compatibility, the proposal being appealed does NOT increase the roof height at all and does not extend forward of the natural building line. The front appearance does change from a single wide dormer to three individual staggered, hipped gable dormers set within the existing roof height and extending to ground level, but it maintains the same roof height separation from the properties either side as the existing roof structure hips are unchanged. It may not be clear from the proposed front elevation drawing, but the three dormers are staggered, each have cropped hip gables, with the northern third over the existing lounge, middle third staggered back, and the southern third (closest to no.25) staggered back further again, to the existing roof/porch line. For clarity on the staggered effect, below are photos of the proposed front elevation and proposed floor plan drawings.....



No.27 (appeal site) has one of the largest frontages in Nichol Road (approx 20m x 15m).....



In addition to the very large frontage, the appeal site has mature hedging/shrubs on all sides and a mature sweet chestnut tree near the south east boundary that all help to reduce any street scene impact. The three photos below show the appeal site from different angles.....



Street scene from the left of No.27



Street scene in front of No.27



Street scene from the right of No.27

We find it difficult to comprehend why/how the proposed front elevation was refused for the reasons given, when the Planning Officer recommended enlarging the proposed front dormers as a possible way of gaining approval if the proposed rear extension was reduced in size. Extract from the Planning Officer's email to the architect dated 7th October 2022.....*"To be honest, the property has already been extended quite a lot with the original. I can only think of enlarging the existing lounge or enlarging the front dormers."* So less than a week before issuing the Decision Notice of refusal, partly due to the size of the proposed front dormers, the Planning Officer appears to suggest it may be acceptable to have them even larger ?

In view of recent similar, and larger, approved proposals in Nichol Road, we believe our proposal is not contrary to the legislation/guidelines quoted by the LPA in the Decision Notice, and if the LPA deem this application to be contrary, then a number of recently approved applications should have been deemed contrary to the same legislation/guidelines.

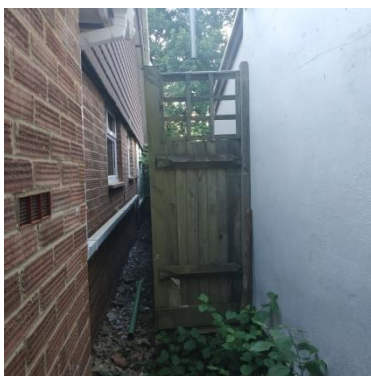
2 The proposed first floor and single storey rear extensions, by reason of their scale, sitting, and close proximity to the mutual boundary, would have an unacceptable impact on the amenity of the neighbouring property in terms of loss of light or outlook

Regarding close proximity to the mutual boundary, the existing gap between no.27 and no.25 is approx 210cm and will remain 210cm. The proposed rear extension side wall maintains a gap of 210cm between it and no.25.

As a comparison, in 2020 (H/20/87610) no.31 Nichol Road was granted the same style of rear extension as our appeal proposal. It replaced a smaller glazed conservatory with a larger solid wall pitched roof extension. No.31 was already a five bedroom house, having previously been extended from an original bungalow.

The gap between no.31 and no.29 is 166cm at it's widest (117cm at it's narrowest), and it must have complied with all policies and guidelines, and was deemed not to have had an unacceptable impact on the amenity of it's immediate southern boundary neighbouring property (no.29), despite the gap being 44cm narrower than in our appeal case.

Photos of the 166cm gap between no.31 and no.29.....



Gap viewed from front



Gap viewed from front



Gap viewed from rear

Photos of the 210cm gap between no.27 and no.25 that will be retained.....



Gap viewed from front



Gap viewed from rear

Regarding potential loss of light, the Planning Officer's report confirmed that the proposed appeal site rear extension **passes the Quality Places daylight test**, but then added that..... *"there could still be an impact on the sunlight received into the habitable room due to the proximity of the structure"*. **What is the point of having a daylight test if you are going to ignore the result if it passes !!** Also, the habitable room in question is a bedroom so is generally only used at night, and there is a six foot fence (erected by the occupants of no.25 themselves) approx 60cm away from the window and blocking all but approx 30cm from the top of the window. These photos were taken from the rear patio of no.27 in winter and in summer.....



No.25 bedroom window (winter)



No.25 bedroom window (summer)

In addition, to help mitigate any loss of light, the proposed rear ground floor extension will be rendered and painted white on the south elevation to reflect light back towards no.25 in the same way that the approved extension at no.31 is white rendered and reflects light back towards no.29. The study of no.29 is used every day as a work from home office, with a gap of only 166cm compared to 210cm at the appeal site.



View from No.29 study to No.31

This section has appellant responses to the points raised in the LPA Planning Officer Report.

Planning History

To clarify the planning history, in 1989 the revised application (Z/25450/003/00) was refused, but permitted on appeal. In 2010 the rear single storey pitched roof extension application (F/09/66399) was permitted. These are the only two extensions the appeal site has had. The initial application for the alterations currently requested (H/22/93059) was refused, resulting in a revised application (H/22/93684) which is the subject of this appeal.

Representations

There were three separate representations in support of the application, one from the occupiers of the property that backs onto the appeal site, and two from the occupiers of the bungalows directly opposite the appeal site, so they have no concerns about the street scene. It is worth noting that the plans were shown to many Nichol Road residents, every one of which voiced their agreement to the proposal. The only representations against the application are in fact from the same address and expressed the same concern, so although this is perfectly acceptable, in effect it is a single concern.

Assessment

The Planning Officer states..... *"this section of the southern side of Nichol Road (where the application property is situated) is characterised by bungalows and a number of chalet bungalows"*.

To a certain extent that is true, **but only** if you take into consideration the properties immediately south of the appeal site. That is an unrealistic 'section' to use in isolation. A much more balanced 'section' would be three properties either side of the appeal site. Were that the case, then the seven properties in that 'section' would comprise one bungalow, one bungalow with dormers, and five large houses with first floor extensions.

Also, because almost the whole southern section of Nichol Road was originally built as bungalows in 1959, if the same argument had been made by the LPA to every first floor or two storey front extension planning application in the southern section of Nichol Road, then every single application should have been rejected, but they have all been passed.

There are 22 properties in Nichol Road which are south of the appeal site, 20 of which were originally built as bungalows and 2 were originally built as chalet houses. Of the 20 that were originally bungalows, 12 now have first floor extensions or are full two story houses (either completed or under construction).

Based on precedent, there is no logical reason that the LPA have chosen to reject the appeal proposal.

Character and Design

As previously clarified, the planning application in 1989 was approved on appeal.

The Planning Officer states that the current appeal proposal is to erect *"two, two storey extensions and a first-floor extension to the front"*. Just to clarify, the appeal proposal is actually three staggered, hipped, first floor gable dormers, with clear roof visible between them, and NO increase to the existing roof height.

Regarding the street scene drawing, we do not believe it shows the proposed design in a negative light, but shows that it will just be another variation on an already eclectic street scene in the immediate vicinity and even more so on the overall Nichol Road eclectic street scene.

Regarding the comment *"the proposed two-storey front extensions would be substantially out of accord with the general pattern of development nearby."* We reiterate that the proposal is for first floor, stepped back, hipped gable dormers set within the existing roof height and with good separation between them. Hopefully we have made the case in earlier responses to the planning decision notice that show the appeal proposal is not out of accord with the general pattern of development either nearby, or anywhere in Nichol Road.

Regarding the render finish, the existing front elevation currently has part render finish at ground floor level. The majority of properties in Nichol Road, both original bungalows and the numerous approved first floor extensions, either have part or full render to their front elevation, and some are almost totally rendered.

Regarding each case being regarded on its own merits, we could not agree more. But it is important not to let case by case decision making become an excuse for inconsistency.

As we have shown, there are numerous recently approved applications in Nichol Road that are all different in form and design from each other, and from other existing properties in Nichol Road. Most are of a similar size in floor space to the appeal proposal, and some are substantially larger.

There are triple gables at no.7 and no.52 and large full width and full height double gables at no.9, no.14, no.18, and no.20 to name a few, all of which have been passed by the LPA.

Regarding the creation of *“a discordant visual impact”*, that appears to be a repetition of the Planning Officer’s previous comments which have already been covered by highlighting the many approved proposals which increase existing roof height (which ours does not) and have full width, full height, double or triple gable dormers.

Regarding the roof form, the proposed first-floor rear extension was amended to a flat roof to appease the LPA, despite the originally proposed pitched roof dormer passing the daylight test. It was an attempt to compromise, but if the LPA would prefer the original design, so would we !!

We would not agree that *“the flat roof design would result in an unattractive addition that would not sit comfortably on the host property or within its immediate context”* as the original chalet style houses in Nichol Road were built with flat roof dormers to the front and rear. In addition, the rear of the appeal site is very well screened on all sides by 15m to 30m high sweet chestnut/oak trees and 20m high fir trees.

Regarding the Planning Officer’s final comment on character and design, we believe that the previous responses we have made to the Decision Notice reasons and Planning Officer’s comments, show that the appeal proposal is consistent with other designs in the road, is well designed, and would **not** *“have an obvious visual impact in terms of its form, appearance, and materials”* and absolutely would **not** *“make the front elevation overly prominent and a jarring feature in the street”*.

If the appeal proposal at no.27 is considered jarring, then how did no.14 gain planning approval as it is in a more prominent and exposed position of Nichol Road. It was also the first house in Nichol Road to be allowed black New England boarding, have a garage built in the front garden, and a part glazed roof.

We therefore believe that the appeal proposal is not contrary to planning policy, SPD’s or NPPF guidelines and feel it is not being treated in the same way as other recent, similar planning applications.

Impact on Residential Amenity

Although there is a slight natural slope in Nichol Road, from north to south, it is relatively small.

In reality there is little or no overshadowing of no.25 by no.27 because they both run east to west so for almost 100% of daylight hours, any shadowing would in fact be thrown by no.25 over no.27. The only time the sun position could cause the overshadowing mentioned by the Planning Officer would be at night!!

Regarding the ground floor bedroom and daylight test, we addressed this in response to Decision (2) above. The LPA confirmed that the appeal proposal passes the daylight test. The window in question already has a six foot fence right outside it, and will have minimal overshadowing due to the sun position mentioned in the previous paragraph.

Conclusion

Regarding the appeal proposal being similar to the prior proposal (H/22/93059), yes it is. We believe, for all the reasons contained in this Grounds of Appeal document, that the first proposal should have been approved, and if it had not exceeded the three month time limit we would have been appealing it instead of the revised proposal.

Regarding the other two conclusion statements, they are the two Decision Notice statements and have been fully addressed in the first part of this Grounds of Appeal document.

Additional Information

This triple gable, rendered and glazed style has become very popular recently in this part of Chandlers Ford (and many other areas). The architect has had very similar designs approved by the same LPA, which have resulted in very attractive buildings. These photos show just two of them in neighbouring roads, both approved and built in the last couple of years.....



Oakwood Road



Randall Road

This appeal proposal is not from a developer. We have lived here for over 36 years and at some stage in the near future want to downsize and stay in the same area. Our son and his family want to buy it from us and take over the family home, but understandably want to make it their own style, and provide the accommodation suitable for their requirements, which we are fully in agreement with. With the original property being built in 1959, and the first floor extension completed in 1990, the whole property is in need of modernisation and bringing into line with current building and insulation standards. We believe the appeal proposal will achieve this.

It is worth clarifying that we do not object to any of the approved developments referred to in this Grounds of Appeal document, they all fit into the eclectic Nichol Road street scene in the same way that this appeal proposal would if it had been passed by the LPA, or if it is passed on appeal.

Please note that Google street view can not be relied upon as most of the Nichol Road images are out of date by many years.