

Development Management

Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN

Tel: 023 8068 8264 www.eastleigh.gov.uk

Office hours: Mon-Thurs 8.30am - 5pm, Friday 8.30am - 4.30pm



Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	38
Suffix	
Property Name	
Address Line 1	Nichol Road
Address Line 2	
Address Line 3	Hampshire
Town/city	Chandler's Ford
Postcode	SO53 5AU

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
443676	122566

Description

Applicant Details

Name/Company

Title

Mr

First name

Cengiz

Surname

Is

Company Name

Address

Address line 1

38 Nichol Road

Address line 2

Address line 3

Town/City

Chandler's Ford

County

Hampshire

Country

Postcode

SO53 5AU

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Agent Details

Name/Company

Title

Mr

First name

Tony

Surname

Blunn

Company Name

Blunn Architects

Address

Address line 1

Foxcroft Studios

Address line 2

Old Kennels Lane

Address line 3

Oliver's Battery

Town/City

Winchester

County

Country

Postcode

SO22 4JT

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Demolition of existing bungalow and single garage and construction of a new two-storey, four-bedroom house with separate guest annex and associated landscaping and parking. Creation of a new vehicular access point from Nichol Road.

Reference number

Application No. F/24/98320

Date of decision (date must be pre-application submission)

25/11/2024

Please state the condition number(s) to which this application relates

Condition number(s)

number 12

The first floor windows contained within the dormer on the northern elevation of the dwelling shall be obscure glazed to Pilkingtons level 3 or equivalent with no more than a top-hung opening toplight. The part of the window which can be opened shall be a minimum of 1.7 metres above the floor of the room in which the window is installed. Once installed the windows shall be permanently maintained in that condition.

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

03/02/2025

Has the development been completed?

☐ Yes

☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Justification for Variation of Condition 12

Condition 12 was imposed to safeguard the privacy and residential amenity of neighbouring occupiers by preventing overlooking from the first-floor dormer windows on the northern elevation.

The proposed variation seeks to allow the dormer windows to be side-hung and capable of opening to a maximum of 100mm by means of permanently fixed mechanical restrictors. This amendment arose from a practical design adjustment during construction to ensure the windows are safe, usable and maintainable. A top-hung arrangement at the height specified by the condition would present difficulties in terms of operation, ventilation and maintenance, whereas the revised configuration provides a practical solution without compromising the purpose of the condition.

Importantly, the windows will remain fitted with obscure glazing to Pilkington Level 3 (or equivalent). In addition, the opening lights are fitted with permanent restrictors limiting the opening to 100mm. These restrictors cannot be overridden or disengaged and therefore provide controlled ventilation only.

Whilst the opening sections are positioned at approximately 1605mm above finished floor level, rather than the 1700mm specified by the condition, the difference is not considered material in planning terms. The windows remain set at a high level and, when combined with the obscure glazing and restricted openings, provide no realistic opportunity for overlooking.

The internal layouts provide a further safeguard. Within the bathroom, the bath is positioned directly adjacent to the window, whilst within the en-suite the WC is located immediately beside the window. These fixtures significantly restrict access to the openings and limit the ability of an occupant to approach the windows in a manner that could facilitate overlooking.

The combination of obscure glazing, elevated sill heights, permanently restricted openings and the physical constraints created by the bathroom layouts ensures that the original objective of the condition—to protect neighbouring privacy and residential amenity—is fully maintained.

The proposal therefore represents a proportionate and pragmatic design solution that maintains a high standard of residential amenity and accords with the intent of the original permission. We would welcome the opportunity for the Local Planning Authority to undertake a site visit, as the relationship with neighbouring properties and the negligible potential for overlooking are most readily appreciated in situ.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Remove top hung windows to side hung windows with restrictors. Also change heights of openable windows to 1.6m above FFL

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

RE: 38 Nichol Road_ Planning Variation

Date (must be pre-application submission)

16/06/2026

Details of the pre-application advice received

Good afternoon Tony,

I hope you are well.

Apologies for not responding to you sooner.

I have reviewed this and I would advise that both issues should be covered as part of a Section 73 application.

The configuration and size of the windows is still material, as extensive glazing can give the perception of being overlooked even if obscured, and the extent and size of the windows is also intertwined with the impact of how they are openable. As such, we would want to be able to fully assess these matters collectively as part of a Section 73 application and also allow the neighbouring resident, whose property/garden the windows face towards, the opportunity to make representation should they wish to do so.

Tying it all together in a Section 73 application also avoids the need for 2 separate submissions.

I hope this clarifies the matter and I'd be happy to view the changes in context on site once the application has been submitted.

Kind regards

David

David Huckfield
Senior Planning Officer
Planning & Environment - Planning/Development Management
023 8068 8811

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

E.g. All the land is owned by a single individual

☒ Yes

☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

☐ Yes

☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☐ The Applicant

☒ The Agent

Title

Mr

First Name

Tony

Surname

Blunn

Declaration Date

23/06/2026

☒ Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Tony Blunn

Date

23/06/2026

