

STATEMENT OF CASE

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78 (PURSUANT TO SECTION 73A)

Appeal Reference/ App No:	H/26/100990
Appellant:	Shane Mavrodaris
Site Address:	4 Barfoot Road, Hedge End Southampton SO30 2LL
Local Planning Authority:	Eastleigh Borough Council
Proposed Development:	Rear Loft Dormer and single rear storey extension.

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1. Executive Summary & Core Material Considerations

The appellant seeks to overturn the decision of Eastleigh Borough Council to refuse retrospective planning permission for a rear loft dormer and single-storey rear extension.

The primary objective of the completed proposal is to optimise an existing, compact residential footprint to support a family of six (two adults and four children aged 17, 16, 12, and 9) (**Appendix 1** – GP Health Records). The scheme directly facilitates the retention of two key workers within the borough (an NHS Community Midwife and a primary school/retail worker) (**Appendix 2**- Proof of Employment), maintaining long-term community continuity.

Crucially, the youngest child reaches the age of 10 on 15 September 2026. At this threshold, the original 2-bedroom spatial configuration will legally constitute statutory overcrowding under Part X of the Housing Act 1985 (**Appendix 3**). The proposed development represents a proactive, self-funded solution that aligns with Eastleigh Borough Council's broader statutory duty to alleviate overcrowding, without placing undue pressure on local social housing registers or affordable shared-ownership stocks, which remain severely constrained by a high house-price-to-earnings ratio of 10.1 in Hedge End North (ONS, 2025; **Appendix 4**).

2 Rebuttal to Reason for Refusal No. 1: Design, Massing, and Impact on Character

Objection Text:

"The proposed first-floor rear dormer due to its massing and scale would create an unattractive and incongruous feature at odds with the appearance of neighbouring properties and detrimental to the character and pattern of development within the locality. As such the proposed development is contrary to policy DM1 from the Eastleigh Borough Local Plan (2016-2036) and the Quality Places SPD."

Further context for objections were also found within the detailed officer report; these points are further addressed in the rebuttal framework.

Rebuttal Framework:

2.1 Compliance with the Original Vision for the Dowds Farm Estate

- **Lack of Specific Local Appraisal Guidance:** The *Hedge End, West End, and Botley Character Area Appraisal SPD* (**Appendix 5**) omits specific detailed character analysis for the Dowd's Farm Estate which falls under HEWEB 64. Therefore, the definitive baseline for assessing local character is the original *Development and Design Brief for Land at Dowd's Farm, Hedge End* (2002) (**Appendix 6**).
- **A Planned Mix of Building Heights:** Chapter 6, Section 6.3 (**Appendix 6**) of the 2002 Design Brief explicitly mandates that new development must *"reflect and enhance the undulating landscape by including buildings of varied height and scale."*
- **An Established Mix of Designs:** The estate was deliberately designed to avoid architectural uniformity. Visual variety across roofs, massing, and building heights are

an intentional, foundational component of the local street scene, rather than an unusual or out of place addition.

2.2 Established Architectural Precedents within the Locality

The assertion that the constructed dormer is "at odds" with the locality is strongly refuted by widespread, existing architectural precedents across the Dowds Farm Estate, which exhibit highly varied building heights, contrasting rooflines, ridge heights, and distinct gables and mixed materials:

- **Immediate Adjacencies (Barfoot Road):** No. 2 Barfoot Road features a coach house physically adjoined to a three-storey block of flats, demonstrating an immediate juxtaposition of varying mass and scale (**see Appendix 12: Photo Evidence A**). Furthermore, the transition between the two-storey end terrace at No. 40 and the three-storey mid-terrace at No. 38 and, No's 4-12 Payne's Place underscores this established pattern (**see Appendix 12: Photo Evidence B and C**).
- **Pomeroy Crescent:** Nos. 32 and 33 Pomeroy Crescent (**see Appendix 12: Photo Evidence D & E**) present a sharp, contrasting rear and street-front elevation with alternating red and yellow brickwork, staggered rooflines, and highly varied massing that mirrors the relationship between the application site and No. 6 Barfoot Road. (**Appendix 12: Evidence F**) They are located in a prominent place in the public realm, opposite Wellstead Primary School and demonstrate another example of commanding presence.
- **Varied Streetscapes:** The main entry thresholds of the estate along Whites Way clearly shows multiple examples of highly varied building heights, different rooflines, and gables directly neighbouring one another (**see Appendix 12: Photo Evidence G & H**).
- **Mixed Materials:** **Appendix 12, Photo evidence I through Q**, Clearly demonstrates the wide variance in materials utilised within the immediate locality, (360 view from the rear of the application property, Rear of 2 Barfoot Road, Whites Way and Hansen Gardens back round to Barfoot Road). This evidence highlights use of yellow brick, (**Evidence I, J, K and L**) red brick, (**Evidence M-S**) Grey (**K- Q**) and red roof tiles (**N, O and P**), tile hung Cladding (**Evidence Q**), along with various (green/ purple/cream) colour rendering (**Evidence I, L and P**). The dormer has been designed to flow with the topography of the row or terraces to which it is attached (**Evidence F and P**).
- **Mitigation Through Design:** The completed dormer at 4 Barfoot Road is visually contained within the rear elevation, sits safely below the main ridge line of the house and thus does not alter the buildings original height or silhouette against the skyline. (**Evidence R**). A disruption to the rhythm has therefore been avoided, and balance maintained at each end of the row of terraces, which a gabled dormer would not. It utilises a high-quality material palette, including matching roofing tiles and a complementary colour scheme, ensuring it reads as a subordinate addition that harmonizes effectively with its neighbours. Thus it complies with the **Quality places SPD section 6.6.1 (Appendix 7)** which recommends "*materials should generally match or compliment the existing building.*"

2.3 Rebuttal to Claims of Excessive Scale and Lack of Subtlety

The Officer's Report asserts that other dormers within the wider street scene are "*much more modest and subtle*" and criticises the development because it "*fills the entire rear roof slope*." This assessment fails to account for the careful structural containment of the design, neighbour consensus, and national planning baselines:

- **Symmetry and Structural Subordination:** Whilst the dormer maximises internal volume, it remains structurally subordinate to the main house. It does not alter the primary, front-facing street scene. On the rear elevation, it is set down from the main ridge line and set back from the existing eaves, preserving the original structural profile of the building. **(Appendix 12: Photo Evidence F).**
- **Fall-Back Position and Compliance with National Volumetric Tolerances:** The Officer's Report explicitly confirms that the rear dormer measures approximately 15 cubic metres, acknowledging that it sits "well within permitted development limitations for this type of structure." While the historical 2007 decision notice (R/07/61038) removed standard Permitted Development rights under Condition 3, the fact that the proposal complies so comfortably with national volumetric limits (which allow up to 40 cubic metres for terraced properties) proves that the physical scale of the amendment is inherently modest and compliant with national design benchmarks.
- **Absence of Harm to Residential Amenity:** The Delegated Officer Report states that Condition 3 of the original permission was imposed with the singular reason: "To preserve amenity of future occupiers." In evaluating this application, the Local Planning Authority formally consulted **31 neighbouring properties**, resulting in **zero objections**. The complete absence of neighbour opposition provides clear, empirical evidence that the physical 15-cubic-metre structure does not cause a loss of light, overlooking, or overshadowing.
- **Structural Incompatibility of Historic Precedents (Differing Roof Slopes)** The Planning Officer's suggestion to replicate smaller, traditional dormers fails to account for fundamental structural differences in roof pitches and window configurations across the estate, rendering alternative designs unviable at the application site:
 - Assessing the local roof-scape reveals that the "modest and subtle" dormers cited as local precedents **(Appendix 12, Photo Evidence B, K, L, T and S)** are either A) situated on properties featuring steep 45-degree roof pitched **(Evidence S)**, or B) have the same 30 degree pitch as the application property, **but** are purpose-built three-storey dwellings with eaves traversing dormers. **(Evidence C, L and T)**
 - The 45 degree roof slope angle allows for greater height within the roof space and creates vastly more habitable space and easily clears the standard 2.1 metre habitable headroom threshold.
 - The 30 degree shallow roof pitched eaves-traversing dormers, being purpose built 3 storey houses, have the floor to ceiling profile already factored in within the design, allowing for optimal habitability.
 - In contrast, No. 4 Barfoot Road, was originally designed as a 2 storey dwelling and features a characteristically shallow 30-degree roof slope as shown in the

architectural drawing and photographic evidence. (**Appendix 8 and Appendix 12, Photo Evidence U**). Replicating a small, traditional flat roof dormer on this shallow pitch roof would only allow for a single room with a total area of 9.7m² (**Appendix 8-Existing Section**); a gabled dormer would provide even less room. This would be barely enough room for a small single room, therefore inadequate for this family's requirements, and thus would contravene the **Quality places SPD Appendix 7, 6.1** which states "*The quality and liveability of homes should remain a priority.*" And that "*developments should prioritise the longevity and sustainability of homes, ensuring that all new developments can support different households to live their lives comfortably over their lifetime.*"

- Adopting an eaves traversing model on this property would be physically impossible. As shown in **Appendix 12 Photo evidence F**, the existing first floor window apertures are built flush against the horizontal eaves line, and thus dropping a dormer through the eaves would directly collide with the primary bedroom windows, requiring the lowering of structural lintels, compromising the property's framing, and severely disrupting the uniform window rhythm protected under the *Façade and materials* clause of **Quality places SPD Section 6.6.1. (Appendix 7)**.
- Consequently, the application site is caught in a structural impasse: A traditional small dormer provides such a small area gain and fails to provide a layout whereby the family can live "without overcrowding" (**Appendix 7, section 6.2.2**), whilst eaves breaking alternatives would be entirely blocked by the existing window placements. The proposed contemporary box layout is not a design preference, but a necessity - it represents the sole geometrically viable mechanism to convert the loft space to comply with **Quality Places SPD section 6.2.2, (Appendix 7)** whilst fully preserving the existing lower window layout, structural integrity, and remaining structurally subordinate to the main ridge and eaves line. (**Appendix 7, 6.6.1**).
- Within **Section 6.6.1 (Appendix 7)** it is noted that the LPA's preference is for small or multiple dormers, however the guidance is clear that "whilst often" they may work better than one large one, this does not prohibit such a development.
- **Definitive Compliance with Privacy Separations:** The Delegated Officer's Report explicitly confirms that the rear dormer accords with the Quality Places SPD, conceding that there is "*no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light, or outlook.*"
- The report notes that the dormer is separated from rear properties by approximately 32 metres, which overwhelmingly exceeds the council's minimum requirement of 22 metres by a substantial 10-metre margin. The development therefore achieves an exemplary standard of spatial separation that guarantees the preservation of neighbouring privacy.
- **Subjective "Sense" of Overlooking Refuted by Total Neighbour Consensus:** The officer's assertion that a "*sense of overlooking*" would be experienced by adjacent and rear occupiers due to the dormer's structure is entirely subjective and unsubstantiated by local evidence. Because the development is already fully constructed, surrounding residents have experienced the physical reality of the dormer first hand. Despite the council formally consulting 31 neighbouring properties, **zero objections** were raised. If a genuine, adverse "sense of overlooking" or loss of privacy had been caused by the

structure, local residents would have logged formal complaints. The complete absence of public objection proves that the development operates harmoniously within the roof-scape without causing any perceived or actual harm to neighbouring amenities.

2.4 Alignment with the Quality Places SPD (Residential Liveability & Longevity)

The proposal directly fulfils the core provisions of **Section 6.1 of the Quality Places SPD (Appendix 7)**, which states that developments must prioritise the longevity and sustainability of homes to support households over a lifetime.

- **Adaptability to Changing Needs (Section 6.2.2):** The council's policy explicitly dictates that homes should adapt to growing families. The transition of four children into adolescence requires the segregation of living and sleeping spaces to support simultaneous, disparate activities (study, relaxation, and quiet space vs. communal living).
- **Compact Footprints and Roof Extensions:** Section 6.2.2 specifically notes that enabling roof space extensions is crucial *“in the context of compact development, where smaller garden sizes limit the opportunity for rear extensions.”* Because the site features a compact curtilage, utilising the roof space for the required bedrooms is the most sustainable, policy-compliant method to expand. It ensures that the necessary bedroom spaces are delivered upward, thereby allowing the ground-floor single-storey extension to remain a modest addition that successfully preserves the property's remaining private garden amenity space.

2.5 The Corner Plot Context: Justification under Quality Places SPD

The Planning Officer's report notes that the property occupies a *“corner plot with public views”* and argues that the dormer possesses a *“commanding presence within the public realm.”* Far from being a negative design trait, this prominent corner positioning actively fulfils the strategic layout principles detailed in the **Quality Places SPD (Appendix 7)**:

- **Corner Emphasis (Section 4.5.2):** Section 4.5.2 recommends considering *“utilising increased height on corner plots”* to emphasize the junction and assist with local legibility. Because the host dwelling already maintains a structural presence on the corner, the rear dormer provides a well-proportioned, intentional visual punctuation point that aligns precisely with the council's design guidance.
- **Enhancement of Public Safety and Passive Surveillance (Section 4.6.2):** Section 4.6.2 of the SPD mandates that public realms, walkways, and communal spaces should *“be well overlooked by surrounding homes to improve safety through passive surveillance.”* The application site features public views and access around its boundary. By introducing elevated rear windows via the dormer, the development directly increases natural observation over the adjacent public path and parking court, enhancing community safety as envisioned by the local plan Policy **DM1 (Appendix 9, section 5.2, i)**

3 Rebuttal to Reason for Refusal No. 2: Parking Provision and Highway Safety

Objection Text:

“The Proposed development fails to provide adequate provision for on site car parking which would encourage the parking of vehicles on the public highway and so interrupt the free flow of the traffic and cause a hazard to road users. As such the proposal is contrary to Policies DM1 and DM14 from the Eastleigh Borough local plan (2016-2036) and the residential parking Standard SPD”

Rebuttal Framework:

3.1 Historical Context and Precedent of the Site Curtilage

- **Original Approval Standards:** The estate was originally approved under a maximum parking cap of 1.5 spaces per property (**Section 6.11, Appendix 6**). Consequently, the property has operated with exactly one allocated space within its curtilage since its construction.
- **No Escalation of Private Car Demand:** The occupiers have successfully managed their transportation requirements within this single-space allocation since 2009 and have had the same family size since 2016. The internal spatial alterations do not alter the family size, nor do they generate a material increase in private vehicle usage or localised parking stress.

3.2 Policy Justification for the Relaxation of Standards

While the *Parking Standards SPD 2025 (Appendix 10)* contains updated local guidance, it contains explicit caveats that support the application scheme:

- **Prevention of Over-Provision (Section 1.4.5):** The SPD (**Appendix 10**) explicitly states that the *“over provision of residential parking promotes higher levels of unsustainable car ownership and is wasteful of space.”*
- **Mandated Flexibility in Accessible Locations:** Section 5.3.1 of the *Quality Places SPD (Appendix 7)* explicitly commands that *“car parking standards should be relaxed in highly accessible locations, close to public transport local services etc.”* and recommends that *“The preferred layout should be to locate only one car within the dwelling curtilage”*. Furthermore Section 1.2.1 (**Appendix 10**) states *“whilst this SPD provides detailed guidance on the provision of vehicle (mainly car) parking with new development, the bigger picture focuses upon reducing the need to travel and the promotion of more sustainable transport modes such as public transport and increased active travel (e.g. walking and cycling)”*.
- **Policy Basis & Settlement Hierarchy: (Strategic Policy 1 under the Local Plan 2016-2026)** The application site sits within Hedge End, formally designated under **Strategic Policy 1 (SP1- Appendix 9)** as a Level 2 settlement within the borough's sustainability hierarchy. As established in **Section 4.6 - 4.9, Table 1**, of the Local Plan:

- The hierarchy directly reflects the extensive baseline of services, employment, retail, and public transport infrastructure already present in Hedge End.
- SP1 explicitly identifies level 2 locations as the most sustainable areas outside Eastleigh Town Centre, where daily destinations are within walking and cycling distance and outward travel reliance on private vehicles is inherently reduced.
- Because the site benefits from this high degree of accessibility, the practical need for three private vehicles is neither necessary nor representative of modern sustainable living.

3.3 Demonstrated Sustainability and Active Travel Infrastructure

As mapped within **Appendix 11 (Maps 1–7)**, the application site sits within an exceptionally sustainable, highly accessible area where multi-car ownership is entirely unnecessary:

- **Public Transport Links:** The site is located just **0.6 miles from Hedge End Railway Station** (a 13-minute walk or 4-minute cycle), providing direct active-travel access for the household's eldest children to commute to Eastleigh College (Map 1). Strategic bus services to Southampton are situated within **0.3 miles** (Map 2).
- **Employment Proximity:** One key worker is employed at Wellstead Primary School (**0.2 miles / Map 3**) and Sainsbury's (**1.1 miles / Map 4**), eliminating the daily operational need for a commuting vehicle.
- **Local Infrastructure Connectivity:** Daily essential infrastructure is within short walking distances: Wellstead Primary School (**0.2 miles/Map 3**), St Luke's GP Surgery (**0.3 miles/Map 5**), local parkland (**0.3 miles/ Map 6**), and Deer Park Secondary School (**0.8 miles / Map 7**).
- **Essential Vehicle Accommodation:** The single on site space is utilised by the 2nd Key worker whose role as an NHS Community Midwife requires a vehicle for postnatal visits and home births across the borough. The single space fully accommodates this essential social need.

3.4 Rebuttal to Specific Technical Objections and Calculation Formulas

The Officer's Report asserts that moving to a 4-bedroom property strictly requires three off-highway parking spaces measuring 2.4m x 4.8m, arguing that the site falls short by at least one space. These assertions are challenged on the following planning grounds:

- **Socio-Demographic Reality vs. Arbitrary Formulas:** Planning formulas assume that an increase in bedroom numbers automatically triggers an immediate escalation in vehicle ownership. The household size and car ownership have remained completely unchanged for nearly a decade. Altering the internal configuration to provide adequate sleeping space for the children creates zero additional demand for private cars.
- **A Long-Standing, Functional Precedent:** The officer notes that while the space is technically allocated as a single unit, *"other households do use the space for two cars."* This observation confirms that the parking space features a long-established, functional

flexibility. The occupiers have successfully managed their parking within this footprint since 2009 without generating a single neighbour complaint, obstructing local traffic, or creating a safety hazard.

- **Absence of Highway Impact:** The core reason for Local Plan Policies **DM1** and **DM14** is to prevent dangerous parking on the public highway. During the statutory planning consultation, **31 neighbouring properties were formally notified, and zero objections were received.** The complete absence of local complaints over the completed development provides empirical proof that the site operates safely, efficiently, and without causing any highway hazard.

4 Non-Contested Elements

4.1 Single-Storey Rear Extension

As confirmed within the formal Planning Officer's Report, the council raises no fundamental objection to the single-storey rear extension component of the scheme. The officer noted that:

- The 3.3m projection is a "*modest design*" that exceeds Permitted Development limits (3.0m for terraced properties) by a negligible 30cm.
- The overall height and eaves align fully with Permitted Development tolerances, rendering the physical difference in impact "*minimal*."
- This element complies with local precedents on the estate where identical or similar single-storey rear extensions have been approved under application references: **H/21/89944, PN/19/85712, H/18/84517, and F/16/79580.**

4.2 Confirmed Environmental and Ecological Compliance

In addition to the acceptable scale of the single-storey extension, the Planning Officer's Report formally confirms that the development satisfies all local and statutory environmental criteria:

- **Preservation of Natural Features:** The council formally records that the development "will be no adverse impact upon trees or other natural features worthy of retention." The project completely respects the landscape goals set out in the original 2002 Dowds Farm Design Brief.
- **Statutory Ecological Protection:** The report explicitly notes that "there are no likely significant impacts on the SPA (Special Protection Area)." The development triggers no negative ecological footprints, protecting local biodiversity networks and complying fully with conservation laws.

Accordingly, this element of the proposal should be approved as an acceptable addition to the host dwelling.

5 Conclusion

The completed development represents an appropriate, policy-compliant optimisation of a compact urban site. It addresses an imminent threat of statutory overcrowding under the Housing Act 1985 while directly fulfilling the liveability, flexibility, and longevity mandates set out in **Section 6 of the Quality Places SPD**.

Because the development is already built, its real-world impacts are observable rather than theoretical. The finished project demonstrates complete material harmony with the estate. The fact that the physical structures have been present without causing localised highway disruption, parking conflicts, or a single neighbour objection from 31 consultations serves as clear evidence that the development does not conflict with the spirit of Policies **DM1, DM13, and DM14**.

The Planning Inspector is respectfully requested to sustain this appeal and grant retrospective planning permission.