

ITEM 7

APPLICATION NO.	18/01673/VARN
APPLICATION TYPE	VARIATION OF CONDITIONS - NORTH
REGISTERED	26.06.2018
APPLICANT	Mr Gabby Senior
SITE	Little Ochi, 76 Weyhill Road, Andover, SP10 3NP, ANDOVER TOWN (MILLWAY)
PROPOSAL	Variation of Condition of 2 of 15/02011/FULLN (Conversion and extension of existing garages to form new dwelling; erection of cycle store for existing flats) to substitute Drawing No's 2710-06 to 2710-06 A and 2710-08 to 2710-08 A
AMENDMENTS	
CASE OFFICER	Miss Katherine Dowle
	Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Northern Area Planning Committee at the request of Councillor Neal.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site comprises of a detached back land dwelling which is currently under construction/conversion and is addressed in the application form as No.76 Weyhil Road, Little Ochi. The two storey building was granted permission under the application 15/02011/FULLN to convert and extend former garages in to a dwelling house. An earlier consent granted permission for the existing frontage building to be converted into two flats, No.76A and No.76B. Vehicular access to No.76 is provided to the east of these flats via a shared driveway. The rear garden of Little Ochi is formed by close-boarded wooden fences.

3.0 PROPOSAL

- 3.1 To vary condition 2 of the original planning permission for the property to amend the approved drawings to allow an enlarged outbuilding at the rear of the garden. This application has been made retrospectively as the outbuilding has already been constructed.
- 3.2 The outbuilding would be 2.5m tall with a flat roof and would be 7.5m wide by 4m deep. The building is constructed of red brick with three white upvc windows and a door in the south elevation. It would be used for the storage of bicycles and garden implements. There would be no alteration to the cycle store serving the flats No.76A and No.76B.

4.0 HISTORY

- 4.1 15/02011/FULLN - Conversion and extension of existing garages to form new dwelling; erection of cycle store for existing flats – Permission subject to conditions 14.03.2016

**02. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2710-06, 2710-07, 2710-08
Reason: For the avoidance of doubt and in the interests of proper planning.**

- 4.2 13/01550/FULLN - Conversion of a single dwelling to 2 No flats (Retrospective) – PERMISSION subject to conditions 10.09.2013
- 4.3 TVN.08252/5 – Erection of two storey extension, conservatory and triple garage to rear, porch to side and front boundary wall – PERMISSION subject to conditions 25/02/2004
- 4.4 TVN.08252/3 – Two storey and single storey rear extension to provide family room, computer room/library, guest bedroom and conservatory with erection of double detached garage. Increase in height of wall fronting the highway – REFUSE 03/01/2002
- 4.5 TVN.08252/2 - Erection of house and detached single garage – permission 28/01/2002
- 4.6 TVN.08252/1 – Erection of two storey extension to provide family/common room, guest bedroom, library/computer room, W/C erection of rear conservatory and double garage with alteration- REFUSE 30/08/2001
- 4.7 TVN.08252 – Erection of three bedroom detached dwelling, single detached garage and alterations to existing access – REFUSE 30/08/2001

5.0 CONSULTATIONS

5.1 Trees: No objection

A large Horse Chestnut subject to TPO.TVBC.255, was felled after an appeal for refusal was allowed. One of the conditions was for a replacement tree. This tree has not been planted so it would be appropriate that any application to show a replacement tree along with how it will be planted, and how it will be able to reach maturity.

6.0 REPRESENTATIONS Expired 20.07.2018

6.1 Andover Town Council: No Objection

Need to check that the dimensions of the cycle/ garden shed have remained consistent over the changed planning applications.

Case Officer Notes: The cycle store for the adjacent flats which were approved in the application 15/01673/FULN and shown in the approved plans 2710-06 and 2710-08 had dimensions of approximately 1.6m by 2.4m and the submitted plans show the cycle store with the same dimensions.

6.2 Three letters of objection from 9 Roundway Court, 11 Roundway Court and 5 Roundway Court summarised as:

- Over development of the site
- Size of the building
- Impact on outlook from dining room and conservatory of No.11
- Concern at height of the house

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)

COM2: Settlement Hierarchy

COM15: Infrastructure

E1: High Quality Development in the Borough

E8: Water Management

LHW1: Public Open Space

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Supplementary Planning Documents (SPD)

Infrastructure and Developer Contributions

8.0 PLANNING CONSIDERATIONS

8.1 The application 15/02011/FULLN established the principle of the development and granted permission for the construction of a new dwelling, a cycle store and an outbuilding at the rear of the property. This application seeks to vary the approved plans to address the outbuilding at the rear of the garden which has been constructed larger than that previously approved. As such the main planning considerations are:

- Character of the area
- Amenity
- Trees

8.2 Character of the area

The proposed outbuilding would be located in the rear garden of Little Ochi, at the very north of the site. It would be wider and deeper than the previously approved outbuilding but would not be visible from public vantage points. The outbuilding would have a flat roof compared to the single pitched roof previously approved. The building would be approximately 7.5m wide and 4m deep which would be approximately 1m deeper and 2.7m longer than the previously approved outbuilding. The previously approved outbuilding would be 2.5m at its highest part and 2.45m at the lowest part while the proposed outbuilding would be 2.5m tall with a flat roof. Due to the juxtaposition of nearby properties and tall boundary fences, the proposed outbuilding would not be visible from public vantage points. The design of the proposed outbuilding is similar to that previously approved and would integrate with the character of the host property.

For these reasons, the alteration in the size and design of the outbuilding would integrate, respect and complement the character of the area, complying with Policy E1.

8.3 Amenity

The garden of No.76 is bordered to the east by No.5, No.7, No.9 and No.11 Roundway Court, to the west by No.78A and to the north by No.80B.

8.4 Privacy

The proposed outbuilding would include two additional windows in the south elevation. These would face towards the garden of the host property and the addition of two windows looking in this direction is not considered to impact on the privacy of neighbouring properties.

8.5 Shadowing

The proposed outbuilding would be approximately 2.5m tall. This was the same height as the highest part of the previously approved outbuilding. The outbuilding is a similar height to the existing garages at the rear of Roundway Court. The increase in the width of the outbuilding, extending the outbuilding away from Roundway Court, increase in depth or the alteration to a flat roof would not cause an increase in the shadowing of the gardens of Roundway Court. Therefore the proposal would not cause sunlight levels reaching neighbouring properties to fall below acceptable levels.

8.6 Daylight

The proposed amendments to the scheme would increase its width and depth but would not result in its height being raised. This addition to the approved design would be centrally located along the rear boundary away from the gardens of the closest neighbouring properties. The changes proposed would not alter daylight levels reaching neighbouring properties over the approved scheme and would not cause them to fall below acceptable levels.

8.7 Overall the proposal would provide for the privacy and amenity of neighbouring properties and would comply with Policy LHW4.

8.8 Trees

A replacement tree has been requested by the tree officer to address a condition attached to an appeal decision. This appeal decision allowed the felling of a Horse Chestnut Tree on the condition that a replacement tree was planted in the front garden of No.76 within the first planting season after felling. The proposed enlarged shed would be located at the rear of the garden of No.76, not the front garden, so would not affect the owner's ability to implement this condition. As the replacement tree is secured through a separate decision, a condition is not considered necessary to make this application acceptable.

8.9 Other

Concern has been raised with regard to the difference in the height of the house and the size of the cycle sheds for the flats at the front of the site. These would remain unaltered as a result of the application.

- 8.10 Objections have been raised with regard to the proposed alterations resulting in an overdevelopment of the site. As the revised scheme would comply with the relevant policies of the RLP and considering the minor alteration from the approved scheme, the proposal is not considered to constitute harmful overdevelopment. In addition, taking into account the householder permitted development rights which the property would benefit from once occupied, the proposed outbuilding would fall under Schedule 2, Part 1, Class E, of The Town and Country (General Permitted Development) (England) Order 2015. This is a significant fall back position which should attract significant weight in this decision.
- 8.11 The relevant conditions from the original planning permission have been copied through to this application and the conditions which are no longer relevant have been removed.

9.0 CONCLUSION

- 9.1 The proposal to vary condition 2 of 15/02011/FULLN is considered acceptable as the character of the area would be maintained and the proposal would provide for the privacy and amenity of neighbouring properties. The proposal is in accordance with the relevant policies of the Test Valley Borough Revised Local Plan 2016.

10.0 RECOMMENDATION

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2710-06 A , 2710-07, 2710-08 A.
Reason: For the avoidance of doubt and in the interests of proper planning.**
2. **The materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing garage buildings.
Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan 2016 policy E1.**
3. **At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.**
4. **The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan dwg no. 2710-08 A and these spaces shall thereafter be reserved for such purposes at all times.
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan 2016 policy T1.**

- 5. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.
Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.**
- 6. The window at first floor level in the front (southern) elevation and the ground floor side (west) elevation of the dwelling shown on drg.no. 2710-06 A and 2710-07 to be to an en-suite and hallway/stairs respectively shall be fitted with obscured glazing and thereafter retained as such.
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan 2016 policy LHW4.**
- 7. The window on the ground floor side (west) elevation of the dwelling shown on drg.no. 2710-06 A and 2710-07 relating to the hallway/stairs shall be non-opening and thereafter retained as such.
Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan 2016 policy LHW4.**

Note 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.**