

ITEM 7

APPLICATION NO.	11/02436/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	27.10.2011
APPLICANT	Mr & Mrs Michael Walsh
SITE	Ash Cottage, Duck Street, Abbots Ann ABBOTTS ANN
PROPOSAL	Erection of extension and convert garage to provide ancillary annexe accommodation and extend parking area
AMENDMENTS	None
CASE OFFICER	Mrs Kate Chapman
	Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) as the Northern Area Planning Committee (NAPC) concluded the application should be permitted whereas the officer recommendation was that it be refused as it was contrary to policy DES08 of the Test Valley Borough Local Plan 2006.
- 1.2 The application was considered at NAPC at its meeting on the 19 April 2012, where it resolved to delegate to the Head of Planning and Building for permission subject to conditions to include 3 year commencement, external materials of the extension to match the existing garage, tree protection during construction, and a method statement to minimise impact on the tree and any other conditions considered appropriate by the Head of Planning and Building.
- 1.3
- A copy of the NAPC agenda report is attached at Appendix A
 - A copy of the NAPC Update Paper is attached at Appendix B

2.0 PLANNING CONSIDERATIONS

As set out in paragraph 1.2, the application was resolved to delegate to the Head of Planning and Building for permission subject to conditions. A list of suggested conditions are set out within Appendix C.

2.1 Proposed pruning works to the tree

Pruning works are proposed to the tree, by virtue of a reduction in its canopy spread to accommodate the changes to the building however a full specification of works has not been included within the application submission. As it is considered that Silver Birch tree cannot sustain significant levels of pruning or lopping before affecting the health and vigour of the tree which will eventually result in its death, an additional reason for refusal was included verbally in the officers recommendation at NAPC and is set out below as reason 02 of the recommendation of Head of Planning and Building.

2.2 The proposed development by virtue of its siting and alignment will threaten the retention of the Silver Birch tree. The NAPC was not in agreement that this would be the case.

3.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**
Delegate to the Head of Planning and Building for PERMISSION subject to conditions to include 3 year commencement, external materials of the extension to match the existing garage, tree protection during construction, and a method statement to minimise impact on the tree and any other conditions considered appropriate by the Head of Planning and Building.

4.0 **RECOMMENDATION OF HEAD OF PLANNING AND BUILDING**
REFUSE for the reason:

1. The proposed development by virtue of its siting and alignment, and as a result of restricting the availability of light to the kitchen/living area and overshadowing of the patio of the annexe will threaten the retention of a Silver Birch tree, to the south east of the building which is of high amenity value in making a positive contribution to the character and appearance of the Conservation Area. The proposal is therefore contrary to policy DES08 of the Test Valley Borough Local Plan 2006.
 2. A reduction in canopy spread, as proposed, is likely to result in significant areas (affecting relatively large sized branches) of the tree being affected. Consequently the cumulative affect of the works necessary to accommodate the development are considered likely to result in the loss of the tree in the medium to longer term. The proposed works to the tree, which are only required to accommodate the proposed development, are unacceptable in that they would also threaten the future retention of the tree which is of high public amenity value in the Conservation Area.
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APPENDIX A

Officer's Report to Northern Area Planning Committee – 19th April 2012

APPLICATION NO.	11/02436/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	27.10.2011
APPLICANT	Mr & Mrs Michael Walsh
SITE	Ash Cottage, Duck Street, Abbots Ann ABBOTTS ANN
PROPOSAL	Erection of extension and convert garage to provide ancillary annexe accommodation and extend parking area
AMENDMENTS	Amended plans and details received 21/2/12
CASE OFFICER	Mrs Kate Chapman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is being referred to the Northern Area Planning Committee due to a Member interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Ash Cottage is a grade II listed building located within the Abbots Ann Conservation Area, sited on the eastern side of Duck Street. To the north west of the dwelling there is a detached garage/store building. The western elevation of this building fronts directly onto the road and the existing garage door on the southern elevation leads out on to an existing parking area. Part of the eastern end of the building is sited behind an existing boundary wall which links this building to the main house.

3.0 PROPOSAL

3.1 The application is for the erection of an extension to the rear of the existing garage building and conversion of the garage to ancillary annexe accommodation to be used by the applicants' elderly mother. The proposal also includes the extension of the existing parking area.

3.2 Amended plans have been received from the agent reducing the size of the extension, removing the porch canopy and revising the fenestration which replaces the garage up and over doors.

4.0 HISTORY

4.1 TVN.01885 Erection of garage and store - Permission 23.03.78.

5.0 **CONSULTATIONS**

5.1 **Highways** – No objection.

Conservation – No objection.

Ecology – No objection.

Trees – Objection:

- The Silver Birch is a prominent tree which is contributing towards the amenity of the area. The proposed development appears to be within the RPZ (Root Protection Zone) of the tree and pruning works will need to be undertaken to prevent damage of low branches during construction: none of this has been included with the application and any works to the tree would need prior approval from this Authority before being undertaken.
- The living area of the proposed development is sandwiched between the Silver Birch to the south east and a wall to the north: this will allow little light to enter the living space from either the windows on these aspects. This will put pressure on the tree to be felled or pruned to allow more light. Further pressure will be put on the tree to be felled by its aspect to the paved patio area to the rear of the living area. The tree will cast shade on this area for a large portion of the day.
- No information has been submitted to show that this development can be built without impacting on the tree and that no undue pressure will be put on the tree to be felled or pruned post development.
- The current proposal reduces the buildings footprint (from the original submission) such that it only intrudes upon the trees required root protection zone by an insignificant amount – even allowing for restrictions to south and east of tree as a result of existing paving and garden wall. Extent of patio also small and can be mitigated by appropriate design/construction techniques.
- The Design and Access Statement discusses how the patio could be laid without impact to the tree however I would need to see levels/cross sections to be satisfied that this could be achieved without harm to the tree.
- Concerns with regard to shading, daylight and over hang remain. The tree currently overhangs the existing building to a small degree. The extent of overhang will be greater if the building is extended and the tree will extend over the patio, covering over half its surface.
- There is no current justification for pruning or reducing the tree (independently to this application a notification to prune is also being processed). Within the Design and Access Statement this application seeks to prune the tree to reduce conflict with the building – demonstrating that the proposed annex is too close. This proposal will result in an uncomfortable juxtaposition between the tree and building that will inevitably lead to pressures to prematurely prune or fell.

6.0 **REPRESENTATIONS** Expired 24.02.2012

6.1 **Parish Council** – No objection:

- This Council regards the condition that the extension be used only as an annexe accommodation for a dependent relative as important.

7.0 **POLICY**

7.1 Test Valley Borough Local Plan 2006 (TVBLP):

- SET03 - Development in the Countryside
- SET13 - Buildings in Domestic Curtilage in the Countryside
- ENV15 (Development in Conservation Areas)
- ENV17 (Settings of Listed buildings and Conservation Areas)
- ENV05 - Protected Species
- TRA02 - Parking Standards
- TRA09 - Impact on Highway Network
- DES01 - Landscape Character
- DES05 - Layout & Siting
- DES06 - Scale, Height & Massing
- DES07 - Appearance, Details & Materials
- AME01 - Privacy & Private Open Space
- AME02 – Daylight and sunlight.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of the development
- Impact on the character and appearance of the Conservation Area
- Impact on the listed building
- Impact on the residential amenity of neighbouring properties
- Impact on parking
- Impact on flood risk
- Impact on trees
- Impact on protected species.

The principle of development

8.2 Policy SET13 allows for ancillary and incidental domestic buildings within the curtilage of an existing dwelling, including annexed accommodation provided that it meets three criterion:

8.3 A - There will be no significant impact on the character and appearance of the surrounding area or wider countryside:

The existing garage building is visible within the surrounding countryside, including the Conservation Area, and views therefore of the proposed resultant building would therefore be possible. The proposed external alterations would consist of the removal of the existing up and over doors and replacing it with panels resembling a traditional pair of side hinged garage doors incorporating window sections at high level, insertion of an additional single panelled door on the southern elevation which is sited behind the existing boundary wall, insertion of a window on the northern elevation, which is restricted from public views. The proposal also includes the erection of an extension on the eastern

end of the existing building which measures approximately 2 metres in length, 4 metres in width and 4.3 metres in height. It is considered that the resultant building by virtue of its detailing and modest size extension would continue to appear as an ancillary outbuilding to the adjacent dwelling, and as such would not appear out of keeping within the area, preserving the character and appearance of the Conservation Area.

8.4 B - The building is well related or linked to the existing dwelling and does not detract from its character:

The existing building is located approximately 12 metres away at its closest point from the main dwelling house. The proposed patio would be onto the shared garden space and the parking area located to the front of the garage building would also be shared and would serve both the main house and the annexe accommodation. Considering this in conjunction with the building retaining its appearance as an ancillary structure (as discussed below) it is considered that the proposed annex would be well related to the existing dwelling.

8.5 C - The building is not used for any purpose other than incidental to the enjoyment of the existing dwelling or as a residential annex to the dwelling.

As set out in paragraph 3.1, the garage is to be converted to ancillary annexe accommodation to be used by the applicant's elderly mother. As such the proposal is considered acceptable in this regard.

Impact on the listed building

8.6 The proposal would not significantly alter the existing relationship the building has with the main dwelling house by virtue of the simple external alterations and modest size extension and as such is not considered to detract from the character and setting of the adjacent listed building.

Impact on neighbouring residential amenity

8.7 Considering the siting of the building in relation to neighbouring residential properties it is not considered that it would have an adverse impact on their residential amenities.

Impact on parking

8.8 The proposal would result in the loss of an on-site car parking space currently provided by the existing garage. Following the conversion of this garage into annex accommodation, Ash Cottage would have a resultant four bedrooms, and would require a maximum on-site parking provision of three car parking spaces, in accordance with the standards set out by policy TRA02 of the TVBLP. The application proposes to extend the existing parking area to allow the parking of three vehicles. Whilst there is insufficient space for turning, the proposed development would not change this situation. The Highways Officer has raised no objection to the proposal, and it is acceptable in this respect.

Impact on flood risk

- 8.9 The existing building lies within Flood Zone 2. A Flood Risk Assessment has been submitted with the application showing that the floor levels within the annex will be set no lower than existing levels and that flood proofing/resilience and resistance techniques are to be incorporated. It is not considered that the proposed development would significantly increase the risk of flooding at the site or elsewhere.

Impact on protected species

- 8.10 An appropriate bat survey has been submitted with the application. This identified that the existing building had a low potential to support bats. The survey did however reveal birds nest within the soffits of the building. Birds' nests when occupied or being built receive legal protection under the Wildlife Act 1981 (as amended). As such it is considered pertinent to include an advisory note drawing the applicant's attention to the timing and undertaking of works.

Impact on trees

- 8.11 The existing garage/storage building proposed to be converted is sited within the western corner of the site. To the north of the building there is a boundary wall approximately 1.8 m in height, a silver Birch tree located to the south east which is considered to contribute to the amenity value of the Conservation Area and a 1.8 metre wall to the south. As a result the kitchen/living area is sited between these features. The windows which serve this room are north, east and south facing. As such it is considered that the siting of the building and extension would result in a lack of light entering into this room. This in turn will result in pressure being placed on the tree to be pruned or felled to allow more light to enter the building. In addition it is considered due to the siting of the patio which extends out from the living room, a significant level of shade would be cast by the tree onto this area during a large part of the day. This would place even further pressure on the tree. It is therefore considered that the proposed development does not comply with policy DES08 of the Test Valley Borough Local Plan.

- 8.12 The proposed extension to the building would encroach into the Root Protection Zone of the Silver Birch however considering that its intrusion is marginal it is not considered that it would have an adverse impact. The submitted Design and Access Statement sets out how the patio is to be laid without impact to the tree. Concern has been raised by the Tree Officer as to whether this is achievable however it is considered that the provision of the patio does not require planning permission in its own right and as such it is not considered reasonable to refuse it on these grounds

9.0 CONCLUSION

- 9.1 The proposed development by virtue of its siting and alignment will threaten the retention of the Silver Birch tree, to the south east of the building which is of high amenity value, as a result of restricting the availability of light to the kitchen/living area and overshadowing of the patio. The proposal is therefore contrary to policy DES08 of the Test Valley Borough Local Plan 2006.

10.0 **RECOMMENDATION**

REFUSE for the reason:

1. **The proposed development by virtue of its siting and alignment will threaten the retention of the Silver Birch tree, to the south east of the building which is of high amenity value, as a result of restricting the availability of light to the kitchen/living area and overshadowing of the patio. The proposal is therefore contrary to policy DES08 of the Test Valley Borough Local Plan 2006.**
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APPENDIX B

Update Report to Northern Area Planning Committee – 19th April 2012

APPLICATION NO.	11/02436/FULLN
SITE	Ash Cottage, Duck Street, Abbots Ann ABBOTTS ANN
ITEM NO.	12
PAGE NO.	71 – 81

1.0 AMENDED/ADDITIONAL PLANS

1.1 Additional Information: 15.03.12 (Bat survey).

2.0 CLARIFICATION

2.1 Application 12/00455/TREEN which sought consent to “Reduce Silver Birch to a height of 12m and a width of 9m” was withdrawn by the applicant on the 13 March 2012.

3.0 PLANNING CONSIDERATIONS

3.1 Proposed pruning works to the tree

The Block Plan contained in the agenda at Page 80 shows the location of the canopy of the Silver Birch tree both as it exists, and also where it would be following the completion of pruning works. Given that the works to the tree are only being proposed to accommodate the changes to the building to form annexe accommodation the LPA also needs to consider the implications of undertaking work of this nature on the health and future retention of the tree.

3.2 The application submission does not include a full specification of works to the tree necessary to reduce the size of the canopy coverage. Advice has therefore been sought from the Council’s Arboricultural Officer who advises that Silver Birch trees, as a species, are not able to sustain significant levels of pruning or lopping before the health and vigour of the tree becomes significantly compromised. Once significant levels of work to the tree takes place the tree will show a rapid rate of decay resulting in its death. A 3m reduction in canopy spread, as proposed in this case, is likely to result in significant areas (affecting relatively large sized branches) of the tree being affected. Consequently, the cumulative affect of the works necessary to accommodate the development are considered likely to result in the loss of the tree in the medium to longer term. Consequently the proposed works to the tree, which are only required to accommodate the proposed development, are unacceptable in that they would also threaten the future retention of the tree which is of a high public amenity value in the Conservation Area.

3.3 The Tree Officer has estimated that the tree is approximately 40 years old. As a species Silver Birch trees would have a lifespan of between 60 and 80 years.

3.4 Wording of reason for refusal

A re-ordering (and minor expanding) of the words comprising the reason for refusal is recommended, to ensure clarity. The emphasis of the reason for refusal remains the same as that detailed in the agenda report.

4.0 AMENDED RECOMMENDATION

REFUSE for the reason:

- 1. The proposed development by virtue of its siting and alignment, and as a result of restricting the availability of light to the kitchen/living area and overshadowing of the patio of the annexe will threaten the retention of a Silver Birch tree, to the south east of the building which is of high amenity value in making a positive contribution to the character and appearance of the Conservation Area. The proposal is therefore contrary to policy DES08 of the Test Valley Borough Local Plan 2006.**
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APPENDIX C

Suggested conditions

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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 building.
Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Local Plan 2006 policy DES07.
3. No development shall take place (including site clearance or any other preparatory works) until a scheme for the protection of the Silver Birch to be retained, to the south east of the building has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a survey of the tree and a method statement giving comprehensive details of working practices to be adopted as well as tree protective measures to be installed to ensure its protection during construction works. Any proposed works to the tree to accommodate the development should also be detailed.
Note: The trees protective measures should be as specified at Chapter 6 and detailed in figure 3 a).of B.S.5837:2012 for fencing and as described within Chapter 6 - 6.2.3 for ground protection, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the avoidance of damage to an existing tree during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
4. Tree protective measures installed (in accordance with the tree protection condition above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.
Reason: To ensure the avoidance of damage to an existing tree during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.
5. All service routes, drain runs, soakaways or excavations in connection with the same shall remain wholly outside the tree protective fencing without the prior written agreement of the Local Planning Authority.
Reason: To ensure the avoidance of damage to an existing tree during the construction phase in accordance with Test Valley Borough Local Plan policy DES08.

Notes to Applicant:

- 1. The decision to grant planning permission has been taken because the development does not significantly detract from the character and appearance of the surrounding area, and maintains the character and appearance of the Conservation Area, and the character and setting of the adjacent listed building, and does not impact adversely on the residential amenities of neighbouring properties, parking, flood risk, trees or protected species. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
- 2. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 3. The following policies in the Development Plans are relevant to this decision: Test Valley Borough Local Plan 2006 - Policies; SET03, SET12, ENV05, ENV15, ENV17, HAZ02, TRA02, DES01, DES05, DES06, DES07, AME01, AME02.**