

APPLICATION NO.	12/01169/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	29.05.2012
APPLICANT	Mr N Shukla
SITE	18 Baddesley Road, Chandlers Ford, Eastleigh, AMPFIELD
PROPOSAL	Proposed 2 storey rear addition, elevational changes and additional windows and roof lights
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman
	Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to refuse planning permission contrary to Officer's advice and the reasons given could result in an application for costs against the Council if the applicant should appeal the decision.
- 1.2 A copy of the Officer's report and update sheet to the 4 September 2012 SAPC, from which the application was deferred, are attached as **Appendix A** and **Appendix B** respectively.

2.0 PLANNING HISTORY

- 2.1 There was some discussion at SAPC with regard to the planning history of the application site and its neighbour at No.20. Specifically in regard to the design of the existing dwelling at No.18 having been tailored to provide for the amenities of No.20. Unfortunately the planning history is of some age and there is no available commentary regarding the considerations that went into the design of the application dwelling. However further history is available and is summarized below for members information.
- 2.2 **RSR.9476** – Outline application for the erection of a bungalow at 18 Baddesley Road. Outline Permission 22.04.1968.
- 2.3 **RSR 9476/1** – Reserved matters application for the erection of a bungalow. Permission 24.06.1971.
- 2.4 **RSR 9476/2** – Reserved matters application for the erection of house and garage with alterations to the access. Permission 15.12.1972. It is this dwelling that was constructed at the site and is reflected in the existing plans. No subsequent extensions or alterations appear to have been undertaken following this permission.

2.5 **TVS.02111** – Extension to No.20 Baddesley Road (neighbouring property). Permission 15.05.1978. This application proposed the erection of a first floor rear extension, adjacent the boundary with No.18, over what appears to have been an existing flat roofed single storey rear extension to extend a bathroom.

3.0 **PLANNING CONSIDERATIONS**

Consideration was given at SAPC to the principle of development and the impact of the scheme on the character of the dwelling and surrounding area, the impact on neighbouring residential amenities and protected trees. No concern was raised other than those relating to the impact on the amenity of the neighbouring property of 20 Baddesley Road and this issue is considered further below.

3.1 **Considerations Of SAPC**

Members of SAPC resolved to refuse planning permission contrary to the Officer recommendation considering that the proposed development, by virtue of its siting and proximity to the neighbouring boundary with 20 Baddesley Road is likely to have a detrimental impact on neighbouring residential amenity in terms of dominance, and loss of light.

3.2 **Amenities of neighbouring properties**

The concerns of SAPC focused on the impact of the proposed two-storey rear extension on the amenities of the neighbouring property of No.20 Baddesley Road. Specifically concern was raised that the extension by virtue of its proximity to the neighbouring property and its bulk would detrimentally impact on the enjoyment of the rear patio area and the kitchen of No.20.

3.3 As was described in paragraph 8.6 of the Case Officers recommendation to SAPC, given the staggered arrangement of the existing dwelling the rear elevation of the application dwelling is set back approximately 3.0m from the rear elevation of the neighbouring dwelling which has been previously extended by the addition of a first floor extension above the existing kitchen and a rear conservatory. The boundary between the sites is comprised of a 1.8m close board fence with an approx 0.2m trellis over in addition to a boundary hedgerow of approximately 3.0m in height and planted within the neighbouring property.

3.4 The proposed extension would protrude 5.3m beyond the existing rear elevation and adjacent the boundary with the neighbouring property. Both properties are served by narrow side accesses resulting in a distance of approximately 3.0m between the dwellings. Given the existing staggered arrangement the side doorway and kitchen window of the neighbouring property is set back approximately 7m from the built form of the neighbouring property. This separation would be reduced to 3.0m as a result of the proposed extension.

3.5 As previously described in para 8.12 of the officers recommendation the neighbouring property benefits from a rear conservatory, which is frequently used by the owner as an art studio and is offset from the boundary with the application site by approximately 4.0m, and a patio area which extends to the

boundary. Garden furniture is currently situated on the eastern side of the patio adjacent the existing boundary to No.18 in what is already a quite enclosed and shadowed corner. As previously described the proposed extension would protrude approximately 2.0m beyond the rear elevation of the neighbouring property adjacent the patio area. Given the shallow pitch of the roof the impact would be limited to the eaves height (5.0m) of the extension which is offset approximately 1.5m from the boundary and the gable end of the roof which reaches a height of approximately 6.5m adjacent the rear elevation of the neighbouring property.

3.6 Members of SAPC raised concern with regard to the impact of the proposed extension on the kitchen of the neighbouring property. The kitchen is served by two windows and a doorway. The existing doorway and one window face east towards the side elevation of the application dwelling. The side facing window faces onto the side wall of the application property at a distance of approximately 3.0m, however views of the area into which it is proposed to extend can be gained when viewed at an angle facing northeast. The side facing doorway faces directly onto the area in which the extension is proposed however views from this opening and the side facing window are restricted by the existing boundary fence and associated planting. In addition the doorway has obscured glazing. Whilst the kitchen area is quite narrow there is a small seating area positioned in the northern end of the room adjacent the rear facing opening which is the larger of the windows. As with the patio area the kitchen is already somewhat enclosed and is quite a dark area. Whilst the proposed development would affect the outlook from the side facing window when facing northeast the dining area is reliant on the larger rear facing opening which would remain unaffected in its light or outlook by the proposed extension.

3.7 It remains the consideration of the Officer that such an arrangement both in terms of proximity to the neighbouring property and projection beyond the rear elevation of the neighbour would not result in an unusual or incongruous relationship in a built up area. As such it is not considered that the reason for refusal recommended by SAPC could be adequately defended.

4.0 **CONCLUSION**

4.1 The proposed development is considered to have no significant adverse impact on the character of the site, surrounding street scene or amenities of neighbouring properties. The scheme is considered to comply with the relevant policies of the TVBLP 2006 and is therefore acceptable contrary to the recommendation of SAPC.

5.0 **RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE**

5.1 **REFUSE for the following reason:**

1. **The proposed development, by virtue of its siting and proximity to the neighbouring boundary with 20 Baddesley Road is likely to have a detrimental impact on neighbouring residential amenity in terms of dominance, and loss of light.**

The development is therefore considered to be contrary to Test Valley Borough Local Plan (June 2006) policies DES06 (Scale, Height & Massing); DES07 (Appearance, Details & Materials); AME01 (Privacy & Private Open Space) and AME02 (Daylight and Sunlight).

**5.2 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICES
PERMISSION subject to the following 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 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 and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least 3 working days notice shall be given to the Local Planning Authority that it has been erected.
Note: The protective barriers should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.**
- 4. Tree protective measures installed (in accordance with the tree protection condition 3 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 Arboricultural Officer. No activities, nor material storage, nor placement of site huts 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 existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.**
- 5. All service routes, drain runs, soakaways or excavations in connection with the development shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.

Notes to applicant:

- 1. 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.**
 - 2. The following guidance and policies are relevant to this decision: National Planning Policy Statement 2012; Test Valley Borough Local Plan 2006 Policies DES02, DES06, DES07, DES08, AME01 and AME02.**
 - 3. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
 - 4. The applicants are advised that the Oak tree standing in the rear garden is protected by Tree Preservation Order TVBC.694. Damage to the tree is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the tree which may lead to prosecution.**
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APPENDIX A

Officer's Report to Southern Area Planning Committee - 4th September 2012

APPLICATION NO.	12/01169/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	29.05.2012
APPLICANT	Mr N Shukla
SITE	18 Baddesley Road, Chandlers Ford, Eastleigh, AMPFIELD
PROPOSAL	Proposed 2 storey rear addition, elevational changes and additional windows and roof lights
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to SAPC at the request of the local ward member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is comprised of a detached two-storey property set in a long rectangular plot to the northern side of Baddesley Road. The site is situated within the built up area of Ampfield Parish. There are a number of trees subject to preservation orders within the front and rear garden of the application site and the neighbouring properties.

3.0 PROPOSAL

3.1 The application proposes the erection of a two storey rear extension and the insertion of a new door and roof light in the rear elevation. In addition the existing box corner window in the front elevation is to be replaced finishing flush with the external walls.

4.0 HISTORY

4.1 11/00257/TPOS Crown thin 3 Oaks by 20% and crown lift by 2m remove all dead wood, Crown lift 1 Chestnut by 2m. Consent 26.04.2011.
11/01267/TPOS Crown thin one sweet chestnut by 30% ,crown thin one Oak by 20% and reduce branches of another Oak by 2m on the south east side of the canopy. Consent 14.07.2011.

5.0 CONSULTATIONS

5.1 Planning Policy & Transport (Trees) No objection subject to conditions.

6.0 **REPRESENTATIONS** Expired 03.07.2012

6.1 Ampfield PC No objection.

6.2 20 Baddesley Road Objection:

- No.18 is already the largest property in the road and No.20 is less than 6 feet from the boundary of the proposed development.
- The existing gable wall will be extended to twice its existing length extending to the rear of No.20 by 20 feet.
- Will close off daylight now available to the kitchen diner and landing window.
- Imposing presence will inhibit the garden and patio aspect.
- Overlooking from proposed Juliet balconies will negate screening effect of existing hedge.
- Overdevelopment
- Character of area.
- Scale and bulk resulting in loss of light.
- Noise during construction works.
- Traffic generation, parking and safety.

7.0 **POLICY**

7.1 NPPF 2012 National Planning Policy Statement.

7.2 TVBLP 2006
DES02 (Settlement Character)
DES06 (Scale, Height & Massing)
DES07 (Appearance, Details and Materials)
DES08 (Trees and Hedgerows)
AME01 (Privacy & Private Open Space)
AME02 (Daylight and Sunlight).

7.3 VDS Ampfield Village Design Statement.

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle of development and the impact of the scheme on the character of the dwelling and surrounding area, the impact on neighbouring residential amenities and trees.

Principle of Development

8.1 The site lies within the built up area of Ampfield and therefore the principle of development is accepted. Policies DES02 and DES05 indicate that development should respond positively to the character and appearance of the surrounding settlement and integrates with the form and structure of the surrounding area.

Character and appearance

- 8.2 The proposed extensions include the erection of a two storey rear extension and the insertion of a new door and roof light in the rear elevation. In addition the existing box corner window in the front elevation is to be replaced finishing flush with the external walls.
- 8.3 The proposed two storey rear extension is situated to the western side of the rear elevation and extends beyond the narrowest part of the dwelling adjacent the boundary by approximately 5.3m and across much of the width of the dwelling (9.4m). The extension would have a mono-pitched roof but at a shallower pitch than the existing as a result of the set back beyond the rearmost wall of the dwelling resulting in a finished roof of asymmetrical appearance. In addition it is proposed to replace an existing rear facing ground floor window with a new doorway to serve the existing kitchen and insert a single new roof light to serve an existing bedroom. The proposed rear extension and alterations are effectively screened from public views from Baddesley Road (South) by the existing dwelling and the neighbouring property to the west.
- 8.4 On the front/side elevation it is proposed to replace the existing box style windows on the southwest corner of the dwelling. No increase in the style or extent of the glazing is proposed but the windows are to be recessed in line with the front/side walls rather than projecting beyond them as is the existing situation. It is not considered that this minor alteration would have any significant impact on the design or character of the dwelling.
- 8.5 Whilst the application proposes some significant alterations to the existing dwelling many of the proposed changes would be obscured from public view. The design and appearance of the proposed extensions are considered acceptable in relation to the street scene. The resultant appearance is considered to respect the design of the existing dwelling and would not be incongruous in the street scene or wider settlement.

Amenities of neighbouring properties

- 8.6 An objection has been received from the occupiers of the neighbouring property to the west (No.20 Baddesley Road) with regard to overlooking, loss of light and overdevelopment. Given the staggered arrangement of the existing dwelling the rear elevation of the application dwelling is set back approximately 3.0m from the rear elevation of the neighbouring dwelling which has been further extended by the addition of a conservatory. The boundary between the sites is comprised of a 1.8m close board fence with an approx 0.2m trellis over in addition to a boundary hedgerow of approximately 3.0m in height and planted within the neighbouring property. The proposed extension is offset from the boundary with the neighbouring property of No.16 by approximately 9.0m and protrudes only 0.6m beyond the rear elevation of the existing dwelling at that point.

Overlooking

- 8.7 The existing rear elevation at the site of the extension contains two first floor openings serving bedrooms. The western most of these is a wide four pane opening and the other of a single pane width but floor to ceiling height. In addition there is an existing first floor side (west) facing window serving a bedroom. The extension proposes the addition of two first floor rear facing openings which are four panes wide and floor to ceiling height. No new first floor side facing openings are proposed.
- 8.8 The proposed first floor rear (north) facing openings face out onto the rear garden of the property. Whilst there is an existing approx 2.0m high fence and approx 3.0m hedgerow on this boundary views are available from the existing bedroom windows, given their set back from the rear elevation of the neighbouring property, creating an awkward existing overlooking relationship with the patio area immediately to the rear of the neighbouring property. The existing overlooking is compounded by the first floor side facing window which is level with the rear elevation of the neighbouring property.
- 8.9 The two proposed rear facing windows replicate the positions of the existing first floor windows, albeit set back into the site a further 5.3m compared to the existing openings and approximately 2.0m beyond the rear elevation of the neighbouring property. As a result of the relocation of these windows deeper into the application site, and the removal of the existing side facing opening, the formerly available views of the rear garden and patio area of No.20 Baddesley Road would be no longer available with views restricted to the northern end of the garden. The resultant overlooking is not considered to represent a significant increase over the existing that would warrant refusal of the application. The proposal complies with policy AME01 with regard to overlooking.

Overshadowing

- 8.10 Whilst the proposed scheme does not result in an increase in the ridge height of the dwelling it does extend 5.3m beyond the existing rear elevation and adjacent the boundary with the neighbouring property. Whilst some additional shadow would be cast across the intervening hedge/fence into the rear garden of the neighbouring dwelling to the west (No.20 Baddesley Road), this is limited to the early/mid morning with the resulting additional shadow cast over the middle of the garden area. There would be no significant change to the shadow cast over the rear patio area or conservatory of the neighbouring property which is already overshadowed in the early morning by the existing dwellings and boundary treatment. As a result of the scheme the level of shade cast is not considered to result in demonstrable harm to the residential amenity of neighbouring properties and would not warrant refusal of the application.

Overbearing

- 8.11 As previously described, whilst the proposed scheme replicates the ridge height of the existing dwelling it does extend 5.3m beyond the existing rear elevation and adjacent the boundary with the neighbouring property.

The proposal would result in an increase in footprint and built form beyond the existing rear elevation of the neighbouring property. Both properties are served by narrow side accesses resulting in a distance of approximately 3.0m between the dwellings.

- 8.12 As previously described the neighbouring property benefits from a rear conservatory, which is offset from the boundary with the application site by approximately 4.0m, and a patio area which extends to the boundary. Garden furniture is currently situated on the eastern side of the patio adjacent the existing boundary to No.18 in what is already a quite enclosed and shadowed corner. As previously described the proposed extension would protrude approximately 2.0m beyond the rear elevation of the neighbouring property adjacent the patio area. Given the shallow pitch of the roof the impact would be limited to the eaves height (5.0m) of the extension which is offset approximately 1.5m from the boundary and the gable end of the roof which reaches a height of approximately 6.5m adjacent the rear elevation of the neighbouring property.
- 8.13 Given the projection beyond the rear elevation of the neighbouring property of approximately 2.0m and the substantial existing boundary planting it is not considered that the proposed extension would result in any significant additional overbearing impact given that the patio area adjacent the boundary is already somewhat enclosed by the existing boundary planting. It is not therefore considered that a reason for refusal on overbearing impact could be substantiated.

Trees

- 8.14 The Arboricultural Officer has raised no objection to the proposed development. There are a number of protected trees within the site and immediate neighbouring properties with an Oak tree within the rear garden being closest to the proposed extension. The Arboricultural Officer has advised that there is adequate space for the works to be undertaken without detriment to the tree. Some tree protection measures are included on the submitted block plan but the Arboricultural Officer has advised that further details of protective measures be secured by condition.

9.0 CONCLUSION

- 9.1 The proposed development is considered to have no significant adverse impact on the character of the site, surrounding street scene or amenities of neighbouring properties. The scheme complies with the relevant policies of the TVBLP and is therefore acceptable.

10.0 RECOMMENDATION

10.1 PERMISSION subject to:

- 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 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 and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least 3 working days notice shall be given to the Local Planning Authority that it has been erected.**
Note: The protective barriers should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.
- 4. Tree protective measures installed (in accordance with the tree protection condition 3 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 Arboricultural Officer. No activities, nor material storage, nor placement of site huts 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 existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.
- 5. All service routes, drain runs, soakaways or excavations in connection with the development shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.**
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan policy Des 08.

Notes to applicant:

- 1. 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.**
- 2. The following guidance and policies are relevant to this decision: National Planning Policy Statement 2012; Test Valley Borough Local Plan 2006 Policies DES02, DES06, DES07, DES08, AME01 and AME02.**

- 3. The decision to grant planning permission has been taken because the development is in accordance with the development plan and would have no significant impact on the character and appearance of the area or the residential amenities of the occupants of adjacent dwellings. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
 - 4. The applicants are advised that the Oak tree standing in the rear garden is protected by Tree Preservation Order TVBC.694. Damage to the tree is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the tree which may lead to prosecution.**
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APPENDIX B

Update Report to Southern Area Planning Committee – 4th September 2012

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APPLICATION NO.	12/01169/FULLS
SITE	18 Baddesley Road, Chandlers Ford, Eastleigh, AMPFIELD
ITEM NO.	9
PAGE NO.	48 - 59

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1.0 VIEWING PANEL

1.1 A viewing panel was held for members on 31st August 2012 and was attended by Councillors Hatley, Tilling, Bailey and Anderdon. Apologies were received from Boulton, Finlay, Dowden and Cooper.

2.0 REPRESENTATIONS (correction)

2.1 20 Baddesley Road

- The existing gable wall will be extended to twice its existing length extending to the rear of No.20 by **10** feet.
