

## ITEM 8

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<b>APPLICATION NO.</b>	12/02086/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	24.09.2012
<b>APPLICANT</b>	Brookeswood Develoments Ltd
<b>SITE</b>	The Vicarage, Knapp Lane, Ampfield, <b>AMPFIELD</b>
<b>PROPOSAL</b>	Erection of two detached four bedroom houses (one with attached double garage, one with detached double garage)
<b>AMENDMENTS</b>	Additional plans 10/10/2012, 01/02/2013 and 05/02/2013
<b>CASE OFFICER</b>	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

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### 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 recommendation and for reasons that Officers advised could not be properly substantiated and would likely result in an award for costs against the Council if the applicant should lodge an appeal.
- 1.2 A copy of the Officer's report and Update Sheet to the SAPC on 12 March 2013 are attached at **Appendix A** and **Appendix B** respectively.

### 2.0 PLANNING CONSIDERATIONS

- 2.1 The key considerations for the PCC are to consider the reasons for refusal from SAPC and weigh these reasons against the considerations of the Officers report and the recent planning history for the site.
- 2.2 Reason for refusal one expresses concern at the proposal eroding the spatial quality of the conservation area and the lack of space about the properties will in turn affect the setting of the grade II listed Monks Barn.
- 2.3 The second reason for refusal considers the impact of the proposed plot 2 upon the amenity of the occupants of Monks Barn, specifically in terms of the proposal having an overbearing impact.

#### **Historic environment**

- 2.4 The SAPC debate expressed specific concern at the impact of the proposal upon the spatial character of the conservation area. The committee concluded that as a consequence of the height, scale, bulk and siting the proposed dwellings would strike a discordant note in the conservation area with the loss of space about the dwellings.

- 2.5 As can be seen from the planning history a scheme has been previously refused on the site for a bigger and bulkier pair of properties. It is inevitable that comparisons would be drawn against the previously refused scheme and that now being proposed, but in addition the scheme should be considered on its merits against the policies of the development plan. However in terms of summarising the differences between the two proposals, this application details:
- accommodation over two floors but with a reduced eaves level with dormer windows breaking the eaves line.
  - Lower finished roof height with a reduced bulk to the roof scape.
  - Omission of stair towers
- 2.6 The previous reason for refusal clearly identifies the *“height, scale and bulk coupled with their siting”* as demonstrating the harm previously. The appearance of the dwellings has been altered such that the front, forward most part of the dwelling is now one and a half storey. The windows at first floor punctuate the eaves line rather than being full two storey and sitting under the eaves. The module of each house that is then sat back from the frontage has been further reduced in terms of its finished ridge height and eaves height again with the omission of the full two storey bulk and with a dormer window sat low in the roof, on the wall plate. The additional roof bulk of the stair towers have been omitted from the current scheme which again improves the appearance of the proposal.
- 2.7 It is clear that the scale in terms of floor plans remain similar to that previously refused. However the scale from the public realm is reduced as described. With the reduction in scale comes a reduction in height and a reduction in the roof bulk as described above. Whilst the previous reason for refusal drew on the siting as well it was the combination of all these elements that led to the previous proposal failing. It is considered that in addressing the matters of scale, bulk and height, the siting of the two dwellings remaining as previously permitted is now acceptable.
- 2.8 In terms of the spatial qualities of the conservation area, the SAPC debate discussed, with reference to the Ordnance Survey plan, that there is space around Birch House, space about the application site, space about the school, space about the Old Post Office and some space about Monks Barn. The SAPC concluded that this space was an important quality of this part of the Conservation Area and should be retained.
- 2.9 Whilst the Ordnance Survey plan does illustrate some space about the properties identified in the SAPC debate, it does not take full account of the actual impact of these properties in the street scene. Birch House is very well enclosed to the lane such that the extent of its garden and the ‘space’ is not wholly apparent from Knapp Lane. Similarly with the Old Post Office, the space, as a consequence of the boundary hedging to the lane is not visually apparent. The school, as a non-domestic building, is difficult to compare with a large proportion of the space about the building being the playground. The application site is also bound to Knapp Lane by a mature laurel hedge although it is accepted that the dwelling as it exists and the proposed dwellings would be seen from the lane.

- 2.10 The proposed dwelling on plot 1 is to be approximately 2.8m from the site side boundary with Birch House a further 4.6m from the boundary with a total, combined separation of 7.4m.
- 2.11 The space at first floor level retained between plots 1 and 2 is 3.6m although the forward garage of plot 2 would diminish this distance at ground level. However, the key component is the space and back cloth of the mature trees and planting. This mature landscaped setting would be retained to the rear of the site and seen between the dwellings. This is especially so with the two roofs hipping away from each other such that the space between the properties in the centre of the site, at roof level, is ever increasing and in turn allows more open views of the scots pine in the rear garden (marked as number 8 on the submitted tree protection plan), which is currently screened by the existing building.
- 2.12 The existing dwelling extends to approximately 10m of the boundary with Monks Barn. However the extension of the building at this proximity is only single storey. The two storey element is off set from the boundary by 18m. The proposal seeks to bring the two storey element closer to the Monks Barn Boundary, to within 9m, so 1m closer than the existing single storey composition. It is, however important to consider the existing intervening features that exist between the two properties.
- 2.13 Immediately adjacent to the application site on the Monks Barn plot next to the position of plot 2 is the single storey, double garage to Monks Barn. The application site in its “L” shape and slightly wraps around these garages before straightening for the shared garden boundary between plots. The two storey built form on the application site respects this change in boundary by not extending significantly closer to Monks Barn beyond the line of the southern side of the existing single storey garage building.
- 2.14 So in terms of the spatial character of the site and the conservation area there is 2.8m from the south western boundary to plot 1 (7.4m from plot 1 to Birch House), 3.6m between the properties themselves and a further 9m between the two storey extent of plot 2 and the boundary with Monks Barn.
- 2.15 By comparison, with reference to the Ordnance Survey location plan, Monks Barn sits approximately only 2m from its boundary with ‘The Cottage’ on the north eastern side. On the northeastern side of ‘Internos’ is an additional dwelling under construction which sits close to Internos. ‘Constables’ sits centrally within its plot with limited space between it and the neighbouring boundaries with ‘Whistle Cottage’ (2.5m) and ‘Mayfly Cottage’ (3.0m). It is considered that the spaces about the two proposed dwellings are adequate and compliant with the character of this part of the Conservation Area. Similarly the space retained between plot 2 and Monks Barn is considered to ensure the setting of the listed building is, whilst altered, preserved.

- 2.16 Finally with reference to the first reason for refusal from SAPC it is noted that the previously refused scheme had attracted an ‘objection’ from both the Landscape and Conservation consultees. The revisions made to the scheme and now before the Local Planning Authority have been met with ‘no objection’ from the same two Officers. Given the lack of specialist consultee advice in support of the SAPC conclusions, the resolution from the area committee could be considered by an Inspector as unreasonable behaviour and the Council would be at risk of an award of costs against it should such a reason be included in the decision.

**Neighbouring amenity**

- 2.17 Members of the SAPC concluded that the proposed plot 2 would appear as overbearing and dominating to Monks Barn. As described above, the proposed two storey element of plot 2 is to be offset from the boundary by approximately 9m. Added to this, is the fact that at this point plot two is almost one and a half storey in height with an eaves height of 3.8m. The roof is then designed with a hip up to the ridge height of 6.5m before joining the main body of the roof.
- 2.18 Given the separation distance of 9m from the boundary between Monks Barn and the first part of the upper floor of the proposed plot 2, plus the eaves and ridge heights described coupled with the hipped roof design, such a proposal is not, in the opinion of the Officers, to result in an overbearing or dominating impact.
- 2.19 It is also noted that when the previous proposal was refused there was no reason for refusal relating to neighbouring amenity. Given that the proposal is principally the same in terms of its footprint, but the mass and bulk of the proposal has been reduced from that previously considered, the introduction of a reason for refusal by the SAPC on the grounds of overbearing and dominating impact to Monks Barn could be considered by an Inspector as unreasonable behaviour and the Council would be at risk of an award of costs against it should such a reason be included in the decision.

**3.0 CONCLUSION**

The detailed design of the proposed dwellings, are now considered to be appropriate such that there will be no adverse impact upon the setting of the adjacent Grade II listed building. The proposed development will preserve the character and appearance of this part of the Conservation Area without significant detriment to the amenity of neighbouring properties, trees or protected species. In conjunction with the attached reports in Appendices A and B the development is considered acceptable.

**4.0 RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE  
REFUSE for the following reasons:**

- 1. The development is contrary to policies SET06 (Infill Housing), DES05 (Layout and Siting), DES06 (Scale, Height & Massing), DES07 (Appearance, Details & Materials), ENV15 (Development in Conservation Areas) and ENV17 (Settings of Conservation Areas and Listed Buildings) of the Test Valley Borough Local Plan (June 2006) and advice in the National Planning Policy Framework paragraphs 63,**

64, 128 and 137. The detailed design of the proposed dwellings including their height, scale, bulk and siting will adversely affect the spatial character of the Conservation Area and setting of the adjacent Grade II listed building known as Monks Barn. The resultant development will form a discordant element by the lack of space about the dwellings and will create a discordant element in this part of the village Conservation Area. The proposed development will neither preserve nor enhance the character and appearance of this part of the Conservation Area.

2. The proposed development, by virtue of the siting, height, scale and proximity of plot 2 to the boundary of Monks Barn the proposal is likely to have a detrimental overbearing impact on neighbouring residential amenity in terms of dominance and loss of privacy. The development is therefore considered to be contrary to Test Valley Borough Local Plan (June 2006) policies SET06 (Infill Housing); ESN03 (Housing Types, Density & Mix); DES02 (Settlement Character); DES06 (Scale, Height & Massing); DES07 (Appearance, Details & Materials); & AME01 (Privacy & Private Open Space).

5.0 **RECOMMENDATION OF THE HEAD OF PLANNING & BUILDING SERVICES: 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 development shall be carried out in accordance with the schedule of material samples submitted with the application as follows:
  - Michelmersh Stock ATR (Facing Brick)
  - Imerys Phalempin Plain Clay “Val de Seine” tile (Roof Tile)
  - Alderbury Handmade Clay Tile, Red Blend (Tile Hanging Plot 1)
  - Alderbury Handmade Clay Tile, Orange (Tile Hanging Plot 2)
  - Benlowe Sofwood Windows painted in “Gardenia” by Dulux (Windows)
  - Featheredge redwood Board stained in “Light Oak” by Dulux (Garage Walls)

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

3. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.

**Reason:** To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(no.2)(England)Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Part 1, Classes A, B, C, D and E shall be erected within the curtilage of the dwelling house.

**Reason:** In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.

5. All external doors and windows are to be set back a minimum of 75mm within their openings.

**Reason:** To ensure the development reflects the character and appearance of the area and preserves the character and appearance of the Conservation Area in accordance with policy ENV15 of the Test Valley Borough Local Plan.

6. The fascias, soffits and verges on the proposed dwellings are to be of painted timber only.

**Reason:** to preserve the character and appearance of the Conservation Area in accordance with the Borough Local Plan Policy ENV15.

7. The new windows shall be timber framed windows only and retained as such unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** to preserve the character of the Conservation Area in accordance with the Borough Local Plan policy ENV15.

8. There shall be no siting of any external meter boxes/metal ducting/flues on the front (south eastern) elevations.

**Reason:** To protect the character of the Conservation Area in accordance with Test Valley Borough Local Plan policy ENV15.

9. The works hereby approved should be undertaken in full accordance with the provisions set out within the Linda Oak Landscape design Ltd Tree Management Plan number 961/02 dated May 2012 or as may otherwise be 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.

10. Tree protective measures installed (in accordance with condition 9 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.**

11. All service routes, drain runs, soakaways or excavations in connection with the proposal 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 existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan.**

12. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.

**Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.**

13. 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 Local Plan 2006 policies TRA05 and TRA09.**

14. Each dwelling shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles specific to the dwelling being occupied to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.

**Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.**

15. Prior to the first occupation of the development hereby permitted, two bat boxes shall be erected on retained mature trees facing south or east at a height of approximately 5m above ground level. The bat boxes shall be permanently retained.

**Reason: To conserve and enhance biodiversity in accordance with policy ENV01 of the Test Valley Borough Local Plan.**

16. There shall be no burning of construction waste/material at any time on the site.

**Reason: In the interest of the amenity of the area and of neighbouring properties in accordance with policy AME05.**

17. Notwithstanding the approved drawings the rooflight serving the stairwell to plot 2 shall be installed such that the lower side of the internal cill of the rooflight is no lower than 1.7m above the finished floor level of the first floor landing.

**Reason: In the interest of the amenity neighbouring properties in accordance with policy AME01.**

18. The first floor windows in the south west elevation of the proposed dwelling on Plot 1 of the development hereby permitted 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 Local Plan 2006 policy AME01.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows at first floor in the walls or roofs in the south west elevation of the dwelling on Plot 1 and in the north east elevation of the dwelling on Plot 2 of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.

**Reason:** In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.

**Notes to applicant:**

1. The following policies in the Development Plans are relevant to this decision: Government Guidance: National Planning Policy Framework (NPPF); Test Valley Borough Local Plan 2006 - Policies SET03 (Countryside), SET06 (Frontage Infill), ENV17 (Setting of Listed Buildings), ENV15 (Conservation Areas), DES01 (Landscape Character), DES05 (Layout and setting), DES06 (Scale height and Massing), DES07 (Appearance, Detail and Materials), TRA09 (Impact on the Highway Network), ESN03 (Housing Type, Density and Mix), ESN04 (Affordable Housing); TRA01 (Travel generating development) TRA04 (transport Contributions); AME01 (Privacy) AME04 (Noise & Vibration) ESN22 (Public Open Space); Supplementary Planning Documents: Village Design Statement - Ampfield; Infrastructure and Developer Contributions, Affordable Housing, Cycle Strategy.
2. Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.
3. 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.
4. Attention is drawn to the requirements of the Agreement under Section 106 of the Town and Country Planning Act 1990 which affects this development.
5. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of 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.**

- 6. 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.**
  - 7. The applicant's attention is drawn to the potential for birds to nest in the exposed eaves of the house as a result of the asbestos removal works. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
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**Appendix A**

**Officer’s Report to Southern Area Planning Committee – 12 March 2013**

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<b>APPLICATION NO.</b>	12/02086/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	24.09.2012
<b>APPLICANT</b>	Brookeswood Developments Ltd
<b>SITE</b>	The Vicarage, Knapp Lane, Ampfield, <b>AMPFIELD</b>
<b>PROPOSAL</b>	Erection of two detached four bedroom houses (one with attached double garage, one with detached double garage)
<b>AMENDMENTS</b>	Additional plans 10/10/2012, 01/02/2013 and 05/02/2013
<b>CASE OFFICER</b>	Mr Mark Wyatt

Background paper (Local Government Act 1972 Section 100D)

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**1.0 INTRODUCTION**

1.1 This application is presented to committee at the request of the local Ward Member.

**2.0 SITE LOCATION AND DESCRIPTION**

2.1 The application site is sited on the north western edge of Knapp Lane. It is the second property along this side of the lane when travelling north from the Romsey to Winchester Road and is opposite the school.

2.2 The site is broadly “L” shape with the curtilage slightly wrapping around the rear of the neighbouring property Monks Barn. The dwelling itself is a modern two storey dwelling of 1960’s architecture constructed with a pale pink/buff facing brick and concrete interlocking tiles. The house is finished with a gabled roof facing Knapp Lane with an attached garage to the north eastern side.

2.3 The site is slightly elevated from Knapp Lane with the existing driveway laid to tarmac. Within the front and rear gardens are significant trees as well as along the boundaries. A mature hedge lines the boundary with Knapp Lane.

**3.0 PROPOSAL**

3.1 This application seeks full planning permission to demolish the existing dwelling and redevelop the site for two dwellings. The proposed dwellings will utilise the existing entrance point with a shared access. From this entrance point two driveways will split serving each dwelling.

3.2 Plot 1 will sit towards the south western boundary with Birch House and plot 2 will be sited adjacent to Monks Barn on the northern half of the site. Both dwellings are proposed to be one and a half storey dwellings with first floor

windows breaking the eaves line. The palette of materials is common to this part of the Test Valley using stock bricks with some timber of natural oak or painted finish under a plain clay tile hipped roof.

- 3.3 The application is supported by a Landscape Plan and Landscape Management, Tree Management Plan, Design and Access Statement and an Ecological Assessment.

#### 4.0 HISTORY

- 4.1 12/01366/CAWS - Demolition of existing dwelling – consent 20/08/2012

- 4.2 12/01365/FULLS - Demolition of existing dwelling and erection of two detached four bedroom houses (one with attached double garage, one with detached double garage) – refused 20/08/2012 for the following reasons:

**01. The development is contrary to policies SET06, DES05, DES06, DES07, ENV15 and ENV17 of the Test Valley Borough Local Plan and advice in the National Planning Policy Framework paragraphs 63, 64, 128 and 137. The detailed design of the proposed dwellings, by virtue of their height, scale and bulk coupled with their siting will adversely affect the setting of the adjacent Grade II listed building and create a discordant element in this part of the village Conservation Area. The proposed development will neither preserve nor enhance the character and appearance of this part of the Conservation Area.**

**02. In the absence of a legal agreement to secure financial contributions towards off-site public open space, the proposed development would exacerbate deficiencies in the provision or quality of recreational open space. The development would therefore be contrary to saved Policy ESN 22 of the Test Valley Borough Local Plan 2006, the Supplementary Planning Document "Infrastructure - Developer Contributions" and paragraph 73 of the National Planning Policy Framework.**

**03. In the absence of a legal agreement to secure financial contributions towards non-car modes of transport (specifically towards the cycle network) to encourage a reduction in the generation of road traffic, the proposed development would result in an unacceptable reliance on the private motor car. The development would therefore be contrary to the saved Policies TRA 04 and TRA 09 of the Adopted Test Valley Borough Local Plan (2006) of the Test Valley Borough Local Plan 2006 and the Supplementary Planning Document "Infrastructure and Developer Contributions".**

**04. In the absence of a legal agreement to secure financial contributions towards affordable housing to help meet a demonstrated need in southern test valley the development would be contrary to Policy ESN04 of the Adopted Test Valley Borough Local Plan (2006) and the Supplementary Planning Documents "Infrastructure Developer Contributions" and "Affordable Housing".**

## 5.0 **CONSULTATIONS**

### **Planning Policy and Transport Service:**

#### 5.1 Policy Considerations:

- No objection. The proposal is a new dwelling in the countryside so policy SET03 applies as does SET06. The principle is acceptable.
- Contributions required in accordance with ESN22 if permission is issued.

#### 5.2 Conservation Considerations:

- No objection:
- The reduction in scale of both dwellings and the removal of the stair tower, lowering of the eaves and ridgeline has helped to reduce the impact upon the conservation area and the setting of the listed building.

#### 5.3 Highway Considerations:

- No objection subject to conditions and agreement.

#### 5.4 Ecology Considerations:

- No objection subject condition.

#### 5.5 Landscape Considerations:

- No objection
- The massing is much improved and with the reduction in scale the proposals respond much more positively to the character of Knapp Lane.
- The hedge along the boundary with Monks Barn could be secured by planning condition.

#### 5.6 Arboriculture Considerations:

- No objection subject to conditions.

### **Housing and Health Service:**

#### 5.7 Affordable Housing Considerations:

- No objection subject to contribution.

## 6.0 **REPRESENTATIONS** Expired 26.10.2012

### 6.1 **Parish Council: Objection (Originally Submitted Plans):**

- Overdevelopment.
- Both house and garage of plot 1 are too close to the boundary with Birch House. The construction would damage tree roots. It is doubtful that replacements would grow and thus permanently destroying the screening.
- Plot 2 is too close and is not screened in any way to Monks Barn which is a listed building.
- Plot 2 will dominate the neighbouring listed property. We also note the proposal to site a heating oil tank adjacent to the boundary which, in our opinion, is not an imaginative solution.
- The proposal is out of scale and proportion to both neighbouring properties and this part of Knapp Lane which is in the Conservation Area. To command our support any scheme must be more sympathetic to the style and size of buildings in Knapp Lane and thus blend with and compliment other properties.

- Given the proximity to the school, the Parish Council would like the following to be considered:
- Deliveries must be made outside of school arrival and closing times to ensure HGV's and school traffic are kept separate.
- Contractor parking and deliveries should all be within the site and not take place on Knapp Lane.
- It is suggested that HCC have temporary road signage to warn users of Knapp Lane about the construction work and to remind construction workers of all parking and deliveries are to be on site.
- No burning of waste materials should be allowed. All waste should be removed from site.
- It is essential that tree protection is installed and enforced throughout construction.
- The Parish Council should be consulted regarding the allocation of s106 monies. We have a number of ongoing projects for which the developer may contribute during negotiations. We would prefer 100% of "open space" contributions to be spent on sports/formal recreation rather than applying the TVBC 'standard' formula.

**6.2 Romsey and District Society: Objection (Originally Submitted Plans):**

- Overdevelopment with two houses. We suggest that two linked dwellings might be more appropriate.
- Neither house in the scheme takes advantage of the southern aspect.

**6.3 3 letters from The Cottage, Monks Barn and Birch House: Objection (Originally Submitted Plans):**

- This application is a follow up application to 12/01365/FULLS which was refused. This application fails to meaningfully address any of the original grounds for refusal, principally scale, bulk, proximity, overdevelopment and overlooking.
- The scheme is in conflict with the Village Design Statement. Page 4 should be taken into consideration with regard to unsympathetic infilling and subdivision of plots not having regard to the proximity of adjoining properties or surrounding character.
- A specific report should be sought on the impact of this application on the adjoining properties.
- Significant adverse impact upon residential amenity through proximity to the boundary, scale and bulk resulting in loss of light, overlooking and overshadowing, increased traffic and loss of trees.
- Birch House is incorrectly drawn meaning plot 1 is in fact closer. The two dwellings will be only 6m apart. In view of the proximity of plot 1 to Birch House it will have a significant overbearing and intrusive impact.
- The scale and bulk of the proposal creates two very significant loss of light situations. There are three large windows and a rooflight on the side of Birch House facing the application site. Light will be lost to these windows. Secondly the building will be imposing and out of character causing shadow during the winter mornings to our house and garden given the height is greater than Birch House.

- The Birch House garden adjoins two boundaries of the site and will be overlooked which does not currently exist with The Vicarage. This is particularly acute in the front garden and will be exacerbated by the removal of trees. The windows facing Birch House are not obscure.
- The application relies on trees planted in within the boundary of Birch House to provide screening. It is our opinion that due to the proximity of the building these plants will die.
- Additional noise, disturbance and light pollution from an additional dwelling.
- Noise from traffic and the additional garage close to Birch House.
- The proposal removes trees on the boundary rather than increase screening.
- Birch House has acquired a legal right to light which is uninterrupted. We will take the necessary legal action to protect these rights.
- The existing house is of sound construction and could be renovated.
- The increased footprint will vastly impact upon the two properties either side and be detrimental to the rural nature of the Conservation Area. Both properties will be dwarfed by the proximity of such a development and overshadowed by the increase in roof height.
- There is no datum level shown on the drawings but the heights of the roofs seem to exceed the mean height of the existing Vicarage roof.
- The proposed roofs have large areas of flat roof contrary to the rural nature of the conservation area. Plot 2 has a rooflight that will directly overlook the garden of Monks Barn.
- Monks Barn is Grade II Listed and one of the most attractive buildings in the Conservation Area. The proposal will overshadow and dominate it.
- The Laurel and conifer hedge on the Vicarage plot will be removed by necessity to make way for the oil tank. The house on plot 2 will therefore be clearly visible and obtrusive to Monks Barn house and garden.
- The ecological report is flawed. The garden of Monks Barn has a pond and is home to a multitude of wildlife including grass snakes, slow worms, lizards, frogs and toads. The vicarage garden supports similar wildlife which will be affected.
- The doubling of traffic opposite a school entrance will exacerbate an already congested and dangerous situation.
- This will spoil the view from my garden.

#### 6.4 **Parish Council: Objection (Amended Plans):**

- We see nothing within the current proposal which would persuade us to alter our previous position.
- This proposal is to construct two urban styled houses in what is a rural lane. It would therefore considerably alter the street scene to one which is urban/suburban in nature and in stark contrast to neighbouring properties.
- It might be argued that this is an improvement on what is there but we consider this irrelevant as the proposal should be measured on contemporary standards and not those of an earlier age.
- The latest drawings continue to be inaccurate and we contend, misleading. The street scene drawing omits the garages of Monks Barn and does not show Birch House. Thus a false impression has been given to the Council and its officers. Trees are a major feature and these are also not shown.

- We note that permission has been given for the removal of asbestos. This makes the building insecure and allows birds in to nest. It was a condition of the approval for demolition that no work shall be allowed before permission was granted for re-development. Why has this been allowed and why was the Parish Council not consulted before this condition was relaxed?
- By granting this easement the Planning Authority has been made a hostage to fortune. One course of action with asbestos would have been to leave it alone!
- On the assumption that approval will eventually be given it is essential that proper datum levels are established to ensure that what is built is accurate to the approved plans, particularly in respect of height which is a major concern to the neighbours.

**6.5 1 letter from Birch House: Objection (Amended Plans):**

- Our objections still stand as per our previous letter.
- There is nothing in this latest amendment that seeks to change or address the objections.
- In addition the revised plans continue to lack clarity, information and representation of adjoining properties.
- The amended drawings still fail to reflect an accurate street scene which includes both adjoining properties to scale, height and proximity or the surrounding landscape.

**7.0 POLICY**

**7.1 Government Guidance: National Planning Policy Framework (NPPF).**

**7.2 South East Plan (May 2009) (SEP): CC1 (Sustainable Development); CC2 (Climate Change); CC3 (Resource Use); CC4 (Sustainable Design & Construction); CC6 (Sustainable Communities and Character of the Environment); CC7 (Infrastructure & Implementation); CC8 (Green Infrastructure); H1 (Regional Housing Provision 2006-2026); H2 (Managing Delivery of the Regional Housing Provision); H3 (Affordable Housing); H4 (Type and Size of New Housing); H5 (Housing Design & Density); T4 (Parking); NRM5 (Conservation & Improvement of Biodiversity); NRM 11 (Development Design for Energy Efficiency & Renewable Energy); SH1 (Core Policy); SH5 (Scale and Location of Housing Development 2006 – 2026) and SH8 (Environmental Sustainability); RE3 (Employment Land and Provision); BE5 (Village Management); C5 (Managing the Urban – Rural Fringe).**

**7.3 Test Valley Borough Local Plan2006: SET03 (Countryside), SET06 (Frontage Infill), DES01 (Landscape Character), DES05 (Layout and Siting), DES06 (Scale, Height and Massing), DES07 (Appearance, Details and Materials), AME01 (Privacy and Private Open Space), AME02 (Daylight and Sunlight), ESN22 (Public Open Space), TRA04 (Transport Infrastructure), ESN04 (Affordable Housing), ENV05 (Protected Species).**

**7.4 Supplementary Planning Documents (SPD's): Ampfield Village Design Statement (VDS), Infrastructure and Developer Contributions, Cycle Strategy, Rural Access Plan, Affordable Housing.**

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle for development
  - Frontage infill
  - Housing Land Supply
- Street scene and impact
- Historic Environment
- Neighbouring amenity
- Highways
- Protected species
- Other matters
  - Obligations
  - Construction Waste
  - Amended Plans
  - Demolition
  - Nesting Birds.

**The principle for development**

8.2 The application site is, for the purposes of policy, within the countryside. Planning policy SET03 seeks to restrict development in the Countryside unless it has been demonstrated that there is an overriding need for development such as being essential to agriculture or if it is a type appropriate for a countryside location as set out in the various policies listed under criterion b) of policy SET03. One such policy listed under part b) of policy SET03 is policy SET06.

8.3 SET06 facilitates development for housing providing that:

- a) it comprises frontage development only and would not result in backland or tandem development;
- b) the proposed dwelling would have a curtilage similar in size to those in the immediate vicinity; and
- c) it would be in keeping with and not cause harm to the character of the area or the frontage infill policy area as a whole.

8.4 The design (DES) policies in chapter 8 and the amenity (AME) policies in chapter 9 of the Local Plan are also relevant along with the supplementary planning documents listed above in 7.4. Consideration must also be given to the policies ENV15 and ENV17 which consider the impact of development within and adjacent to a Conservation Area.

Frontage Infill

8.5 The requirements of the policy are set out above in paragraph 8.3. The first test of the policy is that the proposal should be of frontage development only without resulting in backland or tandem development. The two dwellings would sit side by side with no backland or tandem development. It is considered that the scheme is compliant with criterion a) of policy SET06.

8.6 The second policy test refers to curtilage size and that those proposed should be similar to those in the immediate vicinity. It is unclear from the Local Plan what would include the immediate vicinity, however along this northern edge of



Knapp Lane and within the vicinity of the site there is no set plot size. There are a mixture of sized plots and dwelling types. The application site is one of the larger plots at the entrance to Knapp Lane. Given the variety of plot sizes along this part of Knapp Lane the proposed plots are considered to be acceptable and the resultant plot sizes would be similar in size to the surrounding environment and larger than some others such as that adjacent to Internos where a dwelling is under construction following the planning permission 09/00598/FULLS which was also on the Infill boundary. It is considered that the subdivision of the Vicarage plot satisfies the requirements of criterion b) of policy SET06.

- 8.7 It is noted that within the VDS infilling development *“should only be permitted when it does not adversely affect the existing overall appearance of the settlement”*. The recommendations (no.5 & 6 pg 18) continue to state that *“the sub-division of plots for building purposes should be discouraged, unless, the resultant spaces between adjacent dwellings after sub-division remain in keeping with the street scene”*.
- 8.8 The assessment of criterion c); the impact upon the character of the area, which would also address the recommendations of the VDS, is considered from paragraph 8.12 onwards.

#### Housing Land Supply (HLS)

- 8.9 Before moving to criterion c) of policy SET06 it is appropriate to consider the material consideration of the Council’s Housing Land Supply (HLS) position. Within the Borough, it is a long-established practice that the strategic housing requirement is divided between the two areas of Northern and Southern Test Valley [NTV & STV] and that residential proposals in one area are not considered as meeting the needs of the other. This arrangement is consistent with the inclusion of STV in the area covered by the Partnership for Urban South Hampshire [PUSH] and is maintained by the Council in its current consideration of housing land supply. STV covers the southern most Parishes in the Valley. Ampfield, including the application site, is within the northern extent of the PUSH boundary and is therefore in STV for HLS purposes.
- 8.10 The Council is not able to demonstrate a five year supply of housing for STV as recently (decision dated 20/06/2012) concluded by a Planning Inspector for the proposal off Nutburn Road, North Baddesley (11/01253/OUTS refers). Paragraph 49 of the NPPF advises that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”*.
- 8.11 Given the lack of a demonstrable supply of housing sites in STV it is considered that the proposal will make a modest contribution to additional local housing provision. The net gain of a single dwelling does not make a significant contribution to the HLS shortfall however, on the basis of the demonstrated Council shortfall this is a material consideration that weighs in favour of the principle for development should other matters also be deemed

acceptable.

### **Street Scene and Impact**

- 8.12 The settlement character of Knapp Lane is generally one of individual houses set into generous individual large garden plots and well spaced out. The spacing between dwellings is sufficient to allow separation between plots by well vegetated natural boundaries made up of hedges, trees and shrubs. This space occurs even at the sides of and around the semi-detached dwellings in the lane. This contributes to a spacious and sylvan character. The VDS describes the settlement pattern as “...clusters of houses spread loosely and informally along the roads, separated by substantial landscape gaps of important amenity and scenic value.....such as those along Knapp Lane” (p12).
- 8.13 The style of house along Knapp Lane varies, but they are generally characterised by simple rural forms, with small scale cottage elements, low eaves and dormers. At this southern end of Knapp Lane many are 1 ½ storey which creates a settlement character that is set down in the landscape that with the landscaping present helps the built form nestle into the street scene. There are a number of two storey dwellings due north east of the site but they are still modest in size and of a simple traditional cottage form.
- 8.14 The existing Vicarage property is situated within the Ampfield Conservation Area and adjacent to the grade II listed Monks Barn. The Vicarage itself is not of any historic or architectural significance and makes a neutral contribution to the character and appearance of the conservation area. In fact the existing dwelling is the alien element to the above described character being full two storey and of 1960s architecture. The existing dwelling is the tallest building in this part of Knapp Lane, especially when viewed in the context of the principally one and a half storey dwellings either side of the site. It is considered, therefore, that any redevelopment of the site needs to be sensitive to the proximity to Monks Barn and the position of the site within the Ampfield Conservation Area.
- 8.15 It is inevitable that comparisons would be drawn against the previously refused scheme and that now being proposed, but in addition the scheme should be considered on its merits against the policies of the development plan. However in terms of summarising the differences between the two proposals, this application details:
- accommodation over two floors but with a reduced eaves level with dormer windows breaking the eaves line.
  - Lower finished roof height with a reduced bulk to the roof scape.
  - Omission of stair towers.
- 8.16 The previous reason for refusal clearly identifies the “*height, scale and bulk coupled with their siting*” as demonstrating the harm previously. The appearance of the dwellings have been altered such that the front, forward most part of the dwelling is now one and a half storey. The windows at first

floor punctuate the eaves line rather than being full two storey and sitting under the eaves. The module of each house that is then sat back from the frontage has been further reduced in terms of its finished ridge height and eaves height again

with the omission of the full two storey bulk and with a dormer window sat low in the roof, on the wall plate. The additional roof bulk of the stair towers have been omitted from the current scheme which again improves the appearance of the proposal.

- 8.17 It is clear that the scale in terms of floor plans remain similar to that previously refused. However the scale from the public realm is reduced as described. With the reduction in scale comes a reduction in height and a reduction in the roof bulk as described above. Whilst the previous reason for refusal drew on the siting as well it was the combination of all these elements that led to the previous proposal failing. It is considered that in addressing the matters of scale, bulk and height, the siting of the two dwellings remaining as previously permitted is now acceptable.
- 8.18 The previous Officer report noted that *“The proposed dwellings, whilst in site plan form appear to be acceptable, the actual finished height and two storey scale and bulk results in a close relationship and lack of space both between the proposed dwellings and to the site boundaries. As a consequence of this height, scale and first floor bulk the proposals looked cramped and out of keeping with its neighbouring plots”*.
- 8.19 The previous Officer report also indicated that *“The adverse visual relationship of the two dwellings with Knapp Lane is emphasised both by their proximity and the full two storey height of the front elevations topped by a large expanse of roof which are then embellished by towers. This roofscape draws attention to the height of the proposed dwellings providing a false grandeur that is out of keeping with the more simple rural or cottage forms of adjacent dwellings”*. The omission of the stair towers, the subservient nature of the side modules to the dwellings and the overall reduction of height and bulk to the roofs is such that the previous Officer concern has been overcome. It is considered that the proposal will now sit comfortably in terms of the character of the area and does now, therefore, satisfy criterion c) of policy SET06.
- 8.20 It is noted that the Parish Council have objected to the proposal on the grounds of ‘overdevelopment’ as summarised in paragraph 6.1 above. The proposal is not considered to result in overdevelopment of the plot as described above in terms of the application complying with the criteria of policy SET06. It is also noted that for the larger, refused scheme (12/01365/FULLS) the Parish Council raised “no objection”.

#### **Historic environment**

- 8.21 Development within a Conservation Area should seek to preserve its character and where possible enhance it. It is clear that the first reason for refusal on the previous scheme was weighted against the historic environment. As described above the existing dwelling, whilst slightly at odds with its surroundings, makes a neutral contribution to the character of the conservation

area. As a result of the now reduced bulk and scale of the proposed dwellings the proposal is considered to be acceptable with no objection raised by both the Landscape and Design & Conservation consultees.

- 8.22 The representations to the application refer to the use of flat roof element in the design and that this is alien to the Conservation Area. Firstly, the area of flat roofing will not be easily apparent from the public realm. It will be hidden by the pitched roof of the house and effectively forms a wide valley between two pitched roofs. It is accepted that the flat roof may be seen from the garden of Monks Barn, however this view is not demonstrably harmful to the setting of the listed building.
- 8.23 Secondly, the supporting text to policy DES07 resists the use of flat roofs unless they are on an existing property. Whilst the existing property is to be removed there is a large expanse of flat roofing on the north eastern side of the house which is clearly visible from Knapp Lane.
- 8.24 The final point on the flat roof is that there are other flat roofed elements along Knapp Lane. These tend to be a roof treatment to a dormer window for example. Whilst the flat roof on the application site is not articulated as part of a dormer window the use of a flat roof is not considered to be completely alien to this part of Ampfield. It is considered that the proposal will preserve the character of this part of the Ampfield Conservation Area.

#### **Neighbouring Amenity**

- 8.25 Representations have been received from neighbours either side of the application site and one more property at 'The Cottage', two dwellings away, citing the impact of the development on neighbouring amenity.
- 8.26 Considering firstly, Birch House to the southwest. It is suggested by third party representations that the site plans have inaccurately plotted Birch House and it is in fact closer to the site boundary than the plans suggest. The applicant has no ability to survey the adjacent land and is reliant on Ordnance Survey plans for the site plan. Notwithstanding this, the amended plans indicate that the proposed dwelling on plot 1 is to be approximately 2.8m from the site side boundary with Birch House a further 4.6m from the boundary with a total, combined separation of 7.4m. The third party comments, however, suggest that the buildings will be only 6m apart. The north eastern elevation of Birch House faces the application site. There are both ground floor windows, a first floor window and rooflights facing the application site in this elevation of Birch House.
- The ground floor windows serve a bathroom and a secondary window to the lounge, views through which are slightly obscured by the staircase to the first floor. On the first floor the gable end window serves the top of the stair and the landing area. The rooflights appear to serve as secondary windows to bedrooms. This part of the Birch House site is already quite a dark corner given the mature coniferous tree planting within the Birch House plot along the application site boundary. This group of trees is annotated as G5 on the submitted 'Tree Management Plan'. The occupants of Birch House have

suggested that these trees will not remain as part of the construction. Group G5 are, according to the 'Tree Management Plan', to be retained and protected with protective fencing on the application site. The same plan is annotated that "*Scaffold to the south of plot 1 restricted to avoid RPA of adjacent trees*". The trees, being coniferous, do provide a level of screening between the two sites.

The submitted Arboricultural information indicates that these trees will be protected and retained. This view is supported by the Arboricultural Officer who raises no objection (see 5.6 above).

- 8.27 In light of these trees being retained, the proposal is not considered to result in an overbearing impact upon the north eastern elevation or corner of the Birch House. The third party letter suggests that the separation distance between the plot 1 and Birch House would be 6m apart. Given the rooms that the fenestration serves in this elevation of Birch House and the fact that this part of the Birch House site is already very dark, it is considered that the 6m separation distance would not result in plot 1 being overbearing upon the amenity of Birch House even if the retained group of trees G5 were to be removed, which as discussed above, they are not proposed to be.
- 8.28 The existing Vicarage property sits with rear first floor windows looking down the garden towards a tree belt. At the rear of the application site is a further part of the Birch House garden which wraps itself around two sides of the application site. The rear garden depth of the proposed dwellings are in excess of 25m each. Whilst the Birch House garden abuts the rear of the site, views over this distance and with the tree screen between sites are likely to be limited. It is also noted that the immediate private amenity space for Birch House is to the rear of the property itself rather than in the part of the site at the end of the application site.
- 8.29 Plot 1 will bring the built form closer to the boundary (south-west) with Birch House. It is proposed to remove a weeping willow tree (marked as T6 on the plan) and a row of lawson cypress (G7). The loss of the willow is unfortunate, however its condition is noted as ivy covered and biased to the north in terms of its growth. The Tree Management Plan indicates that it has "*...minor visual significance*". The commentary of the Tree Management Plan with regard to G7 is that the group was a screen but has been allowed to overgrow. It is marked to be removed with screening achieved by the Laurel on the Birch House plot. Given that it is not appropriate to rely on planting outside of the site for screening, the submitted landscaping scheme indicates a native hedgerow proposed along this boundary in place of G7.
- 8.30 The Birch House garden immediately to the rear of the house is currently very private and not overlooked. The proposal would, by virtue of the positioning of the dwelling on plot 1 ensure that this degree of privacy remains. With reference to amenity considerations the Inspector's comments at 21 Testlands Avenue (09/01071/FULLS) are useful. The front and rear facing first floor windows are to serve bedrooms. The Inspector noted that "*...the relative infrequency with which residents would usually stand looking out of bedroom windows*" and that the rear first floor glazing would be limited to "*...a window of*

*fairly typical size for a bedroom*” (para 9) were not strong enough issues to warrant dismissal of the appeal. The only first floor side windows to plot 1 facing Birch House are bathroom windows and these are annotated on the plans to be fitted with obscure glazing. This is recommended to be secured by condition.

- 8.31 Given the separation distances discussed above, the siting of the proposed dwelling on plot 1 in relation to the neighbouring plot and the conclusions on the window size and use of the room by the Inspector at 21 Testlands Avenue, the proposal is not considered to result in any significant demonstrable harm to the amenity of the neighbouring property Birch House.
- 8.32 Secondly, to the north, north east of the site is Monks Barn and beyond this dwelling that of The Cottage. The trees along the Monks Barn boundary are set within an unmaintained hedge and are smaller fruit tree species albeit marked on the plan to be retained. The built form on plot 2 will again extend up to two storey height. Immediately adjacent to the application site on the Monks Barn plot next to the position of plot 2 are the single storey garages to Monks Barn. The application site in its “L” shape and slightly wraps around these garages before straightening for the shared garden boundary between plots. The two storey built form on the application site respects this change in boundary by not extending closer to Monks Barn beyond the line of the southern side of the existing single storey garages. There is a single storey orangery proposed to the north eastern elevation of plot 2, but given the existence of the Monks Barn garages, the proposed plot 2, whilst clearly changing the vista from Monks Barn with the dwelling on plot 2 clearly visible, it is considered that it would not appear as overbearing upon the private amenity of the occupants of Monks Barn which itself is off set from the common boundary by approximately 3.5m.
- 8.33 With the previously refused scheme additional shadow would have been cast towards Monks Barn as a consequence of its orientation to the application site. A small amount of shadow would have been cast over the boundary but not until after 2pm. The shadow that is created would have fallen over a small side garden area of Monks Barn between the dwelling and garages by 4pm. The shadow was not previously considered to fall over the private amenity area of the neighbouring dwelling however with the domestic garden extending to the north west parallel to the application site. This proposal results in a scheme with a lower overall height and reduced eaves height than that previously proposed. As such, it would follow that the shadow pattern from the proposal is likely to be less than that previously considered acceptable. The proposal is not considered to result in any significant demonstrable harm to the amenity of the neighbouring property Monks Barn.
- 8.34 Letters of representation have referred to the proposed orangery to the side of plot 2 and the possible light pollution this will cause. From the public realm this part of the proposal will effectively be screened from Knapp Lane by the Monks Barn garage. The siting of a conservatory or feature such as that proposed is

not uncommon on domestic dwellings throughout the borough. Whilst there may be some upward lighting as a consequence of the glass roof, it is noted that the rear extension to Monks Barn is fully glazed up into its gable from floor to ceiling. Whilst not an upwards glazed feature, it may be that some light spill will occur from this neighbouring property in any event.

- 8.35 The boundary proposed to the rear of the Monks Barn garage is a new close board fence. This boundary is currently overgrown on the application site and within the Monks Barn site is a garden path from the garage and side of the house to the garden. Beyond the fence from Monks Barn, within the application site, it is proposed to site the fuel tank. The letters received have suggested there may be other better locations for this type of tank, however the application must be considered on its merits and as submitted. The siting of the fuel tank in this location is not considered to be harmful to the amenity of the neighbouring property.
- 8.36 The occupant of Monks Barn has also raised concern at the possibility of overlooking from the stairwell rooflight on plot 2. This can be controlled by planning condition to be set high enough in the roof such that views of the neighbouring garden will not be afforded and that the rooflight simply provides light and ventilation to the staircase. Given the increased separation of The Cottage from the site (the other side of Monks Barn), the impact will be even less than that upon Monks Barn.
- 8.37 Whilst the comments of the neighbours are noted, there was no reason for refusal with regard to the impact upon neighbouring amenity with the previous proposal. Given the reductions made to the current scheme by the applicant, to introduce such reasons for refusal now would be regarded as unreasonable behaviour.

### **Highways**

- 8.38 The Parish Council have raised two issues with regard to highways safety and the proximity of the site to the village school. Given the lack of any onstreet parking restrictions along Knapp Lane there is no means of enforcing that contractors park on site even if a parking area were to be provided on site by planning condition. Additionally given the small scale of the proposed development the need for additional signage is considered to be unnecessary.
- 8.39 Neighbouring comments have expressed concern at the intensification of the use of the access. One access to serve two dwellings will resist the creation of a new access point onto the highway and a further potential conflict point plus it will ensure the retention of the boundary hedge, albeit laurel in its existing form, which helps soften the appearance of the lane. It is noted that there is no highway objection to the proposal and no need for signage, contractor parking or delivery restrictions to be secured by planning condition.

### **Protected species**

- 8.40 The application is supported by an Ecological Assessment of the proposals (4Woods Ecology, revised Sept 2012). Notwithstanding the comments on its inadequacy from the neighbouring property, the ecological advice to the Local Planning Authority is that this represents the conditions at the site and its conclusions are supported.
- 8.41 It is noted that the neighbour at Monks Barn indicates that there is a pond on the neighbouring property that has not been considered. The pond in the Monks Barn garden is a fish pond and well used. At the time of the Case Officer site visit the pond was empty and being cleaned. It is considered that a pond, with fish, in a clean condition would not be a suitable habitat for protected species such as Great Crested Newts (GCN).
- 8.42 The site was assessed in the 4Woods report for its potential to support a range of protected species, and the potential for the development to affect these, if present. The existing buildings were assessed as presenting negligible bat roosting potential. The site was assessed as presenting little suitable terrestrial habitat for GCN.
- 8.43 Bats and GCN are legally protected under UK and EU law (the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (and amendments) respectively). Planning authorities are required to engage with the Regulations, and permission can be granted unless a development is likely to result in an offence against them. Based on the ecological assessment, it is considered that the development is unlikely to result in an offence against the Regulations and the Ecologist raises no concerns in this regard.

### **Other Matters**

#### Obligations:

- 8.44 There is a requirement, whenever there is a net gain in dwellings, for consideration to be given to the need for contributions towards public open space and highway infrastructure. The Community Infrastructure Levy (CIL) Regulations 2010 came into effect on the 6 April 2010. From that date, Regulation 122(2) provides that a planning obligation can only constitute a reason for granting consent if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- All applications finally determined after the 6 April must clearly demonstrate that any planning obligation that is used to justify the grant of consent must meet the three tests. The same tests are repeated in paragraph 204 of the NPPF.
- 8.45 The addition of a new dwelling into the borough is likely to increase the pressure on existing highway infrastructure and recreational open space provision. Mitigation of these impacts through a planning obligation(s) is therefore “*necessary to make the proposal acceptable in planning terms*”. On the basis of the adopted SPD’s and the County Council contributions policy the



contributions and identified schemes upon which to spend the contributions are “*fairly and reasonably related in scale and kind*” to the proposed development. Through the proximity of the proposed schemes to the site the requirement for the planning obligations is therefore considered to be “*directly related to the proposal*” and provided within the town. The principle for the planning obligations is considered to meet the tests in the CIL Regulations.

- 8.46 The enhancement of existing open space provision is considered acceptable and in accordance with ESN22 and the NPPF. In this case the proposed development is considered to be acceptable in terms of a planning obligation securing a contribution towards off site open space in lieu of on site provision.
- 8.47 The Test Valley Open Space Audit details that there is a deficit of all types of open space in Ampfield Parish other than Parkland. The obligation for formal, informal and children’s play space will contribute towards the enhancement of provision at the Recreation Ground.
- 8.48 The proposed development is a travel generating development, which would result in an additional demand on the existing transport network. Policy TRA01 of the Borough Local Plan requires that travel generating development provides measures to mitigate or compensate for the impact of the development, policy TRA04 allows for this mitigation to be provided by financial contribution. The requirement for such contributions is discussed within the adopted Developer Contribution SPD. In this case the Highway Officer, in raising no objection, has sought a contribution towards the local cycle network.
- 8.49 The application site is 0.21ha and is therefore within the threshold for affordable housing as set out in policy ESN04. It is not seen as appropriate to use one of the units for affordable housing, due to the size, therefore a financial contribution is to be sought to fund affordable housing off-site as per the SPD. There is an identified housing need in Southern Test Valley. The proposal would help in meeting that need for the wider population of the southern part of the Borough. The obligation is therefore necessary to make the development acceptable given the existence of a housing need. For the same reason it is also directly related to the proposal. If new housing is provided such as the application site, then it follows that provision should be made for those in housing need. Finally the contribution is calculated using the methodology in Annexe 1 of the Affordable Housing SPD to ensure it is fair and reasonable.
- 8.50 The required legal agreement has been completed. The proposal will provide, therefore, mitigation of its impact on the local highway and recreational infrastructure. The completion of such an agreement addresses the previous reasons for refusal 02, 03 and 04.

Construction waste

- 8.51 One matter to be addressed is the matter of waste disposal which was raised by the Parish Council in its original representation. A condition to restrict the

burning of waste has been considered as part of the recommendation and is addressed by planning condition.

Amended plans

- 8.52 With reference to the amended plans, the Parish Council and third party comments suggest that the plans remain inaccurate and misleading. It is accepted that the street scene drawing does not include Birch House nor does it include the garages to Monks Barn. The garages to Monks Barn would screen the proposed garden room to plot 2 were they included.

The application drawing has properly depicted the whole development. Whilst Birch House is not shown the distance between the proposed dwellings and their garages to the boundaries and each other are now consistent across the plans; a point that previously illustrated some inaccuracies. In a similar fashion to the Monks Barn garages, the omission of trees from the Street Scene drawing is to show the proposed dwellings and adjacent dwelling and if the existing trees had been shown then the development would be more screened than that which is depicted on the submission. As discussed however, the dimensions and siting of the proposal to its boundaries now scales accurately and therefore the plans do not appear to be inaccurate.

Demolition

- 8.53 The Parish Council has also queried why the demolition condition on the demolition consent has been varied. The consent is detailed above in paragraph 4.1. The specific condition referred to by the Parish Council on that consent is:

*The demolition hereby granted consent shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides. The redevelopment shall commence within one month following the completion of the demolition work unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To prevent the premature demolition of the building in accordance with Test Valley Borough Local Plan 2006 policies ENV17, ENV14.*

- 8.54 There has been no variation of condition application upon which to consult the Parish Council. Additionally the alteration of a dwelling, such as works around the eaves and soffits, such as asbestos removal (work which has been carried out), would have been permitted development as works to a dwelling whether it were to be demolished or not. In this case the asbestos removal is not considered to be demolition and as such there is no breach of the conservation area consent for demolition.

Nesting birds

- 8.55 With regard to nesting birds using the now exposed eaves around the dwelling, a note has been added to the recommendation to draw the applicant's attention to this possibility.

**9.0 CONCLUSION**

- 9.1 The detailed design of the proposed dwellings, are now considered to be appropriate such that there will be no adverse impact upon the setting of the adjacent Grade II listed building. The proposed development will preserve the character and appearance of this part of the Conservation Area without significant detriment to the amenity of neighbouring properties, trees or protected species.

**10.0 RECOMMENDATION**

**Delegate to Head of Planning & Building Service for the completion of a legal agreement to secure financial contributions towards:**

- **Public open space,**
- **Highways infrastructure,**
- **Affordable housing; then**

**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 development shall be carried out in accordance with the schedule of material samples submitted with the application as follows:

- **Michelmersh Stock ATR (Facing Brick)**
- **Imerys Phalempin Plain Clay “Val de Seine” tile (Roof Tile)**
- **Aldbury Handmade Clay Tile, Red Blend (Tile Hanging Plot 1)**
- **Aldbury Handmade Clay Tile, Orange (Tile Hanging Plot 2)**
- **Benlowe Sofwood Windows painted in “Gardenia” by Dulux (Windows)**
- **Featheredge redwood Board stained in “Light Oak” by Dulux (Garage Walls)**

**Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.**

3. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto.

**Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Local Plan 2006 policies AME01, AME02, DES06.**

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(no.2)(England)Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Part 1, Classes A, B, C, D and E shall be erected within the curtilage of the dwelling house.

**Reason:** In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.

5. All external doors and windows are to be set back a minimum of 75mm within their openings.

**Reason:** To ensure the development reflects the character and appearance of the area and preserves the character and appearance of the Conservation Area in accordance with policy ENV15 of the Test Valley Borough Local Plan.

6. The fascias, soffits and verges on the proposed dwellings are to be of painted timber only.

**Reason:** To preserve the character and appearance of the Conservation Area in accordance with the Borough Local Plan Policy ENV15.

7. The new windows shall be timber framed windows only and retained as such unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To preserve the character of the Conservation Area in accordance with the Borough Local Plan policy ENV15.

8. There shall be no siting of any external meter boxes/metal ducting/flues on the front (south eastern) elevations.

**Reason:** To protect the character of the Conservation Area in accordance with Test Valley Borough Local Plan policy ENV15.

9. The works hereby approved should be undertaken in full accordance with the provisions set out within the Linda Oak Landscape design Ltd Tree Management Plan number 961/02 dated May 2012 or as may otherwise be 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.

10. Tree protective measures installed (in accordance with condition 9 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.

11. All service routes, drain runs, soakaways or excavations in connection with the proposal 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 existing trees and natural features during the construction phase in accordance with Test Valley Borough Local Plan.

- 12. Any gates shall be set back at least 4.5 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.**  
**Reason:** In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.
- 13. 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 Local Plan 2006 policies TRA05 and TRA09.
- 14. Each dwelling shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles specific to the dwelling being occupied to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**  
**Reason:** In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
- 15. Prior to the first occupation of the development hereby permitted, two bat boxes shall be erected on retained mature trees facing south or east at a height of approximately 5m above ground level. The bat boxes shall be permanently retained.**  
**Reason:** To conserve and enhance biodiversity in accordance with policy ENV01 of the Test Valley Borough Local Plan.
- 16. There shall be no burning of construction waste/material at any time on the site.**  
**Reason:** In the interest of the amenity of the area and of neighbouring properties in accordance with policy AME05.
- 17. Notwithstanding the approved drawings the rooflight serving the stairwell to plot 2 shall be installed such that the lower side of the internal cill of the rooflight is no lower than 1.7m above the finished floor level of the first floor landing.**  
**Reason:** In the interest of the amenity neighbouring properties in accordance with policy AME01.
- 18. The first floor windows in the south west elevation of the proposed dwelling on Plot 1 of the development hereby permitted 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 Local Plan 2006 policy AME01.
- 19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows at first floor in the walls or roofs in the south west elevation of the dwelling on Plot 1 and in the north east elevation of the dwelling on Plot 2 of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**

**Reason:** In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.

**Notes to applicant:**

- 1.** The following policies in the Development Plans are relevant to this decision: Government Guidance: National Planning Policy Framework (NPPF); Test Valley Borough Local Plan 2006 - Policies SET03 (Countryside), SET06 (Frontage Infill), ENV17 (Setting of Listed Buildings), ENV15 (Conservation Areas), DES01 (Landscape Character), DES05 (Layout and setting), DES06 (Scale height and Massing), DES07 (Appearance, Detail and Materials), TRA09 (Impact on the Highway Network), ESN03 (Housing Type, Density and Mix), ESN04 (Affordable Housing); TRA01 (Travel generating development) TRA04 (transport Contributions); AME01 (Privacy) AME04 (Noise & Vibration) ESN22 (Public Open Space); Supplementary Planning Documents: Village Design Statement - Ampfield; Infrastructure and Developer Contributions, Affordable Housing, Cycle Strategy.
- 2.** Please ensure that all development/works complies with the approved plans. Any changes must be advised and agreed in writing with the Local Planning Authority before they are carried out. This may require the submission of a new planning application. Failure to do so may result in enforcement action/prosecution.
- 3.** 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.
- 4.** Attention is drawn to the requirements of the Agreement under Section 106 of the Town and Country Planning Act 1990 which affects this development.
- 5.** In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of 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.
- 6.** 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.

- 7. The applicant's attention is drawn to the potential for birds to nest in the exposed eaves of the house as a result of the asbestos removal works. Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.**
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**Appendix B**

**Update Report to Southern Area Planning Committee – 12 March 2013**

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<b>APPLICATION NO.</b>	12/02086/FULLS
<b>SITE</b>	The Vicarage, Knapp Lane, Ampfield, AMPFIELD
<b>COMMITTEE DATE</b>	12 March 2013
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**1.0 VIEWING PANEL**

- 1.1 A viewing Panel was held on Friday 8 March attended by Cllr Bundy, Cllr Hibberd, Cllr A Dowden, Cllr Hatley, Cllr Mrs Johnston, Cllr Anderdon and Cllr Hurst.
- 1.2 Apologies for the Viewing Panel were received from Cllr Mrs Tilling, Cllr Cooper, Cllr Mrs Tupper, Cllr Collier and Cllr Mrs C Dowden.

**2.0 PLANNING POLICY**

**2.1 Draft Test Valley Borough Revised Local Plan**

On the 22 February 2013 the Council agreed to publish for public consultation the draft Revised Local Plan . Public consultation will take place between the 8 March and 26 April 2013. At present the document, and its content, represents a direction a travel for the Council but as it has not been the subject of public consultation it should be afforded limited weight. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

**3.0 AMENDMENTS**

- 3.1 The S106 Agreement was completed on 30 January 2013. The recommendation is adjusted accordingly.

**4.0 REPRESENTATIONS**

**4.1 1 Letter from Monks Barn, Comments on Amended Plans:**

**Objection:**

- The amended drawings correct some inaccuracies but do not materially mitigate my objection.
- The street scene drawing still does not show datum levels of roof heights and does not show the juxtaposition of Birch House or Monks Barn.
- The ‘immediate vicinity’ in SET06 criterion b) refers to the existing building and immediately adjacent properties and the proposal fails this criteria.
- Para 8.4 of the Officer Report refers to polices ENV15 and 17. This development contravenes policy ENV17 paragraphs 4.5.40, 4.5.51 and



4.5.44 and ENV conditions 2 and 3 and paragraph 4.5.6 yet no mention of this is made in the report.

- Para 8.12 and 8.13 of the Officer Report suggest that this development is unsuitable.
- The large expanse of flat roofing is not visible.
- The report (para 8.31 and 8.32) refer to the orangery. This is the first time this term has been used for what is described as a “garden room” on all submitted plans. I presume that the developer has suggested that you use this description to justify the large, light polluting glass roof. Orangeries are not built on a north eastern side of a two storey building.
- I believe that this is a heavily biased report and that the planning policies and local objections have been dismissed in order to reach a conclusion favourable to the developer.

4.2 1 Letter from Right of Light Consulting, on behalf of the occupants of Birch House:

**Comment:**

- We have been instructed to assess the impact of the proposal after concerns were raised that the development will infringe on the daylight enjoyed at Birch House.
- We have undertaken an initial 25 degree test and are of the opinion that the development will fail this test in relation to the ground floor room. The proposal is in such close proximity that it is likely to breach further tests for daylight to this room.
- We note that no daylight tests have been undertaken by the applicant and forwarded to evidence compliance with the nationally recognised BRE guidelines.
- We therefore recommend that no decision is made until the applicant instructs consultants to determine the impact upon our client’s property.

4.3 1 Letter from the Applicant’s Planning Consultant in response to the Right of Light letter:

**Comment:**

- We note the findings in the Right of Light letter but disagree with its findings.
- We have not seen the consultants test results, but cannot see how they could have taken the existing situation into account whereby the windows concerned are either secondary windows or serve landings/stairwells/bathrooms etc.
- In addition coniferous screening between the two properties already exists in this location at a minimum height of approx. 8m. these trees are obviously protected by virtue of their location within the Conservation Area.
- The effect of these trees on the windows in question is material. The dwelling at plot 1 is some meters away from the tree screen and at a lower height.
- The proposal will not cause shadow over Birch House.
- I trust that you agree the proposal remains fully in accordance with

Development Plan policies and that a recommendation for permission remains the correct professional approach.

4.4 Romsey and District Society: Comments on amended plans:

**Comment:**

- The planning committee agreed with the comments made by the Parish Council. We think this site deserves a more imaginative solution.

5.0 **PLANNING CONSIDERATIONS**

5.1 The Historic Environment:

Third party letters refer to policies ENV15 and 17 and suggest that the proposal fails to satisfy these policies. Paragraphs 8.21 -8.23 of the Main agenda consider the impact upon the historic environment. Whilst the report does not specifically refer to the policies in these paragraphs the policies are referred to in paragraph 8.4 as being relevant. Also a key component to the consideration of the conservation area and the setting of listed buildings are the comments of the Design and Conservation Officer. These are summarised in paragraph 5.2. There is no Conservation objection to the proposal.

5.2 Right to light.

Paragraph 8.27 of the main report identifies that the windows in Birch House referred to in the Right of Light Consulting letter are already dark as a consequence of the trees on the Birch House plot. This point is also made by the applicant in response to the Right of Light letter (see 4.3 above).

5.3 According to the Right of Light Consulting website that “*Rights to light are independent of the planning system*”. It is also noted that the Law Commission opened a consultation on 18 February seeking views on the current law on rights to light. The consultation closes on 16 May. The DCLG (Department for Communities and Local Government) has however commented about the Law Commission consultation. The DCLG spokesman said “*the right to light is entirely separate from planning law*”.

5.4 In light of the existing tree screen between the application site and Birch House and the comments of the DCLG in respect of rights to light, the proposed recommendation remains unchanged.

6.0 **AMENDED RECOMMENDATION**

**Delete reference to the legal agreement and delegation to the Head of Service. The recommendation is now:**

**PERMISSION subject to conditions and notes as per the main agenda.**

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