

ITEM 8

APPLICATION NO.	18/02058/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	10.08.2018
APPLICANT	Mr and Mrs A Tidd
SITE	Land adjacent to 5 Riverside Green, Kings Somborne, Stockbridge, SO20 6NG, KINGS SOMBORNE
PROPOSAL AMENDMENTS	Erection of 2 bed dwelling
CASE OFFICER	Mrs Sarah Appleton

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of a Member.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located within a settlement boundary (as defined by the Test Valley Borough Revised Local Plan 2016) in the village of Kings Somborne. The site is located to the north west of an established residential area known as Riverside Green. Riverside Green is accessed off Winchester Road and consists of a mixture of detached, semi-detached and terraced dwellings located within a cul-de-sac arrangement. Dwellings are two storeys in height and are of a traditional design. Materials used in the construction of the dwellings include brick and tile hanging under tiled roofs. The area also includes two separate blocks of garages, one of which is located directly adjacent to the site on its eastern boundary. Boundary treatments are mainly vegetative, however there are examples of close boarded fences within the vicinity of the site. The ground levels of the area rise slightly as you move further north into Riverside Green.

- 2.2 The site is located within the Kings Somborne conservation area. When discussing the character of the Stockbridge Road/Old Vicarage Lane/Nutchers Drove/Winchester Road area of the village the 'Kings Somborne Conservation Policy' adopted in 1987 states:

"The Stockbridge Road forms the northern approach to the village centre together with important open areas bounded to the south by Old Vicarage Lane and Nutchers Drove. Winchester Road defines the liner extension of the medieval settlement and includes a number of listed buildings along its length eastwards to Manor Farm."

The site is not immediately adjacent to any listed buildings. Butcher's End and Spencers Farm are the nearest listed buildings and these are located along Winchester Road adjacent to the entrance of Riverside Green.

2.3 The site is adjacent to a site to the north that has recently been granted planning permission for a single dwelling. Details of this are included in paragraph 4.0 below.

3.0 **PROPOSAL**

3.1 The proposal involves the erection of a single detached, 2 bedroom dwelling which would be located centrally within the site towards the south western boundary. The main garden area of the property would be located to the north, with a smaller area of garden located to the south. Parking would be located to the east of the dwelling. The dwelling would be of a traditional design and would include a gabled projection on its front (east) elevation. The materials to be used in the construction of the external surfaces of the property would be brick under a concrete tile roof. The front gable would include a brick corbelling pattern. The proposed dwelling would include a mono-pitched porch to the front (east) elevation.

3.2 The proposed dwelling would have a footprint of approximately 55.6 square metres, would have an eaves height of approximately 4.9 metres and a ridge height of approximately 8 metres. Photovoltaic solar panels would be installed on both the east and west roof slopes.

4.0 **HISTORY**

4.1 The following planning applications relate to this site:

18/00546/FULLS – Erection of 2 bed dwelling – CLOSED AS INVALID
23/07/2018.

17/03041/FULLS – Erection of 3 bed dwelling – WITHDRAWN 05.02.2018.

07/01030/FULLS – Erection of new dwelling – WITHDRAWN 25.05.2007.

4.2 The following applications relate to the neighbouring site to the north:

17/03021/FULLS – Erection of a detached three bedroom dwelling and detached garage (Amended scheme) – PERMISSION subject to conditions
23.01.2018.

TVS.08129/3 – Erection of two detached 5-bedroom dwellings with associated garages and works – REFUSE 20.08.1999 DISMISSED at appeal 16.02.2000.

5.0 **CONSULTATIONS**

5.1 **Trees** – No comment.

“My comments of 24 May 2018 with regard to the proposals remain pertinent.”

5.2 **Conservation** – No objection subject to condition.

5.3 **Highways** – No objection subject to condition:

“The proposal would be provided with sufficient parking provision in line with adopted standards and sufficient manoeuvring space exists for vehicles to access and egress the site in a safe and efficient manner.”

6.0 **REPRESENTATIONS** Expired 07.09.2018

6.1 **5 x letters** objecting to proposals on the following grounds (summarised):

Highways

- Access and parking are a major concern both during and after the build. Access drive to nos 7-15 is very narrow and already causes problems for larger vehicles such as refuse lorries, delivery vans, Flogas tankers, furniture removal vans, emergency services etc. particularly when cars are parked in front of the garages to the east of the plot. This proposal, whose access would be at the narrowest point, would be an even greater issue, especially as there is no turning space allowed for on the site.
- Due to issue of increased parking in Riverside Green, there is very little room for manoeuvre, with the addition of more cars, there would be a very real safety issue for both drivers and pedestrians.
- Application was previously refused on adjacent site for impact on highway safety and dismissed at appeal on these grounds.
- In relation to problems of “site” traffic blocking roads, this has happened several times on Old Vicarage Lane, when pick up lorries have been to collect building materials and completely blocked off the road in either direction for 30 minutes.
- Should ensure that conditions are put in place about parking of site traffic to avoid the type of problems we have had to live with on Winchester Road.
- Access to the proposed property will have a major impact on the garages and parking area.
- Adding another property in Riverside Green will exacerbate existing parking problems in the area.
- Proposed new position of the parking spaces make it impossible for the applicant to be able to exit their property easily. They would need most of the space outside their property to be able to exit, causing any vehicles to vacate the area adjacent to No.5’s fence therefore causing parking problems further down the road.
- Reversing into their plot would be hazardous as there is a blind spot when entering the gravel area from the road.
- Parking is shown staggered, indicating that there is insufficient space for two car parking space required by TVBC policy. Any vehicle larger than a standard saloon would take up both spaces shown.
- Space shown for storage of building materials is not adequate and would result in access problems to no’s 7-17 along with causing disruption and access problems to the owners of the garage block and the rest of the Close. Berkley Homes who built Nos 7-15 had problems of access to their large site and were forced to off-load materials and heavy machinery onto the gravel garage area.

- Drivers all express their exasperation at trying to manoeuvre within this 'enclave'.
- The use of this access for parking is already overloaded.
- Since Walnut Cottage (north of the application site) has been under construction, it has demonstrated that a further dwelling would have significant issues for highway safety as stated by the Planning Inspector in a previous appeal decision.

6.2 Design/impact on character and appearance of the surrounding area

- Proposed design would not be in keeping with the rest of Riverside Green – raised roof height and inclusion of a large front gable bears no relation to any other building within the area.
- Plot size - planning officer stated that the proposal was similar to No.10 which is not the case. No.10 is a mid-terrace with parking off site within a garage block. The proposal is closer in size to either No.4 (4 bedrooms) or No.22 (3 bed semi-detached) both of which are within larger sites. Comparison with no.10 is not a valid *'like with like'* comparison of plot sizes.
- Conifer screen – loss of the conifer screen would be detrimental not only to the residents but the area as a whole. These conifers have been managed by residents for twenty years to protect their outlook. They present a mature, verdant screen to assist their immediate environment. Seems unreasonable and against the rules of natural justice that the Planning Authority should endorse a proposal which definitively secures the destruction of trees outside the ownership of the developer.
- Proposal represents overdevelopment of the site. The house is too big for the plot and has insufficient safe garden land for a family home.
- Proposal has a contrived, cramped parking and turning arrangement which cannot be achieved in practice.
- Proposal is out of character with the pattern of development in the area, and due to its site coverage, will create a cramped appearance and unneighbourly visual relationship with nos. 11 and 15 Riverside Green.
- Close proximity of the proposal with nos. 11 and 15 presents an unneighbourly and overbearing face to those dwellings and the loss of outlook.
- The development is so cramped it is unable to take advantage of its optimal south and west orientations, it leaves no opportunity for new planting to replace the vegetation and boundary hedging previously cleared from the site.
- Proposal is out of character with the scale and pattern of development in Riverside Green.
- Supporting statements emphasise that the proposed house is a modest two bed starter home to enable a young family to access the property ladder. The floorspace of the proposed dwelling is 25% larger than no.10 Riverside Green (a 3- bedroom property). Suggest that the footprint of the proposed house is very generous and more comparable with no.4
- The close boarded fence adjacent to the footpath would eliminate the rural feel of the route creating a narrow, urban corridor. It also has implications for public safety.

6.3 Impact on neighbour amenities

- Proposal is in a position to overlook the garden of No.24 as it would be much higher than the adjacent garage block.
- If the proposed solar panels are in the future replaced by velux style rooflights, to facilitate a future loft conversion, privacy would be further compromised.

6.4 Land ownership

- Applicant does not own all of the land they are claiming. Deeds for number 18 are very clear to the fact that we own a triangle of land alongside the garages. We are in the process of correcting the boundary with the Land Registry, we have been advised that this is likely to take several months.
- Anomaly means that the applicant cannot achieve their vehicular access without crossing land outside their ownership – the red line on the submitted plans is therefore incorrectly drawn.
- Maintain that the site has not been properly surveyed in relation to surrounding properties. Boundary wall of number 5 is not accurately drawn, with the dogleg opposite the application site incorrectly shown.

6.5 Covenant

- Covenant on the site clearly states that the land shall not be built on apart from a garden shed. Do not understand why you are considering a building application on this land.
- Covenant places the Authority in an invidious position having previously taken the corporate view that this land was not suitable for development. Should planning consent be granted against the overwhelming wishes of the locality, we expect that the Council will ensure that in lifting the covenant any development gain arising from the uplift in value, due to its planning decision, will be returned to the public 'purse in accordance with its obligations to ensure the maximum returns from its assets.

6.6 At the time of writing this report, the publicity period in relation the application had not lapsed. Any further representations received in relation to the application will be reported in the update paper.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement hierarchy

E1 – High quality design in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

E5 – Biodiversity

E9 – Heritage
LHW4 – Amenity
T1 – Managing movement
T2 – Parking standards

7.3 Supplementary Planning Documents (SPD)

- Kings Somborne Conservation Policy (adopted September 1987)

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Impact on the character and appearance of the surrounding area and conservation area
- Rights of way
- Trees
- Impact on neighbour amenities
- Highways
- Ecology
- Other matters
 - Covenant
 - Gas tanks
 - Storage of building materials/issues resulting from construction vehicles

8.2 **The principle of development**

The site is situated in a settlement boundary as designated by the Test Valley Borough Revised Local Plan 2016 (RLP). As a result, the proposed development is considered acceptable in principle under policy COM2 of the RLP provided the proposals comply with the other relevant policies contained within the RLP.

8.3 **Impact on the character and appearance of the surrounding area and conservation area**

The dwelling is located in an established residential cul-de-sac. The immediate surrounding area consists of a mixture of detached, semi-detached and terraced dwellings which are two storeys in height and whilst the surrounding dwellings are traditional in their design, there is a mix of designs in the area in terms of detailing, particularly in relation to the detached dwellings in the area which are generally individually designed. Materials used in the construction of the external surfaces of surrounding dwellings include brick and tile hanging under tiled roofs. The area also includes two separate blocks of garages, one of which is located directly adjacent to the site on its eastern boundary. Boundary treatments are mainly vegetative, however there are examples of close boarded fences within the vicinity of the site.

8.4 Public views into the site are available from the public footpath along the northern boundary of the site and from Riverside Green.

- 8.5 In terms of its design, the proposed dwelling would be traditional in its form and appearance and would utilise materials that are seen in the immediate vicinity. The proposed dwelling, being detached, and individually designed is considered to be in keeping with the general design approach in the surrounding area. Concerns have been raised in relation to the proposed front projecting gable feature, however, projecting gable features are seen on neighbouring properties within Riverside Green and as such, it is not considered that this feature would be incongruous in the surrounding area.
- 8.6 Concerns have also been raised with regards to the overall height of the proposed dwelling. The dwelling would have a ridge height of approximately 8 metres. This would be similar in height to surrounding dwellings and as such, it is not considered that the proposed height of the dwelling would result in it being unduly prominent in the street scene.
- 8.7 With regards to the layout of the proposed dwelling within the site, the front of the property would face eastwards. The proposed dwelling would have the same orientation as the dwellings at 1, 3 and 5 Riverside Green and the dwellings at 11 and 15 Riverside Green. As such, it is not considered that the orientation of the dwelling within the plot would be incongruous in the street scene.
- 8.8 With regards to plot size, these vary in the surrounding area. Whilst there are concerns that the resultant size of the plot would be small, it is considered that it would be comparable to the smaller plot sizes in the immediate vicinity of the site. For example, the size of the proposed plot amounts to approximately 168 square metres. The plot size for 10 Riverside Green is approximately 139 square metres. As a result, it is not considered that the proposed resultant plot size would result in an adverse impact on the character and appearance of the surrounding area.
- 8.9 As a result of the above, it is considered that the proposed development would integrate, respect and complement the character of the area and would therefore accord with policies E1 and E2 of the RLP.
- 8.10 Impact on conservation area
The site is located within a conservation area and as such there needs to be consideration as to whether the proposed development would result in any harm to this designated heritage asset or whether the character and appearance of the conservation area is preserved or enhanced. The proposed dwelling would be seen in context with the surrounding, modern, housing development from surrounding public vantage points, including from the public footpath which runs to the north of the site. As such, it is considered that the proposed dwelling would not adversely affect the character of the conservation area.

- 8.11 During the previous application (18/00546/FULLS), the Council's conservation officer had concerns over the impact the proposed boundary treatment to the north of the site, adjacent to the public footpath and important hedgerow (as defined in the Kings Somborne Conservation Policy), would have on the character of the conservation area. The conservation officer confirmed that a 2 metre high fence as originally proposed would result in harm at the lower end of less than substantial and that there is no corresponding public benefit to outweigh this harm.
- 8.12 As a response to the previous comments raised by the conservation officer, the applicant agreed to provide a lower fence along this boundary (maximum height of 1 metre), along with some screening vegetation. This was subsequently considered acceptable by the conservation officer. The plans submitted with this current application show a 1 metre high fence along the northern boundary but do not show any proposed screening vegetation. As such, it is recommended that a condition be imposed on any permission requiring the developer to submit further details of the treatment of this boundary to the local planning authority for approval. Subject to such a condition being imposed, it is considered that the development would respect the character of the conservation area and would therefore positively contribute to sustaining the character and significance of the conservation area in accordance with policy E9 of the RLP. It is considered that the proposals would preserve the character and appearance of the conservation area.

8.13 **Rights of way**

Kings Somborne footpath 14 is adjacent to the northern boundary of the site and provides an off-road route between Muss Lane and New Road. Hampshire County Council (HCC) have confirmed that the section of the route adjacent to the site is described as:

“though 6 ft. wide gap between cottage wall and hedge, eastwards along grass and earth path enclosed between hedges.”

The rights of way officer at HCC has previously raised concerns that the proposed close board fencing along the northern boundary of the site would impact on the amenity value of the right of way, contrary to policy T1 of the RLP. Since the comments from HCC, the applicant has agreed to amend the boundary treatment adjacent to the footpath (as discussed in paragraph 8.12 above). Subject to a condition requiring further details of the proposed treatment along the northern boundary of the site, it is not considered that the proposals would have an adverse impact on the amenity value of the right of way.

8.14 **Trees**

The application is supported by 'Findings of BS5837 Tree Quality Survey and Arboricultural Method Statement (WRC Ecology & Arboriculture)'. This was submitted after issues previous issues were raised on the potential impact the proposed development could have on an off-site Walnut tree. The Council's tree officer has studied the submission and has confirmed that they have visited the site and have been in discussions with the agent and their tree advisor.

- 8.15 At 520mm diameter, the Walnut tree's root protection area (RPA), calculated in accordance with BS5837 is 12.33 metres which is equal to a circle of 6.24 metres radius. The proposed development on the land from which the Walnut grows (the site to the north of application site) has resulted in root disturbance closer than this radius to the tree. Allowing for this disturbance results in a revised RPA radius of 6.73 metres.
- 8.16 The revised plans indicate the nearest point of approach of the proposed building's foundation slab at 5.8 metres from the tree. The north western corner of the building would project into the south eastern area of the RPA. The Council's tree officer has calculated that the extent of this intrusion as just under 2.5% of the total RPA and is of the view that this level of intrusion would not result in a significant additional impact on the overall health or longevity of the tree.
- 8.17 The northern elevation of the building would remain clear of the Walnut tree's canopy, and could be constructed without pruning being required. It is recommended that a condition be added to any permission requiring the submission of an Arboricultural Method Statement which sets out exactly how the proposed development would be set out and all aspects of site works (excavation for footings, placement of foundations, scaffold placement, construction, drainage, services and final landscaping) to ensure that the Walnut is not adversely affected during the construction process.
- 8.18 The conifers to the eastern boundary of the site comprise a hedge and are These trees are likely to be lost as a result of the development, however, they are not considered to be worthy of protection under a Tree Preservation Order (TPO).
- 8.19 As a result of the above, it is considered that the proposed development, subject to conditions, would not result in any adverse impacts on trees. The proposals are therefore considered to comply with policy E2 in this regard.
- 8.20 **Impact on neighbour amenities**

Impact on 5 Riverside Green

The southern side wall of the proposed dwelling, as re-sited, would be located approximately 10 metres from the boundary of the garden of number 5 Riverside Green. The proposed dwelling would be separated by the existing access road and boundary wall from the more westerly side of number 5's rear garden. Whilst the proposed dwelling may be visible from the garden of number 5, as a result of the separation between the proposed dwelling and the garden boundary, it is not considered that the proposal would result in any adverse overbearing impacts. With regards to over shadowing, the proposed dwelling would be located due north of the garden of number 5. As a result of this, along with the separation mentioned above, it is not considered that the proposed development would result in any adverse overshadowing impacts on the garden area of number 5.

- 8.21 With regards to overlooking, no windows are proposed on the southern side elevation of the proposed dwelling. As such, it is not considered that the proposals would result in any adverse overlooking towards number 5 Riverside Green.
- 8.22 Impact on 3 Riverside Green
The southern side wall of the proposed dwelling, as re-sited would be located approximately 25 metres from the garden boundary of number 3 Riverside Green. Whilst the proposed dwelling may be visible from the garden of number 3, as a result of the separation between the proposed dwelling and this neighbouring property, it is not considered that the proposal would result in any adverse impacts on the occupiers of this dwelling.
- 8.23 Impact on 24 Riverside Green
The neighbouring dwelling at 24 Riverside Green is located to the east of the proposed dwelling. The proposed dwelling would be separated from number 24 by a row of 4, pitched roof garages, however, due to the shape of number 24's garden, part of it is directly adjacent to the eastern boundary of the site. In relation to this part of number 24's garden, the proposed dwelling would be located approximately 7 metres to the south west. The proposed dwelling would be partially screened from this area of garden by the presence of the existing garage block. As a result, it is not considered that the proposal would be unduly overbearing on this area of the neighbouring property's garden.
- 8.24 With regards to overshadowing, the proposed dwelling would be located due west of the garden area in question, due to this orientation and due to the distance between this part of the neighbouring garden and the proposed dwelling, it is not considered that the proposals would result in any additional overshadowing or loss of light to this small part of a larger garden that would adversely impact on the amenities of the occupiers of this property.
- 8.25 With regards to overlooking, the proposed dwelling would include 2 bedroom windows at first floor level on its front (east) elevation. The window for bedroom 1 would have an oblique view of this area of garden which would be screened by the adjacent garage roofs. As a result, it is not considered that the proposed dwelling would result in any adverse overlooking into the garden of number 24.
- 8.26 Impact on 11 and 15 Riverside Green
Numbers 11 and 15 Riverside Green are located to the west of the site. The front elevations of these neighbouring dwellings are located approximately 14 metres from the rear wall of the proposed dwelling. The boundary between numbers 11 and 15 and the site currently consists of tall conifer trees, although it is noted that these trees are likely to be lost as a result of the proposed development.

8.27 Overbearing

The rear elevation of the proposed dwelling would have an eaves height of approximately 4.8 metres, the roof of the dwelling would then slope away from the boundary thereby limiting the impact the dwelling would have in terms of overbearing. As a result of this, in combination with the separation distance between numbers 11 and 15 and the site, it is not considered that the proposed dwelling would result in overbearing that would adversely impact on the amenities of the occupiers of these neighbouring properties.

8.28 Overshadowing and loss of light

The existing high conifer trees on the boundary cast some shadow to the area to the front of numbers 11 and 15 Riverside Green. This area consists of a driveway and small area of front garden. Considering that existing shadowing is already being experienced by the presence of the boundary trees and considering the distance between the neighbouring dwellings and the site (as above), it is not considered that the proposed dwelling would result in any additional overshadowing that would have an adverse impact on the amenities of the occupiers of the neighbouring dwellings. As a result of the separation distance between the proposed dwelling and the neighbouring dwellings at numbers 11 and 15, it is not considered that the proposal would result in any adverse loss of light.

8.29 Overlooking

The proposed dwelling would include two windows at first floor level on its rear (west) elevation which would, due to the loss of the boundary trees, look directly towards numbers 11 and 15 Riverside Green and would, if not controlled by the local planning authority, result in an adverse impact in terms of overlooking.

8.30 The windows in question would serve a bathroom and en-suite and have been shown on the plans to be glazed with obscure glass and be top hung. Provided that a condition is added onto any permission requiring this to be the case in perpetuity, it is not considered that these windows would result in any adverse overlooking.

8.31 Concern has been raised with regards to the potential for inserting further windows/dormer windows into the proposed dwelling, in the future under permitted development and that this could have a detrimental on surrounding neighbour amenities in terms of overlooking. It is considered that the insertion of windows/addition of dormer windows into the roof space of the proposed dwelling would result in additional windows facing directly into neighbouring dwellings that could adversely impact the amenities of the occupiers of these dwellings. It is therefore considered appropriate that the local planning authority retain control over the insertion of windows not proposed by this application. As a result, it is considered appropriate to add a condition removing permitted development in relation to further windows/dormer windows.

8.32 Impact on proposed new dwelling to the north of the site

Whilst not fully constructed, permission has been granted for a single dwelling on a site to the north west. The dwelling proposed under this application will be located approximately 15 metres from the south eastern corner of the unfinished dwelling to the north west. As a result of this distance and as there would be an oblique relationship in terms of the layout of the two dwellings it is considered that the proposals would not result in any adverse impacts in terms of overbearing, overshadowing or loss of light. With regards to overlooking, it is not considered that the proposed bathroom and en-suite windows to the rear of the proposed dwelling would result in any adverse overlooking due to them being glazed with obscure glass, top hung and as a result of the oblique angle these windows are in relation to windows proposed on the dwelling to the north west. It should also be noted that this dwelling would be screened from the dwelling proposed under this application by existing boundary vegetation that is proposed to be retained.

8.33 Neighbour amenity summary

As a result of the above, it is considered that the proposals would not result in any adverse impacts on surrounding residential amenities. The proposals are therefore considered to comply with policy LHW4 in this regard.

8.34 Provision of private amenity for the proposed occupiers of the dwelling

Point (b) of policy LHW4 of the RLP requires residential development to provide for private open space in the form of gardens or communal open spaces which 'are appropriate for the needs of residents'. The policy wording does not specifically define what would constitute private open space being 'appropriate for the needs of residents' however the background text to policy LHW4 at paragraph 8.20 states:

“Permanent residential development should be provided with adequate private open space to meet the needs of the people likely to occupy the properties. The amount of private open space required will depend on the type of residential development being proposed and the topography and character of the area in which it is located.”

In this instance, the proposed development would provide private open space in the form of gardens located to the north/north east of the building and to the south. These areas of garden would have a total area of approximately 70.4 square metres. The proposed dwelling would have two bedrooms and would be of a size where it could be occupied by a family with or without children. The proposed garden area to the north would be sloped but not so steeply that it would be unusable and would be located away from potential sources of noise and smell. The garden areas would also not be unduly overlooked by neighbouring dwellings and would be screened from views from the adjacent public footpath by some existing vegetation and the proposed boundary treatment. The private garden areas would provide space to dry washing and to allow children to play. As a result, whilst some may consider that the proposed amount of private amenity space provided to the dwelling would be small, it is considered that it would be of a character and size that would be appropriate for the needs of the potential residents of the proposed dwelling.

As such, it is considered that the proposals would comply with policy LHW4(b) of the RLP.

8.35 Notwithstanding the above, in order to prevent the loss of the area of private amenity space provided and thus protect the future amenities of the occupier of the dwelling, to enable the development to provide adequate private amenity space in accordance with policy LHW4 in perpetuity, it is considered appropriate to add a condition preventing the occupier of the dwelling to erect extensions and other outbuildings/structures on the private amenity space under permitted development.

8.36 **Highways**

The application proposes 2 off-street parking spaces. As the proposal is for a 2 bedroom property such parking provision is considered to accord with the parking standards set out in Annex G of the RLP. It is recommended that a condition be added to any permission requiring the provision for cycle parking, the retention of the parking spaces along with the provision of a non-migratory surface for the first 6 metres of the access. Subject to these conditions, it is considered that the proposal complies with policy T2 of the RLP.

8.37 During the previous planning application, concerns were raised in relation to the adequacy of the parking/manoeuvring space proposed. During the course of the previous application, the applicant discussed these matters with the Council's highway officer and amendments were submitted as a result. These plans have been subsequently submitted as part of this current application and show two parking spaces side by side to the front of the dwelling with manoeuvring space being provided by the access road. It is considered that such a layout would be appropriate in this instance and would accord with policies T1 and T2 of the RLP. The utilisation of the access road for manoeuvring in this instance is considered appropriate and would allow for the parking of two vehicles on the site and space for vehicles to manoeuvre with either of these spaces being occupied. This is a situation that is not unusual on unrestricted/unclassified roads, where cars need to use the road to manoeuvre into and out of a driveway (e.g. reversing into the road from a driveway space).

8.38 With regards to traffic generation, it is not considered that the amount of additional vehicular movements associated with a 2 bedroom dwelling would have an adverse impact on the surrounding highway network. The proposals are therefore considered to comply with policy T1 of the RLP.

8.39 **Ecology**

In relation to ecology, the site is a relatively small area of land previously used as a cesspit and more recently a vegetable plot but is now unmanaged. There is small potential for the site to support the occasional reptile such as slow worm or common lizard however, the Council's ecologist is not of the view that a formal survey is warranted given the size of the site and likely significance of any population that would be affected. As a result, the Council's ecologist has confirmed no objections in relation to the proposals. The application is therefore considered to comply with policy E5 of the RLP in this respect.

8.40 Trees and other vegetation around the site may support nesting birds in the spring and summer. As such, the Council's ecologist has recommended that a note be added to any permission informing the applicant of their duty under the Wildlife and Countryside Act 1981 (as amended) and that they should undertake clearance of bird nesting habitat outside of the bird nesting season.

8.41 **Other matters**

Previous appeal decision

Attention is drawn to a previous appeal decision in relation to the plot to the north of the site (currently being developed – see paras. 4.4 and 4.5). The appeal was dismissed on a number of grounds. The Inspector concludes:

“Having considered all the evidence, I have concluded that the proposal would be detrimental to the character and appearance of the locality, which is within the Conservation Area, and harmful to the long term health and well being of surrounding vegetation. It would also have significant negative implications for highway safety and the living conditions of local residents. In my judgement, the scheme is contrary to policies H4, E5, E9 and D1 of the TVBLP and therefore unacceptable.”

8.42 Trees

In relation to trees, the Inspector considered that the proposals for two dwellings on the adjacent site would compromise the long term health and retention of mature trees, particularly trees that were included in the northern/southern boundary treatments. The northern boundary, which included a hedgerow and line of tree cover was proposed to be removed in its entirety. There were also concerns that the provision of the access road would have likely resulted in the loss of the Walnut tree (the impact the proposals would have on this same tree are discussed at para. 8.14-8.19 of this report). It is noted that in this instance, neither the application and subsequently the appeal statement submitted by the appellant, were supported by a full arboricultural survey and as such, the Inspector was not satisfied that the proposals were capable of being accommodated without *‘serious damage to the trees and vegetation around the site’*.

8.43 In this instance, the application is supported by ‘Findings of BS5837 Tree Quality Survey and Arboricultural Method Statement (WRC Ecology & Arboriculture)’ which satisfactorily demonstrates that in relation to this site, the proposals would not result in any adverse impacts on trees (see paras. 8.14-8.19 above). The Council's tree officer has also raised no objections to the proposals subject to conditions. The appeal decision is therefore not considered relevant in relation to the discussion on trees as in this instance, sufficient information has been submitted by the applicant to demonstrate that the proposals can be accommodated on the site without compromising important trees/vegetation in the surrounding area.

8.44 Highway safety and residential amenity

In relation to the access road, the Inspector had concerns that the new dwellings would be approximately 75 metres from an adopted highway, thus creating difficulties for large service vehicles:

“The narrow unsurfaced drive would be shared with not only four recently built dwellings (plots 3-6) but also the only access to the four garages at the side of no.24 Riverside Green, serving nos. 18-24 inclusive. Vehicles to and from the site would not only have to negotiate the length of the drive by also a 90 degree turn and interact with movements generated by the other houses, including turning and parking in front of the garages. The drive is also shared by pedestrians. To my mind, these arrangements would be detrimental to highway safety.

Whilst the proposal in this instance would share the access road with the same properties/garages as indicated by the Inspector, the site is positioned closer to an adopted highway and vehicles would not need to negotiate the 90 degree turn to access it. Whilst the occupiers of the proposed dwelling would need to interact with movements generated by other houses and garages, this interaction would take place on a shorter section of driveway than that proposed in the appeal scheme and the traffic movements associated with the proposed dwelling in this instance would not directly interact with the parking/garages and associated manoeuvring spaces relating to the adjacent 4 dwellings to the west (plots 3-6 identified by the Inspector). As a result, it is considered that the current proposal is not comparable to the appeal scheme in this regard. The impact the proposals in this instance would have on highways is considered at paras. 8.36-8.38 above.

8.45 In relation to residential amenity, the Inspector states:

“Moreover, the traffic movements from the new houses would pass directly in front of the pair of semi-detached dwellings to the south east. In my opinion, this would have a detrimental effect on the living conditions of occupiers through increased noise and disturbance.”

The pair of semi-detached dwellings referenced to by the Inspector is 11 and 15 Riverside Green. Since the Inspector dismissed the appeal, permission was granted for one dwelling on the appeal site (see para. 4.4). Thus it was considered that the traffic movements associated with one dwelling was considered acceptable from an amenity point of view. More pertinent is that the proposal in this instance would not result in traffic movements passing directly in front of numbers 11 and 15 Riverside Green. As such the current application is not comparable to the appeal scheme in this regard.

8.46 Previous appeal scheme summary

The previous appeal decision is a material planning consideration in the determination of this application. Taking into account the discussion in paras. 8.41-8.45 above, it is not considered that the Inspector’s decision carries any weight in the determination of this application.

8.47 Covenant

The local planning authority are aware that there is a covenant on the site which prevents the applicant from:

- a) using the land for any other purpose other than garden land
- b) not to erect any buildings of any other nature whatsoever on the land other than a garden shed and/or greenhouse with a total floor area not exceeding 7.5 square metres to be used only in conjunction with the adjoining garden.

There being a covenant on the land is not a material planning consideration and therefore it cannot be part of the considerations of the merits of the proposed development. If the proposed development is permitted, the covenant would remain on the land. The applicant would need to address this as a separate, civil matter which is between the parties involved.

8.48 Gas tanks

It is noted that the site is adjacent to where there are underground gas storage tanks that were installed to supply the neighbouring dwellings to the west/south west of the site. There are concerns about the proximity of the proposed dwelling to these gas tanks and the potential safety implications this would have.

8.49 The location of the gas tanks in relation to the proposed dwelling is dealt with under Building Regulations (Part J). The Council's Building Control Officer has confirmed that the applicant/developer would need to comply with Part J with regards to the relationship between the proposed dwelling and the existing LPG tanks.

8.50 As the relationship between the existing LPG tank and the proposed development would be dealt with under separate, building regulation legislation, it is not a matter that is material to the consideration of this planning application.

8.51 Storage of building materials/issues resulting from construction vehicles

Concern has been raised in relation to the storage of buildings materials and the impact the presence of construction vehicles would have on highways and accessibility to neighbouring dwellings. In relation to the storage of building materials, an area has been shown on the site to indicate where building materials are to be stored, this has been shown to demonstrate that materials can be stored within the site, away from an adjacent Walnut tree and thus prevent harm to the tree. The Council's tree officer has confirmed that he is content with the storage area shown.

8.52 With regards to the presence of construction vehicles, this is not a material planning consideration and as such is not a matter that can be considered as part of this application.

8.53 Ownership

There have been various queries in relation to the ownership of the site throughout the previous application and through this current application. In relation to ownership, the Local Planning Authority can only be involved in relation to the ownership certificates that have been signed on the application form. It is not the Local Planning Authority's role to arbitrate between parties who are disputing ownership. This is a separate, civil matter between the parties involved.

8.54 In this instance, Officers have spent a great deal of time investigating various ownership claims on the site to ensure that the appropriate ownership certificate has been signed. After thorough discussions with the applicant, the Local Planning Authority is satisfied that at the time of writing this report, the correct ownership certificates have been signed and that the application is valid.

9.0 **CONCLUSION**

9.1 The proposed development is considered acceptable in principle. It is considered that the proposals would not have any adverse impacts on the character and appearance of the surrounding area and, subject to conditions, would not adversely impact on the character and appearance of the conservation area, which would be preserved. Subject to conditions, it is not considered that the proposals would adversely impact on the right of way or trees. It is considered that the proposals would not result in any adverse impacts on neighbour amenities, the residential amenities of future occupiers and ecology. In relation to highways, subject to a condition in relation to parking, it is not considered that the proposals would have any adverse impacts on highway safety. As a result, it is considered that the proposals would comply with the relevant policies contained within the Test Valley Borough Revised Local Plan 2016.

10.0 **RECOMMENDATION**

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. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

3. **Notwithstanding the details shown on the submitted plans, no development shall take place above DPC level of the development hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Such details shall show that the proposed boundary treatment along the northern boundary of the site is to consist of a fence with a maximum height of 1 metres along with vegetation. The boundary treatments shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E9 and T1.

4. **No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include- car parking layouts; other vehicle and pedestrian access and circulation areas and hard surfacing materials. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.**

The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

5. **No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.

- 6. 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. Development shall be undertaken in accordance with the approved details.**

Reason: To ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
- 7. Notwithstanding the submitted arboricultural information, no development shall take place within the site until there has been submitted to and approved in writing by the Local Planning Authority a thorough Arboricultural Method Statement to set out exactly how the development is to be set out and all aspects of the site works (excavation for footings, placement of foundations, scaffold placement, construction, drainage, services and final landscaping) are to be achieved without adversely impacting upon the offsite Walnut tree.**

Reason: To prevent the loss during development of trees and natural features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Policy E2 of the Test Valley Borough Revised Local Plan 2016.
- 8. The bathroom and en-suite windows at first floor level on the west elevation of the dwelling hereby permitted shall not be installed until there has been submitted to and approved in writing by the Local Planning Authority details showing that these windows will be obscurely glazed and top hung. Information submitted shall include details on the degree of obscurity to be offered by the windows (the grade of obscure glazing proposed) and details on how far the windows can be opened. The bathroom and en-suite windows shall be installed in accordance with the approved details and thereafter retained in perpetuity.**

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LWH4.
- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows or roof lights [other than those expressly authorised by this permission] shall be installed or constructed in/on the dwelling hereby permitted.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of residential amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no building, structure, walls or fences of any kind shall be erected without the prior written consent of the Local Planning Authority.
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 Revised Local Plan (2016) Policy LHW4.**
- 11. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles in accordance with plan number KS/BP/18R1 dated May 2018. 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 Revised Local Plan (2016) Policy T1.**
- 12. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
KS/04/18 - New 2 bed detached house - revised
KS/BP/18R1 - Block and site location plans (revised location)
Reason: For the avoidance of doubt and in the interests of proper planning.**

Notes to applicant:

- 1. 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.**
- 2. Birds nests, when occupied or being built, and the widespread species of reptile receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird 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 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. Reptile habitat such as compost heaps should be carefully cleared by hand during warmer months as if hibernating reptiles are disturbed they will die. Any reptiles revealed should be moved to adjacent retained rougher/boundary habitat or allowed to move off of their own accord.**

- 3. There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority for Public Rights of Way. The adjacent right of way must remain available for public use at all times and no builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the development should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers. If there is likely to be an effect on the right of way in terms of dust, noise or other obstruction during the development, it is suggested that a Health and Safety Risk Assessment be carried out, and if there is deemed to be a risk to users, the applicant should contact Hampshire County Council directly to discuss the Temporary Closure of the route for the duration of the works.**
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